



Wildlife Crime and its Prosecution. Analysis of the situation in Spain



TRAFFIC



[Successful wildlife crime prosecution in Spain. National report]

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All content and opinions expressed in this publication are solely those of WWF Spain but for its elaboration it has had the collaboration and participation of experts involved in the fight against environmental crimes.

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I. Executive summary

Wildlife crime is a direct attack on biodiversity and seriously affects ecosystems. Despite the existence of regulations prohibiting these crimes, they are not always adequately enforced and, on the other hand, they are insufficiently detected, investigated, prosecuted and convicted compared to other types of crimes considered to be more serious.

This report, written in the framework of the European [LIFE SWiPE \(Successful Wildlife Crime Prosecution in Europe\)](#) project, compiles, on the one hand, information on offences and/or crimes against protected species of wildlife committed in Spain over the period 2015-2020 and, on the other hand, the response by the agents involved in the prosecution of the crimes, through the opening of administrative and criminal proceedings. It also analyses the existing legal framework, and the main limitations and strengths of the processes for detecting and prosecuting these crimes. Finally, it includes recommendations for more effectively prosecuting these offences.

In total, 3125 cases of crimes in Spain committed against protected species of wildlife have been collected over a five year period. This figure represents only the tip of the iceberg, the real dimension of the problem being much greater, as only a small part of the total number of cases is detected, and, on the other hand, information could only be obtained for 57.88% of Spain's landmass. From these cases, we have been able to confirm the illegal killing of 3066 specimens of protected species. Of the cases registered in that period, there were 327 criminal convictions, demonstrating that only a small proportion of wildlife crimes end in court proceedings. In addition, 20% of the 327 rulings were acquittals.

There is a general perception that these crimes are minor offences; this influences the lack of political will to dedicate more means, resources and specialised agents to investigating and prosecuting them. On the other hand, environmental regulations are heterogeneous across the region, and data on this type of crime is scattered, with no centralised database that compiles all the cases of illegal killing. We have also detected a certain lack of training, specialisation and motivation of some of the agents involved in the prosecution of

environmental crime (particularly judges and magistrates).

Despite the above, it should be noted that in certain aspects of the fight against wildlife crime, in comparison with other European countries, Spain is at the forefront, especially in terms of its experience in the fight against illegal wildlife poisoning, having imposed the highest number of penalties for this type of crime out of Western Europe as a whole.

Other strengths include the existence of different police forces, some of whom are trained specialists in the detection and investigation of environmental crime (1,854 agents of the Civil Guard's Nature Protection Service (SEPRONA) and 6,000 environmental agents). There is also a coordinating Prosecutor's Office for the Environment and Urban Planning (state-wide), and a group of prosecutors attached to this (182), who are somewhat specialised in environmental matters.

In order to improve the detection and prosecution of this type of crime in Spain, we recommend doing the following: (1) reinforcing legislation, making wildlife crime more criminal and facilitating more effective police investigation techniques; (2) providing ongoing specialised training that increases the motivation and raises the awareness of all the actors involved (especially judges and magistrates); (3) improving cooperation and coordination between the different bodies and institutions (especially SEPRONA and environmental agents, but also the Ministry for the Ecological Transition and the regional authorities, as well as the courts within the regional authorities); (4) dedicating more means and resources to investigating and prosecuting these crimes, (canine patrols, more agents and specialised professionals dedicated exclusively to dealing with these crimes).

II. About the project

II. 1. Aims and main objectives

Introduction

Wildlife crime causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe in spite of a regulatory framework consisting of different international conventions and EU legal instruments. Wildlife crime is not a petty crime. It poses a considerable and increasing threat to the environment and also to economic and social development and security. Such activities, specially the illegal trafficking of species, are often committed by organized criminal groups and in many cases involving corruption. Due to the scale of the problem, there is an urgent need for enhanced enforcement of laws and effective prosecution to counteract wildlife crime.

Project actions

Project activities aim to boost the awareness and capacity of prosecutors and selected law enforcement authorities to provide effective environmental compliance assurance, enhance cross-border knowledge exchange, and increase cooperation between relevant authorities. Overall, SWiPE will help to reduce the illegal killing of Europe's wildlife, support the recovery of threatened European biodiversity, the health of ecosystems, and decrease Europe's involvement in the illegal wildlife trade. With its activities, SWiPE aims to contribute to increasing the number of successfully prosecuted offences.

Objectives:

- Compile data on wildlife crime in 11 target countries and transfer our data to already existing, reliable databases on wildlife crime (where these are available) to enable access to information, improve comparison of data across Europe, and contribute to the work of law enforcement officers.
- Increase awareness, knowledge, and capacity of wildlife crime professionals (prosecutors and experts from enforcement agencies) in 11 target countries to improve national and cross-border governance in relation to wildlife crime investigations and prosecutions.
- Inform and drive meaningful changes to relevant national and European level policies to increase the recognition of wildlife crime, its seriousness and immense impact.
- Raise awareness of practitioners as well as the public on wildlife crime.

II. 2. Definitions

Wildlife crime, including poaching, wildlife trafficking, or illegal poisoning, causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe and beyond.

There are various definitions of “wildlife crime”. For example, United Nations Office on Drugs and Crime (UNODC) defines it as “harvesting and trade contrary to national [and international] laws”. Wildlife crimes can be categorized differently, for instance, based on the motivations of the crime, the species targeted, and the methods used. National regulations may use a combination of these categorizations when describing these offences.

The SWiPE project considers the term “wildlife crime” (WLC) as any form of illegal actions directly harming a protected species, which take place within the 11 project countries, covering species (animals and plants) protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the EU Wildlife Trade Regulations and animal species listed in the EU Habitats and Birds Directives. Below is a non-exhaustive list of wildlife crimes and some of the wildlife crime categorizations we use:

- Poaching and illegal killing for sport;
- Predators or pest control and retaliation (when they cause damage to agriculture, or to species that are used for livestock, hunting, etc.);
- Illegal catching\capturing, possession, supply and sale, export\import, illegal fishing;
- Illegal collection of eggs ;
- Non-selective catching and killing (e.g., poisonous bait, unselective and illegal nets, unselective traps);
- Trapping, harming.

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The project started in September 2020 and will run through to the end of August 2023. SWiPE aims to discourage and ultimately reduce illegally killed European wildlife.

III. Methodology

III.1. Scope of the report

The report brings a comprehensive overview of wildlife crime in Spain as it provides an assessment of WLC across different species and different types of crime and offenses. This is done through the analysis of WLC data collected and through summarising the information obtained at semi - structured interviews focused on gaps in the processes of WLC detection and prosecution. The interviews were conducted with representatives of law enforcement agencies and other selected institutions / organizations that play an important role in the fight against wildlife crime.

III.2. General methodology for data collection

Data collection was focused on gaining information on:

- a) **Gaps in the processes of WLC detection and prosecution:** This process was conducted through semi - structured interviews which were focused on obtaining information on institutional shortcomings, causes of latency, insufficient detection and reporting of WLC. It also covered questions on major obstacles to investigation, reasons for not initiating criminal proceedings, not bringing cases to courts, as well as possible legislative shortcomings and problems with application of law in practice at national and international level. In relation to data, the questions were aimed at access to information, data collection and exchange of information, and institutional cooperation at national and international level. Interviewees were also asked about what training would be needed in order to improve WLC detection and prosecution processes. The interviews were conducted with 1 or 2 representatives of each interviewed institution.
- b) **Aggregated data** were obtained either from relevant institutions directly or from publicly available sources (websites, yearly reports, etc.). Aggregated data bring a basic information about the number of cases reported or investigated and the number and/or type of sanctions in the given period.

- c) **Particular WLC cases** – data on WLC cases registered in the period 2015- 2020 were obtained from relevant institutions directly or from publicly available databases.

Scope of data:

- Type of incident: criminal offences; administrative offences; incidents documented by other than law enforcement authority (e.g. by NGO, rangers, hunters).
- Species: species protected under:
 - CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) - all listed animals (incl. terrestrial, marine and freshwater species) and plant species.
 - EU Habitats and Bird Directive - animal species.
 - National law and regulation (normally related to hunting, fishing or nature conservation) - animal species.
- Scope of illegal actions: Poaching; Illegal killing for sport; Control of predators/pests and retaliation; Illegal catching, incl. for pets; Illegal collection of eggs; Trading (all part of the trade chain including transportation, trafficking, sale, possession, consumption; the financing of such activities; laundering of species) ; Non-selective catching and killing that is potentially (and knowingly) endangering protected species i.e. poisonous bait, unselective and illegal nets, unselective traps; Trapping and/or harming;
- Types of crimes not included (but optional):
 - Harms to the ecosystem in general (i.e. fires and oil spills)
 - Other forms of environmental crime (i.e. illegal waste dumps)
 - Illegal killing of a non-protected species (i.e. shooting of wild boar)
 - Illegal fishing of a non-protected species, outside the fishing period or without fishing permit
- Timeframe of cases collected: 2015 - 2020: All relevant cases at any stage of their development during the time frame 2015 - 2020 (e.g. in case of courts - any available cases, not only those which have been finalized but also those under the process). Cases that occurred prior to the 2015-2020 period, but whose resolution has occurred or is still ongoing in the 2015-2020 period, have also been included, and cases after 2020 that were initiated between 2015-2020.

III.3. Methodological notes – specificities of the Spanish survey – accessibility, completeness and consistency of data

III.3.1. Meetings with experts

WWF Spain has compiled the views and contributions of various actors involved in the fight against wildlife crime, as well as other stakeholders, by holding two meetings with experts (Illegal mortality workshop, March 17 and 24, 2021)

On 17 and 24 March, 2021, WWF Spain organised two conferences on the illegal killing of wildlife, bringing together a leading group of experts in this field from different sectors (SEPRONA, Spanish Civil Guard (Guardia Civil), environmental prosecutors, Ministry for the Ecological Transition and Demographic Challenge, wildlife recovery centres, the Wildlife Analysis and Diagnosis Centre (Centro de Análisis y Diagnóstico de la Fauna Silvestre; CAD), and lawyers). Environmental agents, technicians from Autonomous Communities and a representative from the European Union Agency for Law Enforcement Cooperation (EUROPOL) also attended. The aim of these conferences, carried out within the framework of the *LIFE Euro Large Carnivores Project*, was to boost knowledge of the situation, as well as provide proposals for improvement that include prevention, police investigation, and forensic and sanctioning aspects.

III.3.2. Preliminary information search

A literature search was conducted and the annual reports of the Public Prosecutors Office for the Protection of the Environment (Fiscalía coordinadora de Medio Ambiente) were reviewed, as these contain information on sentences handed down for wildlife crimes. However, it does not indicate whether the offences affect protected species or not, or whether the type of wildlife crime is differentiated. Information from the Ministry of the Interior's Statistical Yearbooks was also reviewed. However, these documents contain only partial information, as they do not include all cases of illegal killing of species, which in many cases are in the hands of the Autonomous Communities or other authorities at State level (in the case of international trafficking of protected species).

III.3.3. Data collection

a) Requesting information from the competent authorities

As there is no public database available at national level that compiles all the data on the illegal killing of protected wild species in Spain, the published information was supplemented with information held by the various competent authorities.

To this end, individual letters were prepared for each crime, case and file, which were sent to the 17 autonomous communities within Spain, as well as to other bodies that could provide useful data for the project's objectives (the Ministry of Industry, Trade and Tourism; and the Ministry of Finance and Customs in the case of illegal trafficking of species included in annexes to the CITES convention).

To request the information, the same model letter was used, which was adapted to each case. Several months after the date of the first request, a second request was sent to those Autonomous Communities or bodies that had failed to respond within this period. In those cases in which no response was received to either request, specific individuals in the Autonomous Communities were contacted who could facilitate faster access to information than a formal request.

Despite the fact that illegal capture data was requested, the information compiled was based fundamentally on data associated with illegal hunting, since hardly any illegal fishing data had been received from the administrations consulted. Data from 2015 to 2020 have been considered.

For the collection of sentences, due to the low number of judgements handed down during this period, we have also included crimes committed before 2015 that were tried between 2015 and 2020 (e.g., the Tudela poisoning case in 2012, for which the sentencing took place in 2020) and 21 cases after 2020 that were initiated between 2015-2020.

(b) Information obtained by tracking court sentences in legal publications

In parallel, a search was carried out to locate judgements relating to wildlife crimes included in the project using search engines in the databases of both public (CENDOJ) and private (Aranzadi, Tirant lo Blanc, General Prosecutor's Office for the Environment and Urban Planning database, Ecoiuris-wolterskluwer, La Ley-Thomson Reuters, V-lex) legal publishers. These private search engines are products marketed by the publishers and they are expensive to access, but we have attempted to retrieve as many existing court sentences as possible and to obtain information that is as close to reality as possible.

For the search, we used spanish keywords related to the mentioned crimes combined with other relevant keywords such as "fauna" and/or "protected species" using the Boolean operators ("AND"; "Y") if allowed by the search engine. E.g., *veneno* AND *fauna*; *cepo* AND *fauna*; *lazo* AND *fauna* (poison AND fauna; snare AND fauna). The words were the following:

1. Shooting: *disparo*; *tiro*; *disparar* (shoot/shot)
2. Plundering nests: *expoliar*; *expolio*; *nido*; *polluelos* (plunder/nest/nestlings)
3. International Wildlife Trafficking: *tráfico*; *comercialización*; *comercio*; *CITES*; *contrabando* (trafficking/commercialization/trade/CITES; smuggling)
4. Poison: *veneno*; *envenenamiento* (poison/poisoning)
5. Illegal trapping methods: *cepos*; *lazos*; *jaulas*; *trampa*; *red*; *parany*; *barraca*; *bareta* (snares/cages/trap/net/barraca/bareta)

Keywords related to the articles of the criminal code of interest were also used: Article 334; Art. 334 (protected wildlife species); Article 335; Art. 335 (species other than Art. 334); Article 336; Art. 336 (destructive and non-selective hunting or fishing methods); Article 338; Art. 338 (protected areas).

All the information collected was entered into an Excel database. It would be useful to differentiate between the existence of cases and sentences in two different databases, as they may be duplicated.

c) Interviews conducted with representatives of the various sectors involved.

WWF Spain in collaboration with the International Centre for Environmental Law Studies (Centro Internacional de Estudios de Derecho Ambiental; CIEDA) invited relevant individuals to participate in an interview process to gather information on wildlife crime. The interviews conducted by CIEDA took place from the end of December 2020 to mid-2021 and complementary interviews were conducted by WWF Spain between March and September 2021. The semi-structured interviews involved a telephone call and questions asked on the basis of a questionnaire previously defined and adapted to the interviewee. The interviews were sometimes conducted in writing and the questionnaire filled out. The interviews lasted an average of about 45 minutes. A total of 23 interviews were conducted and 3 questionnaires were completed.

The groups of interviewees selected ranged from the heads of public legal institutions (judges and prosecutors), members of the Civil Guard (including a guide from the canine unit specialized in detecting poisoned baits and a representative of SEPRONA), lawyers specialising in the field, instructors of sanctioning administrative files in two regions, non-profit organizations (NGOs) that have played a decisive and pioneering role in the fight against this practice, the media linked to the hunting and environmental sector, and even representatives of the hunting, livestock and pigeon breeding sectors. A representative of EUROPOL was also interviewed, as well as representatives of the Andalusian Poison Control Strategy (Estrategia Andaluza contra el Veneno; EAV), both technical staff and environmental agents, and other technicians from Spain's Autonomous Communities.

The interviews were transcribed into Word format for later analysis.

IV. General information about Spain

Spain has been a member of the European Union since 12 June, 1985, being effectively integrated into the Economic Community on 1 January, 1986. It has a total surface area of 505,944 km² with 55.5% being forested (in 2020). Spain stands out at European level for its enormous biological biodiversity. For example, 80% of the population of the Bonelli's eagle (*Aquila fasciata*) is found in our country, as well as the main European population of the short-toed snake eagle (*Circaetus gallicus*). There are about 34,000 breeding pairs of Griffon Vultures (*Gyps fulvus*), 2,844 Black Vultures (*Aegypius monachus*), and 1,500 Egyptian Vultures (*Neophron percnopterus*).

Spain reaches 36.2% of the protected terrestrial surface and 12.3% of the marine surface. It is the European country that contributes the most to the Natura 2000 Network (27.4% of the country) and the one with the most biosphere reserves in the world (53 in total). Spain stands out at European level for its enormous biological diversity. There are three major biogeographical regions: Eurosiberian, Mediterranean and Macaronesian. The population is 47,385,1071 and it has a Gross Domestic Product per capita of 5.4% (in 2022).

Despite the great negative impact of wildlife crime in Spain, in general, this is not considered a serious crime, even if there is a criminal organisation behind it that uses this type of crime as a business. However, within the European context, Spain is at the forefront of sanctions for wildlife poisoning cases in Europe, with the number of criminal or administrative penalties issued in Spain being greater than the sum of all the sanctions issued in Western Europe as a whole.

In Spain, unlike some European countries that do not have specialized environmental police, there are different police forces involved in this field, depending on the region. The most common is that two of them may coincide investigating the same crime against fauna (generally environmental agents and SEPRONA). The former are considered by Spanish regulations as generic judicial police, in addition to administrative police, and depend on regional administrations. As for the SEPRONA agents, they are specific judicial police with full police powers and belong to the State security forces.

V. Legislation concerning wildlife crime and competences

V.1. Legislation and provisions on wildlife crime

The aim of this section is to identify, in an initial approximation, those aspects that are essential for studying offences relating to protected wildlife species regulated in Chapter IV of Title XVI of the Criminal Code (CC), on offences relating to the protection of flora, fauna and domestic animals, bearing in mind that Chapter III of the same Title, in a more generic way, is dedicated to regulating offences against natural resources and the environment. In

turn, both are covered in Title XVI "Offences relating to spatial and urban planning, the protection of historical heritage and the environment".

