

## COOPERATION WITH NATIONAL JUDGES IN THE FIELD OF EU ENVIRONMENTAL LAW



### Trainer's Manual Module on Biodiversity and Wildlife Trafficking



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## I. Introduction

This training module on **Biodiversity and Wildlife Trafficking**, developed by ERA on behalf of the European Commission, is addressed to judicial training institutes, networks of judges, national judges, experts from NGOs, academic experts, trainers, any other relevant actors (for example, prosecutors) and end users of European Union Member States wishing to organise training sessions in the area of EU environmental law with particular focus on biodiversity and wildlife trafficking.

### 1. Objectives

The training module addresses judges and prosecutors dealing with environmental issues with previous general, and in certain cases specific, knowledge regarding the subject. The module will provide judges and prosecutors with relevant information on the latest developments of the EU environmental law *acquis*, relevant jurisprudence of the Court of Justice of the EU and an in-depth analysis of the topic with a special focus on Biodiversity and Wildlife Trafficking. This training module will also assist national judges as well as national prosecutors to apply, in detail, the relevant EU instruments.

The training module will gather materials in order to conceive a two and a half day workshop with the goal to develop and raise understanding on the key legal aspects of international and EU Law on biodiversity and wildlife trafficking. The key topics to be covered are:

- Introduction on environmental, economic, social and criminal impacts of wildlife trafficking and illegal logging.
- EU approach towards wildlife trafficking, illegal logging and trade in timber
- Wildlife Trafficking
- Illegal Logging and Timber Trade
- Enforcement of EU instruments on wildlife trafficking and illegal logging and trade of timber at national level
- Practicalities of enforcement: actors and instruments

After this training on biodiversity and wildlife trafficking, participants will have greater knowledge of international and EU actors and instruments presented. They will have gained a better understanding of the legal aspects related to Wildlife Trafficking and implementing EU instruments and they will be in a better position to actively apply EU rules transposed into their respective national legislation. They will also have an

excellent opportunity to exchange views regarding implementation practices in their respective Member States.

## 2. Structure

The workshop implementing the training module is designed to last two-and-a-half days.

The training module consists of 12 interrelated but self-standing units. These units can be combined into an implementing workshop depending on the prior knowledge of participants, the time available and the specific training approach.

### **Setting the scene**

- Unit 1: Environmental, economic, social, and criminal impacts of wildlife trafficking and illegal logging
- Unit 2: EU approach against wildlife trafficking, illegal logging and trade timber: A general introduction

### **Wildlife Trafficking**

- Unit 3: Enforcement of EU wildlife protection and implementation at national level
- Unit 4: Case study on wildlife trafficking

### **Illegal Logging and Timber Trade**

- Unit 5: EU legal framework on logging and trade in timber: the FLEGT and Timber Trade Regulations
- Unit 6: Case study on FLEGT and Timber Trade Regulations

### **Enforcement at National level**

- Unit 7: Role of a judge/ prosecutor when dealing with files on wildlife trafficking and illegal logging and trade of timber
- Unit 8: Case study on role of a judge/ prosecutor in enforcement at national level

### **Practicalities of enforcement: actors and instruments**

- Unit 9: Mapping of actors and instruments for cooperation in enforcing wildlife trafficking
- Unit 10: Investigation and prosecution of wildlife crime
- Unit 11: Case study on evidence-gathering and sanctions for wildlife trafficking and illegal logging and trade in timber
- Unit 12: Closing session – evaluation of the workshop

The varying training methods that can be used in future workshops based on this material will also be presented in the module, together with recommendations on how and in which part of the training they may be best employed. Face-to-face presentations can be combined with practical exercises requiring the active contribution of participants, IT-supported learning, allowing participants to familiarise themselves with available tools and interactive sessions promoting the exchange of good practice and experience.

## II. Methodology

### 1. Time frame

The workshop is designed to last approximately 2.5 days. The exact structure and length will, of course, be decided by the training providers.

Elements that should be taken into account in each instance when finalising the workshop programme and deciding on the allocation of time between the different sub-sessions include the need to effectively cover all the main features of the subject matter and provide sufficient time for participants to ask questions and interact with the trainers and with each other. The fact that long sessions have proven to be less effective in adult training should be borne in mind. Frequent breaks or changes in teaching style should therefore be introduced in the workshop.

➤ An indicative time allocation for each unit will be provided in Part IV of this trainer's manual.

### 2. Trainer's profile

Crucial for the success of the training workshop is the selection of trainers. It has been proven that trainers with a common professional background to that of the participants tend to have a better understanding of their training needs and be more effective when addressing them. For this reason, the composition of the target group is a factor to be considered when selecting the trainers of an implementing workshop.

It is also important to identify the right trainer for each unit. In the units where the emphasis is on practical issues, the involvement of a practitioner, lawyer or judge with personal experience in the issue would be ideal. If the focus of a presentation is the transmission of information or the introduction to concepts or a broader area of law, an academic or a suitable policy officer even with a scientific background could also constitute a good option.

➤ More concrete input on the trainer's profile seemingly best fitting to each unit will be provided in Part IV of this trainer's manual.

