



# ***The European Network against Environmental Crime (ENEC)***

**3rd meeting of the Special Focal Points  
on Illegal killing, trapping and trade of wild birds  
Tirana (Albania)  
14-15 April 2016**





# 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 (Madrid, February 2015)
- 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



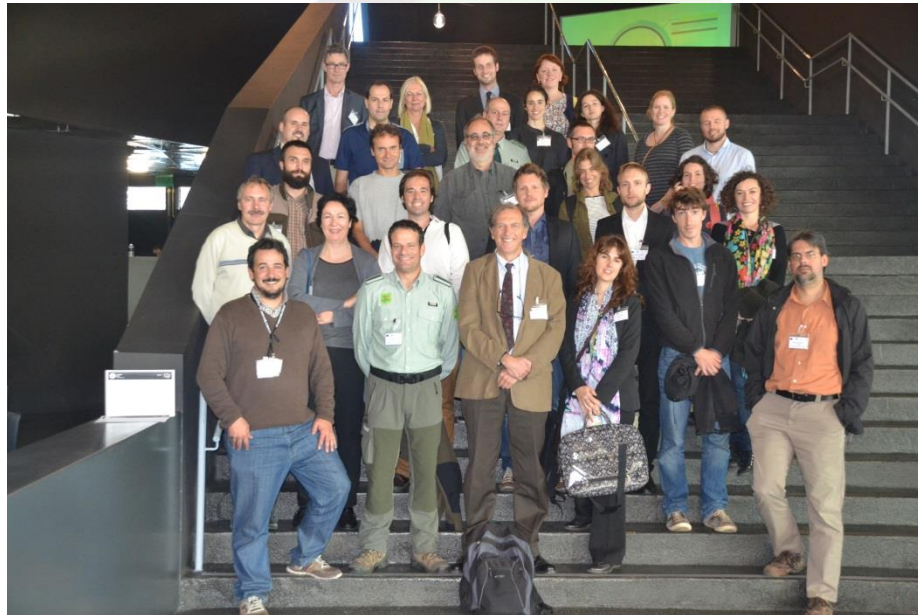
# Recommendations to eliminate illegal killing and taking of birds. Legal perspective

- **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 (Barcelona, 6th November 2015)
- 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**



# Main objective of the Action Plan

The document proposes a series of measures to eradicate the use of poisoned-baits in the EU. These are the objectives:

- 1) Improve the information available on the use and impact of poisoned-baits
- 2) Increase prevention, deterrence and monitoring of cases of poisoning of wildlife in the countryside.
- 3) Increase efficiency in the pursuit of illegal use of poison, according to the provisions of the EU legislation and the national criminal laws of each Member State.
- 4) Controlling the use of toxic substances in the preparation of poisoned-baits
- 5) Coordination of the various stakeholders involved are also addressed in the document.



# III European Workshop on Environmental Crime: Habitat destruction

- 3rd meeting of the ENEC members  
(Edinburgh, 26 February 2016 )
- Representation from 20 EU MS , ENPE,  
EUFJE, FACE or CMS
- Analyze the legal regulation  
framework of habitat destruction from  
the point of view of European criminal  
law and Nature Directives.
- Establish recommendations to EU  
authorities and MEAs on how to tackle  
habitat destruction from a legal  
perspective

