

How to Close the Loopholes in the EU Wildlife Trade Regulations



Model Legislation



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In 2020, the European Commission adopted the EU Biodiversity Strategy for 2030 as part of its flagship European Green Deal policy package. This Strategy represents a binding political commitment to protecting and restoring biodiversity not only in Europe, but also elsewhere around the globe. It explicitly acknowledges that we are losing nature like never before because of unsustainable human activities, underscoring the fact that the global population of wild species has fallen by 60% over the last 40 years and 1 million species are presently at risk of extinction.

The EU is a main hub and destination for stolen wildlife

While the Commission clearly wants to show robust global leadership on biodiversity protection, the inconvenient truth is that the EU is still failing to prevent biodiversity decline in other parts of the world due to shortcomings in its own legislative framework. In short, there is a significant legislative loophole in the present EU wildlife trade regulations, which still allows many protected wildlife species that are illegally collected in and exported from their country of origin to be imported and traded legally in the Union. The EU remains a hub, transit point and destination for exotic pets, which were illegally caught and smuggled out of their country of origin¹. EU residents are among the key smugglers, traders and clients for such species.

The implementation of the EU Biodiversity Strategy, which includes a pledge to revise the existing EU Action Plan against Wildlife Trafficking, presents an ideal opportunity to

rectify the current situation. In the following, we briefly explain how the existing EU wildlife trade legislation is failing to prevent the trade in wildlife, which has been taken in violation of the laws of non-EU countries and outline the actions that should be taken to halt this trade and protect global biodiversity.

Current legal framework in a nutshell

The trade in protected species of wild fauna and flora is presently regulated in the European Union in the framework of Council Regulation (EC) No 338/97 and its implementing Regulations². These Wildlife Trade Regulations set down the provisions for the import, (re) export and internal market trade in the species listed in the legislation's four Annexes. This is also the legislation through which the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are implemented in the EU. The majority of species listed in the EU Wildlife Trade Regulations Annexes are those listed under CITES, but some non-CITES species are also listed for consistency with legal protections to native species provided in the framework of the EU Nature Directives and the EU Regulation on invasive alien species. However, only a small fraction of the species offered as exotic pets in Europe are covered by either CITES, or the EU Wildlife Trade Regulation.

Every three years or so, during the CITES Conference of the Parties meetings new species may be added to the list, or the protection status of species may be upgraded, downgraded or removed altogether.

Loopholes in the EU Wildlife Trade Regulations

1 - http://www.gfintegrity.org/wp-content/uploads/2014/05/gfi_transnational_crime_high-res.pdf and <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52016DC0087&from=EN>

2 - Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein

The key problem with the current EU Wildlife Trade Regulations, which urgently needs rectifying, is that they do not cover all illegal wildlife trade. In reality, many species are protected nationally, but not (yet) at the CITES level. The process of getting species listed on CITES is extremely protracted given the length of time between COP meetings. The chances of listings are dependent also on sufficient scientific data on the species' conservation and its trade being available and/or accepted by a majority of Parties. A species being proposed by a range state for greater protection in terms of international trade does not necessarily mean that it will be granted listing on the CITES Appendices I (commercial international trade ban) or II (international trade restrictions).

While range states could request a listing of their nationally protected species into CITES Appendix III without the consent of other CITES Parties, current EU legislation neither prohibits nor imposes penalties for the sale, purchase, and ownership of illegally-sourced animals listed in CITES Appendix III. Only illegal imports into or exports from the EU could be sanctioned. As such illegally sourced animals were smuggled out of their country of origin, imports into the EU are generally not declared, imports are therefore difficult to monitor, and there are no sanctions for post-import activities.

Moreover, for some countries, such as Costa Rica, Sri Lanka and Australia, there are stringent restrictions on exporting any native wildlife, which is all protected from trade irrespective of whether the species are endangered or not. These species do not qualify for CITES listing.