In addition to the Criminal Code, we will list other regulations at Community, national and Autonomous Community level that could have an impact on the subject under study.

Competence in criminal matters is exclusive to the State (Article 149.1.6 of the Spanish Constitution) while, on the other hand, many of the criminal offences are set out as so-called *normas penales en blanco* (laws that must be informed in some way by other laws) that thereby refer to extra-penal regulations (for example, those of the State, the Autonomous Communities or the local authorities, depending on who has legislative competence in these matters). In other words, it is necessary to complement the content of criminal regulations with the corresponding administrative regulations.

The Spanish Constitution (SC) of 1978 does not include a normative concept of the environment, but it does allude to this expression in Article 45, which textually states:

1. Everyone has the right to enjoy an environment suitable for personal development, as well as the duty to preserve it.
2. The public authorities shall safeguard rational use of all natural resources with a view to protecting and improving the quality of life and preserving and restoring the environment, by relying on essential collective solidarity.
3. For those who violate the provisions of the previous section, criminal or, where appropriate, administrative penalties are established in the terms stipulated by law, as well as the obligation to repair the damage caused.

From the reading of this precept, it can be deduced that environmental protection is an obligation of the public authorities and that there are criminal sanctions (or, where appropriate, administrative sanctions), as well as the obligation to repair the damage caused (usually an accessory measure to the sanction), in the event of environmental infringement. Likewise, this generic protection by the public authorities is set out in Articles 148 and 149 of the SC - competences that can be assumed by the Autonomous Communities and the State, respectively.

Criminal sanctions are imposed in response to the violation of a criminal mandate or prohibition and are a complement to other legal instruments for protecting the environment. This is the principle of minimum intervention of criminal law, only when it is absolutely indispensable to protect a fundamental legal right.

Similarly, in the scope of the environment, the *non bis in idem* principle is fundamental. This states that the same subject cannot be sanctioned from an administrative perspective as well as from a criminal perspective for the same facts and on the same grounds. From this principle we can deduce, firstly, the primacy of criminal law over administrative sanctioning law, in such a way that when certain facts may constitute a crime, the authorities must refrain from pursuing those same facts in administrative proceedings. Secondly, double prosecution is prohibited, and the administrative sanctioning procedure must be suspended while criminal proceedings are underway concerning the same facts. And, thirdly, the *res judicata* effect applies, meaning that if the facts have been heard by the criminal courts and the authorities subsequently intervene to prosecute and punish a party based on the same facts, they must take as a basis the account of the facts established by the criminal courts, being bound by what has been declared proven.

In this regard, it is interesting to note the provisions of Title VI of Law 42/2007, of 13 December, 2007, on Natural Heritage and Biodiversity (hereinafter, ANHB), "on offences and sanctions", of an administrative nature (Articles 80 and 81), in addition to the principle of *non bis in idem*, in Article 82, which states: "In cases in which the infringements could

constitute a crime or misdemeanour, the investigating authorities must pass the matter to the competent jurisdictional body and refrain from continuing with the sanctioning procedure until the judicial authority has issued a final judgement or sentence that puts an end to the procedure. The sanction imposed by the judicial authority will exclude the imposition of an administrative sanction, in cases in which the identity of the subject, the fact and the grounds are determined. If the existence of a crime or misdemeanour is not established, the authorities may continue with the sanctioning proceedings, on the basis of the facts that the competent jurisdiction has considered proven."

The main administrative sanction is a pecuniary sanction (fine), i.e., the payment of a certain amount of money, depending on the seriousness of the infringement. There are other administrative sanctions, complementary to the fine, as well as the aforementioned obligation to repair the damage caused, which implies the obligation to restore the environmental damage caused or, when this is impossible, to compensate this financially.

In addition, depending on the region, there are different regulations with certain obligations for the owners of hunting facilities or their employees, such as the obligation to monitor to avoid the existence of poisoned baits in the field that could harm wildlife (it exists only in Andalusia and Castilla La Mancha). Moreover, in different regions there are obligations to notify the competent administration of the existence of dead animals or poisoned baits. After mortality episodes, the environmental administration can also adopt other recovery measures (not sanctioning) of the affected species. These measures normally consist of prohibitions or limitations of the uses.

V.1.1. Criminal regulations

To justify the need to impose criminal sanctions in the field of environmental protection, Recital Three of Directive 2008/99/EC of the European Parliament and of the Council, of 19 November, 2008, on the protection of the environment through criminal law is mentioned, where it underlines that "Experience has shown that existing sanctioning systems are not sufficient to achieve full compliance with the legislation for the protection of the environment. This compliance can and should be reinforced by the application of criminal sanctions that show social disapproval of a qualitatively different nature than administrative sanctions or a compensation mechanism under civil law."

Another of the reasons justifying the intervention of criminal law in this field is the social conscience, qualifying certain actions as criminal in order to reject and denounce the irreversible process of environmental deterioration.

From this perspective, natural resources such as wildlife are elevated to the object of criminal protection. In short, the aim is to protect the balance of natural systems, differentiating two aspects: on the one hand, the protection of natural resources (Chapter III of Title XVI CC) and, on the other, biodiversity, through the protection of endangered species of wildlife (Chapter IV of Title XVI CC).

In fact, the element common to all the types of crime to which we will refer in the following sections is that the legal asset protected in all of them is biodiversity, or biological diversity, which is defined in Article 3.3 of the ANHB as the "variability of living organisms from any source, including, *inter alia*, terrestrial and marine ecosystems and other aquatic ecosystems and the ecological complexes of which they are part; it includes diversity within species, between species, and of ecosystems."

Common provisions

Chapter V of Title XVI comprises Articles 338 to 340, which introduce a series of provisions that are applicable to the whole of Title XVI.

Through several of these precepts, the study of which will be developed in the following sections, the aim is to protect wildlife against attacks, this protection being essential for the maintenance of biodiversity and ecological balance.

Table 1. Criminal regulations: Source: Organic Law 10/1995, of 23 November, of the Criminal Code (CC).

Relevant provision	Range of possible sanctions	Authority(ies) responsible for monitoring compliance, detecting abuse, and investigating offenders
Art. 334 of the CC	<p>1. Any person contravening the law or other general provisions shall be punished by a prison sentence of between six months and two years or a fine of between eight and twenty-four months and, in all cases, special disqualification from the profession or trade and special disqualification from exercising the right to hunt or fish for between two and four years, for:</p> <p>(a) hunting, fishing, acquiring, possessing or destroying protected species of wild fauna;</p> <p>b) trafficking in them, their parts or derivatives; or,</p> <p>(c) engaging in activities that prevent or hinder their reproduction or migration.</p> <p>The same penalty shall be imposed on anyone who, in contravention of the laws or other general provisions, destroys or seriously alters their habitat.</p> <p>2. The penalty shall be imposed in its upper half in the case of species or subspecies listed as endangered.</p> <p>3. If the acts were committed through gross negligence, a prison sentence of three months to one year or a fine of four to eight months shall be imposed and, in all cases, special disqualification from the profession or trade and special disqualification from exercising the right to hunt or fish for a period of three months to two years.</p>	General Administration, State Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
Art. 335 of the CC	<p>1. Anyone who hunts or fishes species other than those indicated in the previous article, when expressly</p>	

	<p>prohibited by the specific regulations on hunting or fishing, shall be punished with a fine of eight to twelve months and special disqualification from exercising the right to hunt or fish for a period of two to five years.</p> <p>2. Anyone who hunts or fishes or carries out significant shellfishing activities on species other than those indicated in the previous article on public or private land belonging to others, subject to a special hunting regime, without due permission from the owner or subject to a shellfish or aquaculture concession or authorisation without due administrative authorisation, shall be punished with a fine of four to eight months and special disqualification from exercising the right to hunt, fish or carry out shellfish farming activities for a period of one to three years, in addition to the penalties that may be applicable, where appropriate, for the commission of the offence provided for in Paragraph 1 of this article.</p> <p>3. Should the preceding conduct cause serious damage to the hunting property of an area subject to a special hunting regime or to the sustainability of resources in shellfish or aquaculture concession or authorisation areas, a prison sentence of six months to two years and special disqualification from exercising the rights to hunt, fish and carry out shellfish activities for a period of two to five years shall be imposed.</p> <p>4. The punishment shall be imposed in its upper half when the conduct classified in this Article is perpetrated by groups of three or more persons using gear or means that are prohibited by law or by-laws</p>	
Art. 336 of the CC	<p>Whoever, without being legally authorised, uses poison, explosive devices or other instruments or gear of a similar destructive, non- selective effect on the fauna to hunt or fish, shall be punished with a prison sentence from four months to two years or fine from eight to twenty- four months and, in all cases, that of special</p>	

	disqualification from the profession or trade and special disqualification from exercising the right to hunt or fish for a term from one to three years. Should the damage caused be clearly important, the upper half of the aforesaid prison sentence shall be imposed.	
Art. 338 of the CC	When the conduct defined in this Title affects a protected natural area, the penalties shall be imposed to the higher degree of those respectively provided for.	
Art. 339 of the CC	The Judges or Courts of Law shall order the adoption, at the expense of the doer, of the necessary measures aimed at restoring the ecological balance disturbed, as well as any other precautionary measure required to protect the assets safeguarded under this Title.	
Art. 340 of the CC	If the perpetrator of any of the offences defined in this Title has voluntarily proceeded to repair the damage caused, the Judges and Courts shall impose the lower degree of punishment of those respectively provided for.	

V.1.2. Administrative regulation

The administrative regulation at the state level is shown below (Table 2). The powers of environment and biodiversity conservation are transferred to the autonomous communities, which have developed additional regulations (see Annex 1). See Annex 2 for strategies and action plans against the illegal use of poison.

Table 2. Administrative regulation at state level.

Autonomous Communities	Relevant provision	Range of possible sanctions	Authority(ies) responsible for monitoring compliance, detecting abuse, and investigating offenders

State	Law 42/2007 of 13 December, 2007, on Natural Heritage and Biodiversity. Art. 54, 57, 65, 73, Annex VII.	<ul style="list-style-type: none"> - Art. 79-83. - Fines of 100- 2,000,000 €. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
	Law 1/1970 of 4 April, on hunting. Art. 31, 32.	<ul style="list-style-type: none"> - Art. 41-51 - Fines of 30-300 €. - Withdrawal of licence and disqualification from two to five years. 	
	<i>Organic Law 12/1995 of 12 December, 1995, on the Suppression of Smuggling.</i>		
	<i>Organic Law 6/2011, of 30 June, which amends Organic Law 12/1995, of 12 December, on the Suppression of Smuggling. Art. 2, 11, 12, 12 bis.</i>	<ul style="list-style-type: none"> - Art. 11.2. Administrative smuggling offences are classified according to the value of the goods, merchandise, kind or effects that are the subject of the offence, in accordance with the following amounts in the scope of CITES: <ul style="list-style-type: none"> • Minor: less than 6,000 € • Serious: from 6,000 € to 18,000 € • Very serious: more than 18,000 € - Art. 12. Persons responsible for administrative offences relating to smuggling in the 	

		<p>scope of CITES shall be penalised as follows:</p> <p>a. With a financial penalty proportional to the value of the goods. The percentages applicable to each class of offence shall be within the following limits:</p> <ul style="list-style-type: none"> - Minor: 200% and 225%. - Severe: 225% and 275%. - Very serious: 275% and 350%. <p>The minimum fine shall be, in any case, 1,000 €.</p> <p>b. Closure of the establishment or suspension of the activity. For each class of offence, the temporary closure or suspension of the operation shall be for a duration between the following upper and lower limits, respectively:</p> <ul style="list-style-type: none"> - Serious: Between 4 days and six months. - Very serious: Between six months and one day and twelve months. 	
	<p><i>Law 34/2015, of 21 September, partially amending Law 58/2003, of 17 December, on General Taxation. Second final provision.</i></p>		

	<i>Royal Decree 1649/1998, of 24 July, 1998, implementing Title II of Organic Law 12/1995, of 12 December, 1995, on the Suppression of Smuggling, relating to administrative smuggling offences.</i>		
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V.1.3. Change of competent authorities of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Spain

Since Spain is part of the CITES Convention and until recent times, the Ministry of Commerce has exercised the powers as Administrative Authority, while the Ministry responsible for the Environment has exercised the powers as Scientific Authority.

Recently, on December 10, 2021, a Royal Decree 986/2021 has been approved and it designates new authorities within the scope of the CITES Convention. The Directorate General for Biodiversity, Forests and Desertification of the Ministry for Ecological Transition and the Demographic Challenge (responsible for the environment) is designated as the administrative authority and main management body, and the Spanish National Research Council (Agencia Estatal Consejo Superior de Investigaciones Científicas; CSIC) as a scientific authority.

This Royal Decree has also modified the previous regulations about the destination of seized specimens of CITES species and the requirements for documentation, possession and marking of CITES species, in accordance with the provisions of European Union regulations implementing CITES.

V.2. Analysis of the competent public authorities

a) Administrative authorities

Table 3. Law enforcement authorities

Authority	Scope of offences over which it has empowerment/ subject-matter jurisdiction	Type of empowerment, competences	Personnel resources dedicated to WLC
<i>Judicial Power</i>			

Attorney General's Office	<ul style="list-style-type: none"> - To promote justice in defence of legality, citizens' rights and the public interest protected by law, ex officio or at the request of the stakeholders, as well as to ensure the independence of the Courts, and to seek the satisfaction of the social interest before the Courts. 	<ul style="list-style-type: none"> - To bring criminal and civil actions in criminal proceedings. - To receive complaints. - To carry out proceedings. 	2.464 prosecutors.
General Prosecutor's Office for the Environment and Urban Planning	<ul style="list-style-type: none"> - To carry out the proceedings referred to in Article Five of the Organic Statute of the Attorney General's Office, and to intervene, directly or through instructions given to the delegates, in those criminal proceedings deemed of special significance by the Attorney General, referring to offences relating to land management, the protection of historical heritage, natural resources and the environment, the protection of flora, fauna and domestic animals, and forest fires. - Exercise public action in any type of procedure, directly or through instructions given to the delegates, when this is provided for in the different environmental laws and regulations, demanding the appropriate responsibilities. - To supervise and coordinate the actions of the specialised environmental sections and obtain the appropriate reports, directing the network of environmental 	<ul style="list-style-type: none"> - To bring public action in proceedings. - To carry out proceedings. 	182 prosecutors. A delegated prosecutor per province (no prosecutor specialized in the environment).

	<p>prosecutors as delegated by the Attorney General.</p> <ul style="list-style-type: none"> - To coordinate the Prosecutor's Offices in environmental matters, unifying the criteria for action, for which purpose it may propose to the Attorney General the issuance of the corresponding instructions and meet, when appropriate, with the Prosecutors who are members of the specialised sections. - To prepare annually, and submit to the Attorney General, a report on the procedures followed and actions carried out by the Attorney General's Office in environmental and urban planning matters, which will be included in the annual report presented by the Attorney General. 		
Supreme Court	<ul style="list-style-type: none"> - This is the highest jurisdictional body in all areas (civil, criminal, contentious-administrative, social), except in matters of Constitutional guarantees, with jurisdiction throughout Spain. 	<ul style="list-style-type: none"> - To guarantee compliance with the law by institutions and citizens. - Instruction and prosecution of cases for various offences. - Seizure procedures. 	The president of the Supreme Court, the vice president, the five presidents of the chamber and 74 magistrates.
National High Court	<ul style="list-style-type: none"> - This has jurisdiction throughout Spain. 	<ul style="list-style-type: none"> - To guarantee compliance with the law by institutions and citizens. - Prosecution of cases involving various offences. - Seizure procedures. 	Six central courts of criminal investigation, four Chambers (Appeal, Criminal, Contentious-administrative and Social). In addition, 12 central contentious courts, a central criminal court and a juvenile

			court are attached to the National High Court.
High Courts of Justice	- The High Court of Justice of the Autonomous Community completes the judicial organisation within the territorial scope of an Autonomous Community, without prejudice to the jurisdiction corresponding to the Supreme Court.	<ul style="list-style-type: none"> - To guarantee compliance with the law by institutions and citizens. - Instruction and prosecution of cases for various offences. - Seizure procedures. 	17 courts (one for each autonomous community).
Provincial Courts	- The <i>Audencias provinciales</i> are based in the capital of the province and have jurisdiction throughout the province, without prejudice to the provisions of Article 82(4); or outside the capital of the province, to which one or more judicial districts are attached.	<ul style="list-style-type: none"> - To guarantee compliance with the law by institutions and citizens. - Instruction and prosecution of cases for various offences. - Seizure procedures. 	52 Provincial Courts that are structured in sections made up of three or four magistrates.
Courts of First Instance and Preliminary Investigation	In each district there shall be one or more <i>Juzgados de Primera Instancia e Instrucción</i> (Courts of First Instance and Preliminary Investigation) based in the capital of that district and with jurisdiction throughout its territorial area.	<ul style="list-style-type: none"> - To guarantee compliance with the law by institutions and citizens. - Instruction and prosecution of cases for various offences. - Seizure procedures. 	
Criminal Courts	- In each province, with headquarters in its capital, there will be one or more Criminal Courts. Criminal Courts may be established whose jurisdiction extends to one or more districts of the same province.	<ul style="list-style-type: none"> - To guarantee compliance with the law by institutions and citizens. - Instruction and prosecution of cases for various offences. - Seizure procedures. 	

