



European Network against Environmental Crime

LIFE EUROKITE



Workshop “Overview of wildlife poisoning in whole Europe”

11th November 2021



Project to create a European Network against Environmental Crime

Objective: The main aim of the project was to improve the implementation and application of the Directive 2008/99/EC on the protection of the environment through criminal law.

Beneficiary partners:



(Coordinator)



giving
nature
a home

Associated partners:



Funding: The project was funded by the Criminal Justice Support Programme of the European Union.



Main objectives achieved

- **1) Assess the degree of implementation of Directive 2008/99/CE in the EU Member States national legislation and practice**
- **2) Identification of gaps in the implementation and application of European environmental criminal law regarding IKB, wildlife poisoning and habitat destruction**
- **3) Bring together legal and other practitioners who work in the fight against environmental crime**
 - Strength the work of BirdLife Europe partners in the fight against environmental crime
 - Facilitate the exchange of information and the experience of legal and other practitioners in working to prevent or prosecute this type of crime
- **4) Integrate BirdLife activities against environmental crime with those of other networks and international institutions involved in the protection of the environment**

I European Workshop on Environmental Crime: Illegal killing and taking of birds

- First meeting of the ENEC members
- 18 EU MS represented
- Exchange information and experiences in the fight against illegal killing and taking of birds
- Analyze the legal regulation framework of illegal killing and taking of birds from the point of view of European criminal law
- Establish recommendations to EU authorities and MEAs (CMS, Bern Convention, etc) on how to tackle illegal killing and taking of birds from a legal perspective



Recommendations to eliminate illegal killing and taking of birds. Legal perspective

- **Assessment of the implementation of protection for species listed under Article 2(b) of Directive 2008/99/EC in national penal law.**
- **Harmonisation of criminal sanctions in the different EU Member States.**
- **Training, specialization and awareness of judges, prosecutors, inspectorates, enforcement officers and lawyers on the seriousness of illegal killing and taking and its consequences on biodiversity conservation.**
- **Legal recognition to the legitimacy of NGOs to take action in courts of law in cases of crimes against wild fauna**
- **Improving the implementation of the Birds and Habitats Directives as necessary legal instruments to protect wildlife against illegal killing and catching**
- **Information exchange, cooperation and networking between legal professionals.**



II European Workshop on Environmental Crime: Wildlife poisoning

- 2nd meeting of the ENEC members
- Representation from 20 EU MS , ENPE, EUFJE, FACE or CMS
- This workshop adopted a **“European Action Plan to prevent risk from poison-baits”**
- The Action Plan have been included in the **EU Roadmap towards eliminating illegal killing, trapping and trade of birds**



A proposal for a EU ACTION PLAN to prevent illegal poisoning of wildlife

II European Workshop on Environmental Crime:
Illegal Poisoning of Wildlife

Objectives:

- Increase and improve available information on the illegal use of poison-bait and its consequences.
- Work towards the prevention, deterrence and surveillance of the illegal use of poisoned-bait
- Increase prosecution efficacy.
- Control the sale of toxic substances likely to be used for preparing poison-bait.
- Ensure administrative action to protect the natural heritage and improve coordination and liaison between all stakeholders involved in the fight against the use of poison in the countryside.



III Study to assess the degree of implementation of Directive 2008/99/CE in the EU

This report is aimed to evaluate the transposition of articles 3 and 5 of the Directive by EU Member States.

