

**Brussels in Brief** is a regular feature of the IUCN Newsletter produced by the **Institute for European Environmental Policy (IEEP)** in Brussels. It provides a platform to explain the substance of environmental policy, as well as to highlight up-coming EU agenda items relevant to Europe and beyond.

Each edition of **Brussels in Brief** considers topics that relate to the overall thematic focus of the current Newsletter issue.

For further information, contact:

**Marianne Kettunen & Ederi Ojasoo, IEEP**

18 Avenue des Gaulois  
1040 Brussels – Belgium  
Tel: +32 2 738 74 77  
Fax: +32 2 732 40 04  
mkettunen@ieep.eu  
www.ieep.eu

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## Brussels in Brief

### Biodiversity and wildlife trade

Wildlife trade is the sale and exchange of live species (animals and plants) and wildlife products. The trade includes hundreds of millions of specimens bought and sold in the world market and it is estimated to be worth billions of euros every year. In addition, the illegal wildlife trade is the second largest illegitimate trade after narcotics resulting in significant revenue on the back market.

Wildlife trade, both legal and illegal, is constantly increasing and the European Union is one of the largest wildlife trade markets today. For example, in 2005 the value of legal wildlife trade in the EU was EUR 93 billion. The EU is the main market for a number of wildlife species and it is, for example, responsible for 95% of the global vicuña wool and 50% of caviar imports. The Union is also the main destination for tropical timber. The EU enlargement has also increased the Union's role in the global wildlife trade market.

Unsustainable and illegal wildlife trade is a major threat to biodiversity in range states, i.e. countries in which traded species occur. Intensive trade can significantly contribute to depleting species populations and it has been known to bring a number of species close to extinction. Changes in species populations can lead to alterations in the structure, composition and dynamics of ecosystems, including the loss of various ecosystem services. Changes in ecosystem functioning can also advance the invasion of alien species into an area. These changes can have severe socio-economic consequences to local communities that depend on natural resources for their everyday subsistence.

Most species and products subject to wildlife trade originate from developing countries. Therefore, sustainable wildlife trade is increasingly seen as a tool to assist the economic growth and alleviation of poverty in these areas. It is also considered that appropriately managed wildlife trade can increase the value of natural ecosystems to local communities and consequently support the conservation and sustainable use of biodiversity and ecosystems in range states.

As one of the main players in wildlife trade, the EU has a duty to control unsustainable trade and assist in preventing the consequent decline and extinction of species. This issue of Brussels in Brief outlines the EU legal and policy framework for regulating wildlife trade. It also summarises some problems hindering effective control of trade and discusses the main challenges for the future.

### Brief overview of the international framework

The most important international agreement in wildlife trade regulation is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It is a voluntary agreement between governments to safeguard wildlife trade specimen survival.

The idea for CITES was formed during international discussions on the regulation of wildlife trade for conservation purposes in the 1960s. The agreement was initially drafted in 1963 and the final text was agreed at a meeting of representatives of 80 countries in March 1973. The Convention came into force in July 1975. Today CITES has 172 parties and it regulates international trade in more than 30 000 species of animals and plants.

CITES restricts and controls international wildlife trade over selected species, which are listed in three Annexes according to the degree of protection they need (see Box 1). Appendices are updated through two distinct procedures, i.e. when a new member joins the Convention, and in the CITES Conference of the Parties (CoP) meetings which take place every two to three years. In order to come into force, the amendments to the Appendices must be agreed by two thirds of the represented Parties.

The import, export, re-export and introduction of all species listed in CITES has to be authorized through a licensing system. To achieve this each CITES Party must have management and scientific authorities in place at national level. The purpose of these authorities is to regulate wildlife trade and provide guidance on the effects of trade on the status of the species. It is to be noted that CITES does not take the place of national laws. That means that the CITES Parties have to adopt their own domestic legislation to implement the CITES provisions.

In addition, CITES also actively supports biodiversity conservation through a number of species-specific programmes. These programmes assist in monitoring the trade of certain high-profile target species, such as elephants, sturgeon and great apes.

The latest CITES CoP (the 14th meeting since 1975, CoP14) took place on 3-15 June 2007 in The Hague, the Netherlands. In this meeting, a strategic vision for CITES for the period 2008-2013 was adopted. This strategic vision aims to improve the working of the Convention and to ensure that CITES policy developments are aligned with changes in international environmental priorities and initiatives. The vision also specifically recognises that sustainable trade in wild fauna and flora can make a major contribution to achieving the broader objectives of sustainable development and

biodiversity conservation. For other main outcomes of the CITES CoP14, please see Box 2 below.

