



Event Report

Regional Workshop on Implementation of CITES Regulations

4 – 5 November 2020

Live video conference



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- Annex 2: List of Participants (provided as a separate document)
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1 Introduction

The Regional Workshop on Implementation of CITES Regulations took place on November 4-5, 2020, via live video conference. The workshop was organized under the EPPA project work programme, namely activities 5.3.3 “Capacity building on CITES for the enforcement authorities” and 5.3.1 Establishment of a regional wildlife trade regulation enforcement network.

The participants of the workshop came from the relevant authorities of the EPPA beneficiaries involved in nature conservation. They represented the Ministries with the environment or agriculture portfolio, in addition to other relevant institutions, such as institutes for the protection of natural heritage, universities, forest agencies, environment protection agencies, and custom administrations of all beneficiaries: Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia, and Turkey. Details are available in the list of participants.

Civil society was represented by NGOs from the beneficiaries, namely: Pseda-Iliria (Albania), Center for Environment (Bosnia and Herzegovina), Advocacy Training and Resource Center (Kosovo*), Association of young ecologists of Niksic (Montenegro), Macedonian Green Center (North Macedonia), Environmental Ambassadors for Sustainable Development (Serbia), and Doğa Koruma Merkezi (Nature Conservation Centre, Turkey).

Representatives from the EU Delegations (or Office) of Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia, and Turkey were present.

The speakers represented EU Member States’ competent authorities’ experience from Hungary, Spain, Czech Republic, and Portugal, in addition to the experience of Croatia’s State Inspectorate and Customs. Moreover, the workshop was enriched with the presentations of independent experts and experts from the CITES Secretariat (UN Environment Programme), CITES Management Authority of Serbia, the World Conservation Monitoring Center (UN Environment Programme), TRAFFIC, and the European Commission Directorate-General for Environment (DG ENV). Details are available in the agenda.

The presentations can be downloaded in the EPPA project website.

2 Objectives of the training and expected results

Enlargement countries are all Parties to the Convention on International Trade in Endangered Species (CITES). The EU implements the CITES Convention through the Wildlife Trade Regulations, under which imports from, and exports to, enlargement countries are regulated and monitored. In that regard, it is important that enlargement countries adequately apply CITES requirements and the EU Wildlife Trade Regulations. It is also important to ensure that enforcement priorities and activities carried out by the EU authorities are consistent with controls applied by enlargement countries to ensure that wildlife trafficking is tackled in an efficient manner.

The workshop focused on the following issues: reporting requirements to CITES and specific reporting requirements at the EU, as well as monitoring effectiveness of the permitting system in controlling the import and export of endangered species in EPPA beneficiary countries. It also focused on examinations, assessments and consultations carried out by the scientific authorities and management authorities in respect of import, export and re-export of CITES-listed species. The workshop presented EU Member States case studies on duties and roles of the EU scientific authorities, including those regarding import, export and re-export applications, tasks, opinions and impact, consultations with exporting countries and presentation of scientific authorities’ guidelines, including ICT tools.

3 Highlights

3.1 Welcoming remarks and introduction

Mr. Mihail Dimovski welcomed the participants. He explained the agenda rationale and objectives. He highlighted the relevant expertise of the speakers participating in the workshop. He offered his gratitude to the European Commission, the EPPA beneficiaries, and other involved experts for their valuable contributions in defining the scope and delivering the present workshop. Mr. Mihail Dimovski led a round of introduction of all attendees.



Ms. Dagmar Zikova opened by reflecting on the importance of enlargement countries as EU partners for CITES implementation, not only for their key location in trade routes, but also due to their close relationship with the EU. The workshop is expected to further increase this cooperation.

3.2 EU Wildlife Trade Regulations

Ms. Dagmar Zikova presented the EU Wildlife Trade Regulations and the role of EU Management Authority meetings, the EU Scientific Review Group and the EU Enforcement Group. She started with an overview of the interaction of the EU with the CITES convention. All EU Member States are party to CITES and implement the convention through national legislation and the EU Wildlife Trade Regulations. The EU itself is also party to CITES since 2015 and plays a role of setting general policy and coordination. In the context of the Convention, the EU position is proposed by the Commission, discussed with the Member States, and agreed by the Council prior to the CoP meeting. Decisions taken at the CoP are binding for all 27 MS (if present at the CoP or not), and are translated into the EU legislation, where relevant. The EU holds coordination meetings, organised on the spot, to finetune the position (which cannot go beyond the approved Council Decision).

The EU plays an important role both as importer and exporter. According to the EU 2017 Annual Report, it logged over 106 000 import transactions of more than 28 million individual items and 8.5 million kg of commodities reported by weight. 94% of import transactions are for commercial purposes. It imports 3296 different taxa, mostly plants (snowdrops, cacti, palms, orchids etc.), reptiles, rosewood carvings/wood products, corals, candelilla (wax), African cherry bark. In terms of exports, there were over 336 000 export transactions of nearly 18.8 million individual items and 449 tonnes of commodities reported by weight. 54% of the transactions were reexports. The exports referred to 2068 different taxa, mostly orchids, cacti, snowdrops and other plants, sturgeon, reptile leather products and skins, candelilla (wax).

The EU Wildlife Trade Regulations (EUWTR) regulate international trade in species threatened with extinction, or at risk, (around 38 000 listed annexes to Basic Regulation), mostly CITES-listed species, but also some non-CITES species (around 200). The regulations establish a permitting system to ensure trade only takes place if legal and sustainable; provide for the possibility to introduce temporary trade bans or limit trade; establish a system to control intra-EU trade and movement; set up obligation for MS to introduce sanctions; and introduce some stricter domestic measures.

Some of the stricter requirements, when compared with the CITES Convention, are the obligation to have an import permit for CITES Appendix-II species; housing conditions checked for live specimens of species listed in CITES Appendices I and II; strict controls on internal trade in Appendix I species; regulate some species not listed under CITES (Annexes A-C); and monitoring trade in other non-CITES species (Annex D).

The Council Regulation (EC) No. 338/97 provides the framework for implementing the Convention, including its Annexes. It sets out the stricter measures. The annexes are revised after every CoP. The last revision of Annexes, after CoP17, was published on 29 November 2020. The next revision is under finalisation and expected in 2021.

The Regulation is complemented by implementing regulations, as follows:

1. Commission Implementing Regulation (EC) No. 865/2006: “Implementing Regulation”
 - a. Detailed rules and practical aspects for implementing the Council Regulation
 - b. Implements relevant CITES CoP Resolutions
 - c. Amended regularly, last amendment in February 2019
 - d. Next amendment under preparation and expected in 2021
2. Commission Regulation (EU) 2017/1915: “Suspension Regulation”
 - a. Introduces ban of imports of certain species from concrete countries
 - b. Usually updated every 1-2 years, last update in 2019
3. Commission Implementing Regulation (EU) 729/2012: “Permits Regulation”
 - a. Provides guidance on documents and their use in the EU



- b. Revised as needed, last revision 2015
- c. Next amendment under preparation and expected in 2021

As a follow up to the CoP18 there was a follow up alignment of Basic Regulation annexes with amended CITES Appendices (completed on 29 November 2019 including 46 new listings), and the alignment of implementing legislation with relevant CoP decisions (new source code, nomenclature, etc.) still ongoing.