In short, it is still possible in the EU to legally trade in domestically protected species taken in violation of the national legislation of third countries. Moreover, the CITES listing process, which leads to the routine updating of the Wildlife

Trade Regulations' Annexes, is not sufficient to prevent this form of wildlife trafficking.

It is also pertinent to note that while many species are protected nationally in non-EU countries, such domestic protections may be poorly enforced, especially in countries with limited capacities. As a result, wildlife traffickers are able to easily smuggle these animals out of their country of origin into legal international trade flows. **Wild animal species, such as reptiles and amphibians, which have been taken illegally, will end up being imported and sold perfectly legally as exotic pets on the EU market.** The legal trade in these illegally acquired species has been very well-documented.³

This illegal trade has had a devastating impact on animal populations and biodiversity elsewhere in the world. Native populations of wildlife are being decimated to supply the legal trade in Europe. The exotic pet trade is a prime, but not the sole, destination for these species. A diverse range of animal or plant-based products from the wild, including skins, medicinal ingredients, timber and wood-based products, such as furniture and fish, seafood and other food products, are regularly smuggled into the EU. There are, of course, significant animal welfare problems relating to the capture, transport and sale of wild specimens and high levels of mortality are associated with smuggling practices.

What action is needed?

It is imperative that the EU closes this gaping loophole in its Wildlife Trade Regulations by adopting supplementary legislation that prohibits the importation, transshipment, purchase and sale of wildlife taken illegally in the country of harvest/origin. This would also prevent the laundering of illegal wildlife

3 - e.g. https://www.prowildlife.de/wp-content/uploads/2020/08/Stolen_Wildlife_III_webversion-PDF.pdf; https://www.prowildlife.de/wp-content/uploads/2016/08/Stolen-Wildlifell_webversion.pdf; and <https://www.traffic.org/site/assets/files/12036/sri-lankan-reptiles.pdf>

through legal channels and would allow for the criminalisation of these offences under the EU Environmental Crime Directive.

There is already a precedent for this type of legislation elsewhere in the world. In the United States, the law providing law enforcement with the authority to prosecute cases of illegally taken wildlife is known as the Lacey Act.⁴ This US conservation law, which actually dates back to 1900, prohibits the trade in wildlife, fish, and plants, which have been illegally taken, possessed, transported, or sold.

When it comes to global biodiversity protection, we believe that the EU must move from

words to deeds by committing to delivering supplementary legislation to stop the trade in wildlife that is stolen from other parts of the world to be placed on the EU market.

To these ends, with the assistance of legal experts, we have drafted and hereby present an example of model legislation, which provides an illustration for EU policymakers of what such legislation could look like. In so doing, we hope to be able to concretise our calls for policy change and provide inspiration for future legislative action.



Australian Water Dragon (*Intellagama lesueurii*) in Brisbane, Queensland. - ©Andrew Mercer / CC BY-SA 4.0

4 - Lacey Act, 16 U.S.C. §§ 3371-3378 <http://www.fws.gov/international/laws-treaties-agreements/us-conservation-laws/lacey-act.html>.

Model legislation on the protection of wildlife obtained in violation of wildlife law in the country of origin

REGULATION (EC) on the protection of wildlife obtained in violation of wildlife law in the country of origin

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 190 and 192 thereof,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The European Union remains one of the top importers of wildlife from across the world, it is essential that a rigorous legal framework is in place throughout the Union to combat wildlife crime.

(2) Council Regulation (EC) No 338/97 applies the Convention on International Trade in Endangered Species of Wild Fauna and Flora in the Union; the purpose of the Convention is to protect endangered species of fauna and flora through controls on international trade in specimens of those species. Whilst Council Regulation (EC) No 338/97 only protects listed wildlife that are deemed at risk the purpose of this Regulation is to protect all wildlife and to prevent wildlife trafficking in species, including those not covered by 338/97 and to support national protection measures in the countries of origin.

