







Cooperation in strengthening environmental enforcement

4 Networks Conference

ROME

28-29 September 2023







THE ROLE OF ICNF

NATIONAL AUTHORITY FOR NATURE CONSERVATION **AND BIODIVERSITY**

NATIONAL FORESTAL AUTHORITY



INTERNATIONAL RESPONSABILITY: MANAGEMENT AND SCIENTIFIC AUTHORITY FOR THE

Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)

Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Convention on Biological Diversity

Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)









Convention on Biological Diversity





INTERNATIONAL RESPONSABILITY: NATIONAL REPRESENTANT IN THE SCIENTIFIC COMMITTEE OF THE





INTERNATIONAL RESPONSABILITY:

MANAGEMENT AND SCIENTIFIC AUTHORITY FOR THE

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)



LEADING OF THE CITES ENFORCEMENT GROUP



NATIONAL RESPONSABILITY:

MANAGEMENT OF

- NATIONAL AND COMMUNITY FORESTAL AREAS
- NATURA 2000
- NATIONAL PARKS
- NATURAL PARKS
- NATURAL RESERVES
- PROTECTED LANDSCAPES
- NATURAL MONUMENTS































LEGAL ASSIGNMENT

- ALL LEGISLATION AND THE LEGAL REGIME ABOUT NATURE CONSERVATION AND BIODIVERSITY
- SPECIAL STATUS LANDSCAPES
- INVASIVE ALLIEN SPECIES REGULATIONS
- LEGISLATION ABOUT TURISTIC AND MARITIME-TURISTIC COMPANIES
- LEGISLATION ABOUT HUNTING AND FISHING
- FORESTAL LAW
- FOREST FIRE LEGISLATION
- NATURE PROTECTION ADMINISTRATIVE OFFENSE PROCESS LEGAL REGIME
- THE PENAL CODE

ICNF COMPETENCE

- NATURE PROTECTION AND FORESTAL INSPECTORATE, EXPERTISE AND ENFORCEMENT
- MANDATORY PRONOUNCE
- ISSUE LICENCES AND AUTHORIZATIONS
- INSTRUCTION AND DECISION ON ADMINISTRATIVE OFFENSES PROCESS.
- JURISDICTION IN PORTUGAL MAINLAND

THE ASSIGNED LIABILITY

- AS A GOVERNMENT AUTHORITY, WHENEVER HAS NEWS OF A CRIME COMMUNICATES IT TO THE PUBLIC PROSECUTOR'S OFFICE.
- PROVIDE TECHNICAL-BASED RESOURCES TO SUPPORT THE PUBLIC PROSECUTOR'S OFFICE TO DETERMINE SUBJECTIVE CONCEPTS ON THE PENAL CODE:
- ...SIGNIFICANTLY DETERIORATING... OR ...ELIMINATE SPECIMENS OF FAUNA OR FLORA IN A SIGNIFICANT NUMBER.
- PROVIDE SCIENTIFIC EXPERTISE FOR SPECIES IDENTIFICATION OR DETERMINATION OF THE MENACE DEGREE OF THE SPECIES POPULATION.

NATIONAL COOPERATION WITH THE REGIONAL ENVIRONMENT INSPECTORATE OF THE AZORES







- EXPERTISE
- JOINT INSPECTIONS
- TRAINING AND CAPACITY-BUILDING
- IMPROVE PROFESSIONAL SKILLS
- EXCHANGE OF EXPERIENCE
- IMPEL PROJECTS

IMPEL PROJECTS IN THE AREA OF NATURE PROTECTION AND WILDLIFE TRAFFIC



European Union Network for the Implementation and Enforcement of Environmental Law







GLASS EEL TRAFFICKING



MOST COMMON SMUGGLING METHOD







- NOT A VERY REPREHENSIBLE CRIME
- ONLY NOW BEGINNING TO ATTRACT THE ATTENTION OF THE AUTHORITIES
- SOCIALLY ACCEPTABLE CRIME
- CRIME INVOLVING HIGH PROFITS
- CRIME ENVOLVING SERIOUS DAMAGE TO NATURE
- CRIME WITH A HIGH LEVEL OF ORGANISATION
- CRIME INVOLVING MAFIA ORGANISATIONS
- OFFENCE LINKED TO OTHER TYPES OF SERIOUS CRIME



FEATURES OF GLASS EEL TRAFFICKING



CRIMINAL INVESTIGATION EFFORTS



- SURVEILLANCE
- INTELLIGENCE GATHERING
- INTERNATIONAL COOPERATION
- EVIDENCE PRODUCTION

HOW WE TACKLE THE PROBLEM...