The EC developed Guidance Documents, together with the Member States, to provide further guidance on implementation of the provisions of the Regulations. Guidance documents are available on the following issues: intra-EU trade and re-export of ivory, worked specimens, verification of legality in timber trade, proof of legal acquisition for live animals of Annex B species and necessary documentary evidence, the export, re-export, import and intra-Union trade of rhinoceros horns, and a new guidance document on captive breeding is being developed.

The EU Wildlife Trade Regulations are directly applicable in all Member States and legally binding on the Member States authorities and citizens. The MS are responsible for actual implementation and enforcement. MS must provide for adequate facilities and staff for CITES inspections at external border posts; the competent authorities must monitor compliance, and take legal action if necessary; MS must impose appropriate sanctions for infringements; enforcement authorities check permits, goods in trade including live specimens, validate documents, forward documents to relevant MA, fight illegal trade.

The EU level implementation structure is composed by EC expert groups (CITES Management Committee, Group of Experts from the Management Authorities, Scientific Review Group, and Enforcement Group) and by the Council Working Party (WPIEI—CITES), which prepares the EU position for international CITES meetings.

The CITES Management Committee and the Group of Experts from the Management Authorities is composed by the designated Management Authorities of all MS. They meet 4 times/year with European Commission chairing. The latter assists the Commission in implementation of certain tasks under the Basic Regulation (such as adopting amendments to the Annexes of the Basic Regulation, implementing Regulations and Guidance Documents). The former discusses implementation of the Regulations and provides for communication with Commission.

The Scientific Review Group adopts opinions¹ and coordinates the Scientific Authorities of the EU to ensure uniform application of the EU WTR in all EU MS. It was established under article 17 of EU wildlife trade regulation (Council regulation 338/97). In particular, it examines scientific questions relating to application of the Basic regulation, in particular articles 4.1 (a), 4.2 (a) and 4.6. It also meets 4 times per year, and it is chaired by the European Commission. The Scientific Authorities of the EU MS must have appropriate qualifications and be separate from Management Authorities.

The Enforcement Group EG brings together enforcement officers from different authorities (customs, police, MAs, etc.). It facilitates cooperation, exchange of information and intelligence between MS; it saves time and resources by sharing good practices and training information/manuals.

3.3 CITES permitting systems and eCITES electronic permitting system

Ms. Miet Van Looy presented CITES reporting requirements and permitting systems. The aggregate reporting of permitting system data feeds CoP decisions. It is based on CITES Res. Conf. 11.17 (Rev. CoP17) on National Reports and on art. 15 of BR 338/97 and Art. 69 of IR 865/2006.

The annual legal trade report is due on 31/10/202y for year 202x (CITES deadline) and on 15/06/202y for year 202x (EU deadline). MS must report trade in CITES-species as well as non-CITES species listed in the Annexes. There is a preference for report based on actual traded quantities, instead

¹ Provide opinion for the Management Authority on: Annex A imports and internal trade: no harmful effect and purpose (science, breeding, research, other); Annex B imports: non detriment finding; Annex A, B,C exports: no harmful effect on conservation status; Restrictions on imports – other factors: conservation detriment, mortality in transport/captivity, ecological threat; Intended accommodation live specimens adequate; Placement of confiscated animals; Confirmation of captive breeding /artificially propagated claims; Advice scientific institutions.



of permitted quantities. For imports of shipments containing live animals, MS maintain records of the percentage of specimens of species listed in Annex A or B to Regulation (EC) No 338/97, which were dead at the time of introduction into the EU. The reporting is mandatory and subject to compliance (trade suspension after three consecutive years of non-reporting).

The annual illegal trade report is due on 31/10/202y for year 202x (CITES deadline) and on 15/06/202y for year 202x (EU deadline). MS must report on all seizures involving CITES-listed species, done at international borders but also at domestic level. MS are requested to also include information about non-CITES species listed in the Annexes. It is mandatory but not subject to compliance procedures.

The Implementation Report (former biennial report) runs on a three-year cycle – report prior to each CoP. It is mandatory but not subject to compliance procedures.

The permitting systems in the EU are under the competence of the respective management authorities. There are different permitting systems and varying levels of digitalization (paper, email, web-based). The need to have permitting information readily available to other authorities within and outside of each MS has led to a global desire to evolve towards more digitalisation. Work on e-permitting will connect Member States electronic systems with an EU-wide system. TracesNT is the hosting platform for the EU CITES Database. It is linked to CERTEX Customs Single Window system. It is currently under development and testing with volunteer MS/Non-EU countries.

Mr. Ondrej Kloucek presented e-Permitting and its use to enhance effectiveness of CITES implementation in the Czech Republic. Given the high volume of trade in/out of the country, authorities are seeking to increase effectivity of CITES implementation by reducing current administrative burdens through the integration of the CITES Register under the system of E-government services. This single window approach centralizes and organizes the data from the CITES register and from trade information (customs, e-import, e-export).

The CITES Register issues CITES permits, EU internal trade certificates, registration certificates, including applications. It allows for the exchange of data on permits issued and used between the CITES Management Authority and Customs (single window) to secure trade control. It also allows the management of electronic statements made by CITES Scientific Authority for issuing CITES permits (NDFs) and EU Certificates. It acts as a register of offences and offenders, with an automatic generation of CITES annual illegal trade report. It offers data mining and analysis; and facilitates international cooperation in ePermitting, for instance, with UNEP-WCMC, Switzerland, and the EU.

The service offers the public the possibility to apply electronically for CITES permits. There is a one-time registration of applicants. The system deploys user friendly electronic forms, step-by step approach, and uses predefined libraries (e.g., for taxons). The electronic forms of application are convertible to pdf to be signed electronically. After verification, the data is used for issuing of permits. It is possible to track the state of each application.

Mr. Ondrej Kloucek gave an example of international cooperation in e-permitting: the Electronic Permit Information eXchange (EPIX). Its aim is to enable CITES Authorities to verify/query permit or certificate data online through a secure website on a near-real-time basis. The system includes the participation of CZ, UK, Australia, Switzerland, Spain.

3.4 Examinations, assessments and consultations carried out by the scientific authorities and management authorities in respect of import, export and re-export of CITES listed species

Mr. João José Loureiro presented the tasks of Scientific Authorities regarding import, export, and re-export of CITES listed species. Mr. João José Loureiro started by explaining articles 4 and 5 of the WTR (EU Regulation 338/97), that specify permit conditions and the role of scientific authorities. He then continued with the case study of the CITES Portuguese scientific authority.

For the effects of the implementation of CITES and the Regulation and Execution Regulation, the scientific authority in the national territory is the scientific commission for the implementation of CITES. The scientific commission is established by dispatch of the member of Government responsible for nature



conservation, under proposal by the main management authority and is composed by a) two representatives of ICNF, I.P., one of whom coordinates; b) three elements of the national scientific community with recognized technical and scientific value in the area of flora and fauna. The scientific commission may call upon external experts and consultants to support in the exercise of its competences, so that they can participate in its meetings, without the right to vote. In the case of procedures relating to the Autonomous Regions, the Scientific Committee should consult an expert designated by the respective regional administration.