For more information on CITES and its activities see:

[www.cites.org/](http://www.cites.org/)

CITES Strategic Vision:

[www.cites.org/eng/cop/14/doc/E14-11.pdf](http://www.cites.org/eng/cop/14/doc/E14-11.pdf)

CITES Trade Database:

[www.unep-wcmc.org/citestrade/](http://www.unep-wcmc.org/citestrade/)

#### Box 1. Description of CITES Appendices

CITES appendices, according to the degree of protection needed by listed species:

- Appendix I - species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances.
- Appendix II - species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival.
- Appendix III - species that are protected in at least one country, asked by other CITES Parties for assistance in controlling the trade.

CITES Appendices:

[www.ukcites.gov.uk/intro/cites\\_species.htm](http://www.ukcites.gov.uk/intro/cites_species.htm)

#### Box 2. Main outcomes of the CITES CoP14 held in the Netherlands in 2007

- New species listed in Appendix I: Slow loris (*Nycticebus*), the Guatemalan beaded lizard (*Heloderma horridum charlesbogerti*), the slenderhorned gazelle (*Gazella leptoceros*) and Cuvier's gazelle (*Cuvier's gazelle*).
- New species listed in Appendix II: Brazil wood (*Caesalpinia echinata*), sawfish (*Pristidae*) and European eel (*Anguilla anguilla*).
- An agreement on ivory trade that consists of a one-off sale of ivory stockpiles in a few African countries to be followed by a nine-year ban.

For more information on CoP14:

[www.iisd.ca/cites/cop14](http://www.iisd.ca/cites/cop14)

### EU legal and policy framework for regulating wildlife trade

The EU is not a Party to CITES as such, however its involvement in the implementation of the Convention dates back as far as the 1980s. At the time only half of the existing EU Member States were parties to the convention and, simultaneously, the EU was strongly focusing on establishing its Single Market system allowing the free movement of capital, labour, goods and services within the Union. Consequently, systematic border controls between the countries were absent and species protected by CITES were able to move freely between the CITES and non-CITES Member States in the EU.

In order to improve the situation the remaining EU Member States decided to join CITES and give the Community an exclusive right to implementation of the Convention in the EU. The first specific Regulations to control wildlife trade were adopted in 1984 and they marked the first step of EU-wide effort to regulate the trade of threatened wildlife species.<sup>1</sup>

#### EU Wildlife Trade Regulations

In 1996 the 1984 Regulations were replaced by a new and more comprehensive Regulation called the Council Regulation (EC) No 338/97 on the Protection of Species of Wild Fauna and Flora by Regulating Trade (i.e. the Wildlife Trade Regulation). The Regulation came into force in June 1997 and it forms the basis for the regulation of wildlife in the EU today.<sup>2</sup>

In general, the EU Wildlife Trade Regulation provides a legislative framework for implementing CITES in the Union. Additionally, it also provides supplementary measures for the conservation of traded species. As with CITES, the EU Wildlife Trade Regulation includes a number of Annexes (four altogether), listing species whose trade within the Union is to be controlled (see Box 3). These Annexes are updated after every CITES CoP meeting though specific Commission Regulations called the amending Regulations.

It is to be noted that in some cases the EU Wildlife Trade Regulations are to some extent stricter than the respective CITES provisions (see Box 4). These differences take into consideration Member States' specific concerns and reflect current scientific knowledge on species conservation. The latter information is provided by the EU Scientific Review Group (SRG) that was established under the 1997 Basic Regulation. SRG consists of representatives from all EU

#### Box 3. Description of the EU Wildlife Trade Regulation Annexes

- Annex A: Includes all species listed in CITES Appendix I. It also includes some CITES Appendix II and III species for which the EU has adopted stricter domestic measures, principally species protected by the Birds and Habitats Directives that are listed on the lower CITES appendices.
- Annex B: All other CITES Appendix II species which are not included in Annex A. Some CITES Appendix III species and some non-CITES species, a few additional species, including four that are listed on the grounds that they could constitute an ecological threat.
- Annex C: All other CITES Appendix III species.
- Annex D: Contains species listed in CITES Appendix III for which one or more EU Member States have entered a reservation as well as species for which Community imports warrant monitoring.