(3) In order to improve the protection of species of wildlife and to combat all forms of wildlife crime, Council Regulation (EC) No 338/97 must be complimented by a Regulation taking into account the efforts made by countries outside of the Union to protect all wildlife within those regions. In consideration of those efforts and in solidarity with the global community, the introduction into the Union of such wildlife that contravenes conservation efforts by third countries is strictly prohibited.

(4) This Regulation will not interfere with the framework or objectives of Council Regulation (EC) NO 338/97 which lays down a system to regulate the international trade in specific listed wildlife. This Regulation, whilst operating outside of that system, will complement and further codify the legal acquisition requirement under Regulation 338/97 by ensuring that no wildlife, whether covered by that Regulation or otherwise, that is acquired in breach of the wildlife laws of a country outside the Union can be imported into the Union.

(5) This Regulation aims to support the objectives of several EU animal health and wildlife laws including Council Regulation (EC) No 338/97, EU Regulation 1143/2014 and Regulation (EU) 2016/429.

(6) This Regulation follows a long history from the global community urging that action be taken to tackle illicit wildlife trafficking far beyond that included in Council Regulation (EC) NO 338/97. Taking such action will ensure the Union is meeting its global commitments. Such requests taken by the global community include the Economic and Social Council resolution 2013/40 of 25 July 2013 on crime prevention and criminal justice responses to illicit trafficking in protected species of wildlife, in which the Council encouraged Member States to make illicit trafficking in protected species of wildlife involving organized criminal groups a serious crime. This was supported by General Assembly resolution 69/314 of 30 July 2015 on tackling illicit trafficking in wildlife, which urged Member States to take decisive steps at the national level to prevent, combat and eradicate the illegal trade in wildlife. This was followed by General Assembly resolution 71/L.88 which encouraged Member States to make use, to the greatest extent possible, of legal instruments available General Assembly resolution 73/343 of 16 September 2019 on tackling illicit trafficking in wildlife, which encouraged Member States to adopt effective measures to prevent and counter the serious problem of crimes that have an impact on the environment, conservation and biodiversity, such as illicit trafficking in wildlife and wildlife products, including wildlife protected by the Convention on International Trade in Endangered Species. A later General Assembly resolution (74/177) of 18 December 2019 on strengthening the United Nations crime prevention and criminal justice programme went further in expressing deep concern about crimes ... including illicit trafficking in endangered and, where applicable, protected species of wildlife and calls upon Member States to make illicit trafficking .. a serious crime in accordance with their national legislation. These commitments to end illicit wildlife trafficking were recognised by the United Nations Convention against Transnational Organized Crime in resolution 10/6.

(7) In 2021 the European Parliament passed resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives, which called on the Commission to propose legislation to ensure that the import, transshipment, purchase and sale of wildlife taken, processed, transported or sold in violation of laws in the country of origin is prohibited.

(8) To ensure effective enforcement of this Regulation, Member States should ensure trained personnel are carrying out the necessary formalities and corresponding checks where wildlife is introduced into the Union.

(9) In order to encourage compliance and deter circumvention and pursuant to Article 3(f) Directive 2008/99/EC on the protection of the environment through criminal law, Member States should introduce penalties for non-compliance with this Regulation. Those penalties should apply to any inaccurate information on the sourcing of wildlife and the failure to declare. Those penalties should be effective, proportionate and dissuasive. Penalties introduced by Member States should have an equivalent deterrent effect across the Union on the infringement of this Regulation.

(10) Member States should closely monitor compliance with this Regulation and cooperate and report to the Commission pursuant to this Regulation in a timely manner and in a common format.

(11) In order to raise awareness about this Regulation, Member States should, in cooperation with the Commission, develop appropriate materials, such as targeted online advertisements and posters, regarding the obligation to declare where wildlife has been sourced from.