In addition to professional qualifications, the quality of an implementing workshop will also depend on the individual trainer's didactic competences and pedagogical skills. Trainers should not only be knowledgeable, but also be able to effectively transmit information, assist end users in developing new skills and motivate them to actively follow the training. They would have to provide the necessary information in a clear and structured manner, highlight the links between participants' daily work and the issues being discussed, retain some flexibility in order to adapt to the specific needs and

interests of the end users attending the workshop as they become apparent, and be open and encouraging in discussing and exchanging views with them in the course of the session.

Other skills that potential trainers should ideally possess and which should be considered are the trainer's linguistic skills when workshops are international, and their familiarity with IT products, as the use of technology would be required in at least some parts of the training (IT-training sessions, use of PowerPoint or other audio-visual material, the e-learning course, etc.).

For the successful implementation of the workshop and in order to better address participants' training needs, some diversity among the trainers should be sought. Variety between speakers' professional backgrounds, gender and, in the context of cross-border training, nationality would enrich the event, offering different perspectives on the issues, employing different teaching methods and ensuring a more comprehensive analysis of biodiversity and wildlife trafficking.

Finally, although not always easy to assess, the potential trainer's personal motivation could be a factor worth considering. For the implementation of a workshop on the basis of the training module, significant flexibility and commitment, as well as the willingness to interact with end users is expected from the trainers. Engaging experts, who have an interest in the project and are prepared to make the necessary effort for a successful outcome, would bring an added value to the workshop, while further motivating the participants.

#### **Criteria for selecting the workshop trainers:**

- Good knowledge and expertise in the subject and objectives of each sub-session
- Didactic competences and pedagogical skills
- Linguistic and IT skills
- Professional background similar to that of the workshop's participants
- Diversity in the group of trainers
- Motivation

### **3. Teaching methods**

#### **Frontal (face-to-face) presentation**

The optimal method for the provision of a large amount of information in a limited period of time is face-to-face presentations, conducted in plenary. This method provides the trainer with the necessary time and flexibility to structure and present the content of the sub-session as s/he sees fit.

Supporting material such as outlines and PowerPoint or other presentation tools should be employed during the lecture. This would not only enable participants to follow the

presentation better, but constitute a reference document for the future as well, should end users wish to review the main issues of the sub-session.

One of the objectives of the workshop is to familiarise participants with existing legislation. In this context, reference to the material included in the users pack should be made throughout the lecture and participants should be encouraged to go through the legal texts, identify the provisions and acquire a better understanding of their structure and applicability.

Enriching the lecture with practical examples could also be a means of emphasising the link between theory and practice and better illustrating the application of various legal instruments. Brief exercises or questions could also be formulated by the trainers, requiring participants to reflect and discuss them before presenting the answer. Trainers would thus not only create an atmosphere of dialogue within the group, but also assess whether the concepts have been properly explained.

Time for discussion or Q&A sessions should in all cases be ensured for end users wishing to ask for clarification or further information. Depending on the content and structure of each lecture, questions may be raised during the presentation or in a subsequent discussion session moderated by the trainer or the workshop leader.

Although the key role in face-to-face presentations is played by the trainer, end users should also be encouraged to actively contribute to different sub-sessions. Participants learn not only from the provision of the training per se, but also from hearing questions and problems they have not yet found themselves confronted with. For this reason it is important that all end users attending the workshop are encouraged and feel comfortable enough to share thoughts and ideas and contribute their own experiences. This element is of particular importance in international workshops, where participants have the possibility to expand their knowledge with information on the application of EU environmental law in other Member States, learning from each other.

### **Workshop case studies**

In addition to information on the Biodiversity and Wildlife Trafficking legal framework, the training also aims at providing participants with some practical experience in the particularities of the cases on the subject.

In order to further highlight issues requiring special attention and allow participants to develop specific skills, it is important to ensure their involvement in this part of the training. For this reason, specially designed workshop case studies will complement each thematic unit. Another advantage of this method is that the preparation of a case study constitutes an interactive way of learning. After having listened to face-to-face presentations or read background material, participants would appreciate a change of presentation technique.

- Case studies prepared in working groups



During the workshop exercises, participants will be given the opportunity to use their skills and knowledge to solve case studies related to wildlife trafficking, illegal logging and trade in timber.

A short introduction on the organisational aspects of the task shall be provided to participants by the trainer with the questions and answers session to be followed during the plenary session: which issues shall be discussed in the groups, what results shall be aimed for and which deliverables shall be presented during the plenary session to be followed after the discussions.

Participants should subsequently be divided into smaller working groups and working space provided for each of them. Working in smaller groups has significant advantages for participants: the possibility to focus on case studies will enable them to deepen their recently acquired knowledge by applying it to concrete cases. This approximates a real-life scenario and can constitute valuable experience for the future. The working group format would allow each participant to be actively involved in the debate and improve their communication skills.

As one of the key objectives of the exercise is the exchange of opinions between end users, it is important that the workshop leader allocates participants to the working groups to support this interaction: in international implementing workshops and as long as participants working languages allow it, end users from different Member States or from jurisdictions with different legal traditions should be brought together in the working groups. If a workshop is organised as a national judicial training, judges from different courts could be asked to work together. Further to solving the case, this diversity would allow participants to obtain better insights into how the questions would be dealt with and how the EU legislation involved are applied in another country, by a different legal profession, in a different city or court.