LEGAL FRAMEWORK

Portuguese Penal Code

TÍTLE IV - Crimes against life in society

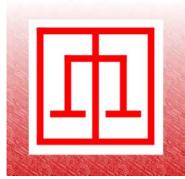
Article 278.º - Damage to nature

- 1 Who, not observing legal, regulatory provisions or obligations imposed by the competent authority in accordance with those provisions:
- a) Eliminate, destroy or capture specimens of protected species of wild fauna or flora **or** eliminate specimens of fauna or flora in significant numbers;
- b) Significantly destroy or deteriorate protected natural habitat or unprotected natural habitat causing this loss in protected species of wild fauna or flora or in significant numbers; or
- c) Severely affect subsoil resources;
- is punished with imprisonment up to 5 years.

Article 278.º - Damage to nature

- 2 Those who, without observing legal, regulatory provisions or obligations imposed by the competent authority in accordance with those provisions, trade or detain for commercialization specimens of protected species of wild fauna or flora, alive or dead, as well as any part or product obtained from it, shall be punished with imprisonment up to 2 years or with a fine of up to 360 days.
- 3 Those who, without observing legal, regulatory provisions or obligations imposed by the competent authority in accordance with those provisions, possess or hold an exemplar of protected species of wild fauna or flora, alive or dead, shall be punished with imprisonment up to 1 year or with a fine of up to 240 days.
- 4 The conduct referred to in the preceding paragraph is not punishable when:
- a) The number of copies detained is not significant; and
- b) The impact on the conservation of the species concerned is not significant.

AUTHORITIES ENVOLVED:



PUBLIC PROSECUTOR'S OFFICE



NATURE CONSERVATION AND FORESTS AUTHORITY



MARITIME POLICE



NATIONAL GUARD



PUBLIC SECURITY POLICE



CUSTOMS



FOOD SAFETY AND ECONOMIC AUTHORITY



WHAT WE NEEDED:



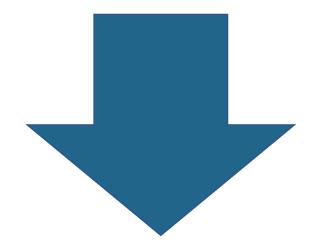
COOPERATION BETWEEN CRIMINAL AND ADMINISTRATIVE AUTHORITIES

IN ORDER TO:

- CARRY OUT SEVERAL CRIMINAL INVESTIGATIONS
- ESTABLISHING LINKS BETWEEN THE VARIOUS CRIME PROCESSES
- EXCHANGE INTELLIGENCE
- SAME PROCEDURE ON THE INVESTIGATIONS
- SAME LEVEL OF VALIDATION OF EVIDENCE
- BUILD A STRONG CASE IN COURT OF LAW

DIFFICULTIES:

- WEAK COORDINATION BETWEEN SEVERAL POLICE FORCES
- ESTABLISHING SAME PROCEDURES FOR EACH SEIZURE
- DEFINING CRIMINAL PROFILES OF SUSPECTS
- VERY HARD RECRUITING INTELLIGENCE SOURCES IN THE ASIAN COMMUNITY
- ESTABLISH CRIMINAL INVESTIGATION STRATEGIES



STRATEGY:

AFTER WEIGHING UP THE NEEDS AND DIFFICULTIES, THE PUBLIC PROSECUTOR'S OFFICE HAS DEFINED A STRATEGY TO COMBAT GLASS EEL TRAFFICKING BASED ON CO-OPERATION BETWEEN AUTHORITIES.