(12) The provisions of this Regulation do not prejudice any stricter measures which may be

taken or maintained by Member States, in compliance with the Treaty, in particular with regard to protecting the welfare of individual animals and the conservation of species from specific risks, HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation provides for a system of controls with respect to wildlife entering the Union in contravention of the wildlife laws of the country of origin.
2. This Regulation shall apply to all wildlife that has entered or is about to enter the Union.
3. This Regulation shall apply until the wildlife referred to in the second paragraph has been seized by authorities.

Article 2

Definitions

1. For the purposes of this Regulation, the following definitions apply:
 - a. 'carrier' means any natural or legal person entering or leaving the Union carrying wildlife on their person, in their luggage or in their means of transport;
 - b. 'competent authority' means the customs authorities of the Member States and any other authorities empowered by the Member States to apply this Regulation;
 - c. 'country of origin' shall mean the country in which the wildlife was taken from the wild, captive-bred or artificially propagated;
 - d. 'entering the Union' means coming from a territory which is outside the territory covered by Article 355 TFEU, to the territory which is covered by that Article;
 - e. 'gifter' means any natural or legal person who gave away the wildlife before it entered the Union;
 - f. 'importer' means any natural or legal person who has organised for the wildlife to enter the Union;
 - g. 'intended recipient' means any natural or legal person who will receive the wildlife after it has been imported into the Union;
 - h. 'IUCN Guidelines' means the published guidelines from the International Union For Conservations Of Nature for the management of confiscated, live organisms;
 - i. 'relevant third country' means the country of origin and any other country connected to the activity that led to the wildlife entering the Union;
 - j. 'third country seller' means any natural or legal person who sold the wildlife before it entered the Union in exchange for financial remuneration or other consideration;

- k. 'Traces' means the integrated computerised veterinary system with a single architecture provided for in Decisions 2003/24/EC and 2004/292/EC;
- l. 'wildlife crime' means any violations of the laws, which regulate the taking, possession, distribution, importation, exportation, transportation, purchase or sale of wildlife in the country of origin or any international agreement concerning or relating to the protection, conservation, management, trade or use of wildlife;
- m. 'wildlife' means any wild animal, whether alive or dead and any wild plant, whether alive or dead.

Article 3 **Obligations on importers**

1. The importing into the EU of wildlife, which is connected to wildlife crime in the country of origin shall be prohibited.
2. Importers who arrange for the shipment of wildlife to enter the Union shall declare that such wildlife to the competent authorities of the Member State through which they are first entering the Union and make it available to them for control.
3. The obligation to declare referred to in paragraph 2 shall not be deemed to be fulfilled if the information provided is incorrect or incomplete or if the wildlife is not made available for control.
4. The declaration referred to in paragraph 2 shall provide details about the following:
 - a. the importer of the wildlife, including the full name, contact details, including address, date and place of birth, nationality and identification document number, where the importer is a natural person, or the full name, contact details, including address, registration number and, where available, value added tax (VAT) identification number, where the importer is a legal person;
 - b. If different to paragraph 4 a., the carrier, including full name, contact details, including address, date and place of birth, nationality and identification document number, where the carrier is a natural person, or the full name, contact details, including address, registration number and, where available, value added tax (VAT) identification number, where the carrier is a legal person;
 - c. If different to paragraph 4 a. and paragraph 4 b., and where available, the intended recipient of the wildlife, including the full name, contact details, including address, date and place of birth, nationality and identification document number, where the intended recipient is a natural person, or the full name, contact details, including address, registration number and, where available, value added tax (VAT) identification number, where the intended recipient is a legal person;
 - d. the third country seller or gifter of the wildlife, including the full name, contact details, including address, date and place of birth, nationality and identification document number, where the third country seller or gifter is a natural person, or the full name,

contact details, including address, registration number and, where available, value added tax (VAT) identification number, where the third country seller or gifter is a legal person;