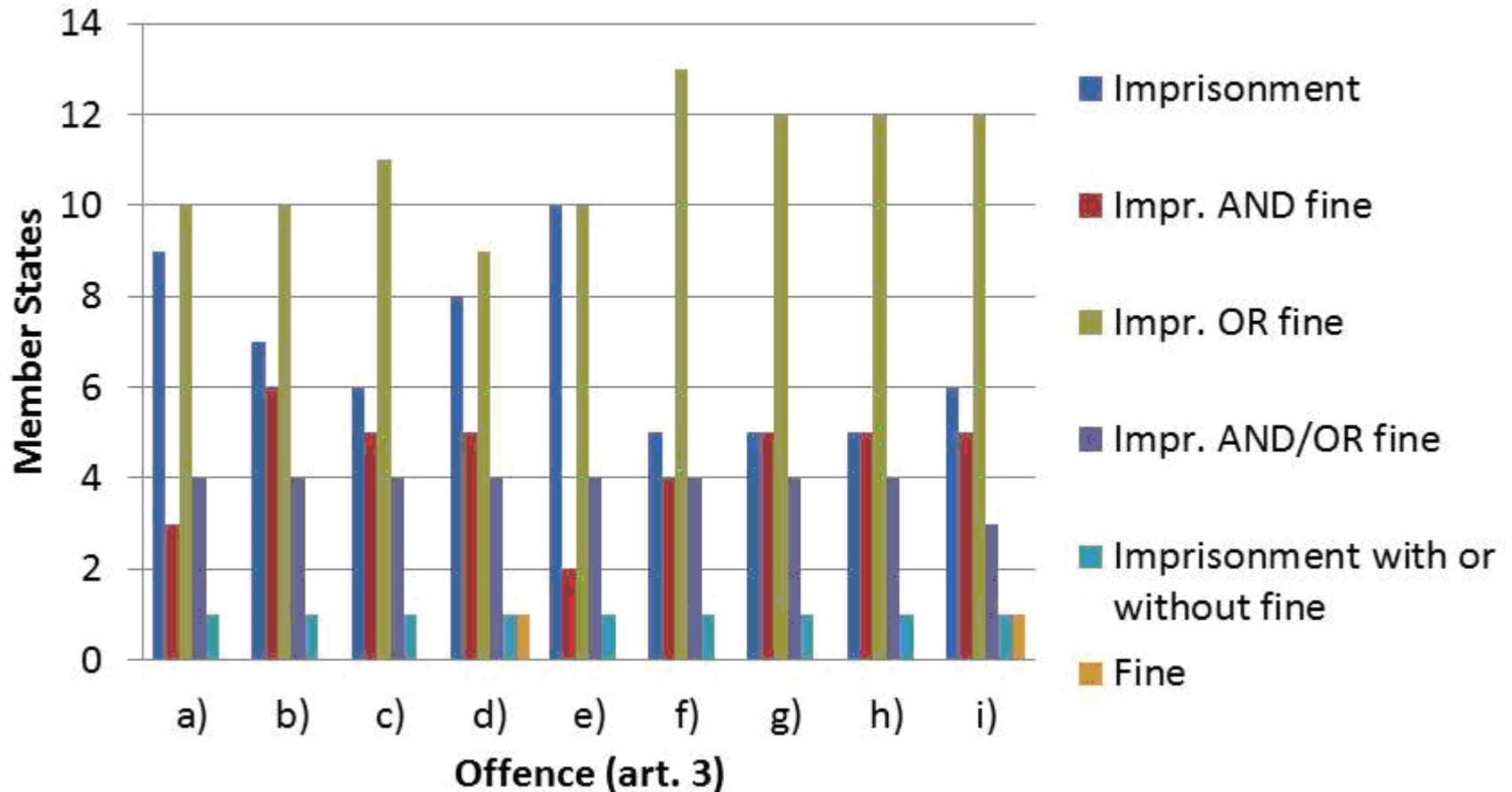
- **Part I** provides a comparative analysis of the criminal penalties introduced by Member States in their national legislations. The analysis addresses both typology and severity of the penalties.

- u **Chapter I** first addresses the **typology of the penalties** and focuses on imprisonment and fine