COOPERATION BETWEEN CRIMINAL AND ADMINISTRATIVE AUTHORITIES

GUIDANCE RULES:

- THE PUBLIC PROSECUTOR'S OFFICE HAS CENTRALISED ALL CRIMINAL INVESTIGATIONS INTO GLASS EEL TRAFFICKING IN ONE PROSECUTOR WHO LEADS THE DIFFERENT INVESTIGATION TEAMS
- THE CHAIN OF CUSTODY OF EVIDENCE IS ESTABLISHED FOR ALL SEIZURES
- ALL SEIZURES ARE VALIDATED BY A FORENSIC EVIDENCE REPORT CARRIED OUT BY THE ICNF
- SAMPLES ARE COLLECTED ON EACH SEIZURE
- THE REMAIN SPECIMENS OF GLASS EEL ARE RETURNED TO NATURE
- CARRY ON THE SAME PROCEDURES AFTER SPOTTING SOMEONE WHO FILLS THE RISK PROFILE
 IN THE AIRPORTS



PUBLIC PROSECUTOR

ALL
GLASS EEL CRIME PROCESSES

CUSTOMS CRIMINAL POLICE FORCES

ICNF FORENSIC EXPERTISE



GLASS EEL SEIZURE CICLE

EXPERTISE WORK

THE INTERVENTION

OF



SEIZURE



COLLECTING
SAMPLES AND
EVIDENCE REPORT

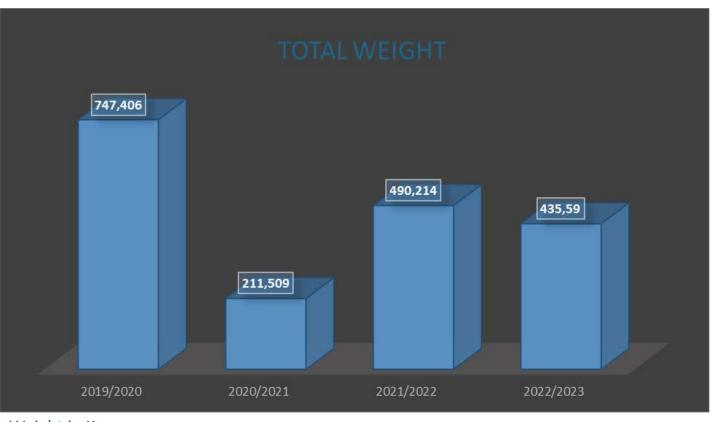
RELEASE INTO
THE RIVER BASIN



RESULTS

HARVEST SEASON OCTOBER-APRIL





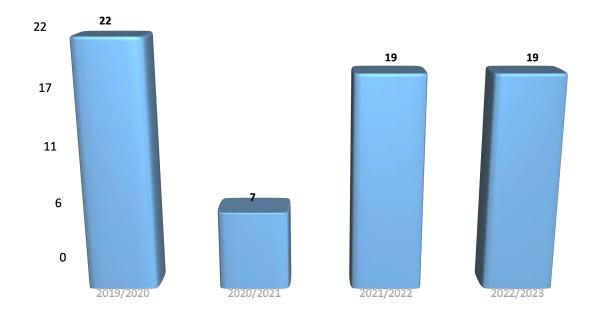
Weight in Kg



RESULTS ARRESTS

Arrests





CITIZENSHIP:

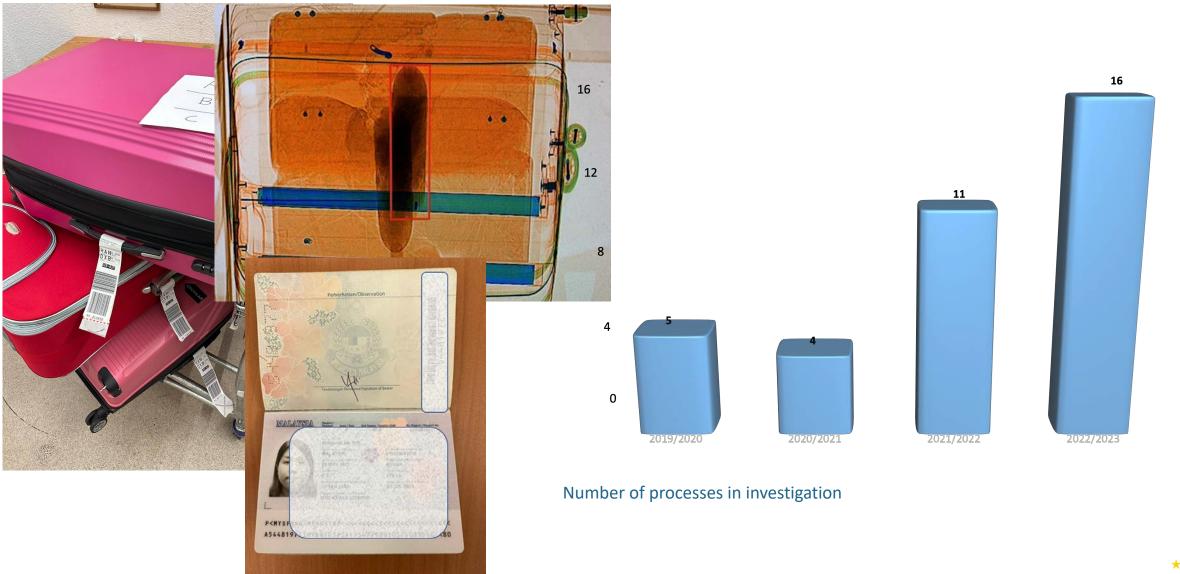


- CHINA
- MALASIA
- PORTUGAL
- CAPE VERDE
- MOROCCO



RESULTS INVESTIGATIONS

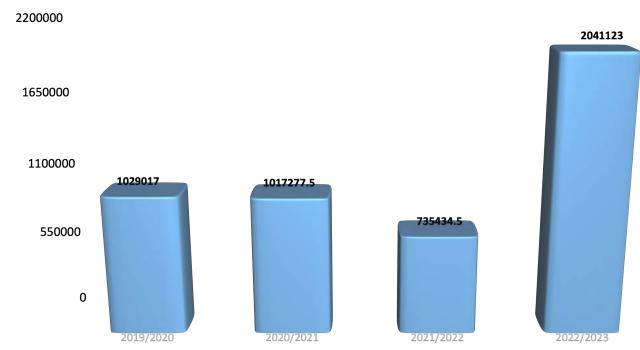
INVESTIGATIONS



RESULTS PROFIT

Estimated value





Value presented in Euro € currency



THE PROFILE OF THE SUSPECTS HAS BEEN CHANGING SINCE 2019. NOW IT'S NOT JUST SOLO TRAVELLERS, BUT ALSO FAMILIES, IN SOME CASES.

CITIZENS OF NATIONALITIES OTHER THAN ASIAN, SUCH AS CHINA OR MALAYSIA, ARE CURRENTLY BEING INTERCEPTED AT AIRPORTS.

COURIERS OF PORTUGUESE, MOROCCAN OR CAPEVERDEAN NATIONALITY HAVE BEEN ARRESTED RECENTLY.

TRAFFICKING ROUTES ARE BEING ALTERED. SMUGGLING ATTEMPTS ARE CURRENTLY BEING INTERCEPTED ON FLIGHTS TO MOROCCO, MAURITANIA, DAKAR OR THE ARAB EMIRATES.

ROUTES INVOLVING CHINA, MALAYSIA OR VIETNAM ARE GRADUALLY BEING ABANDONED.

THERE MAY BE A WAREHOUSE FOR TEMPORARY STORAGE IN MOROCCO AS WE HAVE UNCONFIRMED INTELLIGENCE THAT SUITCASES WITH GLASS EEL ARE REMOVED FROM FLIGHTS IN MOROCCO, EVEN IF THE FINAL DESTINATION IS ANOTHER COUNTRY.

SOPHISTICATED TYPE CRIME

FOLLOWING THE FULFILMENT OF A SEARCH WARRANT, WE DISCOVERED A BUNKER FULLY EQUIPPED WITH TANKS FOR HOUSING GLASS EELS IN A HOUSE THAT HAD PREVIOUSLY BEEN SEARCHED IN ANOTHER CASE.

THIS CASE DEMONSTRATES THE DEGREE OF SOPHISTICATION AND RESOURCES INVOLVED IN COMMITTING THIS TYPE OF CRIME.