- e. the species and the number of individuals or specimens;
 - f. the country of origin of the wildlife;
 - g. the intended use of the wildlife;
 - h. the transport route;
 - i. the means of transport; and
 - j. declaration that the wildlife is not connected to any wildlife crime in the country of origin.
5. The confirmation in paragraph 4 j. can only be made if the importer has made reasonable enquiries to satisfy themselves that the wildlife is not connected to any wildlife crime in the country of origin and where requested proof should be made available.
6. The details listed in paragraph 4 of this Article shall be provided in writing or electronically, using the declaration form referred to in Article 15. An endorsed copy of the declaration shall be delivered to the importer upon request.
7. Member States shall permit the declaration referred to in paragraph 2 to be handled and transmitted by means of Traces provided all the information referred to in paragraph 4 is included.

Article 4 **Obligation on carrier to declare origins of wildlife**

1. The carrying into the EU of wildlife, which is connected to wildlife crime in the country of origin shall be prohibited.
2. If different from the importer, carriers who enter the Union with any wildlife shall declare the origins of that wildlife to the competent authorities of the Member State through which they are entering the Union and make it available to them for control.
3. The obligation to declare referred to in paragraph 2 shall not be deemed to be fulfilled if the information provided is incorrect or incomplete or if the wildlife is not made available for control.
4. The declaration referred to in paragraph 2 shall provide details about the following:
- a. the carrier, including full name, contact details, including address, date and place of birth, nationality and identification document number, where the carrier is a natural person, or the full name, contact details, including address, registration number and, where available, value added tax (VAT) identification number, where the carrier is a

legal person;

- b. the importer of the wildlife, including the full name, contact details, including address, date and place of birth, nationality and identification document number, where the importer is a natural person, or the full name, contact details, including address, registration number and, where available, value added tax (VAT) identification number, where the importer is a legal person;
 - c. If different to paragraph 4 a. and paragraph 4 b., and where available, the intended recipient of the wildlife, including the full name, contact details, including address, date and place of birth, nationality and identification document number, where the intended recipient is a natural person, or the full name, contact details, including address, registration number and, where available, value added tax (VAT) identification number, where the intended recipient is a legal person;
 - d. The third country seller or gifter of the wildlife, including the full name, contact details, including address, date and place of birth, nationality and identification document number, where the third country seller or gifter is a natural person, or the full name, contact details, including address, registration number and, where available, value added tax (VAT) identification number, where the third country seller or gifter is a legal person;
 - e. the species and the number of individuals or specimens of the wildlife;
 - f. the country of origin of the wildlife;
 - g. the intended use of the wildlife;
 - h. the transport route;
 - i. the means of transport; and
 - j. declaration that the wildlife is not connected to any wildlife crime in the country of origin.
5. The declaration in paragraph 4 j. can only be made if the importer has made reasonable enquiries to satisfy themselves that the wildlife is not connected to any wildlife crime in the country of origin and where requested proof should be made available.
6. The details listed in paragraph 4 of this Article shall be provided in writing or electronically, using the declaration form referred to in Article 15. An endorsed copy of the declaration shall be delivered to the carrier upon request.
7. Member States shall permit the declaration referred to in paragraph 2 to be handled and transmitted by means of Traces provided all the information referred to in paragraph 4 is included.

Article 5
Database of global wildlife laws

1. To assist with compliance of this Regulation the Commission will create a database of global wildlife laws to be reviewed and updated regularly. This database will be shared with each Member State who will ensure that it is made accessible to importers, carriers and traders of wildlife.
2. The Commission will invite countries outside of the EU to amend, add and update the information to ensure accuracy.
3. The purpose of the database is to assist importers, carriers, traders and Member States. It shall not, however, be a determining factor of what constitutes a violation of wildlife law. The primary responsibility to ensure compliance with wildlife laws in the country of origin is with the importer and the carrier who are making the declarations under Article 3 and 4 and the buyer and seller of wildlife under Article 7.