The scientific commission is responsible for: a) ensuring that trade in specimens of species listed in the Appendices of CITES and the Regulation is not detrimental to the survival of their populations; b) monitoring, on an ongoing basis, the granting of import and export permits for specimens of species covered by CITES, as well as the actual imports and exports of such specimens; c) evaluating the impact that the trade of specimens covered by CITES may have on the survival of their populations; d) assessing the need to limit the granting of import or export permits of specimens of the species concerned; e) informing the main management authority of the results of monitoring and evaluation, and proposing the measures considered appropriate; f) issuing opinions under procedures of appreciation of applications for the issuance of import permits, export permits, re-export certificates, certificates for the transfer of live specimens; g) issuing opinions under the scope of consultations promoted by the competent authorities of other Member States of the European Union following the seizure in the territory of those States of live specimens coming from the national territory; h) assessing the suitability of accommodation destined for live specimens; i) participating in the identification of specimens of species listed in Annexes A, B, C and D of the Regulation; j) attending meetings of the Conference of the Parties and of the Animals and Plants Committees of the CITES Convention, and of the Scientific Review Group in the European Union; l) advising on amendments to Appendix III and elaborating proposals for amendments to Appendices I and II, for the purposes of Article XI of CITES.

Mr. João José Loureiro concluded with a brief review of useful tools for scientific authorities to discharge their duties, including “Species +” (full list available in the presentation document).

Mr. Levente Korosi presented the role of management authorities in the issuing of permits at a legal level. The Management Authority has two basic roles: granting permits and certificates under the terms of the Convention, and communicating with the CITES Secretariat and other Parties. Mr. Levente Korosi explained import conditions under Annex A, B, C and D, as well as (re-)export conditions.

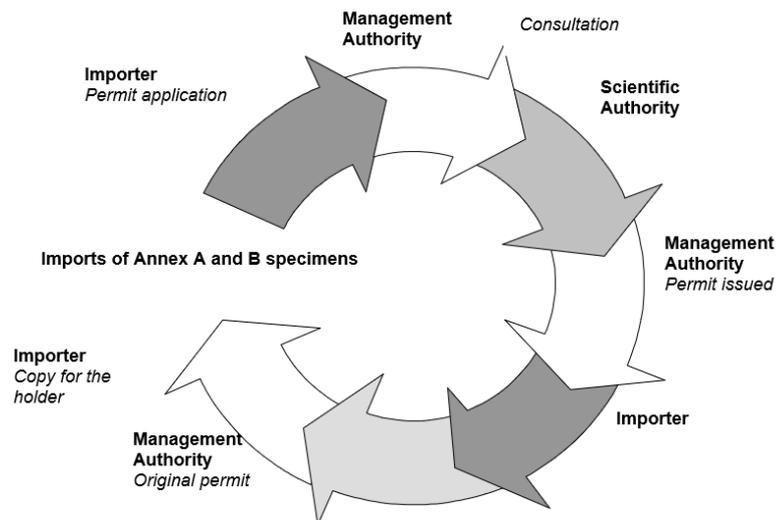


Figure 1 - Permitting workflow (Annexes A and B)

Mr. Levente Korosi briefly exemplified how the Hungarian Management Authority deals with permitting.



3.5 EU MS case studies on duties and roles of the EU scientific authorities

Ms. Claire McLardy presented some tools and guidance to support CITES scientific authorities. In order to fully carry out their work CITES authorities must be aware of key datasets and tools available (Species+, CITES checklist and CITES Trade Database), are able to access relevant species and trade data, and are aware of the EU Scientific Authority guidelines (to support the non-detriment finding process).

Species + (www.speciesplus.net) is a “One-stop-shop” for implementation. It offers listings (CITES/CMS and EU WTR), names (scientific/common/synonyms), CITES suspensions, CITES quotas published, EU opinions and suspensions, distribution (country level), references (standard refs/distribution), documents (identification materials, CoP proposals, meeting documents).

The CITES Checklist (checklist.cites.org/) provides the official list of CITES-listed species (scientific names) and their associated scientific synonyms; common names in English, French and Spanish (where available) and the CITES Appendix in which they are currently listed (see Resolution 12.11 (Rev CoP18)). Information on historical Appendix listings, reservations and level of listing (e.g. if a whole family or order is listed), as well as identification materials sourced from the CITES Identification Manual and the CITES Virtual College.

CITES Trade Database (trade.cites.org), managed by the UNEP World Conservation Monitoring Centre (UNEPWCMC) on behalf of the CITES Secretariat, is unique and currently holds over 13 million records of trade in wildlife and over 34,000 scientific names of taxa listed in the CITES Appendices. Around a million records of trade in CITES-listed species of wildlife are currently reported annually and these data are entered into the CITES Trade Database (an Oracle relational database) as soon as they are received by UNEP-WCMC. CITES annual reports are the only available means of monitoring the implementation of the Convention and the level of international trade in specimens of species included in the CITES Appendices.

The EU captive breeding database (captivebreeding.unep-wcmc.org) enables information sharing within EU countries for a consistent decision making. It provides information on species, country or individual facility. It is a wiki-type database which can be populated by EU Authorities. It currently includes information on >150 facilities.

The SA Guidelines assist EU Authorities with duties under Regulations (EC) No. 338/97 and (EC) 865/2006 (<https://ec.europa.eu/environment/cites/pdf/srg/guidelines.pdf>), especially for annexes A and B, under which SA advises that introduction into the EU would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species. SA permit checks can lead to CITES suspensions and EU opinions. SA guidelines contain key points that need to be considered during the NDF making process, including an 8 step methodology: 1. Species characteristics, 2. Biological /conservation status, 3. Threats, 4. Harvest characteristics, 5. Trade levels, 6. Management regime, 7. Monitoring programmes, 8. Conservation benefits.



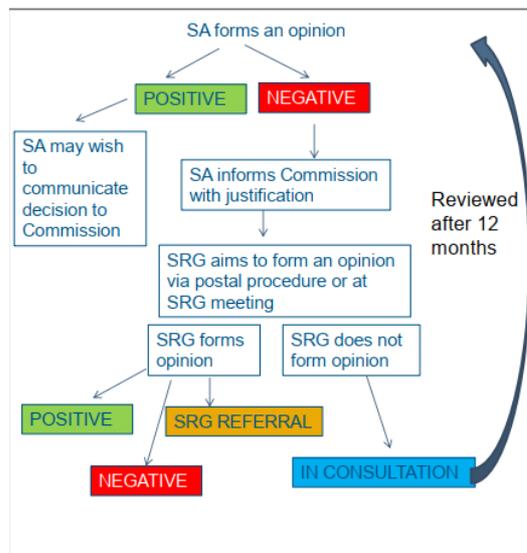


Figure 2 - SA opinion workflow

Mr. Zoltan Czirik presented Hungarian case studies on duties and roles of the Scientific Authority and gave an overview of SA's role. The main tasks of the Scientific Authority under Article 4(1) or (2) of Regulation (EC) No 338/97 is to advise its Management Authority on whether the import of certain specimens of species listed in Annex A or B is likely to have a harmful effect on the conservation of the species. This is termed a "nondetriment finding" (NDF) and is also a requirement under CITES.

If a Scientific Authority of a Member State advises its Management Authority under Article 4(1) or (2) of Regulation (EC) No 338/97 not to authorise imports of certain specimens on the basis that to allow such imports would be detrimental to the conservation of the species. If a Scientific Authority of a Member State advises its Management Authority under Article 4(1) or (2) of Regulation (EC) No 338/97 not to authorise imports of certain specimens on the basis that to allow such imports would be detrimental to the conservation of the species. Most of European CITES-listed species (exceptions: some member of orchid family, cyclamens, snowdrops, sternbergias, spring adonis) are also protected by other pieces of EU legislation (Birds and Habitats Directives, Eels and other fishery legislations).