SOPHISTICATED TYPE CRIME



THE INTERIOR OF A CASH-IN-TRANSIT VEHICLE CONVERTED TO RUN WITH A TANK FOR TRANSPORTING LIVE GLASS EELS, INTERCEPTED IN THE COURSE OF AN INVESTIGATION



the vehicle has a drain valve, operated from the driver's cab, capable of releasing the entire load of water and glass eel in transit, to eliminate evidence before an approach



CASE STUDY

Example of the profit made by the networks of traffickers:

- 1 seizure of 600 kg of live glass eels in a Chinese house in the central coast of Portugal (and thousands of suitcases)
- 1 Kg glass eels = 4.000 live specimens
- -600 kg glass eels = -2.400.000 specimens
- 150.000 € (adquired in PT -250 €/Kg)
- 3.600.000 € (arrival in China -6.000 €/Kg) 4.500.000 € (farmer/trafficker in China -7.500 €/Kg)
- 600 Kg glass eels = 2.000.000/Kg/ specimens (adult eels/ commercial weight) x 14 €/kg= 28.000.000 €
- Costs to be borne by traffickers:

150.000 € (glass eels) + 150.000 € (cost of materials) + 70.000 € for the travel payments for the "mules" + 75.000 € salaries + 100.000 production = 545.000 €

Profit = 28.000.000 € -545.000 € $\sqrt{27.455.000}$ € (4 months)



WILDLIFE TRAFFICKING IS A HIGHLY ORGANISED CRIME THAT GENERATES HUGE PROFITS



REQUIRES MONEY LAUNDERING

ENCOURAGES CORRUPTION

For the laundering of the illicit proceeds, criminals mainly use the same legal businesses in which they operate *i.e.* fisheries companies



SUCCESSFULLY COMBATING GLASS EEL TRAFFICKING REQUIRES

- PUBLIC AND AUTHORITIES AWERNESS
- GREATER INVESTMENT IN CRIMINAL INVESTIGATION
- USE OF THE LATEST FORENSIC TECHNOLOGIES AND DIGITAL SURVEILLANCE
- WILDLIFE TRAFFICKING INVESTIGATION REQUIRES TECHNICAL EXPERTISE
- GATHERING CRIMINAL INTELLIGENCE IS MANDATORY
- INTERNATIONAL EXCHANGE OF INFORMATION, EXPERIENCE AND EXPERTISE
- INTERNATIONAL JUDICIAL COOPERATION

BECAUSE:



- CRIMINAL NETWORKS DOMINATE THE ILLEGAL TRADE OF FAUNA AND FLORA
- OPPORTUNISTIC CONECTIONS BETWEEN WILDLIFE TRAFFICKING AND OTHER ORGANISED CRIMINAL ACTIVITIES
- ORGANISED GROUPS CARRY OUT VARIOUS CRIMINAL ACTIVITIES
 SIMULTANEOUSLY
- WILDLIFE TRAFFICKERS ARE JUST AS DANGEROUS AS OTHER ORGANISED
 CRIMINALS



CHINESE GLASS EEL MAFIA EXECUTES A MAN WITH FIVE SHOTS IN THE FACE

Detido em Espanha membro da máfia chinesa que assassinou homem em Setúbal

Vítima foi executada com um tiro nas costas e cinco na boca.



Membro da máfia chinesa que executou homem a tiro em Setúbal detido em **Espanha**

Jun Jun Fang tinha 32 anos quando foi



Membro da máfia chinesa que executou homem a tiro em Setúbal detido em Espanha

Jun Jun Fang tinha 32 anos quando foi

préstimo de



Homicida contratado pela máfia do meixão condenado a 23 anos de cadeia

Homem matou com seis tiros por dívida de 70 mil euros. Segundo assassino está ainda a monte.