The European Union Wildlife Trade Regulation:  
[www.unep-wcmc.org/species/trade/eu/tradereg.html](http://www.unep-wcmc.org/species/trade/eu/tradereg.html)

Scientific Authorities and its mandate is to conduct reviews of the conservation status of species listed in the Wildlife Trade Regulation Annexes and determine whether imports of a species from a particular country into the EU should be restricted.

The European Commission has also adopted two specific regulations assisting the control of wildlife trade in practice. The first Regulation lays down detailed rules concerning the implementation of the Wildlife Trade Regulation (Commission Regulation (EC) No 865/2006, i.e. the Implementing Regulation). This Implementing Regulation provides standard model forms that must be used for permits, certificates, notifications and applications for these documents as well as labels for scientific specimens. It also defines additional rules for issuing these documents, their validity and use. Additionally, the Regulation implements CITES CoP recommendations on the interpretation and implementation of the Conventions' provisions.

Council Regulation (EC) No 338/97 provides the Commission with the possibility to restrict the introduction of species into the European Union (i.e. the Suspension Regulation). This is done after consultations with the relevant countries of origin and taking into account the latest scientific information.

<sup>2</sup> Council Regulation (EEC) No 3626/82 (OJ L 384 of 31.12.82) and Commission Regulation (EEC) No 3418/83 (OJ L 344 of 7.12.83).

<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997R0338:EN:HTML>

The implementation of EU wildlife regulations is the responsibility of the Member States. The Regulations are directly enforceable as law in all Member States. Additionally, each state has national legislation on wildlife trade in place to help the implementation and enforcement of CITES and EU Regulations at the state level. The Member States also have a number of legislative and policy instruments that are directly or indirectly relevant to wildlife trade. These instruments include, for example, national legislation and policies related to biodiversity conservation as well as plant and animal health/welfare.

#### *EU political commitments to ensure sustainable wildlife trade*

The EU has also agreed to several international and Community-wide obligations that support its commitment to ensure sustainable wildlife trade. These obligations are related to the goal of supporting global sustainable development, including halting the loss of biodiversity by 2010. The commitments involve both CITES and non-CITES species and they include, for example, the responsibilities under the Convention on Biological Diversity (CBD), the UN Millennium Development Goals and the commitments made in the 2002 UN World Summit on Sustainable Development.

At the EU level, the EU Biodiversity Action Plan (COM 216/2006) lists a number of actions aimed at reducing the impacts of international trade on global biodiversity and ecosystem services (Objective 8, see Box 5). In addition, the EU has made several commitments seeking to reduce the negative environmental impacts resulting from the use of natural resources and economic growth. These commitments also support the establishment of sustainable wildlife trade and they contain, for example, the EU Sustainable Development Strategy and the EU Neighbourhood Policy.

On 13 June 2007, during the CITES CoP14, the European Commission adopted the European Community Action Plan on CITES Enforcement. The Action Plan identifies a set of actions for the enforcement of the EU Wildlife Trade Regulation. These actions are aimed at enhancing the effectiveness of wildlife trade control in the EU by improving coordination, cooperation and information exchange between the Member States.

#### **Box 4. Main differences between CITES and the EU Wildlife Trade Regulations**

- The EU Regulations contain non-CITES-listed species. The EU regulations relate to four Annexes, of which the first three Annexes largely correspond to CITES Appendices. The fourth Annex contains species for which import levels are monitored. For species in Annexes A and B, import conditions are stricter than under CITES.
- As with CITES, the EU regulations require import, export and re-export permits to authorize trade with non-EU countries in certain species listed in the Annexes. EU regulations have stricter import conditions than CITES.
- Some species that are listed in Appendix II of CITES are listed in Annex A of the EU Wildlife Trade Regulations. (Commercial trade in Annex-A specimens is generally prohibited.) In total, this applies to some 104 animal species (plus all cetaceans) and 11 plant species.
- Regulation (EC) 338/97 authorizes the EU to suspend imports of species from particular exporting countries, even if trade is allowed under CITES.