**The recommendations will be available later  
this month**



# 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.

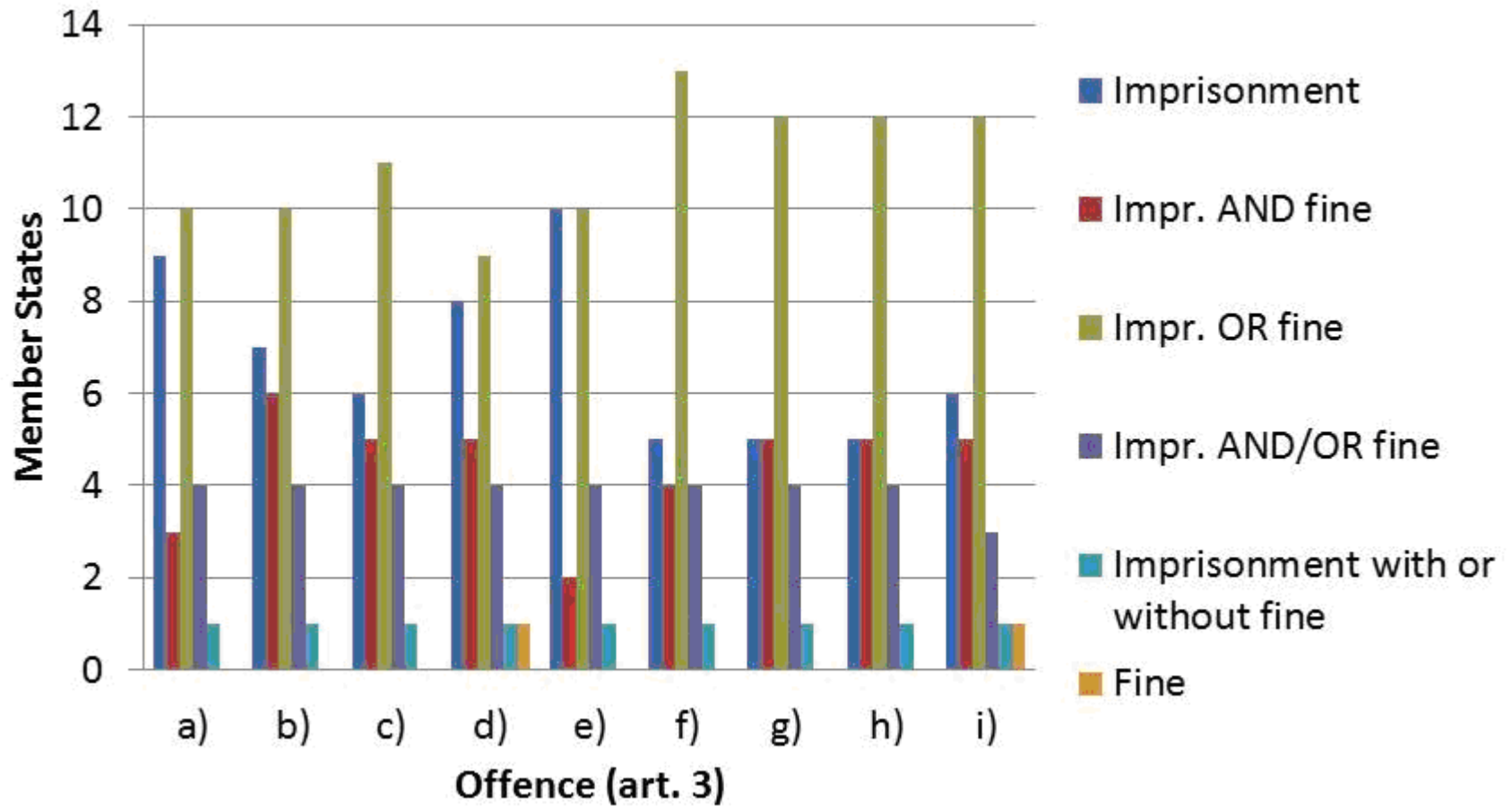
- **Part I** provides a comparative analysis of the criminal penalties introduced by Member States in their national legislations. The analysis addresses both typology and severity of the penalties.