Contentious-Administrative Courts	<ul style="list-style-type: none"> - In each province, with jurisdiction over the entire province and its capital city, there shall be one or more Contentious-Administrative Courts. One or more Contentious-Administrative Courts may be established, whose jurisdiction extends to the corresponding district or which extend their jurisdiction to more than one province within the same Autonomous Community. 	<ul style="list-style-type: none"> - To guarantee compliance with the law by institutions and citizens. - Instruction and prosecution of cases for various offences. - Seizure procedures. 	
<i>Other competent administrations</i>			
CITES Management Authority (MITECO) and Scientific Authority (CSIC)	<ul style="list-style-type: none"> - To ensure that trade in wild animals and plants does not constitute a threat to the survival and conservation of species. 	<ul style="list-style-type: none"> - Application of CITES regulations and communication with the European Commission. 	
Public Wildlife Recovery Centres	<ul style="list-style-type: none"> - Maintenance and recovery of injured or defenseless wildlife. - Carrying out forensic studies on the causes of mortality or income of the specimens received. - To prevent animal suffering caused by humans. - To control the release of invasive species. - To raise social awareness. - Reproduction of endangered species - Reintroduction of species that have disappeared. - To detect environmental problems. - To compile data in order to facilitate studies by technicians, researchers and interested public. 	<ul style="list-style-type: none"> - Research. 	> 50 centers.

	- To support other wildlife conservation programmes of the respective regional administrations.		
Security Forces and Corps			
Civil Guard - Nature Protection Service (SEPRONA)	- To ensure compliance with the provisions aimed at the conservation of nature and the environment, water resources, as well as hunting, fishing, forestry and any other nature-related resources (soil, water, atmosphere, animal health and wildlife conservation).	<p>- Prevention, protection and surveillance of the natural environment.</p> <p>- Investigation of environmental crimes.</p> <p>- Enforcement of reports of aggression against the environment.</p>	<p>76,642 members of the Civil Guard;</p> <p>>300 canine patrols;</p> <p>> 60 research teams.</p>
Forestry and Environmental Agents	<p>- Policing, inspection and monitoring compliance with legislation relating to the following areas: forestry, flora, fauna, hunting, fishing, forest fires, ecosystems, inland waters, livestock trails, protected natural areas, geomorphology, landscape and, in general, anything that affects the natural environment.</p> <p>- Policing, inspection and monitoring compliance with legislation relating to environmental impact assessment, waste, atmospheric environment and environmental quality in general.</p> <p>- Investigation of forest fires and other environmental offences.</p> <p>- Reporting complaints of administrative infringements regarding environmental matters.</p> <p>- Participation and collaboration in cases of emergency and Civil Protection in rural areas,</p>	<p>- Surveillance, protection and safeguarding of the natural environment.</p> <p>- Investigation of environmental crimes.</p> <p>- Enforcement of complaints for administrative infringements.</p>	6000 agents.

	such as floods, search and rescue for missing persons, blizzards, etc.		
SOIVRE Inspectorate	<ul style="list-style-type: none"> - To ensure compliance with regulations and legislation in foreign trade operations of certain goods that fall within its competence. - Inspection of the commercial quality of certain agri-food products. - Inspection of certain imported organic products. - Inspection of the safety of certain imported industrial products. - Implementation of the CITES Convention. 	- Inspection.	152 members.
National Police Corps	<p>In provincial capitals and other towns determined by the Government:</p> <ul style="list-style-type: none"> - To ensure compliance with the Laws and general provisions, executing the orders received from the Authorities, within the scope of their respective competences. - To assist and protect people and ensure the conservation and custody of property that is in danger for any reason. - To monitor and protect public buildings and facilities as required. - To ensure the protection and security of high-ranking persons. - To maintain and re-establish, where necessary, public order and safety. - To prevent the perpetration of criminal acts. 	<ul style="list-style-type: none"> - Surveillance and protection. - Enforcement of complaints. - Research. 	66166 troops.

	<ul style="list-style-type: none"> - To investigate crimes in order to discover and arrest the presumed culprits, secure the tools, effects and evidence of the crime, placing these at the disposal of the competent judge or court, and to prepare the appropriate technical and expert reports. - To gather, receive and analyse all data of interest for public order and security, and to study, plan and execute crime prevention methods and techniques. - To collaborate with the civil protection services in cases of serious risk, catastrophe or public calamity, under the terms established in civil protection legislation. 		
Autonomous Community Police: Ertzaintza; Squad Boys; etc.	<ul style="list-style-type: none"> - To ensure compliance with the provisions and special orders issued by the bodies of each Autonomous Community. 	<ul style="list-style-type: none"> - Surveillance and protection. - Enforcement of complaints 	
Local Police	<ul style="list-style-type: none"> - To protect the Authorities of the Local Corporations, and monitor or safeguard their buildings and facilities. - To order, signal and direct traffic in the urban area, in accordance with the traffic regulations. - To investigate traffic accidents within the urban area. - Administrative policing, in relation to by-laws, ordinances and other municipal provisions within the scope of its competence. 	<ul style="list-style-type: none"> - Surveillance and protection. - Enforcement of complaints 	

	<ul style="list-style-type: none"> - To participate as an investigative police force. - To provide assistance in cases of accident, catastrophe or public calamity, participating, in the manner provided for by law, in the execution of Civil Protection plans. - Carry out preventive measures and any other actions aimed at avoiding the commission of criminal acts within the framework of collaboration established in the <i>Juntas de Seguridad</i> (Security Assemblies). - To monitor public spaces and collaborate with the State Security Forces and Corps and the Police of the Autonomous Communities in demonstrations and to maintain order in large gatherings of people, when required to do so. - Cooperate in the resolution of private disputes when called upon to do so. 		
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b) The country's judicial system and procedures for offences related to wildlife conservation

In general, cases of wildlife crime are often not treated as a priority by those in charge of prosecuting them (judges and prosecutors), as they have an overwhelming number of other types of crimes to deal with, a shortage of personnel and specialised expert support, and in some cases, they are unaware of how serious the impact of this type of crime is.

Spain has around 2464 prosecutors. On the positive side, it should be noted that in Spain there is a **Coordinating Prosecutor's Office for the Environment and Urban Planning** within the Attorney General's Office. While this is more than in other countries, it is considered insufficient for Spain as a whole, since the provincial environmental prosecutors' offices do not deal only with environmental issues, and not all cases of wildlife crime are handled by specialised prosecutors. At the regional level, there is no specialised Prosecutor's Office in the High Courts of Justice of each autonomous community or region. Since the creation of the General Prosecutor's Office for the Environment and Urban Planning, the number of environmental prosecutors has been growing, with 182 prosecutors now assigned to the speciality (of which 50 are delegates, 118 specialists, and 14 acting as liaisons), including the

Prosecutor of the Chamber and the three Prosecutors attached to this. The Prosecutor's Office adopts instructions for informing and training environmental prosecutors and organises training courses open to judges, prosecutors and law enforcement agencies.

As for the judiciary, there are currently 5,320 active judges and magistrates in Spain (11.2 per 100,000 inhabitants) with an average age of 50.4 years. The General Council of the Judiciary (Consejo General del Poder Judicial; CGPJ) is the governing body of the judiciary and comprises 20 members elected by the Congress and the Senate, and a president, selected by the Plenary of the Council from among jurists and members of the judiciary. It should be noted that **there is no specialisation in environmental matters for judges** in Spain, although this does exist in some other European countries. While it is true that there is a CGPJ training centre, information on environmental aspects is limited, and the training it offers is not ongoing. Due to the lack of specialisation, there is a general lack of awareness among judges and magistrates of how serious these crimes are, which simply reflects the general lack of awareness in society. In addition, not all judges receive cases handled by specialised environmental prosecutors, possibly due to a lack of resources. There are experts and assessors attached to the Prosecution Division (attached unit and technical unit), although their participation or advice is not always required, and in general there is a shortage of assessors available to provide adequate and independent advice to prosecutors.

c) Other actors

Environmental NGOs: These work closely with the public authorities responsible for nature conservation, and in some cases are in charge of coordination, dissemination, public reports and follow-up, to the extent of their possibilities and resources, which are not extensive. In Spain, unlike other countries, NGOs are allowed to appear for the prosecution in criminal proceedings and as interested parties in administrative proceedings. This has greatly contributed to the success of many cases.

Some of the environmental NGOs that exist in Spain and which are involved in wildlife crime prosecution are: Ecologistas en Acción, the World Wildlife Fund (WWF Spain), the Fondo para la Protección de los Animales Salvajes (FAPAS), the Fundación Oso Pardo (FOP), the Fundación para la Conservación del Quebrantahuesos (FCQ), the Sociedad Española de Ornitología (SEO/BirdLife), among others.

In addition, there are various NGO initiatives that allow reports to be channelled through citizen collaboration, such as, for example, the portal created by SEO BirdLife in the framework of the LIFE Guardians project (<https://guardianes.seo.org/denuncia/>)

The work of **private Wildlife Rescue Centres** is also noteworthy, as these play an important role in receiving and housing confiscated animals (CITES-listed species). There are also private **Wildlife Recovery Centres**, the most important of which are those belonging to the Grupo para la Recuperación de la Fauna Autóctona y su Hábitat (GREFA) and Acción por el Mundo Salvaje (AMUS), which house and rehabilitate injured wildlife and carry out forensic studies on the causes of death of the individuals admitted, as well as telemetrically monitoring reintroduced or released specimens, among other activities. However, many of these centres, both the public ones (in Table 3), which are the most numerous, and the private ones, are often understaffed and operate with limited resources, hampering the indispensable work they do.

d) Collaboration

There are various international bodies and organisations with which Spanish organisations must coordinate, among which the following stand out:

- the World Trade Organisation (WTO). This deals with the rules governing trade between countries. Its competences are international trade negotiations, implementation and monitoring.
- the World Customs Organisation (WCO), whose functions are: (1) to establish, apply, support and promote international instruments for the harmonisation and uniform implementation of simplified and efficient customs procedures and systems governing the movement of goods, persons and means of transport across customs borders; (2) to enhance the enforcement efforts of Members by seeking to maximise the level of cooperation between them as well as with other international organisations in order to combat customs offences and other crimes committed at the international level; (3) to help Members to meet the challenges of the current business environment and adapt to new circumstances by promoting communication and cooperation between them as well as with other international organisations, in addition to promoting customs probity, human resource development, transparency, the improvement of working and management methods of customs authorities, and the exchange of best practices. Its competencies include aligning origin regulations, customs valuation and facilitating trade.
- the European Union Agency for Law Enforcement Cooperation (EUROPOL) is in charge of organised crime, terrorism and other forms of serious crime listed in the Annex to the Council Decision of 6 April, 2009, insofar as two or more Member States are concerned and common action by Member States is required. Its competencies include advice, support and investigation in cooperation with Member States. There are more than 1000 members, with 220 Europol liaison officers and 100 criminal activity analysts.
- the International Criminal Police Organisation (INTERPOL) supports national crime-fighting initiatives in three global areas: terrorism, cybercrime and organised crime. Its competencies include advice, support and investigation in collaboration with member countries. There are 194 member countries and 1,050 people on staff (of 114 nationalities).

SEPRONA cooperates and actively participates in EUROPOL and EnviCrimeNet and is involved in European Projects such as LIFE Guardians of Nature, and LIFE SATEC, a European initiative to fight environmental crime that integrates and involves police organisations from both inside and outside the European Union. SEPRONA has in its Central Organ the Central Operational Environmental Unit (UCOMA), which supports the territorial units in operations of special importance.

Cross-border and international cooperation is still insufficient. Although INTERPOL and EUROPOL improve the coordination between countries, the lack of homogeneity in terms of wildlife crime regulations between different countries hampers international cooperation and coordination. Illegal acts in one country/region often affect wildlife populations (e.g., migratory birds, eels, bears) in other countries/regions, therefore requiring coordinated action across the EU and within Member States to prevent wildlife trafficking.

Recently, the Guardia Civil, in collaboration with the Ministry for the Ecological Transition and the Demographic Challenge (MITECO), set up a **National Central Office** to analyse information on illegal environmental activities and improve the coordination in the field of illegal wildlife trafficking. This initiative, intended to serve as a focal point for national

and international organisations, is part of the Spanish Action Plan against Illegal Trafficking and International Poaching of Wild Species (Plan de Acción Español contra el Tráfico Ilegal y Furtivismo Internacional de Especies Silvestres; TIFIES) and the European Life+ Nature Guardians programme.

An example of collaboration between different agents that should be highlighted is that which exists in **Andalusia**, as part of the strategy to combat poisoning. This region has a highly specialised multidisciplinary team involving environmental agents, toxicologists, technicians, and so on, ready to detect and investigate crimes involving the use of poisoned bait as well as other wildlife crimes.

Initiatives of this kind should be encouraged as they enable better coordination and cooperation between the various bodies and institutions. In particular, we have identified the need for improved collaboration and coordination, especially between:

- (1) Environmental agents, who report to the Autonomous Communities, and Civil Guard agents (SEPRONA), who report to the Ministry of the Interior, to improve understanding, communication and coordination between them.
- (2) Administrative authorities and courts. There is a need to increase the coordination between the courts and the bodies responsible for processing cases. When a judge files a criminal case, they should be obliged to inform the authorities so that administrative responsibility (if applicable) can be clarified.
- (3) The different administrations (local, autonomous, regional, county, etc.)
- (4) Personnel working in the field and those processing samples in the laboratory.
- (5) The Ministry of for the Ecological Transition and the Autonomous Communities
- (6) Environmental administrations and NGOs involved in the conservation of these species (the former facilitating access to environmental information, which is sometimes very slow and cumbersome).

e) Shortcomings at organisational level

The extent of wildlife crime is largely unknown, but there are indications that many cases go undetected and unreported. Even when known, cases are not always systematically collected and compiled. Information is often distributed between the different national or regional authorities responsible, e.g., species conservation, fisheries or hunting authorities, various police forces, veterinary or customs inspectorates, and there is insufficient coordination between these.

In addition, competences in nature management and conservation have been transferred to the 17 autonomous communities in Spain, and the Ministry for the Ecological Transition currently has no centralised information on cases involving the illegal killing of protected species. This is a major shortcoming in terms of having data available at the national level and being able to address the problem adequately. These shortcomings are being addressed, in some cases, by NGOs, but with limited means and great difficulties.

In general, there is little political will to adequately sanction and prosecute wildlife crime. As a result, there is a general lack of staff, and it is necessary to increase the number of personnel:

- (1) units specialised in international species trafficking and cross-border cooperation;
- (2) specialised environmental prosecutors;

- (3) disciplinary investigators to be able to deal with the high volume of cases of these types of infringements or offences;
- (4) environmental experts specialised in wildlife crime;
- (5) specialised dog patrols (in regions where these do not yet exist);
- (6) environmental officers who can monitor the effectiveness of the measures taken by carrying out follow-up work.

A national forensic reference centre for this type of crime should also be set up, as has already been done in other countries. Although there is a network of public wildlife recovery centres, these do not always have the necessary resources.

Finally, there is a need for ongoing specialised training, to increase both the motivation and awareness of all those involved in the fight against environmental crime, particularly judges and magistrates.

VI. Analysis of infringements related to wildlife conservation

VI.1. Statistical analysis

VI.1.1. Accessibility, completeness and consistency of data

There is no public database available at the national level that compiles all the data on the illegal mortality of wild species in Spain, which has made it considerably difficult to obtain data on this type of crime.

The information obtained in the annual reports of the Public Prosecutors Office for the Protection of the Environment was not used, nor was the information obtained in the Statistical Yearbooks of the Ministry of the Interior, because the information was not complete, nor sufficiently detailed or disaggregated to meet the objectives of the project.

Regarding the information obtained from the autonomous communities, 13 of the 17 autonomous communities responded on time, providing at least part of the information requested. (Figure 1). Much of the information received was comprehensive and detailed and met most of the project's needs. However, inaccurate information was sometimes received, which generally included only the number of offences of each type in the requested period, sometimes classified by year, without specifying the species affected or other data important for the project's objectives. In the case of the Canary Islands, the data were so sparse and imprecise that no relevant information could be included in the database. In the case of Castile and Leon, we only received recovery measures in the case of poisonings (for example, closing of hunting reserves). It is important to have complete information for this area, as it is the largest region in Spain. Moreover, absolutely no information was received from Cantabria, the Basque Country, Murcia, Ceuta and Melilla, and the information from Andalusia (the second largest area region) was received after the deadline, so the data could not be included in this report. Therefore, there is only information on data on cases of illegal mortality for 57.88% of the national territory.

On the other hand, despite the fact that illegal capture data was requested, the information compiled was based fundamentally on data associated with illegal hunting, since hardly any illegal fishing data had been received from the administrations consulted. It is

anticipated that this database will be completed in the near future to include information from all the Autonomous Communities and all kinds of wildlife crimes.



Figure 1. Results of the cases gathered from Spain's Autonomous Communities. The Autonomous Communities for which information was received as of 6 December, 2021 are shown in green. The numbers represent the number of cases recorded in each Autonomous Community. Note that the 13 cases of Castile and Leon only correspond to recovery measures.

In addition to the absence of data in many areas of the country, differences in the number of cases received between Autonomous Communities increased the heterogeneity of the data collected. Extremadura, Castile-La Mancha and the Valencian Community sent more than 400 cases while for other communities such as the Principality of Asturias or Castile and Leon the numbers were under 100. In contrast, the temporal distribution of the number of cases collected was more homogeneous within each autonomous community (Table 4).

Table 4. Results of the collection of cases from the autonomous communities of Spain in the period 2015-2021. Cases after 2020 that were initiated between 2015-2020 are also included.