Main differences between CITES and the EU Wildlife Trade Regulations: [www.traffic.org/25/network4/wtl\\_factsheet.pdf](http://www.traffic.org/25/network4/wtl_factsheet.pdf)

More information on the wildlife trade legislation in the EU:  
[http://ec.europa.eu/environment/cites/legislation\\_en.htm](http://ec.europa.eu/environment/cites/legislation_en.htm)  
[www.eu-wildlifetrade.org/html/en/wildlife\\_trade.asp](http://www.eu-wildlifetrade.org/html/en/wildlife_trade.asp)  
 The EU European Community Action Plan on CITES Enforcement:  
[www.cites.org/common/cop/14/inf/E14i-60.pdf](http://www.cites.org/common/cop/14/inf/E14i-60.pdf)

#### **Some examples of the extent and control of wildlife trade into the EU**

**Caviar** is the unfertilized roe of certain species of fish, most notably the sturgeon. Sturgeons occur in coastal and inland waters of 25 countries in Europe, Asia and North America. Several sturgeon species are currently under serious threat due to overfishing and poaching for caviar production.

Caviar is one of the most expensive wildlife products in trade, with retail prices of up to EUR 600/100g in delicatessens in Western Europe and the US. Around 50% of all global trade in caviar is imported into the EU. This makes the EU the world's largest market for caviar.

<sup>3</sup> [www.cbd.int/default.shtml](http://www.cbd.int/default.shtml)

<sup>4</sup> [www.un.org/millenniumgoals](http://www.un.org/millenniumgoals)

<sup>5</sup> [www.un.org/events/wssd](http://www.un.org/events/wssd)

<sup>6</sup> <http://ec.europa.eu/environment/eussd>

<sup>7</sup> [http://ec.europa.eu/world/enp/index\\_en.htm](http://ec.europa.eu/world/enp/index_en.htm)

There is also a vast illegal trade in caviar both internationally and domestically. During the 1990s, illegal harvest and trade of caviar increased significantly, resulting in an almost doubling of imports of sturgeon products into the EU and US. In 2001, illegal sturgeon fishing and trade practices resulted in an estimated loss of EUR 60 million for Caspian range states. Currently, a large portion of the global caviar trade is considered to be illegal and it has been estimated that the illegitimate catch and trade may outweigh legally sourced caviar by several times.

To combat the increasing illegal caviar trade CITES and the EU respectively adopted new provisions for caviar trade in 2006 (see Regulation (EC) No. 865/2006). These new rules introduced a universal labelling system for caviar stipulating that all caviar containers, no matter their size and no matter whether the caviar is imported, re-packaged or to be exported, bear a specific label specifying the source of the caviar and the year of harvest. Moreover, all re-packaging plants for caviar in the EU have to be licensed and registered. The implementation of the new labelling system was to help reduce illegal trade and ultimately illegal harvesting.

In addition to the trade-related provisions, the EU has also established funding under the Caspian Environment Programme for actions related to sturgeon conservation priorities, including coastal sustainable development and governance. (See also the section on EU external assistance below).

The EU is also a major import market for tropical timber. In 2004, the EU imported more than 10 million m<sup>3</sup> of tropical timber from Africa, South America and Asia. This made the EU the largest importer by value globally for tropical timber commodities, with a declared import value of over EUR 1.2 billion in 2004, and EUR 1.3 billion in 2005.

Much of the EU's imports of tropical timber are from developing countries where illegal and unsustainable logging represents a significant problem due to insufficient capacity for monitoring and enforcement. The illegal and unsustainable trade in tropical timber has serious negative effects in range states in terms of loss of revenues and environmental degradation, accounting for an estimated EUR 10–15 billion in losses every year to range state governments. To respond to the global problem of illegal logging and the international trade in illegally-harvested timber the EU has put in place an Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT). FLEGT was adopted in 2003 and it sets out the EU approach to tackle illegal logging. The Action Plan provides for the establishment of a voluntary licensing scheme between the EU and range states to ensure only legal timber

enters the Union. It also supports improved governance in wood-producing countries and provides means for strategic capacity-building efforts, development of tools such as verification systems for legal timber, and strengthening enforcement co-ordination to combat illegal trade.

#### **Box 5. Trade-related actions listed in the EU Biodiversity Action Plan for 2010 and beyond**

**Action A8.1.1.** Identify major impacts of trade on third countries' and EU biodiversity and adopt measures to significantly reduce and/or enhance these impacts [by 2010].

**Action A8.1.2.** Foster links between the WTO agreements and biodiversity-related international agreements, and ensure biodiversity taken into account as a Non-Trade Concern [2006 onwards].