➤ As four case studies are recommended for the workshops implementing this training module, altering the composition of the working groups in each exercise would be a way to further increase participant interactivity.

The trainer shall set exact timing for each part of the task during the introductory part of the case study. Depending on the time available, the trainer coordinating each exercise will have to decide whether all working groups should deal with all case studies or if specific case studies should be allocated to different groups in order to ensure that end users are able to thoroughly examine all issues.

Once the working groups have been set up, they should organise themselves, develop a working method and identify which member(s) of the group will be responsible for reporting the conclusions of their discussion to the other end users. The trainer leading the exercise should be present, following the interaction in each group to a certain extent, offering advice on time management, being available to provide clarification

and answering questions and being prepared to assist participants if they face major difficulties or their discussion becomes derailed. If trainers of other subjects of the workshop are present, they may also get involved into discussions of the chosen smaller group for monitoring the discussion and helping out on the subject matter.

When the groups have completed their work, all participants should come together again to discuss their conclusions. This will allow them to compare their solutions to the features of the case studies, get further ideas from their colleagues in the other groups and broaden their understanding of the subject matter.

To achieve the objectives of this closing discussion, it is important to ensure that all groups take the floor and present the results of their work. It would be most effective to discuss one case at a time, invite the rapporteur of one of the groups to present their conclusions and the main elements of their discussion and then ask the end users of the other groups for additional comments, different opinions etc. In conclusion, the trainer should summarise the main points raised in the discussion and give his own feedback, so that participants can confirm whether they successfully dealt with the case or whether there could be further improvement.

- IT-supported learning

IT-supported learning can enhance the efficiency of training and give end users the opportunity to gain practical experience by making use of the possibilities the internet offers on issues related to environmental law generally. In this way, end users will have the opportunity of becoming familiar with the various EU websites in the area (such as the E-Justice Portal, the EJTN website, Eur-Lex, the Curia website, ECLI etc.), where they can acquire further information and advice on how to apply EU instruments covered by the workshop. By efficiently using these websites, participants will actively learn how to find the relevant legal texts and cases and receive assistance on the practical problems they may face when applying EU law in this area.

#### 4. Documents

The documents to be made available at the training workshop consist of the contents of the user's pack. The user's pack will, in particular, include:

- blended e-learning material;
- workshop reader;
- background documentation set;
- workshop programme;
- list of participants;
- list of trainers/ speakers;
- CVs of the trainers;
- evaluation form.

### III. User's pack: the function of different elements of the training module

#### 1. Introduction

The term 'user's pack' means the entire wealth of material that will be made available to participants of a implementing workshop. This will consist mostly of the blended e-learning material, training material (related legal documents, links to online sources on a USB stick, trainers contributions and case studies) as well as supporting documents, such as the workshop programme, the list of participants, workshop evaluation forms etc.

It is, of course, at the discretion of the workshop organisers and trainers to use the materials provided in the manner they deem most fitting and to also include additional documents where necessary. All key EU legal instruments required for the provision of the training on 'Biodiversity and Wildlife Trafficking' are already part of the user's pack, but as implementing workshops may be structured with a specific focus, further material could be of use.

The materials for inclusion in the users' pack can and should be provided mainly in electronic format, either using a USB stick or by making the content available online and granting all workshop participants access to it. Material that needs to be regularly referred to during the workshop or that would make it easier to follow proceedings should be provided in hardcopy for ease of reference during the event:

- workshop programme;
- list of participants;
- trainers contributions;
- texts of the legal acts to be analysed;
- case studies;
- evaluation forms.

➤ When presenting the material that should accompany each unit, distinction should be made between 'necessary material' to be provided in hardcopy and 'additional material' that should be included in the electronic documentation.

#### 2. Blended e-learning

The training module has been structured to include 'blended learning' as a methodological approach, given that it combines the interactivity of face-to-face training during the implementing workshops with the flexibility provided by e-learning material. As the e-learning material has different functions and can be used by the workshop participants at several stages of their learning process, it is important that they have access to it on different occasions: before the implementation of the workshop, in order to prepare for the meeting, while it takes place, in order to make

best use of the available material with the help of the trainers, and after the workshop, as a point of reference for finding information on biodiversity and wildlife Trafficking.

The key function of this e-learning material is to introduce end users to a number of legal instruments with regard to various aspects of wildlife trafficking, illegal logging and trade in timber, enforcement actors and instruments in wildlife trafficking.

It will include:

- The main international and EU legal instruments as well as case law that will be analysed during the workshop which participants should go through before they attend the course, as well as the corresponding quiz to test their knowledge. The aim is not to replace the face-to-face sessions on these subjects but to complement them by ensuring that all participants have a common basic level of knowledge before they start and can make the most of the discussion to clarify issues in the face-to-face workshops.
- Access to the bibliography of legal instruments and other relevant source material which participants can refer to at any time.
- Access to the remainder of the e-learning version of the training module to be provided after the face-to-face workshop for participants to use as a refresher and to re-use with their colleagues alongside the face-to-face training materials.