Autonomous Community	2015	2016	2017	2018	2019	2020	2021	Unknown year	Total
Aragón	17	22	14	19	17	10			99
Castilla y León	2	7			1	3			13
Castilla-La Mancha	74	116	82	58	110	114			554
Cataluña	32	29	32	33	33	66	17		242
Comunidad de Madrid	54	33	63	44	45	44			283
Comunidad Foral de Navarra	32	30	34	48	30	28	2		204
Comunidad Valenciana	88	76	77	57	68	80			446
Extremadura	139	123	175	148	92	92		2	771

Galicia	57	64	99	37	40	29			326
Islas Baleares								84	84
La Rioja	6	15	17	18	16		2		74
Principado de Asturias	2	6	5	8	5	3			29
Total	503	521	598	470	457	469	21	86	3125

The lack of precision in the data sets also meant, in many cases, that some data could not be included in the general database due to the impossibility of ensuring that there were no duplicate cases. This was the case of data from organisations other than the Autonomous Communities, which were not included in the general database due to the possibility of duplicating information received from the Autonomous Communities themselves. Despite the fact we received information from most of the Autonomous Communities within the deadline, the quality of the data obtained needs to be improved. This would allow us to compile a more comprehensive database and obtain a more realistic view of the state of environmental crime in Spain.

VI.1.2. Wildlife crime in Spain: dimension of the problem and type of registered crimes

A total of **3125 cases** of wildlife crime were compiled (Annex 3 contains photographs of various wildlife offences), 1188 of which involved shooting, 767 involved poison, 398 involved the use of prohibited hunting methods, 365 involved illegal trade, 358 involved illegal capture of species, 75 involved illegal possession, 6 involved other forms of killing species and 2 involved smuggling (Figure 2). The sum of the cases by type does not coincide with the total sum because several cases included more than one type of crime at the same time.

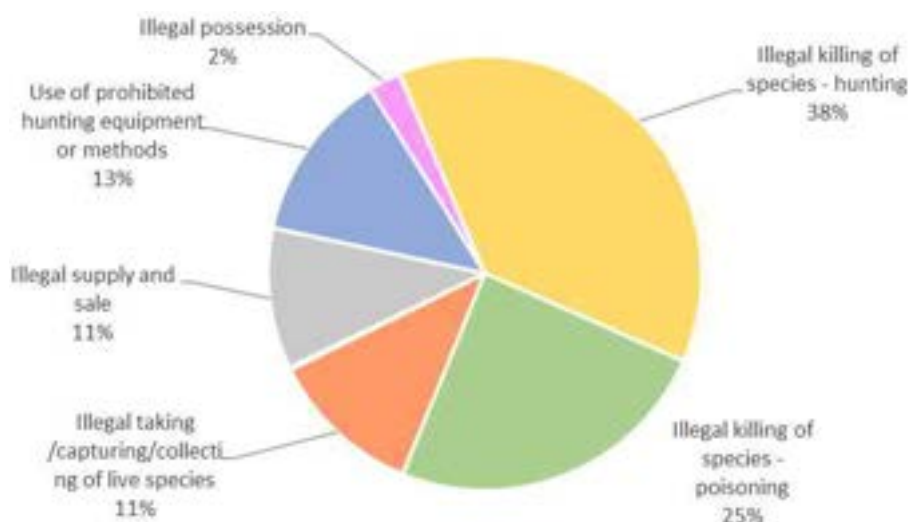


Figure 2. Percentages of the different wildlife crimes in the 3125 cases compiled in Spain. Offences accounting for less than 1% are not shown.

Overall, the number of offences of each type was fairly homogeneous, with a very similar number of offences relating to poison, illegal capture methods and illegal trade/possession of species (including international trafficking, illegal supplying/sale and possession), although these were outnumbered by around 10% by shooting, hunting and illegal fishing offences (Figure 3).

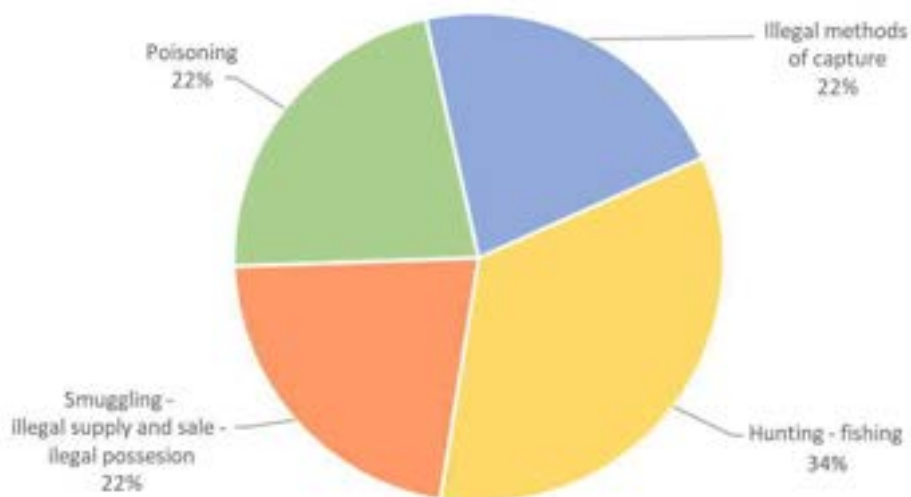


Figure 3. Percentages of the different wildlife crimes in the 3125 cases compiled in Spain. Offences accounting for less than 1% are not shown.

VI.1.3 Results of prosecution, pre-trial proceedings and administrative violations

From the analysis of the sentences related to wildlife crime collected from the search engines, 327 sentences were collected, of which 213 were for the use of prohibited hunting methods, 32 for illegal trade, 26 for illegal use of poison, 22 for illegal possession, 18 for smuggling, 15 for shooting, 4 for the illegal capture of species and 2 for other forms of killing species (Figure 4). The information obtained in these sentences is in some cases quite limited, which makes it difficult to clarify and determine aspects of the cases tried.

Shootings involving non-protected species and domestic animals (dogs and cats) were not included, while in the analysis of the other crimes, all the cases were considered, simply because they required prosecution, regardless of whether or not they affected wild or domestic species (Figure 5). The sum of the sentences by type does not coincide with the total sum because several cases included more than one type of crime at the same time.

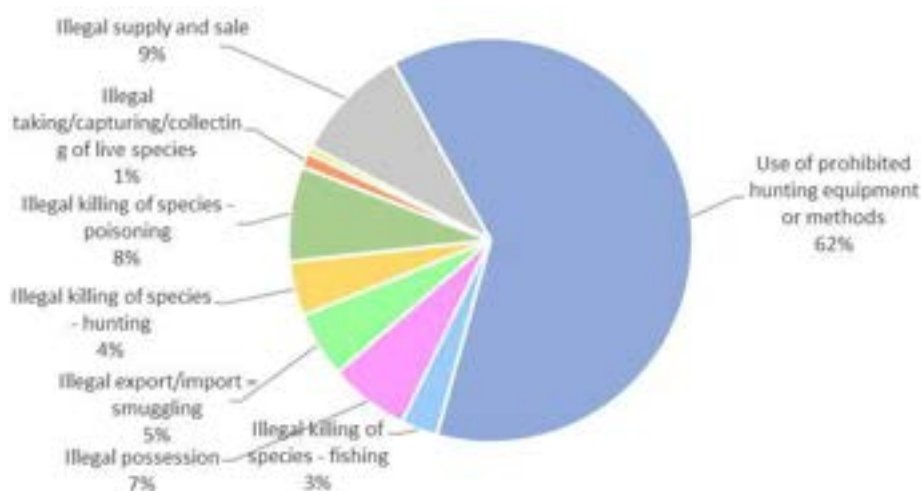


Figure 4. Percentages of the different wildlife crimes in the 327 sentences passed down in Spain. Offences accounting for less than 1% are not

shown.

Using the same, more general, classification as above for the cases, a high number of sentences relate to illegal trapping methods, accounting for 63% of the sentences recorded. Although other offences such as illegal trade/possession of species (including international trafficking, supplying/sale and illegal possession) are well represented, they do not exceed 25% of the total number of sentences.

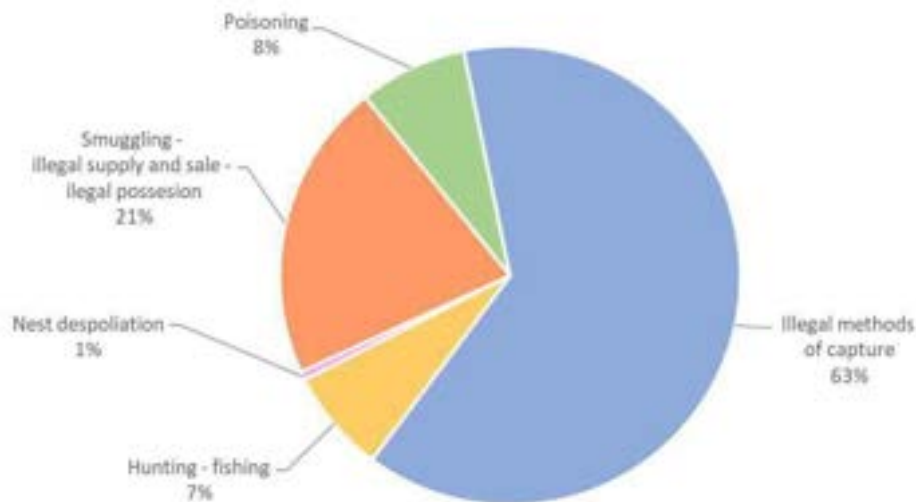


Figure 5. Percentages of the different environmental offences in the 327 sentences passed down in Spain. Offences accounting for less than 1% are not shown.

The information obtained from the database is correlative and unified, for existing cases, administrative sanctions, and court sentences. The information obtained both from existing cases and sentences has important limitations that make it very difficult to trace these.

On the other hand, in order to analyze in detail the characteristics and peculiarities associated with wildlife crimes, it would have been desirable to have a more complete database. For future collection of information, it is recommended to include the following variables: location of the crime at a scale smaller than the country (at least at the scale of the autonomous community), who has detected it (eg SEPRONA, environmental agents, individuals, etc.) who participates as complainants (eg public administration, NGO, etc.), motivation (eg related to the hunting, agricultural, livestock, beekeeping sector, etc.) and area where it takes place the crime (eg protected areas) or the type of evidence used (eg circumstantial evidence, witnesses, DNA, wiretaps, etc.).

The total number of animals affected in the cases and sentences compiled amounted to 3066 individuals. In terms of the species affected, the results varied between crime types, but in general raptors, fringillids and foxes (*Vulpes vulpes*) were the most affected taxa. The common buzzard (*Buteo buteo*), common kestrel (*Falco tinnunculus*), black kite (*Milvus migrans*), red kite (*Milvus milvus*), Eurasian eagle owl (*Bubo bubo*), fringillids, Northern goshawk (*Accipiter gentilis*), Eurasian sparrowhawk (*Accipiter nisus*) and

domestic dog (*Canis lupus familiaris*) were particularly common among the cases recorded (Figure 6).

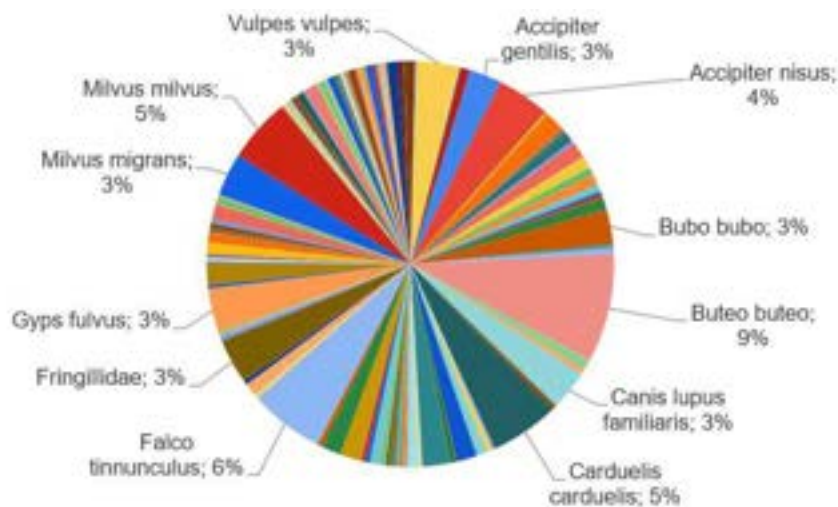


Figure 6. Species of fauna affected in the wildlife crime cases recorded in Spain.

However, two types of environmental crime, poisoning and illegal possession/trapping, were very frequently linked to the same species groups (Figure 7). Domestic dogs, followed by red kites, griffon vultures (*Gyps fulvus*) and common buzzards featured particularly highly in poisoning cases. This is related to the abundance of domestic dogs and the scavenging nature of the three aforementioned bird species. Fringillids (especially the European goldfinch; *Carduelis carduelis*) and Hermann's tortoise (*Testudo hermanni*) were the species most commonly affected by illegal possession and capture offences. The widespread tradition in Spain of capturing and keeping finches, especially goldfinches, contributes to the significant impact on this group of species.

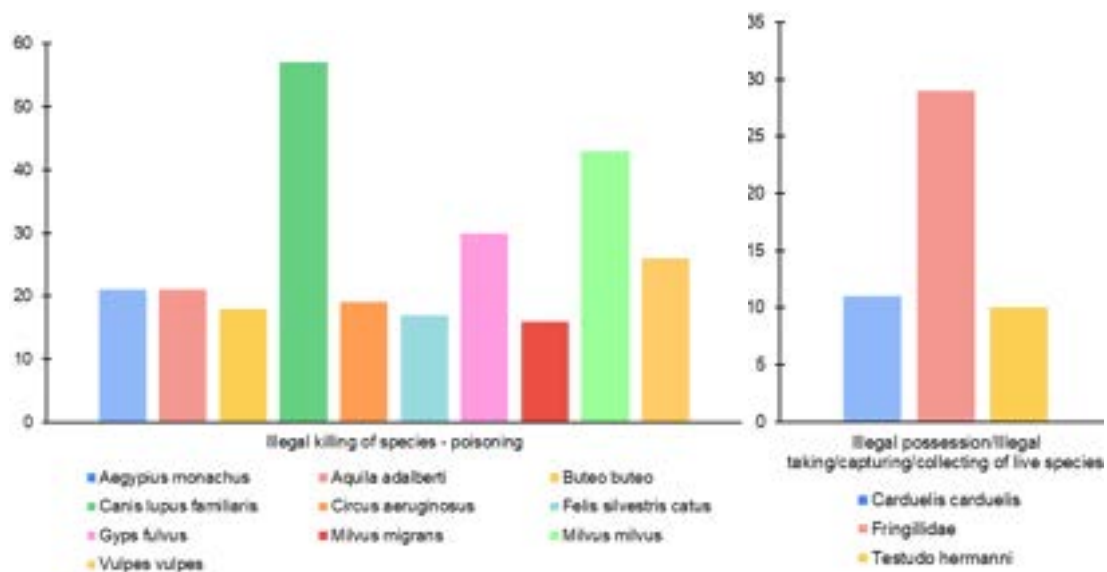


Figure 7. Species particularly affected by the wildlife crimes of poisoning (left figure) and

illegal possession/capture (right figure). The bars represent the number of individuals affected among all the cases recorded.

VI.1.4. Analysis of data on sanctions in cases of wildlife crime in Spain

Of the information received by the different public authorities, a total of **177** corresponded to cases concerning **administrative processes** carried out after the perpetration of the offences. Eleven of these were still ongoing on the date the data was received, six resulted in acquittal, while the remaining 160 ended with an administrative sanction of some kind. This amounts to **5.1% of cases receiving administrative sanctions**. This figure is certainly an underestimate, as in many cases the Autonomous Communities sent no information on the proceedings initiated after the perpetration of the crime.

Although it is not possible to estimate the number of cases or sentences that are not included among the information received, the number of court sentences against environmental crime cases (327) is very small compared to the total number of cases received (3125 cases), accounting for only **10.5%**, suggesting that few wildlife crimes end up in court proceedings, especially considering that several authorities did not send any information on cases on time, so this figure is certainly much lower.

Of the 177 cases recorded that received a sanction, 60 (33.9%) resulted in a financial penalty (average fine: 736.72 €) and five involved being banned from the activity for a period (withdrawal of the hunting or fishing licence). Of the 327 sentences, 76% led to convictions, while 20% resulted in acquittals (Figure 8).

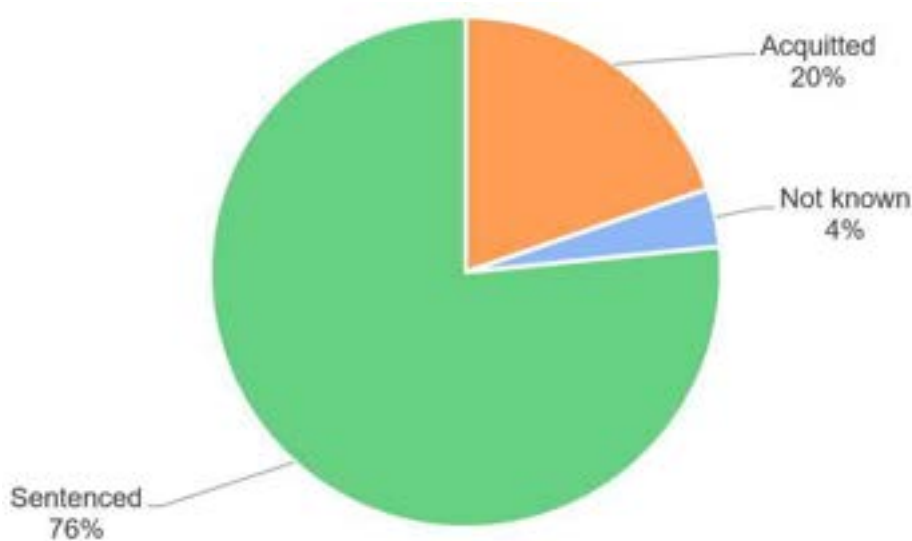


Figure 8. Outcome of the wildlife crime convictions recorded in Spain.

