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No âmbito da IMPEL

BOAS PRÁTICAS NA APLICAÇÃO DO PLANO DE AÇÃO DA UE CONTRA O TRÁFICO DE ESPÉCIES SELVAGENS

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

País Coordenador e Contato:

Portugal

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

PORTUGAL

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Chefe da Unidade de Coordenação Nacional de Vigilância Preventiva e Fiscalização
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Inspeção Regional de Ambiente dos Açores




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

Espanha

- [António Galillea](#)
CITES Espanha

Alemanha

- [Franz Böhmer](#)
Federal Agency for Nature
Conservation
German CITES Management Authority

Holanda

- [Alfred Dreijer](#)
Deputy Team Leader Nature Protection
- [Jamie Bouhuys](#)
Inspector Expertise CITES/ Species Protection
Netherlands Food and Consumer Product Safety
Authority (NVWA)
- [Albert de Hoon](#)
MSc Landscape Ecology
The Netherlands Ministries (Defence; Infrastructure) -
bird/wildlife strike prevention with aircraft




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

ESTRUTURA DO DOCUMENTO

A estrutura do documento divide-se em 3 grandes grupos:

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




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

IMPEL PROJECT

Title:
**GOOD PRACTICES IN THE IMPLEMENTATION OF THE EU ACTION PLAN
AGAINST WILDLIFE TRAFFICKING**

Lead country and contact:
Portugal
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1 THE EU Wildlife Trade Regulations

1. [Introduction](#)
2. [Basic Regulation](#)
3. [Implementing Regulations](#)
4. [Suspension Regulation](#)
5. [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 Implementation 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 805/2006 (as amended by Commission Regulation (EC) No 100/2008, Commission Regulation (EU) No 731/2012 and Commission Implementing Regulation (EU) No 732/2012) laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 (the **Implementing Regulation**).
- Commission Implementing Regulation (EU) No 732/2012 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 805/2006 (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 2007/624/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 **TU (Enforcement Action Plan)**, specifies further the measures that should be taken for enforcement of the EU Wildlife Trade Regulations.



Although the EU Wildlife Trade Regulations are directly applicable in all EU Member States, the necessary enforcement provisions must be transferred into national legislation (art 34(4)) and supplemented with national laws, as these are matters that remain under the sovereignty of each Member State. Member States must ensure that infractions are punished in an appropriate manner.




F. Frassinetti




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

2.1.8 Intelligence vs. evidence

EVIDENCE: DATA FROM WHICH TO ESTABLISH PROOF

It is important to emphasize that a state's national legislation will dictate the way intelligence can be used for law enforcement purposes. The process of intelligence gathering in relation to a specific investigation is usually a prelude to any evidence gathering phase. Legislation will also dictate whether intelligence material gathered during the course of an investigation is protected from disclosure in criminal proceedings.

This part of the investigation responds to reported events and explains what took place and who was involved. Intelligence analysis aids investigations by helping to target available resources and identifying information gaps to focus the investigation more clearly. It also helps to avoid duplication of effort and prevent straying into areas of no relevance. To obtain maximum benefits, an analysis copy should be employed at the earliest possible stage of an enquiry, preferably at the beginning, although, logically this is not always possible.

2.1.9 The intelligence cycle

The concept of the intelligence cycle is broadly recognized as the foundation of the intelligence analysis process, at both operational and strategic levels.

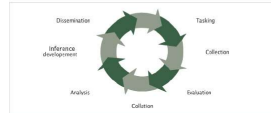


Figure 2-1: The intelligence cycle

2.1.10 Direction/tasking

Intelligence analysis is driven by the needs of decision makers, i.e. consumers of the analytical product. The analytical effort is thus often directed through tasking by these decision makers. They take the initiative at this stage of the cycle, but the principle of partnership requires that both they and the providers share a responsibility for working together to ensure that the requirements for the analytical product are clearly defined and understood by both sides.

The initial questions that have to be asked are:

2.2 Building the Picture.

Officers in charge of investigations related to the illegal trade in birds can be confronted with different scenarios. In general two major scenarios can be distinguished.

- Activities related to breeder/keeper/trader
- Activities because of the suspicion of illegal catching and killing
- Activities concerning inter-species trafficking.