For live wild, ranched or F1 Annex A specimens, the adequacy of proposed housing needs to be considered. The intended location must be specified in box 6 of the application form for an import permit. A detailed description of the intended housing facilities must be submitted, together with the application. Additionally, for species listed in Annex A, any movement of live wild, ranched or F1 specimens requires prior authorisation from and issuance of a certificate by a Management Authority of the Member State where the specimen is located. This certificate will only be granted when the Scientific Authority is satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it properly.

In order for an animal or plant specimen to qualify as "born and bred in captivity" or „artificially propagated", (rather than merely captive-born, which carries no special advantage), respectively, the Management Authority, in consultation with the Scientific Authority of the Member State, must be satisfied that all of the following conditions have been met:

- the specimen is, or is derived from:
 - the offspring born in a controlled environment – of either:
 - parents that mated in a controlled environment – if reproduction is sexual; or
 - parents that were in a controlled environment when development of the offspring began – if reproduction is asexual;
- the breeding stock was established in accordance with the legal provisions that applied in the place and time when it was first obtained; and



- the breeding stock is maintained without the regular introduction of new specimens from the wild.
- the breeding stock has either:
 - itself produced second or subsequent generation offspring (so-called F2, F3 and so on) in a controlled environment, or otherwise; or
 - is managed in a manner that has been demonstrated to be capable of reliably producing second generation offspring in a controlled environment (e.g. for species where husbandry and breeding techniques are long established and widely documented).

Article 16(3) of Regulation (EC) No 338/97 provides that, where specimens are confiscated, they will be entrusted to a competent authority of the Member State concerned, which will - after consultation with its Scientific Authority - place or otherwise dispose of them under appropriate conditions, which are consistent with the purposes and provisions of CITES and the Regulations. Article 17 of Regulation (EC) No 338/97 establishes a Scientific Review Group (SRG) that consists of representatives of each Member State Scientific Authority and is chaired by a representative of the Commission. The SRG meets three to four times a year and examines all scientific questions.

Although each Party must designate at least one Scientific Authority which must have appropriate qualifications and for which duties must be separate from those of the Management Authority, the very close and almost daily cooperation between MA, SA and enforcement bodies is essential.

Mr. Zoltan Czirak gave an example of imports of reptiles and amphibians from Madagascar into Hungary. The authority received a CITES import application containing 23 taxa, and 525 animals, from genera *Furcifer*, *Brookesia*, *Phelsuma* and *Mantella*. All of them were source W. The purpose code was T. Several species are really threatened, but there was no clear NDF behind the quotas. There is very few available information on the current status of the species.

The Hungarian authority checked all species in Species+. Positive opinions were formed for 9 species only. There were some negative opinion and in few cases, no opinions were formed at all. It tried to contact Madagascar, but never received any answer. Assistance was requested from the SRG. Consultation is on-going for an extremely long time. The Malagasy quotas are based on Red list categories only, no safeguard to prevent local extinctions. After contact with the applicant, the problematic species were withdrawn, and he got a permit for 9 species only.

In a second case the Hungarian authority has received a CITES import application. It contained 11 taxa, 125 plants. All of them were artificially propagated. The purpose code is T. On the Thai permit, there was a misspelling of a leafless orchid genus *Chiloschista* which does not exist. The orchid „species” *Chiloschista nakornpanomensis* is taxonomically not correct and not a valid scientific name and it is not accepted by any of the standard references for CITES. The authority checked all scientific names on the permit (checklist, internet) and contacted other SRG members, with useful feedback received from Ireland and Austria. Furthermore, it tried to contact Thailand without success. Finally, the problematic species were withdrawn by the applicant.

On a third, recent example, the authority was called by the customs of the National Tax and Customs Administration from the Budapest international airport, because they found 3 pieces of stone corals and two shells of snails in a personal baggage. The authority gave an expert opinion with identification of specimens and informed them on species-relevant legislation as well. The coral specimens were confiscated by custom services.

3.6 Best practices in EU for regulating international and internal trade and possession of CITES listed specimens

Mr. Antonio Galilea Jiménez presented examples of best practices in EU for regulating international and internal trade and possession of CITES listed specimens. Spain has authorized points of entry for CITES specimens. 13 Border points with CITES inspectors (full time) and 15 more located around the territory to support the main ones, with part time inspectors. The Central Office coordinates, shares sensitive information, and gives support to what is needed.



The CITES customs procedure is responsible for checking documents, informing about its validity, issuing Permits, inspecting the consignments (identify species, marking, IATA, etc.) whether listed or not. If there is an alleged infringement, it sends a statement to Customs. If live specimens are seized, it is responsible to find out a suitable rescue center. Customs clearance takes place as a result of a positive opinion by the CITES Management Authority and other public services such as vets/plant inspection service, etc.

Mr. Antonio Galilea Jiménez gave the example of the European Eel. Poaching of glass-eel is particularly active in southern Europe (Pt, Es, Fr, Gr, It), with, in some areas, poachers forming bands of 12-40 people. The price of the European glass eel has soared in the Chinese market. In response, the Spanish CITES MA sent an alert to all control entities (Customs, EG, Enforcement, CITES Offices, etc.). The Spanish Enforcement Police started the investigation, and shared intelligence. Coordination through Europol was requested as the organization operates in more countries within the EU. The Financial Intelligence Unit engaged in the investigation (Guardia Civil). Customs officers at the exit border tagged objectives (enterprises, people, “modus operandi”, etc.). Prosecutors in Spain and Eurojust gave a helping hand. The action resulted in enforcement actions by police in Pt, It, Fr, UK, Sweden, and other EU countries.

Mr. Antonio Galilea Jiménez also reflected on the permanent marking of specimens, employed by Spanish authorities, to enforce traceability, as set out in Chapter XVI marking requirements of Regulation 865/2006. Some of the methods used are:

- Birds: seamless closed ring, or when justified with an unalterable microchip transponder (ISO Standards)
- Live vertebrates (no birds) with transponder or when is not appropriate, by means of uniquely numbered rings, bands, tags, tattoos, or similar means.
- When not possible, MA will issue a transaction-specific certificate with the appropriate stipulations therein.
- Carvings or artistic items: size, weight and detailed photo attached to the license.

Enforcement should be led by risk analysis in order to be efficient with available resources. Possible risk criteria are demand levels, source countries, transportation system, market value, existence of a legal market, advice from SRG and scientific authority, IUCN population status, seizure records, new species, etc.

3.7 Reporting and analysis of illegal trade (EU-TWIX)

Ms. Magdalena Norwicz presented EU-TWIX: a successful tool for wildlife law enforcement officials in Europe. EU-TWIX stands for “EUrope - Trade in Wildlife Information eXchange”. It is an internet tool developed to facilitate information exchange and international co-operation between wildlife law enforcement officials in Europe. It has two components: a mailing list and a website containing useful resources and a database of seizures. It was established by the Belgian Federal Police, Customs and CITES Management Authority, and TRAFFIC in October 2005. The database currently offers access to over to 1300 enforcement officials across 39 European countries. Enforcement agencies include, but are not limited to customs, police, environmental inspection services, CITES Management Authorities, veterinary and phytosanitary inspection services, prosecutors and judges, CITES Secretariat, European Commission, EUROPOL, INTERPOL, UNODC, World Customs Organization.