VI.1.5. Trends and regional differences

In recent decades, significant progress has been made in prosecuting crimes against wildlife in Spain, especially in detecting the use of poisoned baits. However, the fight against poison and its effectiveness is not homogeneous throughout the Spanish territory, highlighting the Junta de Andalucía in this matter, which has become a benchmark both in Spain and at European and international level, due to its experience of more than 15 years applying the Andalusian strategy against poison.

Due to the advances in the detection and investigation of cases of poison in Spain, a change is perceived in the *modus operandi* when committing the crime. For example, in the use of poisons, it goes from massive poisoning or with a large amount of baits placed in the field to, in any case, very few baits placed at dusk and systematically monitored to avoid detection. The same happens with snares, traps and traps, with appreciable migration towards direct persecution with firearms. This makes the location of these methods less likely, although it also means that their lethal effects have been largely mitigated.

The temporal distribution of the data collected by the autonomous communities (3125 cases), was relatively homogeneous, with a total number of cases per year that ranged between 457 in 2019 and 598 in 2017. Regarding sentences, of the 327 sentences compiled, 21 were in administrative proceedings and the rest, in criminal proceedings. The distribution of the number of sentences per year ranged between 41 sentences (39 criminal and 2 administrative) in 2015 and 67 sentences (60 criminal and 7 administrative) in 2019 (Figure 9).

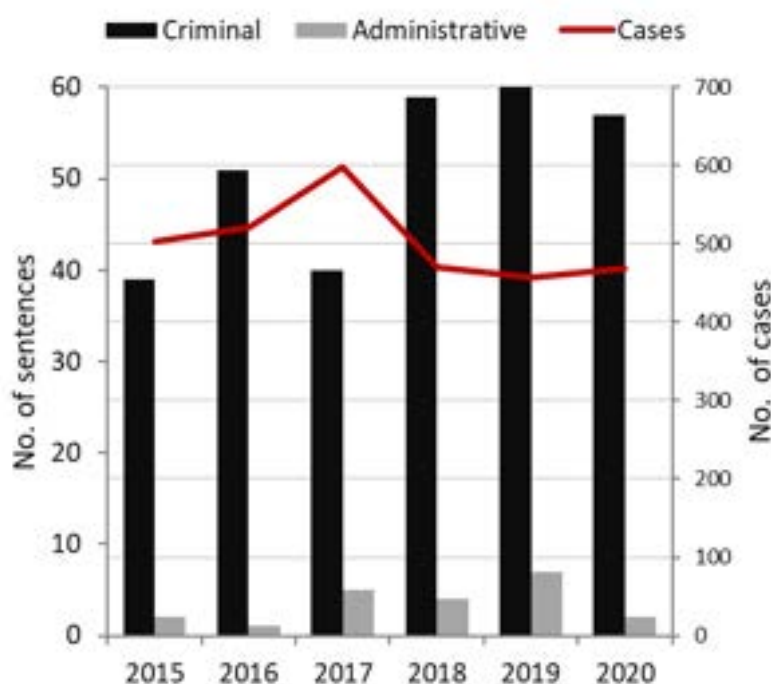


Figure 9. Temporal distribution of cases and sentences (criminal and administrative proceedings) compiled in Spain based on the date of registration of the case or the date of the sentence, respectively.

As with the cases compiled by the autonomous communities, significant regional differences were found in the analysis of the sentences (obtained by tracking them in legal publications), both at the autonomous community level (Figure 10 and Table 5) and at the province level (Figure 11). At the regional level, Catalonia stands out with 75 sentences (all criminal), Andalusia with 58 (51 criminal and 7 administrative) and the Community of Madrid with 50 (43 criminal and 7 administrative). On the contrary, no sentences were detected in the 2015-2020 period for any of the crimes studied in the Canary Islands or La

Rioja. In administrative matters, in addition to the aforementioned Andalusia and the Community of Madrid (7 sentences), Castilla-La Mancha stands out with 4 sentences (Figure 10).

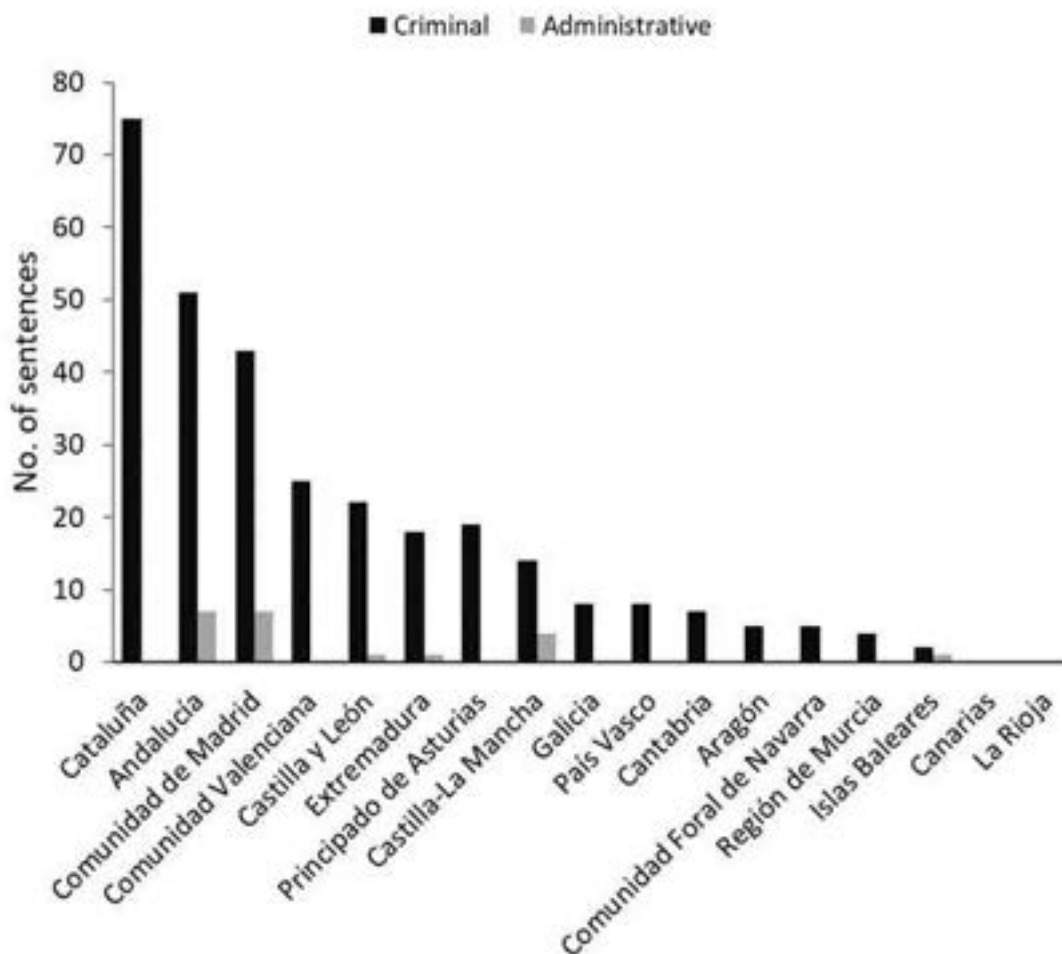


Figure 10. Distribution by autonomous community of the number of judgments (criminal and administrative) compiled in Spain. Data obtained by tracking court sentences in legal publications.

The temporal distribution of the number of sentences varied between years and between autonomous communities, with a maximum of 20 sentences obtained for the year 2018 in Catalonia (Table 5).

Table 5. Number of sentences (criminal / administrative) by autonomous communities in the period 2015-2020.

Autonomous communities	2015	2016	2017	2018	2019	2020	Total
Andalusia	10 / 0	9 / 0	3 / 6	8 / 0	4 / 7	11	51 / 7

Aragon	2 / 0	1 / 0	0 / 0	1 / 0	1 / 0	0 / 0	5 / 0
Canary islands	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0
Cantabria	0 / 0	4 / 0	0 / 0	2 / 0	1 / 0	0 / 0	7 / 0
Castile y Leon	1 / 0	3 / 0	3 / 0	3 / 1	5 / 0	7 / 0	22 / 1
Castilla La Mancha	1 / 0	2 / 0	1 / 0	4 / 2	3 / 0	3 / 2	14 / 4
Catalonia	11 / 0	14 / 0	9 / 0	20 / 0	17 / 0	4 / 0	75 / 0
Madrid	2 / 1	2 / 1	7 / 1	8 / 1	13 / 3	11 / 0	43 / 7
Community of Navarre	0 / 0	1 / 0	1 / 0	0 / 0	1 / 0	2 / 0	5 / 0
Valencian Community	6 / 0	9 / 0	5 / 0	1 / 0	1 / 0	3 / 0	25 / 0
Extremadura	2 / 1	1 / 0	1 / 0	3 / 0	6 / 0	5 / 0	18 / 1
Galicia	1 / 0	1 / 0	2 / 0	1 / 0	1 / 0	2 / 0	8 / 0
Balearic islands	0 / 0	0 / 0	0 / 1	1 / 0	0 / 0	1 / 0	2 / 1
The Rioja	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0
Basque Country	0 / 0	0 / 0	1 / 0	1 / 0	1 / 0	5 / 0	8 / 0
Asturias	2 / 0	4 / 0	4 / 0	3 / 0	3 / 0	3 / 0	19 / 0

Murcia	1 / 0	0 / 0	0 / 0	3 / 0	0 / 0	0 / 0	4 / 0
Total	39 / 2	51 / 1	40 / 55	59 / 4	60 / 7	57 / 2	306 / 21

At the provincial level, Barcelona and Madrid particularly stand out with 55 (all criminal) and 50 (43 criminal and 7 administrative) sentences respectively, Asturias being the next with 19 sentences (all criminal). In the administrative channel, it is worth noting the role of Madrid (7 sentences), Malaga (6 sentences) and Albacete (3 sentences) (Figure 11).

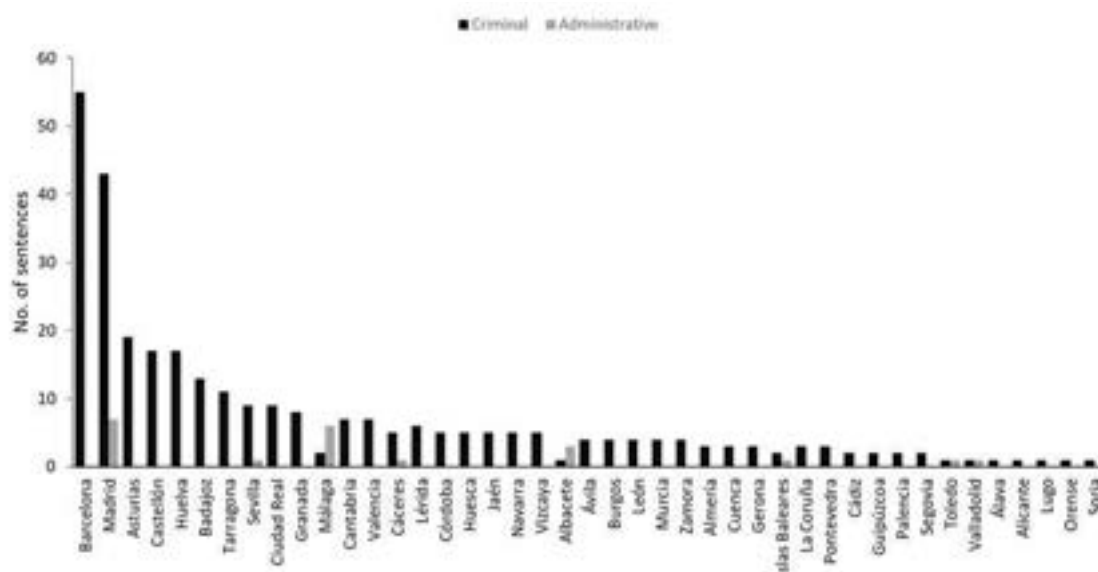


Figure 11. Distribution by provinces of the number of judgments (criminal and administrative) compiled in Spain. Data obtained by tracking court sentences in legal publications.

VI.2. Analysis of sample cases

VI.2.1. For the use of poisoned bait

Ruling of the Provincial Court of 30 December, 2019 (Provincial Court of Pamplona. 1st Section. Judge: María Esther Erice Martínez)

Species affected: 108 black kites (*Milvus migrans*), 4 red kites (*Milvus milvus*), 1 Egyptian vulture (*Neophron percnopterus*), 1 Western marsh harrier (*Circus aeruginosus*), 1 common buzzard (*Buteo buteo*) and 2 griffon vultures (*Gyps fulvus*).

Summary of the ruling:

The relevant aspect of this sentence is that the Provincial Court of Navarre has commuted the sentences of 2 years and 8 months in prison, to which the presidents of two hunting areas in Tudela and Cintruénigo and the gamekeeper of one of these areas had been sentenced in the first instance, to fines of 7,200 euros for having caused the largest poisoning of birds of prey in Spain between April and July 2012.

The Court upholds and confirms both the responsibility and the rest of the circumstances already declared proven in the judgement of Pamplona Criminal Court number 2, and maintains the compensation for damages, but applies the mitigating circumstance of extraordinary and undue delays, due to the passage of a total of seven years from the commission of the acts until the first judgement.

The 1st Section of the Provincial Court has partially upheld the appeal of the three defendants, whom it considers to be perpetrators of an offence relating to the protection of wildlife: the president of the local association of hunters and sports fishermen of Tudela Montes de Cierzo, the gamekeeper for the aforementioned hunting area, and the president of the Cintruénigo hunting society.

In addition to imposing a fine of 7,200 euros, the Court sentenced them to 5 years of special disqualification from "the operational management of hunting areas, from the profession of gamekeeper and from exercising the right to hunt", and they must also jointly and severally compensate the Regional Community in the sum of 67,529.65 euros (57,576.97 euros for the poisoned birds; 3,961.68 euros for the costs of the investigation; and 6,000 euros to restore the ecological balance).

With the commutation of the sentence, the Provincial Court affirms that "*with the imposition of the sentences, the commission of new crimes of this nature is hindered by the disqualifications that they entail*", it is not "*essential*" that the criminal reproach involves depriving the appellants of their liberty. This is a bittersweet result because although the response is one of the most important judicial decisions to date in Spain, which has undoubtedly had an important repercussion on a social level, we do not share the Court's decision, and although it is true that it is important to reduce the time between the commission of the acts and the judicial ruling, we believe that such an important episode of poisoning, let us not forget, of at least 120 protected birds of prey, should have retained the custodial sentence established by the court in the first instance, in order to send a strong message to society. The significance and ecological impact of this type of poisoning episode is such that it can endanger the existence of certain species of birds and may even have caused the death of people or children through accidental ingestion.

It is also important to have scientifically rigorous assessments that facilitate decision-making in relation to the imposition of measures to repair the ecological balance, something that does not happen in the majority of cases.

The appearance of the Regional Community of Navarre as a private prosecutor was also of vital importance in obtaining the sentence. This circumstance is unusual in this type of procedure, and it deserves a more than positive assessment as it should serve as an example for other administrations.

The role of NGOs such as WWF/Spain, Ecologistas en Acción-Coda and SEO/BirdLife was also decisive in securing the ruling.

Also noteworthy is the fact that the evidence gathering involved recording telephone calls by the accused. The difficulty of proving responsibility in this type of procedure means that a large proportion of poisoning complaints are shelved on the grounds that the perpetrator is unknown. The coordination between the Regional Police of Navarre and environmental agents is also a vitally important issue, as is the involvement of the public prosecutor's office in the investigation of these types of cases, something which unfortunately does not always happen, either due to a work overload or a lack of resources.

Aspects to be highlighted:

- Involvement of the authorities in the procedure (positive)

- The evidence used in this case is unusual for this type of crime: phone tapping, which proved to be key in solving the case (positive)
- Good co-ordination between environmental officers and regional police from different departments (positive)
- Involvement of three environmental NGOs, with their appearance (in criminal and administrative proceedings), monitoring of the case and prosecution (positive)
- Undue delay. 7 years from the occurrence of the facts until the first ruling, and a further year until the second ruling (negative)
- Although a payment of 6000 euros was imposed to restore the disturbed biological balance, this amount is considered insufficient, and the measures to be implemented are very vague. Greater scientific rigour is needed to estimate the true costs (negative)
- Commutation of prison sentence (2 years and 8 months) to 7,200 euros, due to the delay and advanced age of the convicted individual. Imprisonment avoided (negative)

VI.2.2. For shooting protected wildlife

1st. - Ruling of the Criminal Court of Ávila, of 4 June, 2020 (Criminal Court, Section 1, Judge: Mateo Jonathan Justicia Cuevas) and Ruling handed down on appeal by the Provincial Court of Ávila on 26 November, 2020.

Species concerned: Iberian wolf (*Canis lupus signatus*).

Summary of the ruling:

We consider this judgement to be of interest because it is the first conviction for the killing of an Iberian wolf (hereinafter wolf), in a hunt in Ávila, where the defendants fired several shots at a wolf from their position in the hunt, two of them overlapped and only one of the shots resulted in the death of the wolf. A possible illegal weapons possession charge was also involved. However, on appeal, there was a radical shift in interpretation.