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

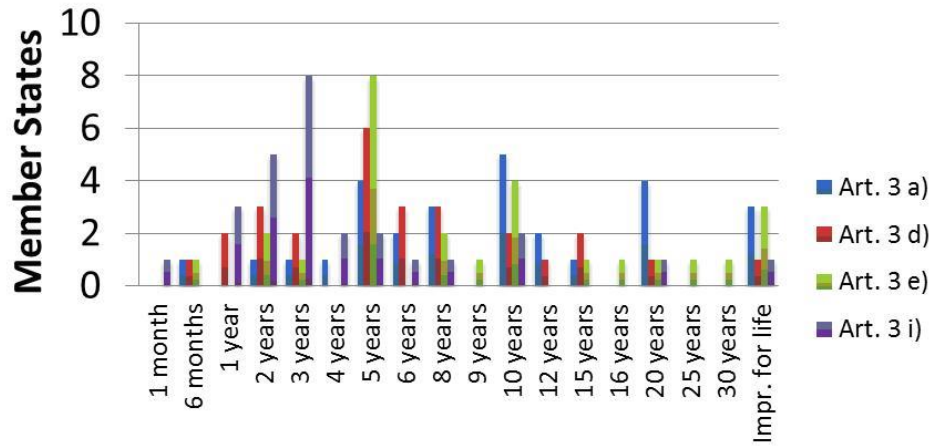
- v **Chapter II** addresses the **severity of penalties**