The database provides only non-nominal information. Names and other sensitive information are only given if already available via other open sources. The information shared on the mailing list and/or data stored in the database remain the property of the agency who provided it/them. The information and/or data available on EU-TWIX cannot be shared outside the network without prior authorisation from the owner of the information/data.

The mailing list connects officials from different countries via their work email address. There is real time information sharing like alerts, routes, dissimulation methods and other relevant information that can lead to investigations. It also offers rapid identification assistance. There were over 420 messages exchanged in 2019. Ms. Magdalena Norwicz provided an example of investigations triggered



by information sharing. An illegal trade case in the NL, led by the Dutch Police (8 EU countries involved) was triggered by a seizure alert shared by the Hungarian Customs via the EU-TWIX mailing list in 2011. All nominal information related to the investigation were exchanged via legal channels and not the mailing list. It resulted in important seizures of birds (hundreds of specimens), money and properties (close to 800 000 EUR); and in two court cases in 2015 (two individuals received prison sentences).

The website (www.eu-twix.org) provides secure and restricted access to officials. It stores a database of seizures (with charts and trading routes), resource materials (training materials, guidelines, directories), and archives of the mailing list. The website offers the possibility to combine search criteria to sort close to 75 000 seizures records from 30 countries. The seizures cases go back to the year 2000 for most countries. One of its main benefits is the possibility to monitor current illegal trade patterns (e.g. species, countries, concealment methods most relevant in illegal trade), leading to the definition of enforcement priorities and capacity building needs.

Reporting to the database is based on a standardized template, including information on seizures and prosecutions. All seizure data are reported once per year; before June 15. National agencies can centralize data and choose one agency to submit them or agencies can report individually. The data are cleaned, checked for consistency and uploaded by EU-TWIX staff. Finally, it becomes available to all users on the EU-TWIX website. The database is the source of a CITES Annual Illegal Trade Report, which is sent to the EC, who reviews it and submits it to the CITES Secretariat.

3.8 Examples of enforcement actions in EU member states

Ms. Pavla Rihova presented examples of enforcement actions in EU member states. The first was Operation Lake in September 2018 originating in an alert from Spain about the beginning of glass eel season. Control arrangements were made at the Prague airport which resulted in the seizure of 3 suitcases with 18 kg of glass eels in 36 bags (500 g) cooled with ice bottles. The eels were transferred to a Slovak aquaculture facility. After 5 months the eels reproduced increasing to a mass of 146kg. They were eventually released into the rivers Odra and Opava.

The investigation relied on an interested prosecutor and required coordination among institutions. The courier and her brother were taken into custody and a connection was made with German and Swiss cases, resulting in a request for mutual legal assistance. The investigation uncovered an organized group operating in several EU states. The courier and leader were sentenced to 2 and 2.5 years of imprisonment.

The second example related to tigers. There was a 2.5 year investigation on the killing of tigers, production and distribution of tiger products based on seizures of suspicious products at the Prague airport and inspections of breeders. The investigation and shut down of the illegal operation of breeding required the cooperation between multiple agencies, including forensic geneticists, fire brigade, wildlife experts and veterinary doctors. The breeder was sentenced to 2 years of suspended imprisonment and a fine of 11 500 EUR. The taxidermist was sentenced to 3 years imprisonment, and the trafficker to 2 years suspended.

Ms. Pavla Rihova concluded that effective enforcement requires collaboration of all stakeholders, communication along the enforcement chain and coordination of investigative procedures. Joint and regular trainings of inspectors, police officers, customs, prosecutors and judges are an important tool to build knowledge, but also trust and enforcement ties.

3.9 CITES and the listing of Anguilla on Appendix II of the Convention

Ms. Karen Gaynor gave an update on the European eel – The EU Evaluation and International Developments. The recruitment of young European eels (glass eel) to the continental stock had decreased by 95- 99%, compared to its levels in 1960-80. IUCN classified European eel (*Anguilla anguilla*) as Critically Endangered. The species faced a number of threats (e.g., barriers to migration, overfishing, environmental changes, habitat destruction, parasites, predators and international trade). It is a heavily traded species, with high demand in Asia. Advice from the International Council for the Exploration of



the Seas (ICES) working group on European eel (WGEEEL) has consistently stated that the status of eel is critical and urgent action is needed.

The inclusion of European eel (*Anguilla anguilla*) on CITES App II was proposed by Germany on behalf of EU at CoP14 (June 2007). Proposal went to a vote in Committee I: result was 93 in favour, 9 against, and 4 abstentions. The proposal was adopted and the listing came into force 13 March 2009. European eel is one of 16 species of anguillid eels, but it is the only one that is covered by CITES. Other frequently traded species include *A. bicolor*, *A. japonica*, *A. marmorata* and *A. rostrata*.

As an Appendix II species, commercial trade in European eel could continue subject to the following:

- Legal Acquisition Finding (LAF): A Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora
- NonDetriment Finding (NDF): A Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species

EU Member States unable to make an NDF for *Anguilla anguilla*, so in December 2010 a zero-export quota was established and imports from non-EU range States into the EU were also suspended. This “ban” remains in place today. Council Regulation (EC) no 1100/2007 sets out measures for the recovery of European eels, including requirement for Member States (MS) to develop Eel Management Plans (EMPs) at the river basin level.

The objective of each EMP must be to permit the escape to the sea of at least 40% of the biomass of silver eels that would exist in the absence of any human impact. Member States who permit glass eel fisheries should reserve at least 60% of the catches for conservation-oriented re-stocking within the EU. However, the stock has remained at a critical state, with recruitment at an all-time low and exploitation of the stock was considered unsustainable.

EU eel Regulation evaluation found that the Regulation remains relevant and fit for purpose. It has been effective in that key MS have developed EMPs, but escapement levels still well below 40% target. Long-term use of restocking as conservation measure was questioned. There were shortcomings in monitoring fisheries and traceability. A need to improve efficiency of MS reporting was noted. The Regulation remains an important stimulus for other actions on European eel. However, recovery of species remains far from certain.

CoP18 Decisions (18.197 - 18.202) on eels aim to encourage greater collaboration between European eel range States, transit and destination States in the conservation and management of the species and in tackling the illegal trade; encourage range States of non-CITES listed anguillid eels to improve the management of those species; investigate levels of trade and emerging trends in trade patterns concerning anguillid eels (study); look in more detail at a range of issues including NDFs, traceability, illegal trade, ranching, disposal of confiscated live specimens and customs codes.

3.10 CITES management and scientific authorities in the enlargement countries – practice, obstacles, key challenges in EPPA beneficiaries

Bosnia and Herzegovina

Bosnia and Herzegovina is a party to the CITES Convention. The implementation is done at entity level (also through nature protection laws), coordinated by a Council of Ministers decision at state level. The decision contains an annex with a list of protected wildlife, and necessary content of permits and certificates. The decision is partially aligned with the relevant EU regulations. The Ministry of Foreign Relations and Trade is the managing authority, in cooperation with the authorities of the entities. The permitting process starts with the submission of the necessary documentation to the competent authorities in the entities, who validate the application and forward their written consent to the Ministry of Foreign Relations and Trade, which issues the permit. The entities appoint the scientific authorities, which assist the permitting process. However, the scientific authorities are not yet appointed by the



entities. The Indirect Taxation Authority of Bosnia and Herzegovina (custom sector) carries out the enforcement through import/export permit checking during transit.