Máfia chinesa executa homem com seis tiros em Setúbal por dívida de 70 mil euros no tráfico de meixão

Sicários foram rapidamente identificados pela PJ mas fugiram para Espanha, e dois anos depois ainda não foram capturados





TO INCREASE AWERNESS IN POLICE FORCES WHO ARE NOT SPECIALIZED IN WILDLIFE CRIME



Good Practices in the Implementation of the EU Action Plan Against Wildlife Trafficking

EU ACTION PLAN AGAINST WILDLIFE TRAFFICKING

IMPEL PROJECT 2022-2024

Analysis of good practices in the implementation of Council Regulation (EC) nº 338/97 of 9 December 1996, on the protection of species of wild fauna and flora by regulating trade therein, and the Commission Regulation (EC) nº 865/2006, of 4 may 2006, laying down detailed rules concerning the implementation of Council Regulation (EC) nº 338/97 on the protection of species of wild fauna and flora by regulating trade therein, and their relation with the EU Action Plan against Wildlife Trafficking, with possible participation of ENPE, EUFJE and EnviCrimeNet.

CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora).



EU ACTION PLAN AGAINST WILDLIFE TRAFFICKING



Exchanging solutions concerning implementation problems



Facilitating implementation and interpretation of available tools;



Performing joint inspections



Developing/Sharing web applications



Identifying implementation gaps



Providing an overview on the approaches in different European countries



Facilitating cooperation between actors from the compliance chain, also on defining consistent solutions for implementation problems

"The project team and participants of the workshops and joint inspections will work on these issues to come up with good practice examples for implementation and improvement of this guide." TOR WILDLIE Trafficking 22-24



EU ACTION PLAN AGAINST WILDLIFE TRAFFICKING

IMPEL PROJECT 2022-2024

GUIDANCE BOOK "GOOD PRACTICES IN THE IMPLEMENTATION OF THE EU ACTION PLAN AGAINST WILDLIFE TRAFFICKING"

JOINT INSPECTIONS

WORKSHOP

FURTHER ACTIONS



GUIDANCE BOOK

•Practical reference document for a specialized core of Member State authorities to enable them to successfully tackle the problem of wildlife trafficking

STRUTURE

- The EU Wildlife Trade Regulations
- Objectives/Limitations
- Available Tools (How to do)







European Union Network for the Implementation and Enforcement of Environmental Law

Good Practices in the Implementation of the EU Action Plan Against Wildlife Trafficking





Date of report: 02/10/2021 Report number: 2020/18

GUIDANCE BOOK

| Title of the report: | Number report: |
|--|--|
| Good Practices in the Implementation | 2020/18 |
| of the EU Action Plan Against Wildlife Trafficking | |
| | |
| Project Manager/Authors: | Report adopted at IMPEL General Assembly |
| | Meeting: |
| João Loureiro (PT) | 11 |
| Alfred Dreijer (NL) | 7-8 December 2021, Ljubljana, Slovenia |
| Franz Boehmer (DE) | |
| Antonio Galilea (ES) | Total number of pages: 39 |
| Nuno Saavedra (PT) | |
| Jamie Bouhuys (NL) | Report: 39 pages |
| Frederico Lobo (PT) | |
| Albert Hoon (NL) | |
| Luis Machado (PT) | |







1 THE EU Wildlife Trade Regulations

- 1. Introduction
- 2. Basic Regulation
- 3. Implementing Regulations
- 4. Suspension Regulation
- Guidance documents
- 6. EU Reference Guide on EU Wildlife Trade Regulations
- 7. EU Action Plan against Wildlife Trafficking
- 8. Review of EU Wildlife Trade Regulations
- 9. Differences between EU and CITES Regulations
- 10. EU involvement in CITES implementation
- 11. Further EU regulations

1.1 Introduction

Due to the European Single Market and the absence of systematic border controls within the EU, the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) have to be implemented uniformly in all EU Member States. CITES is implemented in the EU through a set of Regulations known as the EU Wildlife Trade Regulations. Currently these are:

- Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (the Basic Regulation).
- Commission Regulation (EC) No 865/2006 (as amended by Commission Regulation (EC) No 100/2008,
 Commission Regulation (EU) No 791/2012 and Commission Implementing Regulation (EU) No 792/2012) laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 (the Implementing Regulation).
- Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the
 design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the
 protection of species of wild fauna and flora by regulating the trade therein and amending Regulation (EC)
 No 865/2006 (the Permit Regulation).
- In addition, a Suspension Regulation is in place to suspend the introduction into the EU of particular species from certain countries.