2.2.1 Scenario a)

In many cases you may go out for an inspection of a known breeder or keeper. In such cases you may be aware of most species kept but often you may find unexpected species and unexpected numbers of birds. When inspecting a breeder, the focus should be on the availability of legal breeding stock and the acceptable number of potential offspring. It is nearly impossible to check the parentship just on the spot. Consequently, in the case of suspicion the taking of samples for the respective analysis must be prepared.



You may not only find birds bred by the person involved but also animals bred by others or imported or of unknown sources. Such problems cannot be solved immediately. Therefore, you may take actions to secure the birds and all the relevant information.


Last but not least the check of the marking of the birds is essential. Manipulations of closed rings are known and can be found. It will not cause many problems to manipulate rings especially if the rings are made of aluminum and if the ring size used to mark small birds. As larger the birds are and as stronger the used ring material is, as more complicated the manipulation will be. Having identified irregularities, you may have to decide about the nature of the birds. Such seizure may consequently lead to the question where to place the seized birds. To release the birds with the current holder might be an option which should be chosen in very single cases only if you decide to take away the birds you have to have persons who are able to handle the birds and who are able to house the birds. Such birds should always be housed separately due to different reasons, e.g. because of infectious diseases.

2.2.2 Scenario b)

When dealing with the illegal catching and/or killing of birds you have to be aware of a general problem. In most cases you may find the caught or killed animals but you cannot find the perpetrator. Getting such a person, "red handed" might be possible but this will be a very rare and lucky situation. Mostly the persons involved will not be available at the crime scene. Therefore, identifying such a crime you have to focus on the saving of evidence to keep the chance to find the persons behind.


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Mexico: five toucans and other non-CITES listed birds seized at Barajas Airport. Mexican authorities were informed and coordination among enforcement police aimed to chase the syndicate behind.



Belgium and Netherlands: wild source bird traffic is found in advertisements of specialized webpages. Information exchange of species concerned and persons involved is undertaken among authorities.




[*]ra from Spain, deliver in Belgium or The Netherlands[*]


Argentina: June 2016, seized in Argentina at the airport, with destination Spain. June 19th, Species protected by CITES and non-listed, *Rhamphastos fuscus*, *Pipernoia coronata*, *Gubernatrix cristata*, *Amblyramphus holosericeus*, a total of 126 birds.




Uruguay: July 2017, seized at Barajas Airport – Spain, 4 hummingbirds among others.



Mexico: February 2017, seized at Barajas Airport – Spain. *Rhamphastos sulphuratus* (4), *Pteroglossus torquatus* (3), *Cardinalis cardinalis* (25), *Passerina ciris* and *P. cyaneus* (15).



Peru: December 2016, seized by SISFOR as Enforcement Authority at Airport Jorge Chávez, none listed on CITES Regulations, six centralis (*Pharomachrus personatus*), twelve Tengora sp., five *Agelaius phoeniceus* and two toucans of the species *Semnoparus campbellii* (from Ecuador).




During the operation, several illegal shipments were detected, successful control deliveries achieved, gathered intelligence on the routes, companies, trips, "modus operandi", etc. All set up for action day, with a total of three premises checked, a large number of birds seized, and acquisition of digital data from cell phones, PCs, etc.

Since the end of the operation, there has been no other similar seizure of this kind at the Spanish borders, considered the syndicate disrupted and acting as a strong deterrent against illegal trade of live wild birds.

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

DATA COLLECTION FORM

BACKGROUND INFORMATION FROM MOST RECENT INSPECTION A

(To be completed by the Management Authority from its records)

Date of inspection: _____ Name of senior inspecting officer: _____

Facility name: _____

Date of last inspection: _____

Which species is the facility registered to produce for export:

Scientific Name	Total number of specimens at last inspection	# breeding adults (where possible identify # breeding females) at last inspection	# specimens sold / exported since the last inspection	*Source Code as noted on previous reports/entries

*Source codes definitions: <http://www.cites.org/epa/checked>

R – wild collected sexes or juveniles raised in captivity.
 C – Appendix II list (<http://www.cites.org/epa/>) for commercial purposes or Appendix I listed (Appendix I Annex 1) for non-commercial purposes.
 D – Appendix I listed species bred in captivity for commercial purposes.

DATA COLLECTION FORM

GENERAL INFORMATION ON THE FACILITY B

Date of inspection: _____ Name of senior inspecting officer: _____

Facility name: _____

Name and position(s) of all inspecting officer(s) present:

- _____
- _____

Type of inspection: Initial Routine Date of last inspection: _____

Follow-up (in cases where discrepancies or anomalies, detected during a previous inspection, remain unresolved)

Facility trading name(s): _____

Facility owner(s): _____

Facility address and contact information: _____

Year the facility was established: _____

How many staff are currently employed at the facility?