The next steps are to appoint the scientific authorities, to align existing legislation with CITES requirements, including amendment of criminal laws, ordinances on animals in captivity, ordinance on the proclamation of protected species, etc. Further work is necessary to strengthen implementing legislation, to strengthen inter-institutional cooperation, and to increase capacities through training and exchange of experience.

Kosovo*

The Ministry of Environment and Spatial Planning is the designated managing authority. At the moment, the scientific authority is not yet designated. The enforcement authorities are the border police and customs, and the nature inspectorate. CITES regulations are reflected in the law on nature protection, complemented by administrative instructions for permitting and trade. At the time, Kosovo* has not issued any CITES permit. The main challenges are a lack of knowledge of procedures by the stakeholders. Capacity building to enforce CITES is necessary for all actors.

North Macedonia

North Macedonia is a party to the CITES Convention. CITES convention is transposed into the nature protection law. It has been supplemented by implementation by-laws. The Ministry of Environment and Physical Planning is the managing authority. Permits are issued based on opinions from scientific institutions mandated by the government to do so. The scientific institutions are the Faculty of Natural Sciences and Mathematic, Faculty of Agricultural Sciences and Food, Faculty of Forestry, Faculty of Veterinary Medicine, the Natural History Museum, and the Hydrobiological Institute. Scientific institutions also participate in studies and in the monitoring of species present in the CITES annexes.

From 2000 to 2020, the Ministry issues 848 CITES permits. North Macedonia submits an annual report to the CITES Secretariat on the number and type of permits issued, countries of import/export. Border crossing can only be made with the relevant permit, in addition to a veterinary certificate for live animals.

The next steps are to draft a new law, and by-laws specifically for the implementation of CITES to harmonize with the EU-WTR, to prepare a feasibility study for a centre to care for injured and seized wildlife. The main challenges are related to animal breeding in captivity in order to properly implement CITES, border services capacities to recognize CITES species, the establishment of a centre to care for injured and seized wildlife, lack of staff and facilities, coordination between national authorities, and insufficient representation of scientific institutions in CITES implementation.

3.11 Enforcement of CITES regulation, barriers and potential solutions in EU enlargement countries – The Serbian case-study

Mr. Pavle Jovanovic presented CITES enforcement in Serbia as a case study for the implementation of CITES, its barriers and potential solutions in EU enlargement countries. The management authority is the Ministry of Environmental Protection, which has 2 full time staff members. There are 10 organizations assigned the scientific authority role, including Institutes for Nature Conservation, Universities, Natural History Museum in Belgrade, etc. There are 5 enforcement authorities: State Environmental Inspectors (10 staff), Provincial Environmental Inspectors (5 staff), Customs, Border Police, and Criminal Investigation Police. All have partial competences with respect to CITES (none are specialized for wildlife).

Control of wildlife shipments at the border crossings is made by customs with support of the management authority, scientific authorities, and EUTWIX when needed. There are 99 wildlife crime liaison public prosecutors across the country that can be called into action in case irregularities are detected. The management authority is at the centre of inter-institutional cooperation in Serbia, thus ensuring that all stakeholders are engaged and can rely on each other.

There are 34 Serbian officials on EUTWIX Mailing List (CITES MA, enforcement, and prosecutors). The National CITES focal point has access to the EUTWIX Database. Serbia participates at the EU



Enforcement Group Meetings since 2011 (CITES MA or Customs Administration Anti-Smuggling Division staff).

In terms of capacity building Serbia prepares printed material for distribution to enforcement authorities, public prosecutors, judges, etc., complemented by specialized CITES training for customs and border police, and public prosecutors. At the international level, Serbia has benefited from Twinning programmes and cooperation with EU MS, like with the Italian Ministry of Defense, which resulted in specialized training for prosecutors, border and criminal investigation police, customs.

Since 2010 Serbian enforcement authorities seized more than 2,000 live wild animal specimens, most frequently birds and reptiles, but large carnivores and primates are also occasionally seized. Most animals are placed in the care of Palić Zoo, but also Belgrade Zoo and in many cases in facilities abroad when long term placement is not possible in Serbia (Primates – Primadomus (ES), Poisonous snakes – Zagreb Zoo (HR), Wolves – Arctuors (GR), Lions – Lionsrock (ZA), Bears – Vier Pfoten (CH, DE, BG). Reintroductions to the wild of smuggled or illegally traded/kept animals is very rare, but some cases have occurred (ex. Orphaned brown bear cubs).

Some of the major challenges in Serbia are:

- Low political priority – wildlife crime is currently not a priority in national policies
- Insufficient staff – workload per available staff is too large to be effectively handled
- Enforcement issues – Environmental inspectors do not have the competences to investigate wildlife crime, Criminal Investigation Police and Public Prosecutors still do not have the extensive experience in tackling wildlife crime. Recent establishment of Environmental Crime Police Division (2019) is a step in the right direction, but active involvement in conducting wildlife crime related investigations is necessary
- Penal Code - wildlife – not completely harmonized with EU Environmental Crime Directive
- CITES training programmes for enforcement, prosecution and judiciary in times of COVID 19 – CITES and wildlife offense and crime related training programmes have been planned and conducted on site, but with COVID19 all training sessions will be adapted for online learning
- Wildlife rescue and rehabilitation centers – there is a serious lack of infrastructural capacity, expertise, human and material resources to effectively house live specimens of seized/confiscated/injured wild animals
- Zero year – the status of thousands of live specimens reported in 2011 to the CITES Management Authority without documented proof of legal origin, and their subsequent offspring, not formally resolved (legal basis exists, but additional bylaw provisions not defined yet)
- Wildlife DNA and forensics analysis – no laboratory currently exists in Serbia which conducts DNA analysis (paternity tests for protected species of wild fauna) or forensic analysis
- Scientific Authority involvement – insufficient in relation to CITES issues such as NDFs, detailed studies and analyses for populations of certain species
- Wildlife/Poison detector dogs – no wildlife detector dogs for CITES species at the border or for detecting poisons in nature exist in Serbia at the moment (possible specialized training for Serbian Police Service dog Unit during the WWF SWIPE 3 year project)
- Problems at border checkpoints:
 - Physical inspection of the shipment contents upon import/export/er-export, as well as the documentation check must be done on the border inspection post
 - Customs system for risk analysis cannot be utilized properly at the border for some shipments that contain 3(live animals for example)
 - Lack of qualified personnel and equipment



3.12 Examples of best practices in EU member states for verification of claims of captive breeding and legal acquisition/origin for CITES listed species

Mr. Antonio Galilea Jiménez presented best practice cases dealing with reptiles. In 2005, an individual was arrested while on an attempt to smuggle 9 *A. cristatus* and 2 *conolophus subcristatus* (marine iguana) listed in Appendix II of CITES – Annex B or EU Regulation. Trade is forbidden since July 1st 1975 as Ecuador has never allowed any export. There are none at zoological gardens, at least in Europe (EZA) and no commercial trade has ever been reported since 1975. The price per head is estimated at 25,000 to 40,000 euros (440 000 euros).