Article 6 **Powers of the competent authorities**

1. In order to verify compliance with the obligation to declare wildlife laid down in Article 3 and Article 4, the competent authorities shall have the power to carry out controls on natural persons, their luggage and their means of transport, in accordance with the conditions laid down in national law.
2. If the obligation to declare wildlife under Article 3 and Article 4 have not been fulfilled, the competent authorities shall exercise the power conferred on them by Article 9.
3. In accordance with national law, the competent authorities shall request that wildlife be transported in clearly marked containers with a description of the contents and the country of origin.

Article 7 **Prohibition on selling and buying wildlife connected to wildlife crime in the country of origin**

1. It is strictly prohibited to sell, acquire, or purchase any wildlife connected to wildlife crime in the country of origin.

Article 8 **Checks on importers, carriers and wildlife traders**

1. The competent authorities shall carry out regular checks to verify if importers and carriers comply with the requirements set out in Article 3 and Article 4 and traders comply with the requirement under Article 7. To do this the competent authority shall:
 - a. regularly examine the declarations made under Article 3 and Article 4 and the supporting documentation;
 - b. verify the proper use of the declaration system by carriers and importers;
 - c. take appropriate action in the event of failure by a carrier or an operator to properly follow the declaration requirements;
 - d. regular investigations and inspections into online trading activity;
 - e. spot checks, including field audits at wildlife exhibitions and trade fairs.

2. The checks referred to in paragraph 1 shall be conducted in accordance with a periodically reviewed plan following a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning compliance by a carrier or importer with this Regulation.
3. Importers and carriers shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation or records.
4. Where, following the checks referred to in paragraph 1, shortcomings have been detected, the competent authorities may issue a notice of remedial actions to be taken by the importer or carrier. Additionally, depending on the nature of the shortcomings detected, Member States may take immediate interim measures, including inter alia:
 - a. seizure of wildlife in accordance with Article 9;
 - b. prohibition of marketing of wildlife.
5. The prohibition referred to in paragraph 4 b. shall continue until the competent authority can be satisfied that the wildlife is not connected to wildlife crime in the country of origin.

Article 9 **Seizure of wildlife by competent authorities**

1. The competent authorities may seize any wildlife in accordance with the conditions laid down in national law where:
 - a. the obligation to declare wildlife under Article 3 and Article 4 have not been fulfilled;
 - b. conflicting information is provided on the declarations under Article 3 and Article 4;
 - c. there is a reasonable suspicion that the declarations under Article 3 and Article 4 contain false information;
 - d. there are indications that the wildlife is related to wildlife crime in the country of origin;
or
 - e. Any other concerns following the checks referred to in Article 8.
2. The period of seizure shall be strictly limited under national law to the time required for competent authorities to determine whether the circumstances of the case warrant continued seizure of the wildlife. After the competent authorities carry out a thorough assessment of the necessity and proportionality of a continued seizure, they may decide to extend the period of seizure.
3. If a determination is made that the circumstances of the case do not warrant continued seizure, the wildlife shall be immediately released to its owner.

4. Where a determination is made that the wildlife shall not be released to the person mentioned in paragraph 3, the competent authority shall deal with the wildlife in accordance with national law whilst having regard to any animal welfare considerations that may apply and where applicable in accordance with the IUCN Guidelines.
5. The competent authorities must record all decisions taken under this Article.

Article 10

Penalties

1. In accordance with Article 3(f) of Directive 2008/99/EC, each Member State shall introduce penalties which shall apply in the event of failure to comply with the obligations under Article 3, Article 4 and Article 7. Such penalties shall be effective, proportionate and dissuasive.

Article 11

Information campaigns

1. The Commission, together with Member States, shall develop and provide adequate information material to ensure that the public, persons who enter the Union with wildlife and persons who import wildlife into the Union are informed of this Regulation and their rights and obligations under this Regulation
2. Member States shall ensure that sufficient funding is made available for such information campaigns.