The economic valuation of the species, carried out by the biologist and head of the Natural Spaces and Protected Species Section of the Castile and León, Regional Government was set at 9,261 euros. The present proceedings brought against the defendants were for a wildlife crime, provided for and punishable under Article 334.1 a) of the Penal Code.

The evidence was based on substantial proof, in addition to the interrogation, in which the defendants denied any involvement, and testimony was taken from various Civil Guard officers, which was key to determining the perpetrators of the acts. It included determining the shots that were fired and their proximity to the place where the wolf was found, the cartridge cases found, radio comments, and biological remains (blood) that were subsequently analysed.

The evidence found in this case was sufficient to validate and override the presumption of innocence, which has been repeatedly recognised by the Supreme Court and the Constitutional Court, so that it was possible to declare a principal matter proven by means of a reasoning based on other facts, the evidence, which must meet a series of conditions.

It was therefore possible to establish that two of the participants in the hunt had fired two shots that overlapped with one another.

The judge did not hesitate to accept the existence of sufficient circumstantial evidence to consider it certain that the facts and conduct that were the object of the accusation did

indeed take place in accordance with the facts that were considered proven, both the existence of the wildlife crime and the offence of unlawful possession of weapons.

The existence of the elements of criminal offences on which the accusation is based was fully supported and satisfied the jurisprudential requirements.

In his reasoning, the Judge explained the importance of the spirit of the European Directives, according to which the legislator seeks to provide special protection for the environment and to safeguard the conservation of wild species, such as the Iberian wolf.

With regard to the legal framework of the facts and conduct prosecuted in these proceedings, the judge had no doubt that they were typical and fully punishable, and therefore deserving of criminal charges in application of Article 334 of the Criminal Code, as it was clear from the evidence that both defendants had exercised not only the right to cover up their own acts, that went unpunished, but also engaged in a mutual cover-up, the narrative of which lacked coherence and credibility. Instead, all the testimonies and the expert and documentary evidence itself dispelled any possible doubts as to the participation of the defendants in the acts and deeds that were the object of the charges.

In relation to the illegal possession of weapons, the judge found that the conditions and objective and subjective elements of the criminal offence were met, in accordance with the proven facts. All of this is supported and endorsed by a significant number of rulings from the High Court of Justice and Provincial Court.

Aspects to be highlighted:

- Ruling based on evidence in accordance with High Court of Justice and Constitutional Court criteria: proven, probable, convergent and interrelated (positive)
- The evidence reflects logic, the lessons of ordinary experience (positive)
- Importance of NGOs being involved in the prosecution, as well as the public authorities (positive)

2nd.- Result of the appeal ruling by the Provincial Court on the previous ruling of 26 November, 2020.

The Provincial Court upheld the appeal lodged by the convicted party. It overturned the previous sentence "because it implies complete ignorance, not to say absolute disregard for the principle of the presumption of innocence", it stated bluntly.

The Court pointed out that the cause of death had not been determined beyond its traumatic nature, as evidenced by the blood stains in the vicinity of the animal and the fact that there was no direct witness to the shooting. It did acknowledge that an occupant of the adjacent position observed a wolf some fifty metres away, heard three gunshots, was then unable to see the animal, and did not see the bullets hit it. The judgement explains that the disappearance of the wolf made it impossible to obtain the bullets that could determine whether they matched the weapons used by the defendants and that the cartridge cases found four days later only prove that the calibre matched.

In our opinion, some aspects appreciated in the first instance were disregarded and the evidence that, when assessed as a whole would have allowed a guilty verdict to be handed down, was split up.

Aspects to be highlighted:

- The circumstantial evidence that was considered sufficient in the first ruling was not considered in the second instance (negative)

- Participation of environmental NGOs (positive)
- SEPRONA action, testimony and collection of information through appropriate protocols (positive)
- Participation of the authorities as private prosecutor (positive)

VI.2.3. For international wildlife trafficking

1st.- Ruling of the Provincial Court of Madrid, of 15 April, 2020 (Provincial Court, Section 23, Judge: Juan Bautista Delgado Cánovas)

Species affected: Pangolin (*Manis* spp.)

Summary of the ruling:

In this sentence, the accused, of legal age and Spanish nationality, with no criminal record, arrived at Terminal 4 of Madrid-Barajas airport at around 7:35 am on 7 May, 2019, on a flight from Malabo, carrying among her belongings a package with a bag containing a total of 56.120 grams of what turned out to be cocaine, with a content of 81.8%, which the accused was going to deliver to third parties.

The value of the seized substance on the illicit market for narcotic substances amounted to 6,193.16 euros (retail value). The accused also carried, in one of her checked-in suitcases, among other animals, the carcass of a pangolin, which is listed in Appendix II of the CITES Convention (Convention on International Trade in Endangered Species of Wild Fauna and Flora), signed in Washington on 3 March, 1973, and amended in Bonn on 22 June, 1979, and in Annex B 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.

Appendix II of the CITES Convention and Annex B of the Regulation protect those endangered species which are not threatened with extinction but may become so unless trade in them is strictly regulated in order to avoid exploitation incompatible with their survival. For this reason, international trade requires a specific CITES permit from the country of export and another from the country of import, once it has been scientifically verified that the harvesting is not detrimental to the survival of the species. In turn, the Regulation prohibits inter-Community trade in these species if they have been introduced into the Community without proper CITES controls.

Their acquisition must be exceptionally authorised and documented and, in order to certify their captive breeding status, it must be shown that the breeding stock is of legal origin. There is no evidence that the defendant possessed any authorisation or documentation that would cover the possession of the aforementioned specimen of pangolin.

The Judge or Court would, in any case, have heard testimony from the accused as to whether her agreement has been given freely and with knowledge of its consequences. The defendant agreed, before the evidence was presented at the hearing, to the conclusions previously modified by the Public Prosecutor's Office.

The facts legally constitute a crime against public health in relation to the trafficking of drugs considered to cause serious damage to health, as provided for and punishable under Article 368 of the Criminal Code, and a crime against wildlife, as provided for and punishable under Article 334.1 a) and b) of the aforementioned legal text. The accused was responsible as the perpetrator. There were no circumstances modifying criminal liability. Article 116 of the current Criminal Code determines that any person criminally responsible for a crime or misdemeanour is also civilly liable, if damage or harm is derived from the act, although in the present case it was not necessary to make any ruling in this regard. In

accordance with the provisions of Article 123 of the Criminal Code and Articles 239 and concordant articles of the Criminal Procedure Act, procedural costs are understood to be imposed by law on those criminally responsible for any crime. It is also appropriate, on the basis of Articles 127.1 and 374 of the Criminal Code, to order the confiscation of the substances and effects seized, to be disposed of in accordance with the law.

In accordance with the provisions of Article 787.7 of the Criminal Procedure Act, rulings of compliance will only be subject to appeal when they have not respected the requirements or terms of the compliance, without the accused being able to challenge their freely given compliance on substantive grounds, and therefore, in view of the above, the present decision was final.

Aspects to be highlighted:

- The link with drug trafficking, which is typical of wildlife trafficking, can help us to better understand how these crimes function, and enable us to work more effectively to address their detection, investigation and prosecution (positive)
- An endangered species, the pangolin, from Africa, highlights the role that Spain plays as a transit zone for the trafficking of CITES species to other places, and the need for greater involvement of security forces and coordination between different countries (positive)
- Sentence of an 8 month fine considered insufficient for a protected and endangered species, and fails to have a deterrent effect (negative)

2nd.- Order of the Provincial Court of Guipúzcoa, of 31 January, 2020. First Ruling 61/2020 Appeal 1035/2020 1st Section, (Judge: Ignacio José Subijana Zunzunegui).

Species affected: Elver (*Anguilla anguilla*)

This order is considered to be of interest because it deals with the substitution of the precautionary measure of pre-trial detention in a case related to the trafficking of elvers. The appellant argued that this precautionary measure of pre-trial detention should be replaced by "permanent traceability". He claimed that there was no evidence of habitual trafficking in protected species and that he could serve "the sentence of permanent traceability" at his alleged place of residence, citing the provisions of Articles 37 and 83 of the Criminal Code.

The Public Prosecutor's Office opposed the appeal, requesting confirmation of the contested decision.

These are the arguments put forward by the Court of Appeal to uphold the pre-trial detention.

"...1.- It is obvious that this court cannot agree to the substitution of a precautionary measure - such as pre-trial detention - for a custodial sentence - such as permanent traceability. Nonetheless, this, considering the intention of the appeal - which is the removal of the pre-trial detention - and given the validity of the fundamental rights to effective judicial protection - Article 24.1 EC - and personal liberty - Article 17.1 EC -, the Court will examine whether or not the precautionary custodial measure adopted respects the principles of legality, necessity and proportionality in its imposition (for all, STC 155/2019, of 28 November, 2019).

2.- The Court upholds the legal and jurisprudential considerations regarding pre-trial detention contained in the first legal opinion of the appealed order. By way of a concluding summary: the relevance of the interference with the right to personal liberty that can be predicted from pre-trial detention requires that the assessment and weighting that presides over its adoption and maintenance be guided by the requirements of the principle of

proportionality, so that its imposition can only be justified when the legal objective cannot be achieved through less onerous means.

The literal wording of Article 502.2. LECrim is clear in this respect: pre-trial detention will only be adopted when it is objectively necessary, in accordance with the following articles, and when there are no other less onerous measures for the right to liberty through which the same ends can be achieved as with pre-trial detention.

3.- The indications of criminal wrongdoing are clear in this case, given that Mr. Nicanor was seized with ten suitcases each containing six bags of glass eels of the species "Anguilla anguilla". It is not necessary at this stage of the proceedings to specifically include these offences in the provisions of Article 334 of the Criminal Code - offences relating to the protection of wildlife - or Article 2 of Organic Law 12/1995 - on the suppression of smuggling. It is sufficient, as is the case, that the criminal offences in question have a maximum sentence of two years, or more, imprisonment.

4.- The order under appeal establishes that the public interest to be satisfied by adopting pre-trial detention is the subjection of the person under investigation to the proceedings."

It was considered that there was a flight risk that could only be neutralised by provisional detention given that the person under investigation: i) was a person of Malaysian nationality: ii) lacked family or employment roots in Spain or in any country of the European Union. The appellant offered the Court an address in Barcelona where they could be located. However, no evidence or information was provided linking the appellant to the aforementioned place of residence. This makes it categorically impossible to consider that this is evidence of being rooted in a place that would favour less restrictive options than the precautionary deprivation of liberty in order to guarantee the subjection of the person under investigation to the course of the proceedings.

For this reason, acknowledging that preventive deprivation of liberty is the most serious interference with the right to freedom of movement, it was not feasible in this case to resort to less serious measures to protect the public interest in criminal proceedings being conducted in a manner that allowed a well-founded judgement of guilt or innocence (e.g., Judgment of the European Court of Human Rights of 20 November, 2018, Selahattin Demirtas v. Turkey).

This was no impediment to the fact that, given the maximum length of the custodial sentence legally applicable in this case, the processing of the present proceedings had to be particularly expeditious in order to avoid the risk of turning the legitimately agreed pre-trial detention into an irregular early sentence. For the reasons given, the appeal was dismissed, with the costs of the appeal being declared ex officio.

Aspects to be highlighted:

- Sufficient *prima facie* evidence (positive)
- Precautionary measures of pre-trial detention maintained due to the seriousness of the case. Possible penalty involving imprisonment (positive)

VI.2.4. For illegal trapping methods

Ruling of the Criminal Court of Ciudad Real, 13 March, 2018 (Section 3, Judge: Raúl Sánchez González)

Species affected: Iberian Lynx (*Lynx pardinus*)

Summary of the ruling:

By strict compliance it was declared proven that one of the defendants, at least from 1 July, 2010 until 18 December, 2014, had been working for the estate LA CAMINERA, within which the private hunting area, owned by the company PROMOCIONES SAGEMAR S.A., was

located. The accused, with the aim of killing the predators that threatened the game, on 13 December, 2014, at around 6 pm, placed a noose trap tied to a cut log of wood that he had placed at one of the gates of the wire fence that delimits the estate, which resulted in a specimen of Iberian lynx named Kairos being trapped. The animal died of asphyxia due to strangulation.

The following day, after the accused found that the animal had died, he proceeded to dispose of it by throwing it into the adjoining hunting area, where it was found on the morning of 16 December in the area of Peruétano. As a result of the investigations carried out to clarify the facts, 18 noose traps were found stored in a shed in the farmhouse of the aforementioned estate. As of 13 December 2014, the hunting ground had no exceptional authorisations regulated in Art. 44 of Decree 141/1996 of 9 December, approving the Hunting Regulations of Castile-La Mancha, from the competent authority for the use of such means. The Iberian lynx is a species listed as endangered in the Regional Catalogue of Threatened Species approved by Decree 33/1998 of 5 May and in the Spanish Catalogue of Threatened Species developed by Royal Decree 139/2011 of 4 February.

The species is in a critical state in Castile-La Mancha and the affected specimen was a male born in 2013 as part of the captive breeding programme at the El Acebuche centre (Huelva), operated by the Ministry of Agriculture, Food and Environment, and released on 3-7-2014 in the municipality of Almuradiel. The death of a single specimen of the species represents an irreparable loss that seriously compromises its possible recovery. Decree 67/2008 of 13 May, which sets a value for endangered wildlife species, stipulates that a specimen of Iberian lynx has an economic value of 90,000 euros.

The facts declared proven constituted a wildlife crime under Art. 334.1 and 2 of the CC (wording prior to the amendment introduced by Organic Law 1/2015) as well as under Art. 336 of the CC, to be punished in concurrence with Art. 77.2 of the CC, as the legal and jurisprudential requirements in this regard were met; facts that were considered proven in view of the compliance of the accused, with regard to all the elements that made up the offence as can be seen from the acknowledgement of the facts and the agreement.

The accused was responsible as the perpetrator of the aforementioned offence, for materially performing the act and directly participating in it, in accordance with the provisions of Article 28 of the Criminal Code.

The circumstances modifying criminal liability were not met.

With regard to the sentence, the prosecution and the defence having requested, with the agreement of the accused, that sentence be passed in accordance with the new indictment presented, and given that the sentences requested by the prosecution are within the limits established in Article 787. 1 of the Criminal Procedure Act and that the accused gave his compliance and agreed to the imposition of all the sentences, it was appropriate to pass the sentence in strict accordance with that accepted by the parties, as now drafted, as required by Article 787 LECR, in relation to Article 248.3 of the Organic Law of the Judiciary.

In terms of civil liability, it was established that the accused had to compensate the Regional Government of Castile-La Mancha in the sum of 90,000 euros, for which PROMOCIONES SAGEMAR S.A. and MAPFRE, the insurer of the hunting reserve belonging to the Hotel La Caminera of the Eroles S.A. group, were jointly and severally liable.

Conclusion of the ruling. By compliance, the accused was found criminally responsible for a wildlife crime under Article 334.1 and 2 of the Criminal Code (wording prior to the amendment introduced by Organic Law 1/2015) in concurrence with a wildlife crime under Article 336 of the Criminal Code, and sentenced to a 21 month fine of 8 euros per day, subsidiary personal liability in the event of non-payment in accordance with Article 53 of the Criminal Code and special disqualification from exercising the right to hunt for 3 years

and 6 months, as well as a payment to the Regional Government of Castile-La Mancha of the sum of 90,000 euros, for which the entities PROMOCIONES SAGEMAR S.A. and the insurance company MAPFRE were liable as subsidiaries. And the costs.

Aspects to be highlighted:

- Participation of environmental NGOs in the prosecution (positive)
- GPS-tagged specimen, which facilitated the detection of the offence that would otherwise not have been possible (positive)
- Greater interest in this case because it is an emblematic species; in Spain, enormous resources and efforts have been devoted to its recovery
- Accepted by compliance of the parties: a sentence of acquiescence in criminal proceedings is the possibility of the accused acknowledging the facts of a crime and admitting guilt in order to have the sentence reduced and the proceedings terminated

VI.3. Effectiveness and problems at different stages of the fight against wildlife offences

The main challenges highlighted in view of the data collected and based on the opinions of the experts participating in the workshops and those consulted in the interview process from the spheres of detection, investigation, prosecution, judicial procedures and sanctions applied are the following:

a) Detection

- It is very important to encourage the creation and maintenance of consolidated networks of informants and collaborators in the field that are as extensive as possible. In terms of wildlife crime, in general, this network has so far involved the people who find the dead animals, and this can be encouraged through citizen science.
- There is a growing number of endangered species marked with GPS transmitters. Tracking these devices facilitates the rapid detection of cases and they can be investigated immediately or very close to the time of the crime.
- There is an important organisational structure involving authorities and agencies with considerable potential: SEPRONA from the Civil Guard; specialised canine patrols, Environmental Agents (although these are all understaffed), conservation NGOs, etc.
- Some regions of Spain (5 of the 17), have canine units specialized in poison detection, which are very useful both in search operations and in prevention. Andalusia stands out in number of inspections. In addition, it is worth mentioning the extraordinary work of a group of guides and poison detection dogs belonging to the State Police (Cinological Service of the Civil Guard) that has been very effective in recent years, also contributing to the search for prohibited means of hunting through the *Antitox program*.
- Detection difficulties are often increased by the fact that the events take place in remote locations, on private estates that are difficult to access, or in unpopulated areas.