**Action A8.1.3.** Promote full implementation of the CBD Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits (ABS) arising out of their Utilisation [2006 onwards].

**Action A8.1.4.** Maximise the proportion of EU consumption of wood products deriving from sustainable sources [by 2010].

**Action A8.1.5.** In the context of action 8.1.1, identify EU non-wood imports driving deforestation in third countries and adopt and implement measures to prevent, minimise and/or mitigate this deforestation [by 2010].

**Action A8.1.6.** Put in place bilateral agreements between EU and major timber exporting countries with an aim to support forest law enforcement, governance and trade (FLEGT) [2006 onwards].

**Action A8.1.7.** Ensure Fisheries Partnership Agreements compatible with maintenance and recovery of stocks at levels that can produce maximum sustainable yield, and with minimising impact on non-target species and habitats [2006 onwards].

**Action A8.1.8.** Support capacity-building and implementation of CITES provisions to ensure that trade in CITES species is effectively regulated and controlled and not detrimental to the conservation of the species in range states [2006 onwards].

For more detailed information see the EU Biodiversity Action Plan (COM 216/2006): [http://ec.europa.eu/environment/nature/biodiversity/current\\_biodiversity\\_policy/biodiversity\\_com\\_2006/index\\_en.htm](http://ec.europa.eu/environment/nature/biodiversity/current_biodiversity_policy/biodiversity_com_2006/index_en.htm)

<sup>8</sup> [www.caspianenvironment.org/newsite/index.htm](http://www.caspianenvironment.org/newsite/index.htm)

The FLEGT licensing system gained legal status in 2005 when a Regulation on the establishment of a FLEGT voluntary licensing scheme for imports of timber into the European Community was adopted (Council Regulation (EC) No 2173/2005). The Regulation establishes a Community set of rules for the import of timber products under the FLEGT schemes.

The EU has already begun the process of establishing Voluntary Partnership Agreements (VPAs), identifying a few key producer countries in Africa and Asia for fact-finding missions and intergovernmental discussions. Current EU missions for VPA negotiations to tropical timber range states include those from the Netherlands to Malaysia, from Germany to Cameroon, from the UK to Ghana, and from France to the Republic of the Congo and Gabon.

More information on EU and wildlife trade: Traffic. 2007. Opportunity or Threat – the Role of the European Union in Global Wildlife Trade (2007): <http://assets.panda.org/downloads/opportunityorthreat.pdf>

More information on FLEGT: <http://ec.europa.eu/environment/forests/flegt.htm>

### **Controlling wildlife trade in practice - implementation and effectiveness of the EU framework**

The practical enforcement of the CITES and EU Wildlife Trade Regulations is carried out at the Member State level. The regulation of trade takes place mainly via national customs and police services and nominated CITES management authorities. The customs and police are responsible for border and internal trade controls whereas the management authorities deal with issues related to the administration of trade, i.e. controlling permit applications, certificates and marking procedures.

Due to the organization of the Single Market the systematic control of wildlife trade in the EU takes place mainly at the Union's external borders. Consequently, the effectiveness of controlling wildlife trade into the EU depends to a large extent on the weakest border points to the Community. This increases the responsibility of the EU border states to have effective trade regulation measures in place.

At the EU level, a number of mechanisms are in place to support a coherent EU-wide implementation of CITES and Wildlife Regulations. These Community instruments are aimed at ensuring effective coordination and exchange of information between the Member States. For example, under the EU Wildlife Trade Regulations, the EU has established the Enforcement Group (EG) to coordinate enforcement activities

within the EU-27.

In addition, the EU Trade in Wildlife Information Exchange initiative (EU-TWIX) was set up in 2005. EU-TWIX is an online database that helps national law enforcers in the EU to undertake risk analysis and to better coordinate joint investigations relating to illegal wildlife trade. As of March 2007, 300 law enforcement officers from the 27 EU Member States have had access to EU-TWIX and 16 000 seizure cases have been recorded in the database. Exchange of information via the EU-TWIX email list has also enabled some EU Member States jointly to investigate and take action on illegal trade of CITES species<sup>9</sup>.

A recent study on the enforcement of the EU Wildlife Regulations in EU-25 reviewed national efforts to control illegal wildlife trade.<sup>10</sup> The study identified a series of good practices related to the implementation of the Wildlife Trade Regulations. In general, strong sanctions for violations of CITES and the EU Wildlife Trade Regulations were recognised as an important element in controlling illicit trade. Weak sanctions were considered inadequate to deter organized, commercial CITES crime. Moreover, such sanctions could be taken as a signal to prosecutors and judges that wildlife trade crimes are not a priority.