The smuggler was sentenced to 2 years imprisonment, a 24,000 US\$ fine, and he was banned to go to the Galapago's Islands. The operation involved cooperation with Ecuadorian Authorities and Spain, Switzerland, Uganda, Mali, Japan. The example shows that a risk analysis can provide a list of species sensitive to traffic. It also allows to identify the methods used to deceive authorities:

- Self-declaring captive breeding operations without prove of parental stock legality or traceability,
- Presenting a veterinary Certificate as prove of breeding,
- Refused reptiles for export in Spain are exported on another EU country, by the same owner/source,
- Export consignment after having been checked at the border is manipulated and the animals changed.
- Species scientific name is declared as that of a similar species, i.e. *Terrapene nelsoni*, *Cyclura cychlura figginsi*.
- Get the number of a valid permit or certificate, one for all and all for one; declare it as bred in captivity inside the EU, and export it to get an official permit by the MA

CITES listed species (Annexes A/B/C) are more valuable, more exclusive, but Annex A laundering is not easy, and Annex B listed have to be laundered within the EU, which means that more than one country is involved. While preparing a list of species at risk, it is recommended that:

- cross check with neighboring countries.
- assure traceability for which cooperation with MAs must be high, to confirm legal origin.
- Have coordination meetings among authorities (Enforcement, Management, Prosecutor Office, ...) to focus on the selected species,
- Export application of sourced animals in another EU MS to be advised by the alleged country of Origin.
- Capacity building is essential: identification to the species/subspecies level needed, global trade, document check, etc.
- Agree on the criteria "what has to be considered as legal origin of Annex B species".
- DNA testing: for the determination of species such as Fiji iguanas (*Brachylophus sp.*), paternity
- testing for Annex A tortoises (*Astrochelys radiata*). Sampling is easy, from the mouth or nails, without harming the animal. Egg shells can be used also as source of DNA.
- Request information of the breeding operation before each season (documents, parental stock, facilities, hatchlings, survival rate of offspring, etc.)

Mr. João José Loureiro presented best practice cases dealing with birds in light of the ICNF (Portugal's nature and forests conservation authority). ICNF is responsible for the protection of indigenous species and those that fall under the Bern Convention, Bonn Convention, Birds and Habitats Directives, and other special legislation. ICNF is the management authority for CITES and it also coordinates the scientific authority and the enforcement group.

Portugal responded to enforcement challenges by passing new legislation, namely: higher fines (done – Law 50/2006, partially changed in 2009), changes on the Penal Code: criminal penalties (done – Law 59/2007), new CITES legislation (done –Decree-Law 121/2017) related to a registration scheme of Annexes A, B and C listed specimens; registration of keepers/traders; marking of Annexes A, B and C listed



specimens. In addition, there has been training for prosecutors and judges, and other enforcement authorities.

Many parrot species, but also many species of other bird groups, have been identified to be part of the illegal trade. Therefore, the careful check of breeding facilities and the careful proof of legal offspring would be a challenge for the authorities of the member states. Mr. João José Loureiro provided guidance, based on Portuguese experience, on the preparation and carrying out such checks. It is up to the authority in charge to check and decide whether all of the steps need to be taken into account or whether single steps can be neglected:

1. Collect and evaluate all data available

Some member states have established an obligatory registration scheme for live specimens of protected species listed in Ann. A and/or B Reg. EC No. 338/97 but other member states don't have such a tool. Nevertheless at least all breeders of parrot species listed in Ann. A Reg. EC No. 338/97 should be known to the authorities because of the requirement to issue certificates for internal trade. Data related to the keeping and breeding might be stored by the management authorities but also by veterinary services because of animal welfare rules or regulations related to diseases (especially for parrots). If the facility is known as commercial breeding facility information might be available also at the municipalities (trade supervisory offices and others). This data may provide the first information about the species, the number of specimens and the dimension of the facility.

2. Distinguish between routine checks and checks related to criminal investigation

Depending on the domestic legislation checks can be carried out based on different rules. Regular checks of breeders because of applications for documents can be carried out in accordance with administrative legislation or species conservation legislation usually. If the check shall be carried out as a result of criminal investigation the penal code or the code of criminal procedure need to be observed. Usually a house search warrant issued by the public prosecutor or the court will be necessary in such cases. Depending on that you also have to keep in mind animal welfare rules especially if the check should be carried out during the breeding season. Any disturbance of breeding pairs may lead to claim for compensation of damages or loss of offspring. In the case of criminal investigation such arguments will be not of such an importance because of the shortage of time. If it's a regular check a time should be the selected to reduce impacts to breeding pairs. Nevertheless the permanent claim of breeders not to disturb during breeding season should not be an argument to postpone checks again and again.

3. Right of access

Depending on the domestic legislation the right to access of a breeding facility may be limited by law. On the other hand the issuance of certificates according to Art. 8 para 3 Reg. EC No. 338/97 requires to prove the legal breeding which includes checking the offspring but also the legality of the parental stock.

4. Notice of the check or not?

There is no general rule to notice the breeder about a foreseen check or not. In case of criminal investigation such a notice would be counterproductive. Regular checks may be notified to ensure that the owner of the facility especially if it's a small one will be available.

5. Prepare for identification and breeding conditions

If possible some time should be taken to prepare for the identification of species and to identify significant differences between the relevant species (if known). Also information about the breeding conditions (f.e. keeping the parents separately or keeping specimens in crowds; demands on breeding places) and the possible number of offsprings should be evaluated. In most cases experts need to be asked to join you for identification purposes but also for problems related to the handling of specimens.

6. Other authorities involved and need to be informed or asked for participation

Checks should never be carried out by a single person only because you need to have witnesses. In the case of regular checks at least the veterinary service should be involved because of questions related to animal welfare or to diseases. Often experts need to be available.

7. Technical tools required

To carry out the check several technical tools are required



- Microchip reader
- magnifying glass to check rings
- digital camera
- identification manuals
- laptop or other computer

8. Be prepared for taking blood or feather samples and to keep the chain of custody

Often samples will be required for DNA-Analysis. Depending on the laboratories requirements different samples need to be taken. Some labs require blood samples others are able to work with feathers only. Blood samples can be taken by a vet. Feathers might be taken by the breeder or by a vet. In each case ensure to have the right containers for the samples and to keep the chain of custody. For blood samples the laboratory usually provides the right containers. Feather might be stored in plastic bags. Always close the container/bag immediately after putting in the samples and mark the container/bag uniquely. Note the type of samples, the specimen (ring, microchip), the container/bag and the marking in your files immediately. A complete protocol is required

9. Think about health and safety and take care for the required tools

Several bird species may carry diseases which may cause risk to humans also. Therefore a face mask, gloves and rubber boots should be available.

10. Don't handle the animals

The beak of many parrots but also claws may cause heavy injuries. The same applies to birds of prey or owls. To prevent injuries of you but also injuries or damages of the animals they should be handled by the breeder himself or by an expert. If it's a regular check the breeder should be willing to support you by handling the animal f.e. when checking the marking. In other cases experts should be available to handle the animals carefully.