- There is a lack of motivation, training and coordination among the environmental administrative authorities, and sometimes a lack of political will to devote effective means to the detection of such cases.
- Species trafficking involves large amounts of money (sometimes linked to drug trafficking), which allows the mafias or individuals involved in this illicit activity to have advanced and efficient resources, allowing them to continue their activities despite the controls.
- The lack of traceability of the origin of illegally trafficked products facilitates the detection of those who trade in these species, as does the illegal status of the zoological centres. Some of the methods for shipping animals through international transport companies or selling them on the internet facilitate their detection. The perpetrators' high degree of specialisation and the international scope of their activity calls for strong cross-border cooperation.

b) Investigation

- The existence of forensic and veterinary Wildlife Recovery and Toxicology Centres is considered very positive, as these provide the necessary expert support in such crimes; for example, they determine the cause of death or injury of the specimens, they identify them, describe the processes they underwent or provide a technical reconstruction of the facts.
- The technological progress in transmitters for tracking tagged animals allows the facts to be reconstructed and very important details to be obtained, which can even be used as evidence in court.
- There is often a lack of political will on the part of provincial politicians to carry out further investigation, as well as a lack of interest or little motivation on the part of the police forces and technicians responsible for the conservation of the species.
- There is a shortage of personnel and diversity of tasks in the different administrations involved, and the investigation by the investigating authorities, police forces or prosecutors is often neglected or ineffective. However, various judicial and administrative proceedings have shown the enormous technical quality that can be achieved through the emerging environmental expertise and the actual investigation of these crimes, demonstrating that the knowledge, means and methods do exist, but are not widely applied.

c) Prosecution

- Spanish law allows environmental NGOs to appear in criminal proceedings and the case law of the Spanish Supreme Court also recognises the possibility of NGOs being involved in environmental administrative proceedings. In general, Spanish law allows the interested public or any citizen to appear in criminal cases as a prosecuting party, but this circumstance may be limited in the new Criminal Procedure Law currently being processed in Spain. This modification would be a significant step backwards with respect to the current situation, as only the Public Prosecutor or anyone directly affected by the crime (understood as the person who suffered direct pecuniary damage) would be able to bring charges. The new European criminal law directive should reinforce these rights and support the preservation of these rights in countries where they are already recognised.
- The analysis of the rulings reveals that NGOs played a decisive role in the prosecution in over a quarter of the cases analysed (most notably WWF/Spain, SEO/BirdLife, Ecologistas en Acción, Fundación Gypaetus, ASCEL, and ANSAR). In addition, public authorities (e.g., the regional governments of Castile-La Mancha, Extremadura, Aragon, Catalonia,

Andalusia, the Balearic Islands, Castile and León, and Navarre) have also played a significant role in the prosecution in more than 15% of the rulings analysed.

- In wildlife crimes, such as poisoning or shooting, it is difficult to obtain direct evidence, and convictions have mostly been based on the application of circumstantial evidence.
- There are notable difficulties in obtaining judicial authorisation to use advanced investigative techniques, since, as these are considered minor crimes, technological means of evidence collection, such as the interception of communications, are not usually authorised, although there are rare exceptions.
- The environmental authority regularly uses the prevalence of criminal law as an excuse to neglect its own obligations, especially in terms of issuing precautionary, recovery or sanctioning measures that do not duplicate criminal law.
- It is difficult to establish possible criminal liability for legal persons, which should be expressly provided for in criminal law.
- There is little political will to apply administrative regulations and the judiciary is very reluctant to hand down prison sentences for wildlife crimes.
- There is a shortage of technical personnel as well as investigating authorities, and specialist prosecutors.

(d) Judicial proceedings

- The Spanish judicial system is particularly slow, and although, on average, cases involving this type of crime are usually resolved within 2 to 2.5 years, some can last between 6 and 8 years, or even longer. This fact is normally associated with a reduced sentence as the mitigating circumstance of undue delay is applied.
- Overwork and understaffing in terms of judges and prosecutors is notable. Some prosecutors are trained, knowledgeable about the impact of these crimes, and specialised in environmental matters, but others have little specific knowledge of the subject. In the case of judges, there is no training or specialisation in environmental issues in Spain. There is a general lack of motivation in terms of this type of crime, even in the case of some prosecutors formally designated for environmental matters.
- Species conservation NGOs have been involved in the prosecution in a representative number of criminal cases. This possibility, as mentioned above, is in danger of disappearing because of the draft bill to amend the Spanish Criminal Procedural Code.

(e) Sanctions applied

- Sentences are often reduced because of delays in the proceedings and sometimes due to the advanced age of the individuals convicted.
- There is a general lack of sanctions involving measures to restore the disturbed ecological balance, with very specific exceptions.
- Precautionary measures (in the criminal field) are very rare, although they are more frequent in the administrative field.
- Merely possessing the toxic substances used to poison wildlife cannot be criminally condemned, neither can their sale, as these are not classified as crimes, which in practice

has meant that no further investigation has been carried out into the origin of the substances or how they were acquired. Consistent with the above, we have not heard of any indirect charges against the supplier of substances as either accessories or co-perpetrators.

- NGOs have reported and publicised proceedings and convictions, as well as administrative sanctions, in the media, helping to raise awareness of the existence of these crimes and the need to prosecute them. It is possible that the publicising of sentences is having a certain deterrent effect.

VII. Conclusions and recommendations

VII.1. Conclusions

From the information obtained through the different sources and methods used in this work, both the interviews with the experts consulted and their opinions, and from the information received from the public authorities and the rulings of the legal publishers, a series of conclusions and recommendations can be drawn. These can be taken into account by the authorities in order to improve the prosecution rate of these crimes and to dissuade those who commit them, thereby reducing their impact on biodiversity.

With the exception of international species trafficking, the other wildlife crimes are practices that have been permitted in Spain for decades, both from a cultural and legal point of view, deeply rooted in the rural environment, and which were also protected in law and encouraged by the administration until the 1970s. The best examples of this include the distribution and regular supply by the State of strychnine to local councils to eliminate animals, and the so-called Committee for the Extinction of Vermin and Pests.

Below are a series of conclusions distinguishing the strengths and weaknesses of the current regulatory framework, the authorities and the social context. For this purpose, they focus, on the one hand, on illegal capture methods, including shooting, caging, trapping, snares, nest plundering, and poisoning, and, on the other hand, on the international trafficking of species, including a brief section on sale, marketing and possession.

VII.1.1. Strengths of the current regulatory framework, authorities and social context.

- ✓ The creation of a **specialised Environmental Unit in the Attorney General's Office**, with a Prosecutor as the hierarchical superior of the provincial environmental prosecutors, was a boost at the time in the fight against environmental crime, including wildlife crime. However, over the years, this organisation and its resources and effectiveness have proved to be insufficient, and must therefore be reinforced.
- ✓ Although the number of sentences found, in proportion to the number of cases, may seem very low, the possibility of being convicted of a wildlife crime in Spain is a reality, and **the number of sentences handed down is actually significant (327 in total), in comparison with the rest of Europe.**
- ✓ The **media coverage** of these sentences has probably played a fundamental role in reducing this type of behaviour, especially with regard to the use of poison and the trafficking of species.
- ✓ A large number of court cases are settled through **compliance**. This leads to a conviction, although there is a significant reduction in the sanction applied.

- ✓ The work carried out by **State enforcement agents** (SEPRONA from the Civil Guard) and environmental agents from the Autonomous Communities (regions) as well as some specialised Autonomous Police is outstanding. However, there is still room for improvement in terms of the effectiveness and depth of the investigations, as well as the necessary coordination and collaboration between the different bodies (especially SEPRONA and environmental agents).
- ✓ The work of **NGOs** in private prosecutions has been instrumental in obtaining many of the sentences handed down. In some cases the NGOs have supported the work of the Public Prosecutor's Office, in others they have upheld the accusation when the Public Prosecutor's Office requested that the case was dropped; in others they have successfully appealed against the dismissal of the proceedings, and so forth.
- ✓ The involvement of law enforcement officials in dealing with such unlawful conduct is reinforced by the fact that it is criminal in nature, which entails, at least in some cases, the provision and use of appropriate means to ensure an effective response through the rule of law. The **criminalisation** of this behaviour is therefore perceived positively.
- ✓ **Administrative regulation** concerning the suspension of hunting activities is very important, whether as a precautionary measure or as a means of restoring the affected environment, or even as a sanction.
- ✓ In several Spanish regions there are examples, albeit rare, of effective administrative enforcement in cases of wildlife crimes (e.g., poisonings), with rulings confirmed by the respective High Courts of Justice. This regulation is quite distinct from that which punishes perpetration by criminal law.
- ✓ In view of the lack of interest on the part of the authorities in initiating administrative sanctioning proceedings, the criminalisation of this type of behaviour is seen as very positive. The mere fact of knowing that one might end up **testifying** as a defendant **before a judge** has a certain **dissuasive effect** on this type of illegal behaviour.
- ✓ The **involvement of the authorities** in certain criminal proceedings has been important for the momentum of those proceedings. However, this has only happened in a few cases.
- ✓ A notable advance has been the provision of **canine units** specialised in detecting poison, which operate at the regional level, as well as the Civil Guard's Canine Service, which is active throughout the country, and which has been very effective, in recent years, at locating poison and other prohibited hunting equipment.
- ✓ The existence of informers and people who collaborate with the police authorities is crucial, as in many cases it is not the agents of the authority who detect the cases, but rather private individuals (owners of poisoned dogs, for example), or organisations that follow radio-tagged animals. However, it is necessary to engage and involve people who are close to the environment and related to it, who are knowledgeable about what is happening and the local actors, to ensure continuity and permanence in the flow of information so that it reaches the competent authorities.
- ✓ The use of sentinel species (mainly GPS-tagged specimens and poisoned domestic dogs in the wild) has been instrumental in detecting and prosecuting a significant number of cases of poisoning, shooting and illegal trapping.
- ✓ It is necessary to insist on the importance of ongoing training for the authorities, to avoid failures or omissions in the different protocols for detection, collection of evidence, and investigation, as well as to maintain and improve forensic reports

from **wildlife recovery centres and other units**, in addition to reports from toxicological laboratories that are used as evidence in trials.

- ✓ Given the current difficulty in identifying the perpetrators on the ground, at the time these acts are committed, **circumstantial evidence** is of considerable importance in their resolution, and the use of this type of evidence has been fully consolidated and regulated in judicial and administrative practice.

VII.1.2. Weaknesses of the current regulatory framework, authorities and social context.

- ✓ The functional organisation of the Public Prosecutor's Office (Environmental Prosecutor's Office) must be improved in order to increase the low level of effectiveness in terms of enforcement. This ineffectiveness is shown by comparing the volume of environmental offences (including wildlife crime) with the sanctions imposed. There are still gaps in staffing, resources, training and awareness.
- ✓ **Lack of political will.** Political decision-makers at all levels, but especially at the provincial level, continue to be a major obstacle. Provincial officials often prefer not to impose sanctions or to limit the prosecution of this type of crime, either because of pressure from certain interest groups or simply to avoid problems.
- ✓ In criminal proceedings, there is a generalised and unhesitating application of **official administrative scales for the valuation** of the affected wildlife, but in terms of repairing the damage caused to the ecological balance and biodiversity, there is a clear **reluctance to adopt concrete recovery measures**, even if this is delegated to the environmental authorities or their opinions, and there are very few examples of this.
- ✓ Administrative proceedings do contain more instances of recovery measures. For example, in serious cases of poisoning, in some regions, hunting has been suspended for one or more seasons, on the grounds that this facilitates the recovery of the prey species (e.g., rabbits or partridges) and favours the recovery of the affected predators (e.g., birds of prey).
- ✓ **Despite their serious impact on biodiversity, wildlife crimes are considered minor offences by both judges and prosecutors.** To date, there are no cases in which the convicted person has had to serve an actual prison sentence for serious acts committed against biodiversity, as the conditional remission of the sentence, which is granted on a regular basis, has always been applied.
- ✓ In Spain, prison sentences of no more than two years can be legally suspended if the convicted person has no previous criminal record, mainly on the condition that they do not commit, and are not convicted, for further crimes during the period established by the sentencing court. Therefore, in practice, the **likelihood of being imprisoned for these offences is very low**, and the offender is more concerned about the high costs that they may incur in terms of the financial liability for the death of the species or measures to repair the damage caused.
- ✓ There is a **lack of training, motivation and specialisation** in administrative enforcement, with the exception of certain provinces where a few specific individuals work who have a strong vocation to enforce the law and prosecute these crimes. The success in eradicating illegal practices stemming from a few case investigators is so significant and effective that it should be the norm, rather than the exception.
- ✓ **There is little coordination between the administrative authorities and courts** to ensure the continuity of proceedings once criminal responsibilities have been cleared and vice versa.

- ✓ In matters of international wildlife trafficking, there is a **heterogeneity of regulations between countries**, which makes it difficult to apply them. There is a lack of specialised units and cross-border cooperation.
- ✓ In Spain in recent years, with some exceptions, the human and material resources of forensic veterinary centres have been reduced.

VI.2. Proposals for improvement.

VII.2.1. Legal changes

- ✓ **Increased penalties:** There should be a significant increase in prison sentences, at least **one to three years'** imprisonment for the basic types of wildlife crime, whether they are result crimes or crimes of endangerment.
- ✓ Specific aggravating factors that increase the penalty should be taken into account, such as crimes affecting endangered species, those committed in a protected natural area, those involving significant and obvious damage, and those that imply the effective serving of custodial sentences.
- ✓ The possibility of replacing imprisonment with a fine should be abolished, as, in practice, the system is insufficiently effective as a deterrent, since the amounts imposed are much lower than the sanction that would be imposed in administrative proceedings. In any case, a joint penalty of imprisonment and fine should be introduced.
- ✓ The penalty for the use of poisoned bait should be increased from twelve to twenty-four months' imprisonment.
- ✓ Other accessory penalties should be increased to remove individuals who pose a marked environmental danger from the area of management and contact with activities in the natural environment. For example, the period of special disqualification from exercising the profession or trade related to the activity and special disqualification from exercising the right to hunt or fish should be set at a minimum of three to five years.
- ✓ The term "protected natural area" contained in Article 338 of the Penal Code should be given due weight and legal certainty, expressly including a reference to the **Natura 2000 network**.
- ✓ The widespread adoption of precautionary measures with immediate repercussions on the activities directly involved in the cases detected (e.g. the closure of a hunting ground due to the appearance of poisoned bait or the use of illegal trapping methods) should be promoted.
- ✓ The responsibility of hunting managers and owners and of other activities carried out in the natural environment should be reinforced and legally established, so that they guarantee the conservation of biodiversity and the good condition of their estates, requiring them, without question, to apply the utmost diligence and proactive conduct to prevent crime on the land on which they operate, without being able to plead ignorance or lack of knowledge.
- ✓ Nationwide penalties are necessary for those individuals responsible for hunting areas, for the failure to establish measures to avoid the presence of poisoned bait (currently only included in the regulations of two Autonomous Communities).
- ✓ The regulations must be adapted to require a binding technical report from the competent environmental authority proposing measures for the recovery of the environment affected by a wildlife crime to be adopted in the event of a conviction,

since, although Article 339 of the Spanish Criminal Code already establishes the obligation to adopt measures for the recovery of the environment, independently of the damage caused by the death of wildlife, in practice this is not being applied.

- ✓ The regulations must be adapted so that the **possession** of poisons for use as predator control is considered a **serious offence**, with financial penalties of at least 6,000 euros, depending on the amount seized, in Law 42/2007 on Natural Heritage and Biodiversity.
- ✓ Regional regulations should be developed to facilitate the adoption of **recovery measures** for land affected by illegal practices against wildlife, with the possibility of suspending related activities due to biological damage.
- ✓ There should be regional regulations requiring owners or their employees to inform the authorities of the existence of any dead or injured specimens of protected wildlife on their land.
- ✓ Stricter regulations should be introduced, subject to usage controls, on the application of certain phytosanitary or pest control products that could involve collateral damage.
- ✓ The Criminal Code should stipulate that wildlife crimes can be committed by both **natural and legal persons**; this is particularly important in order to prosecute the ideological authorship of the crime.
- ✓ If the case is of a **criminal prejudicial** nature (i.e., criminal liability must be clarified prior to administrative liability), the obligation of the Judicial Office to transmit this to the authorities should be established in the regulations, so that they can clarify the appropriate administrative liability.
- ✓ The receipt of financial aid from the **Common Agricultural Policy (CAP)** should be linked to the absence of any type of file, sanction or ongoing proceedings concerning environmental offences.
- ✓ There should be an offence involving the **organised possession for sale, marketing or delivery** of prohibited products or equipment (poison, traps, etc.) the marketing or legitimate use of which is prohibited, with the aim of establishing a new way to combat these offences.
- ✓ The regional regulations should establish a **more demanding hunter's exam** for obtaining a hunting permit, where the syllabus should include sufficient knowledge of wildlife ecology, how to differentiate between protected species, and the types of penalties that protect wildlife.
- ✓ Regulations should be established to prevent or hinder intensive hunting, making this an exceptional practice. In the same regulatory sense, work should be undertaken to prevent extensive livestock management practices that largely eliminate the use of shepherds or other traditional management methods (so-called absentee livestock farming). Both cases (intensive hunting and absentee livestock farming) have been found to favour the illegal persecution of predators.
- ✓ Investigating authorities should be given **functional independence** to prevent interference from senior officials.
- ✓ The EU regulations should be reviewed to ensure homogeneity between EU states in terms of the treatment and prosecution of these crimes. This would also ensure that national regulations, which are currently weaker, become more demanding.

VII.2.2. Resource availability.