Other good practices identified included, for example, strong in-country enforcement (e.g. checking pet shops, breeders, taxidermists and other facilities for illegal specimens), regular training for enforcement personnel and establishment of effective public information campaigns. In addition, carrying out regular national assessments of CITES crime was considered beneficial for identifying major types of illegal wildlife trade. These assessments could then support the development of enforcement plans that would effectively identify national objectives and actions.

The assessment also discovered a number of problems resulting in inadequate wildlife control in the Member States. For example, several Member States lack strong sanctions on wildlife trade offenders. This undermines the more stringent control efforts in other EU countries. In addition, the methods for calculating fines vary across the EU and sentencing guidelines, in particular for criminal penalties, are absent in the majority of Member States. Moreover, although internet sales have been recognised as one of the major pathways to illegal trade only a few Member States make regular checks of internet sales. The study also concluded that there is a strong

<sup>9</sup> TRAFFIC. 2007. Opportunity or Threat – the Role of the European Union in Global Wildlife Trade (2007): <http://assets.panda.org/downloads/opportunityorthreat.pdf>

<sup>10</sup> Milieu Ltd & Orbicon Consulting. 2006. Study on the Enforcement of the EU Wildlife Trade Regulations in the EU-25: [http://ec.europa.eu/environment/cites/pdf/studies/enforcement\\_trade.pdf](http://ec.europa.eu/environment/cites/pdf/studies/enforcement_trade.pdf)

need to strengthen the cooperation and coordination among Member States in the future. In addition, the coordination among national agencies was to be improved.

It has also been acknowledged that even though the EU Regulations provide an effective legislative framework for controlling wildlife trade in the Union their implementation is in certain respects hampered due to the complexity of the regulations (e.g. a vast number of existing amending Regulations). In some instances, this has led to Member States having varying interpretations of the provisions, creating inconsistencies in implementation across the EU. These inconsistencies can cause confusion and create loopholes that can be exploited by illegal traders. For example, loopholes and opportunities for laundering of illegal specimens through legitimate channels are created inadvertently through the different systems established by the Member States for permit issuance.<sup>11</sup> In addition, overcomplicated requirements can lead to disproportionate attention to detail that has little conservation benefit.

There are also problems in relation to the coordination between the Wildlife Trade Regulations and other EU legislative instruments, such as the Habitats and Birds Directives. For example, at present, it is possible to obtain authorization to bring a specimen into the EU under one Directive/Regulation even though it requires authorization under another.

#### ***EU external assistance in supporting the regulation of wildlife trade***

As can be expected, wildlife trade into the EU has significant effects on the range states. Sustainably managed trade in wild species can contribute significantly to range state economies. The high value of wildlife products and derivatives can also provide positive economic incentives to protect wild species and their habitats, and maintain the resource for sustainable and profitable use in the medium and long term. Consequently, sustainable wildlife trade can be beneficial to species and habitat conservation, as well as contributing towards sustainable livelihoods and social development.

On the other hand, illegal and inadequately managed wildlife trade can result in significant negative outcomes, for example it can considerably reduce range states' trade revenues (see the examples above). The decline in species populations can also reduce wildlife resources available for rural communities. Additionally, changes in population numbers and species diversity can jeopardise the natural

functioning of ecosystems and disturb the provision of ecosystem services.

In the light of the above, it has been acknowledged that the efforts on regulating wildlife trade in the EU should be complemented by supporting the conservation of species and control of illegal trade in the range states. This aim is supported by the EU development policy objectives that strive for sustainable development and poverty reduction in developing countries. These objectives also recognise the relationship between sustainable development and biodiversity conservation.

Consequently, aspects related to biodiversity conservation have been integrated into the EU development cooperation and external assistance instruments, e.g. the financing instrument for development cooperation (DCI) (Regulation (EC) No 1905/2006) and the thematic programme setting out the priorities for EU funding to third countries on issues related to environment and sustainable management of natural resources (COM/2006/20).