11. Be prepared for the transportation of the specimens and rescue centers

Be prepared to seize animals and to take them away. Therefore you need to check whether rescue centers are available and whether transport boxes and cars to transport the animals should be ready for use. Again you need the support of experts to catch the animals and you need to write the protocol. For this prepared forms are helpful

12. Costs

DNA-Analysis and disposal of animals will create costs which may reach an enormous level very soon. The same applies if the cooperation of experts is required. In the case of criminal investigation such costs are usually part of the investigation costs. In administrative procedures the regulations might be different. In some countries the following rule may apply: if analysis and seizure is based on the suspicion of illegal activities and if this will be confirmed the costs should be covered by the person involved. In other cases the costs may be covered by the administration. If cost intensive analyses are required as part of the application the costs should be covered by the applicant.

3.13 The role of customs and cooperation with management and scientific authorities in controlling legality, sustainability and traceability of CITES trade - Case study from Croatia

Ms. Liljana Lepotinec and Ms. Anita Pokrovac Patekar presented the Croatian customs service experience in controlling legality, sustainability and traceability of CITES trade. International trade in CITES species must fulfil three conditions: legality, sustainability and traceability. The Croatian act on transboundary movement and trade in wild species (O.G. 94/13 and 14/19) regulates the handling in transboundary movement and trade in specimens of animals and plants and their parts and derivatives for the purpose of implementation EU Regulations; regulates the handling of commercial use and export of specimens of native wild species (animals, plants, fungi and/or algae), their parts and derivatives strictly protected pursuant to the Nature Protection Act (O. G. 80/13.); determines the competent authority and their responsibility, tasks for the purpose of implementing the regulations and the provisions of this Act; regulates the supervision over the implementation of the provisions of this Act and misdemeanours for violation.



In Croatia, the management authority is the Nature Protection Directorate (Ministry of economy and sustainable development). The scientific authority is the Institute for Environment and Nature Conservation (under the supervision of the Ministry of economy and sustainable development). Enforcement is carried out by the State Inspectorate and the Customs Administration.

Customs has a key role in controlling legality, sustainability and traceability of CITES trade. Permits, certificates or notifications are required for trade to and from the EU (import, export, re-export) in animal or plant species will only be issued if certain conditions are met, and they must be presented to the Customs service before a shipment is allowed to enter or leave the EU. A Customs officer involved in border inspection, is usually the first line or last line on defense (sometimes the only) level of inspection of shipments of CITES specimens. This places a great burden on Customs to verify that trade is in accordance with CITES provisions, to detect fraud and illegal trade where it occurs, and inform the Management Authority.

In particular, the Croatian customs administration is responsible for the monitoring and regulation of Legal Wildlife Trade and for detecting and interdict Illegal Wildlife Trade, in particular:

- check cross-border traffic and transit of species listed in the A or strictly protected native species, and in particular;
- verify the specimens at the time of crossing the border have valid permits, certificates or other documents issued in accordance with provisions of this Act, and the Convention;
- check whether the specimens in the consignment correspond to the data specified in the permits and accompanying documentation, with the assistance of the Ministry, nature protection inspection, border veterinary, phytosanitary inspection or other professional bodies, if necessary;
- carry out the misdemeanor procedures;
- notify the Ministry of the finding of declaration of specimens that may be the subject of violations.

In order to fulfil its mission the customs administration officers must be familiar with CITES legislation and regulations; identify the controlled specimen/items (ask for help from inspectors (SI) and Managing authority); know what exemptions exist; ensure that health and safety are protected; physically examine of specimen items; collect the necessary evidence (documents, images etc.); know, communicate and cooperate with the Managing authority on an ongoing basis (before and after seizure of items).

Croatia does not require a permit for personal and household items if they meet one of the following conditions:

- They must be a part of the personal luggage of the traveler who is coming from or going to a third country, or
- They must be a part of the personal belongings of the person who is changing their residence by moving from a third country to the Union, or from the Union to a third country, or
- They are hunting trophies that the travelers won themselves and they are being imported later.

Ms. Liljana Lepotinec and Ms. Anita Pokrovac Patekar concluded the presentation with an example of enforcement by the customs authority. In 2019, at the Zagreb international airport, around 252 000 live specimens of glass eel (72kg; 450 000 euros) were found in personal luggage of foreign passengers flying to Russia. The shipment was detected to the unusual shapes revealed by the X-ray control. The eels were packed in bags filled with air and ice and looked like large balloons. The suitcases had thermal protection. The seized eels were placed in the Zagreb Zoo for temporary care. A significant number (half) of animals died within 72 hours due to packing methods and smuggling methods. Both foreign citizens were sentenced to one year in prison, suspended for four or five years, and each received a fine of 50,000 HRK.



4 Conclusions

Wildlife trade is a significant sector of trade for the EU. According to the EU 2017 Annual Report, it logged over 106 000 import transactions of more than 28 million individual items and 8.5 million kg of commodities reported by weight. 94% of import transactions are for commercial purposes. In terms of exports, there were over 336 000 export transactions of nearly 18.8 million individual items and 449 tonnes of commodities reported by weight. 54% of the transactions were reexports. The desirability of CITES protected species is clear, and it is also reflected in the estimated illegal trade volume and profits. Therefore, implementation and enforcement are essential to preserve global biodiversity and ecosystems.

The Regional Workshop on Implementation of CITES Regulations offered a comprehensive view of the EU Wildlife Trade Regulations (EUWTR) in terms of the requirements set out by the regulations and its implementation by individual member states. Implementation and enforcement are supported by a number of tools, including EC guidance documents, and CITES specific products like Species+, the CITES Checklist and Trade Database, EU-TWIX.

Member States offered their experience with permitting processes and the use of electronic means to facilitate and speed the process of issuing and enforcing CITES and the EUWTR, including cross-border cooperation. Member states also demonstrated how their management, scientific, and enforcement authorities distribute competences, coordinate, and implement the relevant legislation.

Case-studies of seizures, specific species, and investigative operations were also presented to highlighted some of the modus operandi employed by smugglers, as well as the need to focus enforcement efforts based on a risk analysis approach.

The EPPA beneficiaries presented their legal and implementation progress of CITES and EUWTR. Although some beneficiaries are not party to the CITES convention, all are making efforts to harmonize with EUWTR. Some of the issues noted are that some countries still need to appoint scientific authorities, there is a lack of resources (human and financial) and a need for further capacity building (especially for enforcement), there is a need to increase inter-institutional cooperation between all CITES actors, and, finally, the need to establish centres to care for seized wildlife.

Regarding the rescue centres, and after discussion among the participants, it was agreed that a potential regional application to EU funds for a network of rescue centres for seized wildlife, assisting in the implementation of the EU-WTR and the Birds and Habitats Directives, is a possibility for the beneficiaries. In parallel, short- and long-term efforts can be dedicated to developing guidelines for protected areas to temporarily accommodate such function (Serbian practice), or to create agreements with private rescue centres to take the seized specimens (Spanish practice).

Workshop outputs

The workshop's main outputs were:

- Enhanced understanding of the topic, policy and legislation, challenges, and current practices;
- Enhanced exchange of experiences within the beneficiary region and between the beneficiary region and EU Member states;
- Established contacts between CITES and EU-WTR practitioners, resulting in better cooperation;
- Better capacity to deal with the challenges related to the implementation of CITES and EU-WTR;
- Identified key issues in the EPPA beneficiaries for the implementation of CITES and EU-WTR.



Endnotes

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.



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