Article 12

Exchange of information between competent authorities and with the Commission

1. The competent authority of each Member State shall, by electronic means, transmit the following information to the competent authorities of all the other Member States:
 - a. information recorded under Article 9 (5); and
 - b. declarations obtained under Article 3 and Article 4 where there are indications that the wildlife is related to wildlife crime in the country of origin.
2. The information referred to in points a. and b. of paragraph 1 shall be transmitted as soon as possible and in any event no later than 15 working days after the date on which that information was obtained.

Article 13

Exchange of information with third countries

1. For the purpose of this Regulation, Member States or the Commission may, within the framework of mutual administrative assistance, transmit the following information to a relevant third country, provided that such transmission complies with the relevant national and Union law on the transfer of personal data to third countries:

- a. information recorded under Article 9(5);
 - b. declarations obtained under Article 3 and Article 4 where there are indications that the wildlife is related to wildlife crime in the country of origin.
2. Member States shall notify the Commission of any transmission of information pursuant to paragraph 1.

Article 14

Implementing acts

1. The Commission shall adopt, by means of implementing acts, the following measures to ensure the uniform application of controls by competent authorities:
 - a. the templates for the declaration forms referred to in Article 3 and Article 4;
 - b. the template for the form for the transmission of information referred to in Article 12 and Article 13;
 - c. the template for the report to the Commission according to Art 15 (3) and
 - d. the rules and the format to be used by Member States for providing to the Commission with anonymised statistical information on declarations and infractions pursuant to Article 15 (1) (c).

Article 15

Transmission of information relating to the implementation of this Regulation

1. By [INSERT DATE], Member States shall transmit the following to the Commission:
 - a. the list of competent authorities;
 - b. the details of the penalties introduced pursuant to Article 10;
 - c. anonymised statistical information regarding declarations, controls and infractions, using the format referred to in point c. of Article 14 (1).
2. Member States shall notify the Commission of any subsequent changes to the information referred to in points a. and b. of paragraph 1 at the latest one month after those changes take effect.
3. The information referred to in point c. of paragraph 1 shall be provided to the Commission at least every six months.
4. The Commission shall make the information referred to in point a. of paragraph 1 and any subsequent changes to that information pursuant to paragraph 2 available to all the other Member States.
5. The Commission shall annually publish the information referred to in points a. and c. of paragraph 1 and any subsequent changes to that information pursuant to paragraph 2 on

its website and shall inform users, in a clear way, about the controls with respect to wildlife entering the Union.

Article 16

Evaluation

1. By [INSERT DATE], and every five years thereafter, the Commission shall, on the basis of the information regularly received from the Member States, submit a report to the European Parliament and to the Council on the application of this Regulation.

The report referred to in the first subparagraph shall, in particular, evaluate whether:

- a. other rules should be included within the scope of this Regulation;
 - b. the declaration procedure for wildlife is effective;
 - c. the penalties introduced by Member States are effective, proportionate and dissuasive and in line with the established case-law of the Court of Justice of the European Union and whether they have an equivalent deterrent effect across the Union on the infringement of this Regulation.
2. The report referred to in paragraph 1 shall include, where available:
 - a. a compilation of information received from Member States regarding wildlife related to wildlife crime in the country of origin;
 - b. information on exchange of information with relevant third countries.

Article 17

Stricter National Measures

1. This Regulation shall not be an obstacle to any stricter national or EU measures aimed at improving the welfare of animals entering the Union or whilst under the care of a Member State or at preventing the illegal trade of wildlife.
2. This Regulation shall not be an obstacle to any stricter EU or national measures that aim to further restrict the import into a Member State from outside the Union or keeping of wildlife for reasons of animal welfare, sanitary and phytosanitary reasons, for conservation and for the prevention of introduction of invasive alien species.

Article 18

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. This Regulation shall be binding in its entirety and directly applicable in all Member States.



Boyd's forest dragon (*Lophosaurus boydii*) - ©David Clode / Unsplash License

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