Full time _____ Part time _____

Name and job title of facility staff accompanying inspecting officer(s): _____



Does the operation have access to professional veterinary services? Yes No

If yes, what is the name and address of vet? _____


Does this company keep animals at any other locations? Yes No

If yes, where? _____

If yes, make arrangements to inspect the location(s) as soon as possible.

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

DATA COLLECTION FORM

SPECIES INFORMATION C

(To be completed separately for each species held at the facility)

Date of inspection: _____ Name of senior inspecting officer: _____

Facility name: _____ Species: _____

*Date species first acquired? _____ Source and life-stage of initial stock? _____

Numbers of initial stock, and sexes, if known: Males: _____ Females: _____

*Have additional animals been obtained since you acquired the initial stock? If so, from where? _____

Do you BREED this species? Yes No

When did you start breeding? _____

litters/clutches per year? _____

offspring/eggs in litter/clutch? _____

produced in the previous year? _____

Do you BANCH this species? Yes No

What life stage(s) is harvested? _____

harvested in the previous year? _____

ADULT BREEDING STOCK

Number of adults present?	Facility information	Inspector count (where possible)

Number of males present? _____

Number of females? _____

What % of females breed each year? _____

What do you feed adult animals? _____

REARING STOCK (CAPTIVE-BRED AND BANNED COMMON)

Number of juveniles present?	Facility information	Inspector count (where possible)

Age at sexual maturity (years)? _____

Size or mass at sexual maturity (cm or g)? _____

Size at sale (cm or g) _____

What percentage of juveniles survive beyond 2 weeks? (includes mortality of eggs that don't hatch) _____

What do you feed rearing and juvenile animals? _____

*Inspection observations and specimens were acquired legally and in compliance with CITES. In the case of Appendix I specimens, inspection should be made of each part of the product.

DATA COLLECTION FORM

FACILITY CHECKLIST D

(To be completed for each species using information obtained during the inspection)



Date of inspection: _____ Name of senior inspecting officer: _____

Facility name: _____ Species name: _____

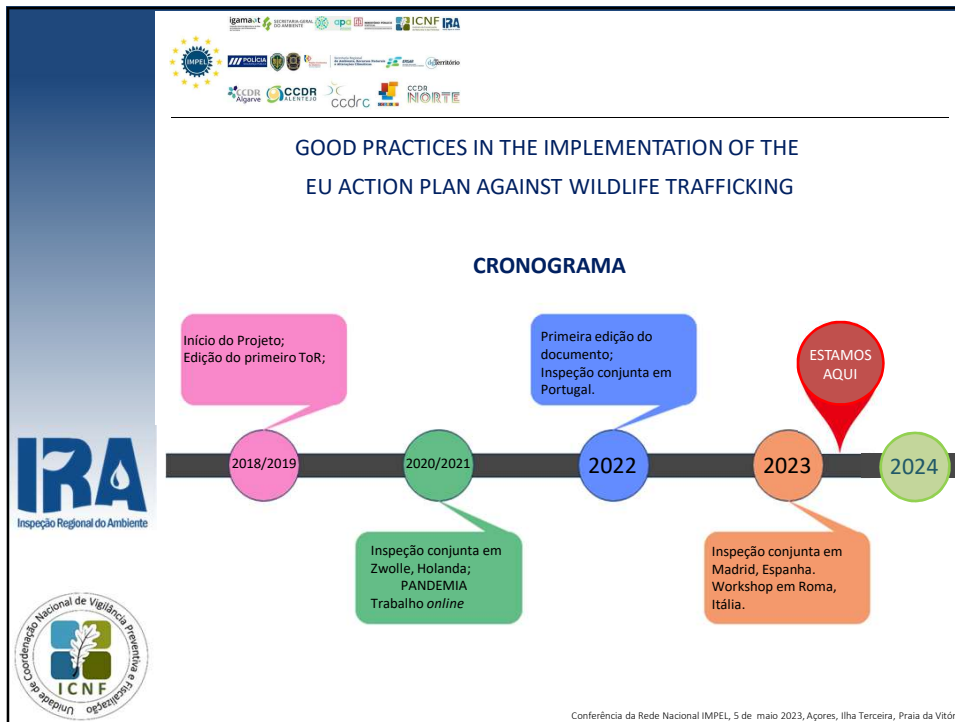
FACILITY SCORE TALLY AND FINAL DETERMINATION

Place a tick (✓) in the check box that most accurately reflects the facility for each question. Each item has a maximum score. Grey boxes should not be filled. Once completed, sum the scores to determine the final score for the facility. Use this score to make a determination about the status of the facility at the bottom of the page.