Once the group of participants has been selected, they should receive information on how to access the e-learning materials and be encouraged to go through its contents 7-10 days before the implementation of the workshop. In this way, they will have the possibility to refresh or acquire some basic knowledge and be better prepared for the workshop programme.

### **3. Background documentation**

Legal texts will make up the large majority of the content of the training materials: international conventions, treaty articles, regulations, directives, case law of the Court of Justice of the European Union etc. will constitute the background to analysis in the workshop. A comprehensive collection of all background documents, which can be referred to after the conclusion of the workshop, should be included in the electronic documentation. Participants are likely to come back to these texts in order to refresh their memory, find a specific provision or judgment, and seek guidance or inspiration if confronted with a case on the subject at a later stage. This format could also support an easy further dissemination of this material, which workshop participants could forward to their colleagues if requested.

Further to legal texts, links to online databases, tools and sources, such as the E-justice portal, Eur-Lex, Curia, ECLI and other similar websites should as also be included as background material in the electronic documentation.

- Proposals on which specific material to include in this part of the user's pack are included in Part d) on the analysis of each sub-session of the workshop.

The material should be provided in the language of the workshop. When international workshops are organised, links to EU databases (such as <http://eur-lex.europa.eu/> or <http://curia.europa.eu/>) could be included, so that end users can access EU legal texts in the language of their choice. Further to their inclusion in the electronic documentation, providing the few documents in hard copy that are absolutely essential during the workshop is recommended. Being able to quickly find a provision, see the structure of a legal instrument, make notes etc. could help end users to better follow the training and further familiarise themselves with the legal instruments being discussed.

#### **4. Workshop exercise material**

Four workshop exercises are proposed for the workshops implementing the training module on 'Biodiversity and wildlife Trafficking'. All of them are structured on the basis of case studies. Preparatory material supporting the workshops' case studies, such as the tasks of the different cases that are to be discussed or additional legal texts that will be needed for solving the cases must be provided for the participants in hardcopy during the workshop.

#### **5. Trainer's contributions**

In addition to the background documents, every time an implementing workshop on 'Biodiversity and wildlife Trafficking' is organised, the trainers involved should be asked to prepare their own supporting material, in the form of PowerPoint presentations, outlines, notes or full texts of their lectures. Trainers should be free to structure the material supporting their presentations as they prefer. The main objective would be to help end users attending the workshop to better follow the presentation and, for this reason, emphasis should be given, in particular, to the provision of a clear structure.

Trainers may also be advised to prepare a well-judged number of slides leaving some time for questions and answers session during the presentation or if an unplanned discussion flares up.

The trainer's contributions could also be used as a reference document for identifying the main points of the subject matter.

Speakers' contributions should additionally be included in the user's pack. They should also be included in hardcopy in the documentation pack.

- Providing some kind of written support of the lectures is always recommended and for this reason always mentioned under 'necessary documents'. Especially an outline of the PowerPoint presentation reflecting the structure of the sub-session allows participants to better understand the structure and follow the lecture.

## 6. Additional documents

Further to the training material, a number of documents supporting the organisation of the workshop must be made available to participants. These would be of immediate and continuous use during the workshop and should therefore be provided in a hardcopy.

The finalised workshop programme must be provided at the beginning of the training, allowing participants to plan accordingly and better understand the training flow. A list of all workshop participants should be provided, facilitating the interaction between end users attending the workshop. Moreover, by including certain contact details (professional position and postal address) participants are given the opportunity to maintain contact even after the conclusion of the workshop. Finally, in order to achieve an immediate evaluation of the workshop, a questionnaire seeking participant feedback on the workshop content, organisational features and overall effectiveness shall be distributed.

## IV. Organising and implementing workshop: structure, content and methodology

For the training module on 'Biodiversity and Wildlife Trafficking' and its implementing workshops, a structure on the basis of thematic units is proposed. Each thematic unit will focus on a specific topic of International and EU law in this area. Each implementing workshop will thus consist of several units, ensuring the alternation of theoretical and practical parts. The final structure will, however, have to be decided by taking into consideration end users prior knowledge and training priorities. With the addition of opening and closing units, serving both pedagogical and organisational purposes, an implementing workshop of 2.5 days could be designed as detailed below:

### **Setting the scene**

- Unit 1: - What are the environmental, economic, social, and criminal impacts of wildlife trafficking and illegal logging?
- Unit 2: How does the EU counter wildlife trafficking, illegal logging and trade timber? A general introduction

### **Wildlife Trafficking**

- Unit 3: Enforcement of EU wildlife protection and implementation at national level
- Unit 4: Case study on wildlife trafficking

### **Illegal Logging and Timber Trade**

- Unit 5: EU legal framework on logging and trade in timber: the FLEGT and Timber Trade Regulations
- Unit 6: Case study on FLEGT and Timber Trade Regulations

### **Enforcement at National level**

- Unit 7: Role of a judge/ prosecutor when dealing with files on wildlife trafficking and illegal logging and trade of timber
- Unit 8: Case study on role of a judge/ prosecutor in enforcement at national level

### **Practicalities of enforcement: actors and instruments**

- Unit 9: Mapping of actors and instruments for cooperation in enforcing wildlife trafficking
- Unit 10: Investigation and prosecution of wildlife crime
- Unit 11: Case study on evidence-gathering and sanctions for wildlife trafficking and illegal logging and trade in timber
- Unit 12: Closing session – evaluation of the workshop

## Setting the scene

### Short description of the contents

The workshop should always start by welcoming the participants and providing a brief introduction and explanation of the contents of the programme, organisation and implementation of the workshop.