No consolidated records on funds provided for CITES-related projects in third countries from EU/Member States development or environment programmes currently exist. It is known, however, that both the EU and Member States are involved in a number of external assistance efforts relating to wildlife trade, including FLEGT. For example, the EU is providing ~EUR 10 million support to the CITES programme "Monitoring the Illegal Killing of Elephants" (MIKE). In addition, the EU is a major donor to the on-going National Wildlife Trade Policy Reviews project under CITES. This project focuses on the development of guidelines for conducting wildlife trade policy reviews and the implementation of pilot projects in four developing countries: Madagascar, Nicaragua, Uganda and Viet Nam. These countries have been selected in part due to mega-biodiversity and significant volumes of wildlife trade in CITES-listed species.

#### ***Challenges for the future***

The EU has accomplished many achievements in wildlife law enforcement. However, as the Union is one of the biggest global markets for wildlife trade it also has constantly increasing obligations to guarantee sustainable wildlife trade. For example, while the EU advocates environmental governance and sustainable use of natural resources, the high demand in the EU for wildlife and related products is a driver of illegal and unsustainable trade. This trade threatens the survival of species and ecosystems and it also has a negative impact on economies and rural communities in range states.

<sup>11</sup> TRAFFIC, pers. comm.

### ***Improve the EU Wildlife Trade Regulations***

The common view among EU Member States is that the Wildlife Trade Regulations are an effective tool for combating the illegal trade in endangered species. They are also considered as a positive conservation tool for keeping the trade of protected species within sustainable limits.

However, the situation in the EU has changed since the adoption of the Regulations in 1996. For example, after the latest accessions to the Union the number of countries involved in wildlife trade in the EU has almost doubled. Consequently, what may have been a sufficient means of regulating trade in the past could become insufficient or become too complex to be effectively implemented. Changes in the dynamics of wildlife trade need to be met with changes in the way wildlife trade is regulated.

Some potential key areas for further analysing or improving the Wildlife Trade Regulation could include, for example, simplifying the text and procedures of the regulations, clarifying definitions and improving the coordination between the Wildlife Trade Regulations and other EU legislative instruments.<sup>12</sup> In any case, all proposed changes should be considered in the context of other related international, Community and national legislation.

### ***Advancing cooperation and coordination in wildlife trade enforcement***

Coordination and cooperation between the EU Member States are key elements in enhancing the enforcement of CITES and Wildlife Trade Regulations. The new EU European Community Action Plan on CITES Enforcement is a welcomed attempt to synchronize the Member States efforts in wildlife trade control. However, fulfilling the Action Plan's priorities, such as adopting national action plans and establishing procedures for coordination and information exchange, requires adequate commitment and resources from the Member States.

The potential role of the internet in improving cooperation and coordination could also be considered. The internet could be used, for example, to facilitate and coordinate the EU-wide administration of wildlife trade control, e.g. issuing permits and certificates, and linking the administrative system with the electronic processing of customs procedures.

### ***Linking wildlife trade more closely with sustainable development***

Finally, there is a need for linking wildlife trade regulation with global sustainable development. This means that the traditional measures for wildlife trade control, both at international and EU level, should incorporate and/or be complemented with measures supporting the delivery of goals related to sustainable development, reduction of poverty and biodiversity loss.

EU external assistance should be effectively used to support the wildlife trade regulation and conservation of CITES species and ecosystems in the range states. The EU and Member States have already made a number of interventions to achieve sustainable trade. However, EU external interventions are to a large extent ad hoc and there are no means of ensuring coordination or complementarity of Community and Member States actions.

Therefore, the Commission and the Member States should consider the development of a strategic Community approach on EU external assistance on wildlife trade. An EU-wide approach would enable synergies and coordination between different programmes and initiatives. It would also be a key to monitoring the effectiveness of assistance interventions.

The implementation of the approach could be supported by an EU-wide and -managed information sharing system. This system would provide both an overview and an early warning system to identify overlaps and gaps in needed support.

The priorities for action under the strategic approach should be identified in cooperation with range states. Overarching themes could include, for example, incentives to encourage legal trade and support for capacity building at national, regional and local levels. The thematic programme on environment and sustainable management of natural resources (COM/2006/20) could be used to support priority actions in countries where funds are not allocated under existing European Commission programmes or from the EU Member States.

<sup>12</sup>Barnaby, J. and Parry-Jones, R. (Eds.). 2006. EC Wildlife Trade Regulations: An overview of problems identified with regard to implementation and interpretation. TRAFFIC Europe Report for the European Commission, Brussels, Belgium (draft version).