	Score	0	1	2
General				
A. Is the facility legally registered to keep and breed all of the species observed during the inspection?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Was unusual activity observed during the inspection?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilities				
C. Does the facility have housing/containment facilities suitable for the species and life stages in question?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Are housing/containment facilities adequate and/or suitable for the reported annual production levels and stocks of specimens held in captivity?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Does the facility keep up-to-date records on specimens of the species being reported?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Does the operation have suitable facilities for production and/or storage and/or preparation of appropriate food for specimens being raised?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Species-specific				
G. Does the facility's production output match the estimated production output from the number of parental stock, # males, # females, # juveniles?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Do the specimens in the facility show any signs indicative of wild origin (see explanatory notes)?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Is the species known to be difficult to breed and/or maintain in captivity?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Has the facility been established long enough to produce the species in the quantities and sizes claimed?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appendix I Species				
K. Do CITES Appendix I captive-bred parental stock have a unique and permanent identification mark and number?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Final Score		<input type="text"/>		
Final determination:				
	<input type="checkbox"/> Satisfactory			
	<input type="checkbox"/> Follow-up inspection required			
	<input type="checkbox"/> Unsatisfactory			

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-
- AÇÕES FUTURAS**
- Disseminação do documento
 - Atualizações e melhorias
 - Realização de workshops
 - Realização de inspeções conjuntas até ao final de 2024
- Conferência da Rede Nacional IMPEL, 5 de maio 2023, Açores, Ilha Terceira, Praia da Vitória



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

Inspeção conjunta

Santarém (PT)

- Data: 03/12/2022
- Alvo: AVISAN – Santarém
- Autoridade anfitriã:  ICNF
Instituto da Conservação da Natureza e das Florestas
- Autoridades participantes: IRA Açores; PSP
- Países participantes: Países-Baixos; Eslovénia; Malta; Portugal.




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


Inspeção conjunta

Santarém (PT)

- *Inputs*: Conhecer a realidade de uma mostra/feira de aves, répteis e outros animais.
Verificar o cumprimento da legislação aplicável
- Resultados:
 - ✓ 3 infrações detetadas
 - ✓ Não ocorreram apreensões



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Inspeção conjunta – Santarém Imagens



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

Inspeção conjunta

Porto (PT)

- Data: 04/12/2022
- Alvo: Feira Ilegal de aves (feira dos passarinhos) – Porto
- Autoridade anfitriã: 
- Autoridades participantes: IRA Açores; PSP
- Países participantes: Países-Baixos; Eslovénia; Malta; Portugal.

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GOOD PRACTICES IN THE IMPLEMENTATION OF THE
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Inspeção conjunta


Segóvia (ES)

- Data: 03/03/2023
- Alvo: Criador de aves de rapina, Yeguada CENTURION S.L.
- Autoridade anfitriã:


- Países participantes: Croácia; Eslovénia; Malta; Roménia; Espanha; Portugal.

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GOOD PRACTICES IN THE IMPLEMENTATION OF THE
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Inspeção conjunta

Segóvia (ES)

- *Inputs*: elevada organização de um criador de aves de rapina e o associado cumprimento da legislação.

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Inspeção conjunta – Segóvia Imagens



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

Inspeção conjunta


Madrid (ES)

- Data: 04/03/2023
- Alvo: EXPOTERRARIA Feira de répteis de Madrid
- Autoridade anfitriã:
 
- Autoridades participantes: Policía Municipal de Madrid; Autoridades CITES
- Países participantes: Croácia; Eslovénia; Malta; Roménia; Espanha; Portugal.

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

Inspeção conjunta

Madrid (ES)

- *Inputs*: Deficiente articulação entre as diversas autoridades; Dificuldades na identificação dos espécimes.
- *Resultados*:
 - ✓ 5 infrações detetadas
 - ✓ 19 anfíbios apreendidas

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

Inspeção conjunta – Madrid Imagens






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

Workshop – Itália imagens



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MUITO OBRIGADO!

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