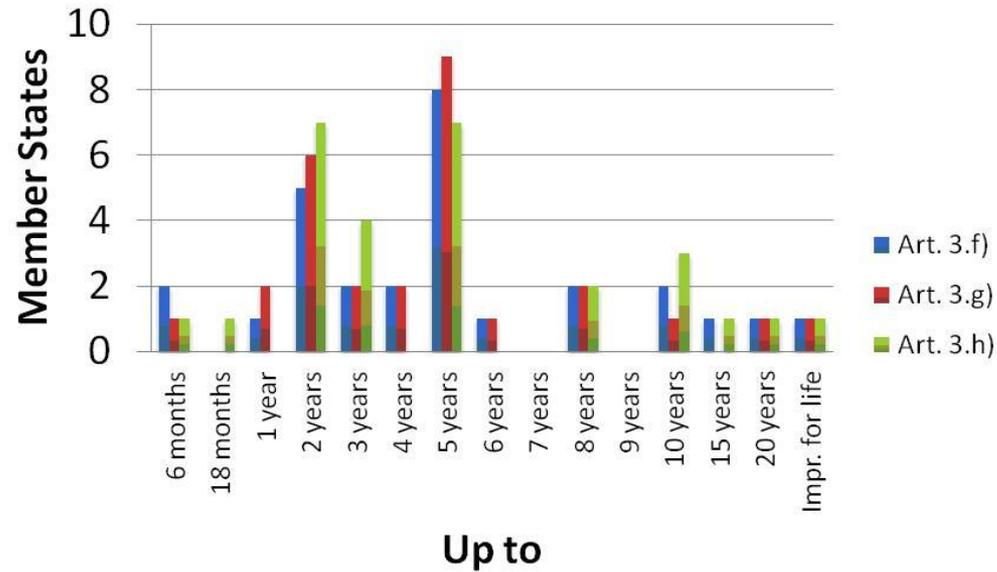
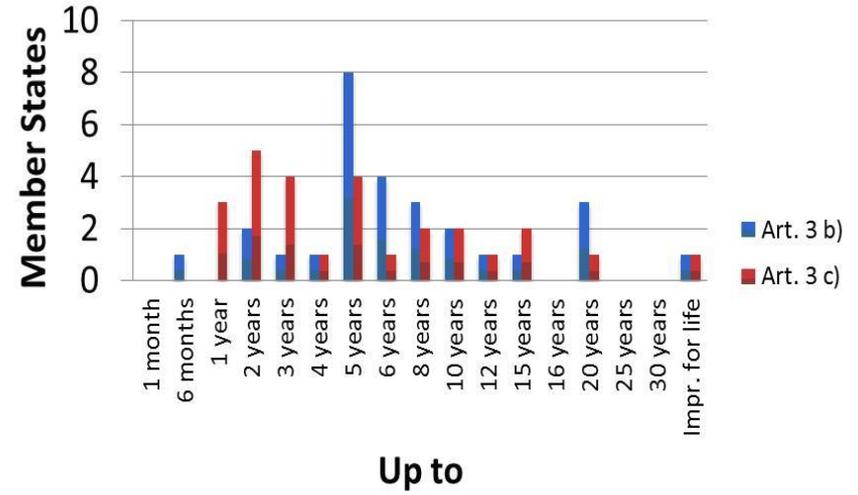
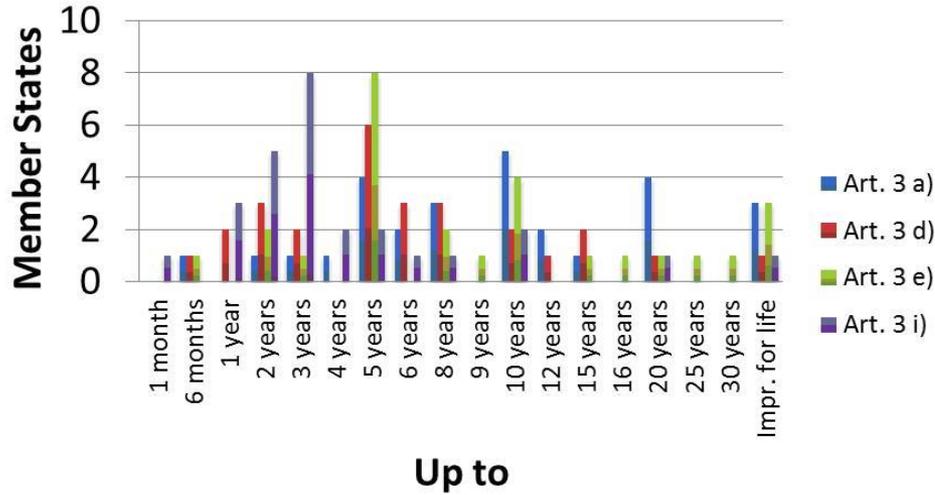
- v **Chapter II** addresses the **severity of penalties**

- **Part II** addresses a qualitative analysis aims to study more closely the criminalization of conducts foreseen in art. 3.f) and 3.h) referring to illegal killing and taking of birds, intentional poisoning and habitats destruction

Criminal penalties by typology



Criminal penalties by severity



CRIMINAL PENALTIES INTRODUCED BY EU MEMBER STATES



<u>6 months</u>	<u>1 year</u>	<u>2 years</u>
<u>3 years</u>	<u>4 years</u>	<u>5 years</u>
<u>6 years</u>	<u>8 years</u>	<u>10 years</u>
<u>15 years</u>	<u>20 years</u>	<u>Imprisonment for life</u>

_ EU differences in the punishment of wildlife crimes under Article 3.f) of Directive 2008/99/EC

Recommendations concerning the implementation of the Directive 2008/99/CE

In relation to its formal transposition:

1. Taking further actions on the transposition infringements

In relation to the achievement of its goals:

2. Investing resources on the study of the effectiveness of the sanctions
3. Investing resources on the study of the dissuasiveness of the sanctions
4. Investing resources on the study of the proportionality of the sanctions

B) Recommendations concerning the fight against Environmental Crimes:

1. Raise public awareness in the global impact of environmental crimes by designing specific campaigns and supporting civil society actors who are already playing an important role in this field;
2. Consider all applicable offenses;
3. Promote effective sanctions, including civil and administrative sanctions (also fines);
4. Analyse more closely the criminal economy chain;
5. Make illegal trafficking harder to commit by improving international cooperation;
6. Reduce criminal incentives by targeting, following, and reducing profit, including confiscation and forfeiture;
7. Strengthen institutional, legal and regulatory systems to address corruption;
8. Improve specific and generic deterrence by increasing the visibility of law enforcement;
9. Ensure that law is enforceable by improving education and awareness of policy makers and utilising law enforcement experts in policy drafting;
10. Invest in capacity building and technological support to national environment, wildlife and law enforcement agencies;
11. Create specialised courts and prosecutors for environmental crime;
12. Strengthen support to INTERPOL, UNODC, WCO and CITES to enable them to support member states and other relevant stakeholders to further identify develop and implement the most appropriate responses to environmental crime;
13. Regarding specifically the EU, enhance the role of Eurojust, Environmental Enforcement Networks and the European Public Prosecutor's Office, and stimulate networking at the domestic level;
14. Stimulate the role of NGOs in monitoring enforcement and compliance and reporting environmental crime.



More information:

<http://lawyersfornature.org/>

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THANK YOU!