### General objectives

The main objective of this first session is to welcome trainers and participants to the workshop, to set the scene by reminding them of the framework of the training course and to encourage their interaction and active participation in the course.

### Specific learning points

#### Introduction of organisers of the workshop

The welcoming session shall be used to introduce the training manager of the workshop, who is responsible for the successful implementation of the content of the programme, chairing of presentations, managing of the questions and answers sessions, arranging and implementing of the practical exercises, dealing with *ad hoc* issues during the whole workshop. The training manager may be assisted by a chair of the workshop, who, ideally, shall be an expert on the topic (a judge, a legal practitioner or an academic).

#### Introduction of participants and trainers

The opening session should also be used in order to allow participants to introduce themselves, present their national and professional background and illustrate their expectations from the workshop. In this way, end users will be familiar with addressing the group, which should facilitate their active participation in the following sessions and they will also get to know their colleagues' background a little better. Making trainers and participants aware of which nationalities and professional groups are represented in the workshop can be of great relevance in the discussion and an asset in ensuring an effective exchange of information and experience. The possibility to discover from participants the experience which they bring with them to the training course and what they are primarily seeking to achieve by their participation could help the workshop leader to better adapt the programme to meet participants specific needs, by emphasising certain aspects, making adjustments on the time allocated in the different sub-sessions, etc.



- This may be achieved by inviting participants to ask a key question they expect to see addressed during the workshop or to indicate which element made them apply for the workshop.

### **Presentation of the workshop's programme**

The workshop should include, at the beginning, a presentation of its programme, scope and objectives. The focus of each unit will be indicated and the expected contribution of the participants in each part of the programme emphasised. It is important that end users realise the goal of each unit and the flow of the workshop programme in order to be better equipped to follow the discussions and make sure they do not miss the opportunity to raise questions or clarify any ambiguity.

### **Presentation of the training material**

The opening session is also the opportunity to present the material included in the user's pack and explain its function, so that end users may use it throughout the workshop. The content of the electronic documentation should be outlined (all related legal texts, links to online sources, suggested solutions to the case studies, etc.) and explanations provided on the documents that will have been made available to the participants in hardcopy for reference during the workshop (e.g. trainers presentations and outlines, key legal texts, the case studies for the workshop exercises, documents such as the list of participants, the workshop assessment tools etc.).

### **Presentation of the workshop's organisational aspects**

Further to this, all logistical aspects of the workshop will be presented. The locations that will be used during the workshop for the different sessions, the exercises and the lunch and coffee breaks will be indicated, the possibility to use computers, Wi-Fi, a library, a business station etc. laid out and information on the organised lunches and dinners provided. It is important here to ensure that end users are reminded of and able to profit from all measures taken to facilitate their participation in the workshop, and of the importance of the joint activities in allowing a less formal interaction between trainers and fellow participants.

## **Methodology**

While participants will be in plenary; everyone is invited to introduce themselves. The programme of the workshop will be presented by the training manager of the workshop.

After welcoming participants and trainers to the workshop, they will be given the opportunity to introduce themselves and express their expectations regarding the workshop. This will improve the atmosphere of the workshop from the very beginning, which is a key element for its success. Participants are more likely to be active during the event if they know their colleagues' backgrounds.

Furthermore, the outline and main objectives of the workshop will be presented. This introduction will contain information on both the programme and the logistics (e.g. which rooms will be available for the participants during the workshop, library, availability of computers and Wi-Fi, coffee breaks and meals, evening programme).

### Duration

The time allocated to the opening session will depend on the number of participants attending the workshop. Taking into account that the workshop should ideally have 20 to 30 participants, the opening session should last approximately 30 minutes, in order to ensure sufficient time for all trainers and participants to present themselves and for the provision of all necessary information on the event.

### Documentation

**Necessary material (to be made available in hardcopy during the sub-session):**

<b>01</b>	The final version of the workshop programme
<b>02</b>	The list of trainers
<b>03</b>	Trainers CV's
<b>04</b>	List of participants

The training manager should demonstrate the entire user pack in this unit, including the electronic documentation, in order to inform participants of all the different features of the pack.

### Trainer profile

The opening session will be held in plenary and coordinated by the training manager, the person responsible for ensuring the coherent management of the workshop. There would be an added value in assigning the role of the 'workshop manager' to the person responsible for the organisation of the workshop. He or she would be most suitable to present the programme's structure and main objectives, having made all related decisions and given priority to specific features of the training over others.