- **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

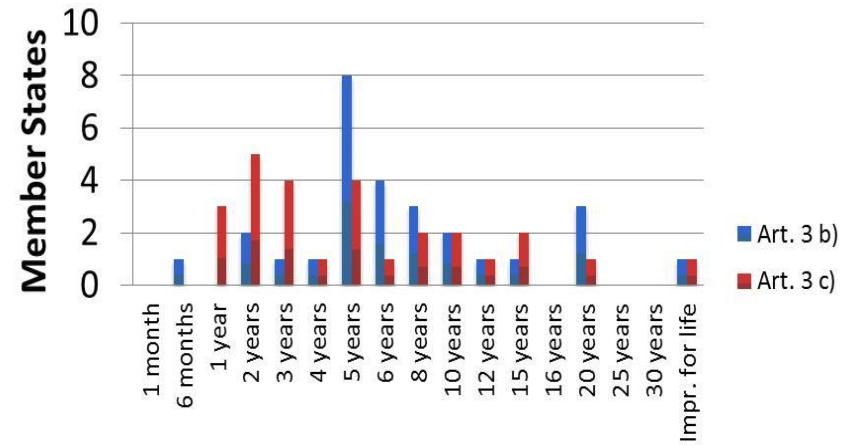
# Criminal penalties by typology



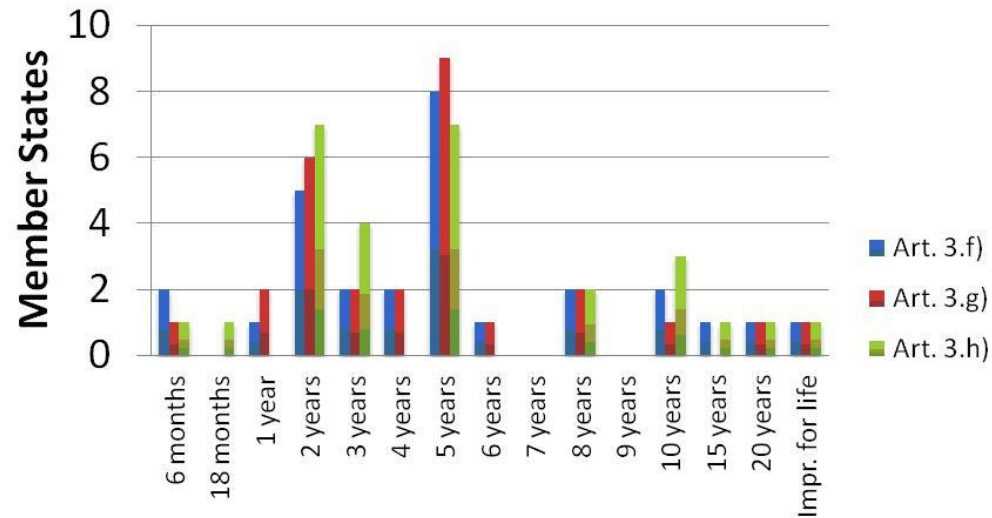
# Criminal penalties by severity



Up to



Up to



Up to

# 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:

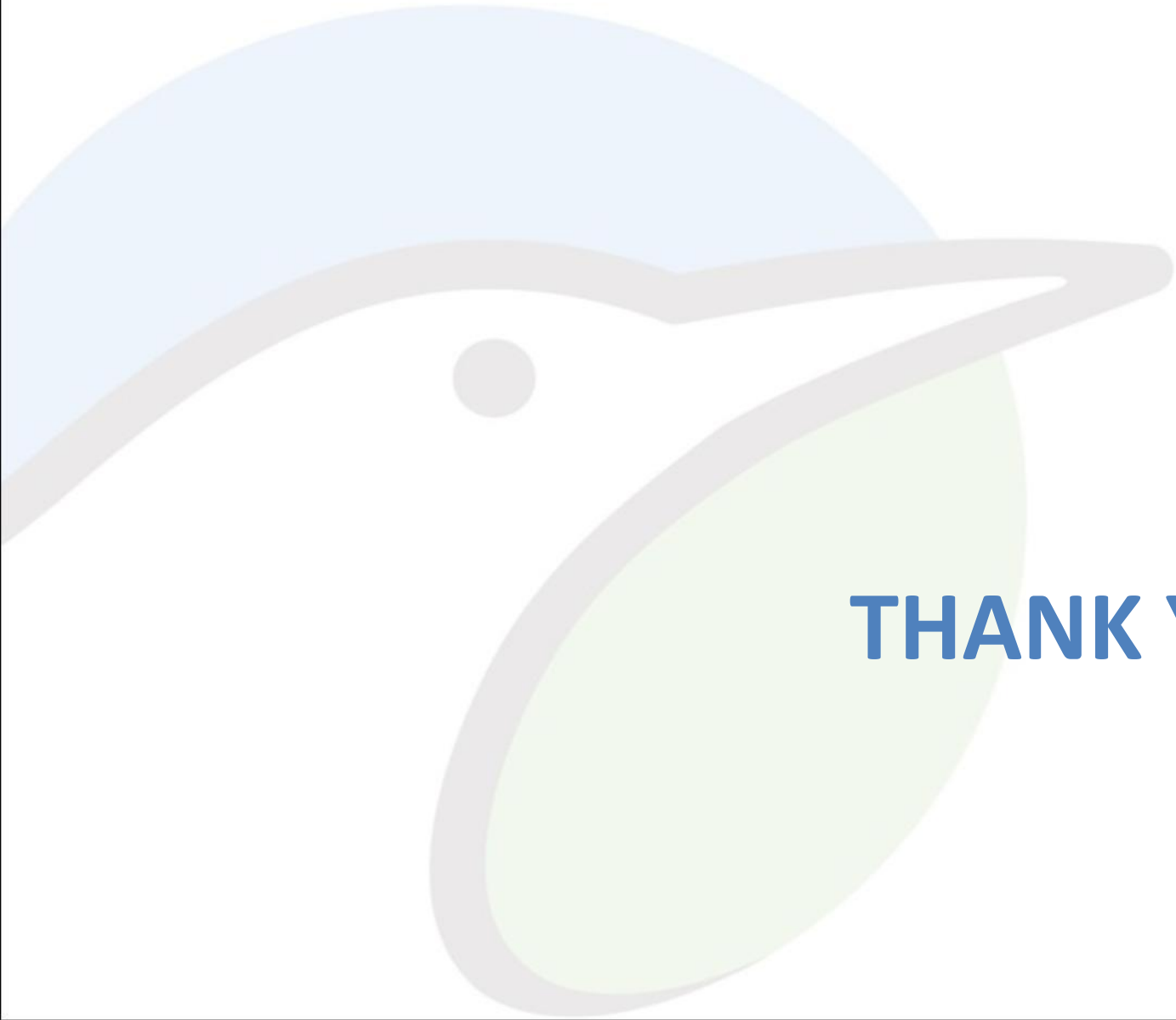
<http://lawyersfornature.org/>

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**THANK YOU!**