In addition to this core legislation, a Commission Recommendation to Member States (Commission Recommendation No 2007/425/EC identifying a set of actions for the enforcement of Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, commonly referred to as the 'EU Enforcement Action Plan') specifies further the measures that should be taken for enforcement of the EU Wildlife Trade Regulations.



- > Knowing the different realities in the EU countries
- Share good practices and learn about major difficulties
- > Transfer results of Joint Inspections to the Final Project Document













> The Netherlands

Zwolle - Bird Market









Nederlandse Voedsel- en Warenautoriteit Ministerie van Landbouw, Natuur en Voedselkwaliteit

> Portugal

Santarém – AVISAN Porto – Illegal Bird Market





















> Spain

Segovia – Birds of Prey Breeding Center Madrid - Expoterraria

















WORKSHOP

> Rome, Italy

21st April 2023





To present the results of the previous work in this IMPEL project and to share experiences and exchange solutions concerning implementation difficulties, given an overview on the approaches in different European countries.



To come up with good practice examples for implementation and improvement of the guidance book



To engage new project members and hosts to next joint inspections





EU Action Plan Against Wildlife Trafficking

WORKSHOP 21 APRIL 2023

Agenda

(Hybrid - Rome, ISPRA/Online)

| Project Workshop | | | 09:00-16:30 | |
|-----------------------|--|--|-------------|--|
| 1. | Welcome by project leader, introduction to the agenda and rou by participants | 09:00 | | |
| 2. | Overview of the project | | | |
| 2.1 | Previous work and presentation of the Guidance Book | João Loureiro | 09:15-10:00 | |
| 2.2 | 2.2 Discussion | | | |
| Coffee break | | | 10:15-10:30 | |
| 3. | Previous Joint inspections | | | |
| 3.1 | The Netherlands | Nuno Saavedra João Loureiro Frederico Lobo Elisabete Santos | 10:30-10:45 | |
| 3.2 | Portugal | | 10:45-11:00 | |
| 3.3 | Spain | | 11:00-11:15 | |
| 3.4 | Discussion | | 11:15-11:30 | |
| 4. | Enforcement actions against wildlife trafficking | | | |
| | Enforcement Networks | | | |
| 4.1 | Europol | Jorge Jesus | 11:30-11:45 | |
| 4.2 | CMS - Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) | Clairie (Foteini) Papazoglou | 11:45-12:00 | |
| 4.3 | Discussion | | | |
| Lunch (ISPRA Cantina) | | | 12:30-13:30 | |
| | Project participants/IMPEL members (Country/Organization presentations) | | | |
| 4.4 | Italy, ISPRA | Arianna Aradis | 13:30-13:45 | |
| 4.5 | Italy, Carabinieri | Claudio Marrucci | 13:45-14:15 | |
| 4.6 | Malta, ERA | Maria Attard | 14:15-14:45 | |
| 4.7 | Portugal, ICNF | João Loureiro Frederico Lobo Nuno Saavedra | 14:45-15:00 | |
| 4.8 | Czech Republic, CIZP | Jan Chmelař | 15:00-15:15 | |
| 4.9 | Romania; NEG | Cristian Trupina | | |
| Coffee break | | | 15:15-15:30 | |
| 5. | Illegal Trade of Wildlife vs. Terrorism | João Loureiro | 15:30-15:45 | |
| | Discussion | | 15:45-16:00 | |
| 6. | Next Joint Inspections Revision of the Guidance Book and further work | João Loureiro Nuno Saavedra Elisabete Santos | 16:00-16:30 | |



WORKSHOP

> Rome, Italy

















FURTHER WORK

- Joint Inspections
 - Germany, Hamm Terraristika, 9 Dec 2023
 - Portugal, Jan 2024
 - Romania, Mar/Apr 2024
 - Italy?? Jun/Jul 2024
 - Portugal/Azores Out/Nov 2024
- > Workshop

Azores Out/Nov 2024

- Participation of other networks
 ENPE, EUFJE and EnviCrimeNet
- > Contributions to the Guidance Book





> What's next? 2025-2027





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