## **Unit 1: Environmental, economic, social, and criminal impacts of wildlife trafficking and illegal logging**

### **Short description of the contents and general objectives**

The aim of this presentation is to introduce participants to main environmental, economic, social, and criminal (negative) impacts of wildlife trafficking and illegal logging. During this presentation the history and scale of wildlife trafficking genesis and the historical development of these rights should be explained, providing examples of illegal wildlife trafficking, seized by enforcement agencies in various countries.

### **Specific learning points**

- Scale of wildlife trafficking: facts and figures
- Drivers of wildlife trafficking
- Environmental impacts of wildlife, fish and timber trafficking
- Socio-economic impacts of wildlife, fish and timber trafficking
- Criminal impacts of wildlife, fish and timber trafficking
- The role of the EU in legal and illegal wildlife trade
- EU as a market, a transit and source region for illegal wildlife products

### **Methodology**

As the focus of this unit lies in the provision of introductory information on the scale of the problem related to wildlife trafficking, drivers of wildlife trafficking and main (negative) impacts on socio-economic, environmental and criminal sectors, the best option would be to organise it as a face-to-face frontal training.

The scope of this unit is rather large and a great deal of information that is required for effectively comprehending the rest of the programme needs to be provided. For this reason it is essential that this unit is effectively structured. Participants must acquire the knowledge that will allow them to understand the scope of the problem. In order to achieve this, it is essential that the trainer ensures that there is sufficient time for participants to raise questions or discuss any unclear points. The pictures or real-life examples of the seized species of illegal wildlife trade shall be useful for implementation of this unit.

### **Duration**

The duration of this session should be 45-60 minutes (including lecturing time and discussion sessions with the participants).

## Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation 'What are the environmental, economic, social, and criminal impacts of wildlife trafficking and illegal logging?'
02	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions; "EU Action Plan Against Wildlife Trafficking", COM(2016) 87 final, 26.02.2016</a>
03	<a href="#">Commission Notice — Guidance document: export, re-export, import and intra-Union trade of rhinoceros horns, (2016/C 15/02), 16.01.2016</a>
04	<a href="#">ROADMAP - EU Action Plan against Wildlife Trafficking (2015/ENV/087)</a>

Additional material (to be included in the electronic documentation – USB stick):

05	<a href="#">Reference Guide to the European Union Wildlife Trade Regulations, July 2015, European Commission and TRAFFIC</a>
06	<a href="#">United Nations General Assembly A/69/L.80: Tackling illicit trafficking in wildlife, 15.07.2015</a>
07	<a href="#">Information on the EU ban on the import of elephant hunting trophies from Tanzania, Mozambique and Zambia, July 2015, European Commission</a>
08	<a href="#">COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on the EU Approach against Wildlife Trafficking /COM/2014/064 final/, 07.02.2014</a>
09	<a href="#">Wildlife and Forest Crime Analytic Toolkit, United Nations Office on Drugs and Crime, Revised edition, 2012</a>

## Trainer's profile

The trainer/facilitator in this session should be, where possible, an expert from DG Environment, European Commission, an academic with practical experience or a technical expert, working in enforcement authorities and directly dealing with wildlife trafficking cases.

## **Unit 2: EU approach against wildlife trafficking, illegal logging, fishing and trade in timber: A general introduction**

### **Short description of the contents and general objectives**

During this presentation a general introduction on EU approaches against wildlife trafficking, illegal logging, fishing and trade in timber should be discussed. The presentation shall start with the introduction to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its obligations by Parties under the CITES Convention. Particular focus should be devoted to implementation of CITES into the EU legislation, specifically naming “Wildlife trade regulations” and the EU Action Plan against Wildlife Trafficking (WAP). The EU Wildlife trade regulations are based in general on the international CITES Convention. Because of the specific situation in the EU and the uniform European market the EU Wildlife trade regulations are not only dealing with pure CITES rules but stricter domestic measures have been implemented. These stricter measures need to be explained. As the EU legislation does not deal with rules regarding responsibilities, fines and punishment domestic legislation need to be established to clear these questions, therefore the topic may be continued into the discussion on possible implementation solutions or enforcement examples at national level.

### **Specific learning points**

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) – an introduction
- CITES obligations by Parties under the CITES Convention
- EU “Wildlife trade regulations” – Council Regulation 338/97 and associated Commission Regulations
- Nature Directives
- EU Action Plan against Wildlife Trafficking – objectives and the three pillars
- EU approach against illegal timber trade
- Key obligations of the EU Timber Regulation
- EU approach against illegal, unreported and unregulated fishing
- Environmental Crime Directive 2008/99/EC

### **Methodology**

This unit should be conducted as a face-to-face frontal presentation in plenary. The order in which the different points of the unit are presented should be defined by the trainer. The subsequent discussion should be moderated either by the trainer or the chair of the event.

## Time frame

The time allocated to this unit will be approximately 45-60 minutes and should include some time for discussion with the participants.