- ✓ In each Autonomous Community, within the scope of the respective High Courts of Justice, a specialised Environmental Unit of the Public Prosecutor's Office should be set up, similar to that already existing in the State Attorney General's Office, with criminal and contentious-administrative jurisdiction, and with sufficient staff.
- ✓ Resources for encouraging the corresponding **authorities to appear in court** cases should be increased, as this will help to obtain convictions.
- ✓ Any damage caused by wildlife crimes should be assessed by applying **technical and scientific rigour**. This should be actively encouraged as it would help judges make decisions regarding the imposition of measures necessary to **redress the ecological balance**, especially relating to the use of poisons.
- ✓ Human and material resources, tools and technological means for better detecting cases (specialised dog patrols, GPS-tagged animals, drones, number of agents in the field, etc.) should be increased.
- ✓ The resources earmarked for **specialised investigation** and specific technical means (maintenance of labs for toxicological analyses, improvement of centres specialising in forensic reports on wildlife) should be stepped up.
- ✓ It is necessary to facilitate judicial authorisation for the use of police investigative measures under judicial control (telephone tapping, house searches, etc.). This recourse is seldom available due to the limited criminality level of wildlife crime at present.
- ✓ Increased human resources are needed, especially in the case of specialised judges, specialised prosecutors, environmental police and case investigators for administrative files related to wildlife crime.
- ✓ A Central Technical Unit should be created under the Ministry responsible for the environment to provide technical, police, scientific and forensic support to SEPRONA and environmental agents, as well as to the regional authorities, in order to investigate and clarify the most relevant crimes against wildlife.
- ✓ A list should be drawn up of experts specialised in wildlife crime, from whom judges and prosecutors can seek advice.
- ✓ The speed with which the authorities are able to process cases and the human resources they have available to do this should be assessed. If necessary, the teams should be bolstered to ensure that the procedures are resolved within a given period of time and to prevent them from lapsing.
- ✓ There should be **collection points for prohibited substances and equipment**, managed by specialised personnel and open to the general public, dedicated to the disposal of poisons, traps and snares in rural areas. It is recommended that the existence of these collection points for voluntary surrender be publicised.

VII.2.3. Training and technical proposals.

- ✓ Special **training and awareness-raising sessions** should be provided for legal professionals responsible for applying environmental and criminal legislation, both for provincial officials in charge of administrative proceedings in the different Autonomous Communities, and for lawyers who act as public prosecutors and judges. In the case of the latter, specific education on the subject should be offered, both as ongoing training and for people wishing to enter the legal profession.

- ✓ **Ongoing training, awareness-raising and specialisation sessions** should be available for wildlife crime officers. In the case of Environmental Agents and SEPRONA from the Civil Guard, which are the most widely deployed in Spain, a coordinating body needs to be created between the two organisations to increase the effectiveness of investigations; and training should be **aimed at** clarifying where in the chain each body acts as well as the types of collaborations that can be established, both nationally and internationally, in addition to boosting the motivation to tackle these crimes.
- ✓ The use of illegal trapping methods is not only illegal but, in many cases, a tradition. It is therefore recommended that **awareness-raising campaigns** be run **in rural areas**.
- ✓ New **anti-poison canine units** should be set up to prevent, detect and act as a deterrent to the illegal use of poisoned baits in the natural environment, and the use of specialised canine units to detect other crimes should be encouraged.

VII.2.4. On issues related to the trafficking and possession of wildlife.

- ✓ An **improved framework for the CITES Convention** should be established. This Convention, which is basically about trade, not species protection, has notable loopholes. For example, some species are not included or the protection granted to certain species is not sufficient, and different interpretations by national CITES authorities have stalled criminal and administrative proceedings.
- ✓ Protocols should be established for **cross-border cooperation**, as well as specialised units.
- ✓ **Regulations should be standardised** between different countries.
- ✓ For species where illegal trade is suspected, training for inspectors and customs staff should be boosted.
- ✓ More specialised agents should be present at pet fairs (e.g., Expoterraria).

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IX. Annex

Annex 1. Administrative regulation for each autonomous community.

Autonomous Communities	Relevant provision	Range of possible sanctions	Authority(ies) responsible for monitoring compliance, detecting abuse, and investigating offenders
Andalusia	Law 8/2003 of 28 October 2007, on Wildlife. Art. 7, 8, 11, 28, 40, 55.	<ul style="list-style-type: none"> - Art. 67-86. - Fines of 60-300,506 €. - Withdrawal of licence, disqualification from one month to ten years. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
Aragon	Law 1/2015, of 12 March, on Hunting in Aragon. Art. 41, 43, 49, 60-67.	<ul style="list-style-type: none"> - Art. 79-102. - Fines of 60-60,000 €. - Withdrawal of licence, disqualification for one to three years and suspension from hunting. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
	Legislative Decree 1/2015, of 29 July, of the Government of Aragon, approving the revised text of the Law on Protected Areas in Aragon.	<ul style="list-style-type: none"> - Art. 95-106. - Fines of 100-1,000,000 €. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	

Canary Islands	Law 7/1998, of 6 July on hunting in the Canary Islands. Art. 42, 43.	<ul style="list-style-type: none"> - Art. 44-58. - Fines of 30-9,015 €. - Withdrawal of licence, disqualification for up to eight years. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
	Legislative Decree 1/2000, of 8 May, approving the Consolidated Text of the Canary Islands Land Management Law and the Canary Islands Natural Spaces Law.	<ul style="list-style-type: none"> - Art. 217. - Fines of 100-2,000,000 €. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. 	
Cantabria	Law 12/2006, of 17 July on hunting in Cantabria. Art. 33, 34, 37, 47, 61, 62.	<ul style="list-style-type: none"> - Art. 65-81. - Fines of 60-60,100 €. - Withdrawal of licence, disqualification from one to four years. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
	Law 4/2006, of 19 May, on nature conservation in Cantabria. Art. 36-38, 52, 53.	<ul style="list-style-type: none"> - Art. 86-93. - Fines of 500-2,000,000 €. - Withdrawal of licence, disqualification of up to ten 	

		<p>years and suspension of the activity.</p> <ul style="list-style-type: none"> - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. - Loss of subsidies. 	
Castile and León	<p>Law 4/2015, of 24 March, on the Natural Heritage of Castile and León. Art. 105, <i>III</i>, <i>112</i>, <i>115</i>.</p>	<ul style="list-style-type: none"> - Art. 122-135. - Fines of 500-2,000,000 €. - Withdrawal of licence, disqualification and suspension of activity. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. - Loss of subsidies. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
	<p>Law 4/2021, of 1 July, on hunting and the sustainable management of hunting resources in Castile and León. Art. <i>10</i>, 32-34, 50, 51, <i>74-76</i>.</p>	<ul style="list-style-type: none"> - Art. 83-94. - Fines of 200-100,000 €. - Withdrawal of licence and disqualification for up to five years and suspension of activity. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	
Castile-La Mancha	<p>Law 3/2015, of 5 March, on hunting in Castile-La</p>	<ul style="list-style-type: none"> - Art. 72-87. - Fines of 100-60,000 €. - Withdrawal of licence and disqualification for up to 	General State Administration, Regional Authorities, Judiciary, State

	Mancha. Art. 7, 9, 10, 11, 19, 26, 27, 64.	<p>five years and closure or suspension of the activity.</p> <ul style="list-style-type: none"> - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	Security Forces and Corps, other police forces and Environmental Agents.
Catalonia	Law 12/1985, of 13 June, on natural areas of Catalonia. Art. 9.	<ul style="list-style-type: none"> - Art. 37. - Fines of 300-3,005 €. - Reparation of the damage caused. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
	Legislative Decree 2/2008, of 15 April, approving the revised text of the law on the protection of animals. Art. 26, 28, 29, 33, 34.	<ul style="list-style-type: none"> - Art. 44-52. - Fines of 300-45,000 €. - Reparation of the damage caused. - Occupation and seizure. 	
Community of Madrid	Law 2/1991, of 14 February, on the protection and regulation of wildlife in the Community of Madrid. Art. 13, 14, 18, 19, 21, 23-25, 27.	<ul style="list-style-type: none"> - Art. 41-53. - Fines of 60-300,506 €. - Occupation and seizure. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
Regional Community of Navarre	Regional Law 1/1992, of 17 February, on the protection of migratory wildlife.		General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other
	Regional Law 9/1996, of 17 June,		

	on Natural Spaces in Navarre.		police forces and Environmental Agents.
	Regional Law 17/2005, of 22 December, on hunting and fishing in Navarre Art. 39, 40, 42, 43, 46, 77, 79, 80, 82.	<ul style="list-style-type: none"> - Art. 85, 87-115. - Fines of 50-6,000 €. - Withdrawal of licence, disqualification from one month to five years and suspension from hunting. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	
Valencian Community	Law 11/1994, of 27 December, on protected natural areas in the Valencian Community. Art. 52.	<ul style="list-style-type: none"> - Art. 53-60. - Fines of 60-300,506 €. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
	Law 13/2004, of 27 December, on hunting in the Valencian Community. Art. 12, 49, 52, 53, 54.	<ul style="list-style-type: none"> - Art. 57-68. - Fines of 100-15,000 €. - Withdrawal of licence, disqualification for one to three years and suspension from hunting for up to five years. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	
Extremadura	Law 8/1998, of 26 June on nature conservation and	<ul style="list-style-type: none"> - Art. 64-77. - Fines of 60-300,506 €. 	General State Administration, Regional

	natural spaces in Extremadura.	<ul style="list-style-type: none"> - Withdrawal of licence and disqualification for up to ten years. 	<p>Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.</p>
	Law 14/2010, of 9 December, on hunting in Extremadura. Art. 32, 35-38, 64, 65-67.	<ul style="list-style-type: none"> - Art. 76-92. - Fines of 50-50,000 €. - Withdrawal of licence and disqualification for up to five years and suspension of activity for up to five years. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	
Galicia	Galician Law 5/2019 on natural heritage and the biodiversity of Galicia. Art. 89, 93, 103.	<ul style="list-style-type: none"> - Art. 120-136. - Fines of 100-2,000,000 € - Withdrawal of licence, disqualification and suspension of activity. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. - Loss of subsidies. 	<p>General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.</p>
	Law 13/2013, of 23 December, on hunting in Galicia. Art. 66-70.	<ul style="list-style-type: none"> - Art. 80-97. - Fines of 60-30,000 €. - Withdrawal of licence, disqualification for up to ten years and suspension 	

		<p>from hunting for up to five years.</p> <ul style="list-style-type: none"> - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	
Balearic Islands	<p>Law 6/2006, of 12 April, on hunting and river fishing in the Balearic Islands. Art. 33, 36, 37, 38, 42, 47-49, 90, 94, 96.</p>	<ul style="list-style-type: none"> - Art. 59-76, 109-113. - Fines of 60-20,000 €. - Withdrawal of licence, disqualification for up to four years and suspension of activity. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	<p>General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.</p>
	<p>Law 5/2005, of 26 May, on the conservation of areas of environmental importance (LECO).</p>	<ul style="list-style-type: none"> - Art. 50-56. - Fines of 100-450,000 €. - Withdrawal of licence, disqualification for up to four years and suspension of activity for up to four years. - Withdrawal of subsidies for up to four years. 	
La Rioja	<p>Law 4/2003, of 26 March, on the conservation of natural spaces in La Rioja.</p>	<ul style="list-style-type: none"> - Art. 54-78. - Fines of 100-300,000 € - Withdrawal of licence, disqualification and suspension of activity. - Reparation of the damage caused or compensation in 	<p>General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and</p>

		<p>the event that the damage caused is not reparable.</p> <ul style="list-style-type: none"> - Occupation and seizure. - Loss of subsidies. 	Environmental Agents.
	<p>Law 9/1998, of 2 July, on hunting in La Rioja. Art. 12, 36, 37, 39, 40, 52, 53, 65-69.</p>	<ul style="list-style-type: none"> - Art. 79-97. - Fines of 30-60,000 €. - Withdrawal of licence, and disqualification for up to five years. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	
Basque Country	<p>Law 2/2011, of 17 March, on hunting in the Basque Country. Art. 34, 36-39, 44-47.</p>	<ul style="list-style-type: none"> - Art. 55-66. - Fines of 50-2,000,000 €. - Withdrawal of licence, and disqualification for up to five years. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
	<p>Law 9/2021, of 25 November, on the conservation of natural heritage in the Basque Country. Art. 73, 74, 77, 82.</p>	<ul style="list-style-type: none"> - Art. 95-109. - Fines of 200-2,000,000 €. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Increment of between fifty and up to one hundred percent of the corresponding sanction in 	

		accordance with the rules and criteria set out in the hunting, fishing and forestry legislation.	
Principality of Asturias	Law 2/1989 of 6 June, on hunting. Art. 23-25, 27.	<ul style="list-style-type: none"> - Art. 39-52. - Fines of 60-90,000 €. - Withdrawal of licence, and disqualification for up to ten years. - Occupation and seizure. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
Region of Murcia	Law 7/2003, of 12 November, on hunting and river fishing in the Region of Murcia. Art. 43, 46, 48, 51, 61, 62.	<ul style="list-style-type: none"> - Art. 82-105. - Fine of 60-60,101 €. - Withdrawal of licence, disqualification from one month to five years and suspension from hunting or fishing (if applicable) for up to five years. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. - Occupation and seizure. 	General State Administration, Regional Authorities, Judiciary, State Security Forces and Corps, other police forces and Environmental Agents.
	Law 7/1995 of 21 April 1995 on wildlife, hunting and river fishing. Art. 6, 7, 26.	<ul style="list-style-type: none"> - Art. 93-120. - Fine of 60-300,506 €. - Withdrawal of licence, disqualification from one month to five years. - Reparation of the damage caused or compensation in the event that the damage caused is not reparable. 	

		- Occupation and seizure.	
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Annex 2. Strategies and Action Plans against the illegal use of poisons at state and regional level.

Strategies and action plans against the illegal use of poison		
Authority	Regulations	Year of approval
State	National Strategy against the Illegal Use of Poisoned Bait in the Natural Environment in Spain.	2004
Andalusia	Strategy for eradicating the illegal use of poisoned-baits in Andalusia.	2004
Aragon	Action Plan for eradicating the illegal use of poisons in the natural environment in Aragon. ORDER of 8 May, 2007.	2007
Cantabria	Action Plan for eradicating the illegal use of poisoned baits in the natural environment in Cantabria. Order GAN/31/2014 of 12 May, 2014.	2014
Castile-La Mancha	Regional Plan to combat the illegal use of poisons in the natural environment. Order 02-08-2005.	2005
Castile and León	Castile and León Regional Strategy for the integrated fight against the illegal use of poisoned baits in the natural environment. AGREEMENT 194/2011 of 28 July.	2011
	Action Plan for eradicating the illegal use of poisoned baits in the natural environment in Castile and León. ORDER FYM/411/2017, of 22 May.	2017
Catalonia	Action Plan against the illegal use of poison in Catalonia.	2014
Extremadura	Strategy against the illegal use of poisoned baits in the natural environment in Extremadura. ORDER of 27 March, 2015.	2015
Galicia	Action plan to combat the illegal use of poison in the natural environment in Galicia. ORDER of 20 March, 2017.	2017
Canary Islands	Strategy for eradicating the illegal use of poison in the non-urban environment in the Canary Islands. ORDER of 28 March, 2014.	2014
Madrid	Action Plan against the illegal use of poison in the natural environment in the Community of Madrid. DECREE 144/2018 of 2 October.	2018
Navarre	Action Plan for eradicating the illegal use of poison in the natural environment in Navarre. RESOLUTION 480/2015 of 3 July.	2015
Valencia	Action Plan against the illegal use of poison in the Valencian Community.	2012

Annex 3. Photographs of real cases of different crimes against wildlife in Spain.

- **Illegal killing of species – poisoning**



Photograph 1. The laying of poisonous eggs to kill different species of fauna has been, and continues to be, a scourge that threatens wildlife. Photo credits: Miguel López Die, Sierra Escalona and Dehesa de Campoamor (Alicante, Spain).



Photograph 2. The illegal use of poison is one of the determining factors in the disappearance of the red kite (*Milvus milvus*), species cataloged in Spain as “in danger of extinction”. Photo credits: Andrés García, Almazán (Soria, Spain).



Photograph 3. Specimen of the Iberian wolf (*Canis lupus signatus*) died in 2013 due to carbamate poisoning, one of the poisons most frequently used illegally against fauna. Photo credits: Javier Tategón, Tierra de Campos (Valladolid, Spain).

Use of prohibited hunting equipment or methods



Photograph 4. Wild cat (*Felis silvestris*) captured in a trap cage, a destructive or non-selective hunting method prohibited by article 336 of the Penal Code. Photo credits: Juan Manuel Pérez García, Sierra Escalona and Dehesa de Campoamor (Alicante, Spain).



Photograph 5. Fox (*Vulpes vulpes*) victim of the use of illegal methods of capture, in this case a metallic rope. Photo credits: Miguel López Die, Sierra Escalona and Dehesa de Campoamor (Alicante, Spain).



Photograph 6. Red Partridge (*Alectoris rufa*) dead after being illegally captured with a trap. Photo credits: Miguel López Die, Sierra Escalona and Dehesa de Campoamor (Alicante, Spain).



Photograph 7. Wildcat (*Felis silvestris*) trapped in an illegally placed trap. Photo credits: Miguel López Die, Sierra Escalona and Dehesa de Campoamor (Alicante, Spain).



Photograph 8. Fox (*Vulpes vulpes*) dead after being trapped by a metal rope. Photo credits: Miguel López Die, Sierra Escalona and Dehesa de Campoamor (Alicante, Spain).

- Illegal export/import = smuggling; Illegal supply and sale; Illegal possession



Photograph 9. Illegal traffic or the possession of different species of primates as pets seriously threatens their natural populations. Chimpanzee (*Pan troglodytes*) in a local street market to be used as a photographic attraction in Torre Vieja (Alicante, Spain). Photo credits: Miguel López Die.