## Documentation

**Necessary material (to be made available in hardcopy during the sub-session):**

01	PowerPoint Presentation 'How does the EU counter wildlife trafficking, illegal logging and trade in timber? A general introduction'
02	<a href="#">Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention), 3 March 1973</a>
03	<a href="#">Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</a>
04	<a href="#">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</a>
05	<a href="#">Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein</a>
06	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions; "EU Action Plan Against Wildlife Trafficking", COM(2016) 87 final, 26.02.2016</a>

**Additional material (to be included in the electronic documentation – USB stick):**

	<b>EU Documents</b>
07	<a href="#">Commission Regulation (EU) 2015/870 of 5 June 2015 amending, as regards the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97</a>
08	<a href="#">Commission Regulation (EU) No 1320/2014 of 1 December 2014 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</a>
09	<a href="#">Commission Regulation (EC) No 100/2008 of 4 February 2008 amending, as regards sample collections and certain formalities relating to the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down</a>

	<a href="#"><u>detailed rules for the implementation of Council Regulation (EC) No 338/97</u></a>
10	<a href="#"><u>Commission Recommendation No 2007/425/EC of 13 June 2007 identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</u></a>
11	<a href="#"><u>Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</u></a>
12	<a href="#"><u>Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006 (Commission Documents Regulation)</u></a>
13	<a href="#"><u>Commission Implementing Regulation (EU) 2015/736 of 7 May 2015 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora</u></a>
14	<a href="#"><u>Commission Implementing Regulation (EU) No 888/2014 of 14 August 2014 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora</u></a>
15	<a href="#"><u>Commission Implementing Regulation (EU) No 578/2013 of 17 June 2013 suspending the introduction into the Union of specimens of certain species of wild fauna and flora</u></a>
16	<a href="#"><u>Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (TIMBER REGULATION)</u></a>
17	<a href="#"><u>Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds</u></a> <a href="#"><u>(Birds Directive)</u></a>
18	<a href="#"><u>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora</u></a> <a href="#"><u>(Habitats Directive)</u></a>
19	<a href="#"><u>United Nations Convention against Transnational Organised Crime and the Protocols thereto, United Nations Office on Drugs and Crimes</u></a>
20	<a href="#"><u>Convention on the Conservation of European Wildlife and Natural Habitats, Bern, 19 September 1979</u></a>

21	<a href="#"><u>Convention on the conservation of European wildlife and natural habitats - 35th meeting of the Standing Committee - Strasbourg, 1 December - 4 December 2015 - Report of the 35th Standing Committee meeting, (T-PVS(2015)30E), 16 December 2015</u></a>
22	<a href="#"><u>Convention on the conservation of European wildlife and natural habitats - 33rd meeting of the Standing Committee to the Bern Convention (Strasbourg, 3 - 6 December 2013) - Report of the meeting, T-PVS(2013)15E, 21 October 2014</u></a>
23	<a href="#"><u>Reference Guide on European Union Wildlife Trade Regulations, CITES, February 2013, TRAFFIC</u></a>
24	<a href="#"><u>Wildlife Trade Regulations in the European Union: an introduction to CITES and its implementation in the European Union, (European Commission, 2010)</u></a>
	<b>Illegal fishing</b>
25	<a href="#"><u>Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999</u></a>
26	<a href="#"><u>Commission Regulation (EU) No 202/2011 of 1 March 2011 amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Regulation (EC) No 1010/2009 as regards prior notification templates, benchmarks for port inspections and recognised catch documentation schemes adopted by regional fisheries management organisations</u></a>
27	<a href="#"><u>Commission Regulation (EU) No 86/2010 of 29 January 2010 amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Commission Regulation (EC) No 1010/2009 as regards exchange of information on inspections of third country vessels and administrative arrangements on catch certificates</u></a>
28	<a href="#"><u>Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing</u></a>
29	<a href="#"><u>Communication from the Commission to the European Parliament and the Council on the application of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal,</u></a>



	<a href="#"><u>unreported and unregulated fishing (COM/2015/0480 final)</u></a>
30	<a href="#"><u>Commission Regulation (EU) No 468/2010 of 28 May 2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing</u></a>
31	<a href="#"><u>Commission Implementing Regulation (EU) 2015/1296 of 28 July 2015 amending Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing</u></a>
32	<a href="#"><u>Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing</u></a>
33	<a href="#"><u>Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999</u></a>
34	<a href="#"><u>Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish</u></a>
35	<a href="#"><u>Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy</u></a>
36	<a href="#"><u>Council Implementing Decision (EU) 2015/200 of 26 January 2015 amending Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing as regards Sri Lanka</u></a>
37	<a href="#"><u>Council Implementing Decision No 2014/170/EU of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing</u></a>
38	<a href="#"><u>Commission Decision of 1 October 2015 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing, (2015/C 324/10)</u></a>
39	<a href="#"><u>Commission Decision of 1 October 2015 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing, (2015/C 324/07)</u></a>
	<b>EU Case Law</b>

40	<a href="#">C-73/14, Judgment of the Court (Grand Chamber) of 6 October 2015, Council of the European Union v European Commission (illegal fishing)</a>
41	<a href="#">C-532/13, Judgment of the Court (Second Chamber) of 4 September 2014, Sofia Zoo v Országos Környezetvédelmi, Természetvédelmi és Vízügyi Főfelügyelőség</a>
42	<a href="#">C-100/08, Judgment of the Court (Third Chamber) of 10 September 2009, Commission of the European Communities v Kingdom of Belgium (available only in French)</a>
43	<a href="#">C-344/08, Judgment of the Court (Second Chamber) of 16 July 2009, Criminal proceedings against Tomasz Rubach</a>
44	<a href="#">C-219/07, Judgment of the Court (Third Chamber) of 19 June 2008, Nationale Raad van Dierenkwekers en Liefhebbers VZW and Andibel VZW v Belgische Staat</a>
45	<a href="#">C-154/02, Judgment of the Court (Sixth Chamber) of 23 October 2003, Criminal proceedings against Jan Nilsson</a>
46	<a href="#">C-510/99, Judgment of the Court (Sixth Chamber) of 23 October 2001, Criminal proceedings against Xavier Tridon</a>
	<b>Useful documents: policy documents, reports, fact sheets</b>
47	<a href="#">Handbook on the practical application of Council Regulation (EC) No. 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (The IUU Regulation), European Commission DG for Maritime affairs and fisheries, Mare A4/PS D(2009) A/12880</a>
48	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new strategy for the Community to prevent, deter and eliminate Illegal, Unreported and Unregulated fishing, COM (2007) 0601 final, 17.10.2007</a>

### Trainer profile

As for Unit 1, the trainer/facilitator in this session should be, where possible, an expert from DG Environment, European Commission, an academic with practical experience or a technical expert, working in enforcement authorities and directly dealing with wildlife trafficking cases.

## Unit 3: Enforcement of EU wildlife protection and implementation at national level

### Short description of the contents and general objectives

During this presentation participants should deepen their knowledge on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its implementation and enforcement in the European Union not only theoretically, but also in a practical way by analysing real cases. A more detailed description on EU “Wildlife Trade Regulations” shall also be provided. Major topics are the import and export regulations, the rules dealing with the trade inside the EU, major species groups identified to be of interest for illegal activities, acting bodies on different international and national levels and problems shall be identified. The rules dealing with the protection of wildlife are complicated because of the different legal levels (international law, EU regulations and domestic rules). The correlations between these different legal levels need to be clarified and existing differences will be explained, therefore the trainer shall spend more time making sure that participants have understood them and can use them at a later stage for the case-study discussion. Finally examples of current problems and problematic areas will be presented to make the participants aware of the dimension of the problem which is not always known.

### Specific learning points

- Legal framework and the relationship between the different levels
  - Convention on international trade in endangered species of wild fauna and flora (CITES)
  - EU wildlife trade regulations No. 338/97 and 865/2006
  - Domestic implementation
- Lists of protected species and definitions
  - Appendices I – III CITES
  - Annexes A – D Reg. EC No. 338/97
  - Art. 2 Reg. EC No. 338/97
- Import and export regulations inclusive exemptions and specific rules
  - Art. 4, 5 and 7 Reg. EC No. 338/97, Art. 22 and 23 Reg. EC No. 865/2006
- Rules regulating the internal trade in the European Union
  - Art. 8 and 10 Reg. EC No. 338/97, Art. 62 Reg. EC No. 865/2006
- Acting bodies on international, EU and national level
  - Art. 13 – 18 Reg. EC No. 338/97
- Illegally traded specimens
- Enforcement problems
- Examples of good cooperation on national and EU-level (EU-TWIX)
- Case studies

## Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary. The order in which the different points of the unit are presented should be defined by the trainer. The subsequent discussion should be moderated either by the trainer or the chair of the event.

## Time frame

The time allocated to this unit will be approximately 60-90 minutes and should include some time for discussion with the participants.

## Documentation

**Necessary material (to be made available in hardcopy during the sub-session):**

01	PowerPoint Presentation 'Enforcement of EU wildlife protection and implementation at national level'
02	<a href="#">Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention), 3 March 1973</a>
03	<a href="#">Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</a>
04	<a href="#">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</a>
05	<a href="#">Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein</a>

**Additional material (to be included in the electronic documentation – USB stick):**

	<b>Wildlife trafficking – Basic Regulation</b>
06	<a href="#">Commission Regulation (EU) 2015/870 of 5 June 2015 amending, as regards the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97</a>
07	<a href="#">Commission Regulation (EU) No 1320/2014 of 1 December 2014 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</a>
08	<a href="#">Commission Regulation (EC) No 100/2008 of 4 February 2008 amending, as regards sample collections and certain formalities relating to the trade in</a>

	<a href="#"><u>species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97</u></a>
09	<a href="#"><u>Commission Recommendation No 2007/425/EC of 13 June 2007 identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</u></a>
10	<a href="#"><u>Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</u></a>
11	<a href="#"><u>Commission Regulation (EC) No 865/2006 (Consolidated version)</u></a>
12	<a href="#"><u>Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006 (Commission Documents Regulation)</u></a>
13	<a href="#"><u>Commission Implementing Regulation (EU) 2015/57 of 15 January 2015 amending Implementing Regulation (EU) No 792/2012 as regards the rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and in Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97</u></a>
14	<a href="#"><u>COMMISSION REGULATION (EU) No 791/2012 of 23 August 2012 amending, as regards certain provisions relating to the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97</u></a>
	<b>Wildlife trafficking legislation</b>
15	<a href="#"><u>Commission Implementing Regulation (EU) 2015/736 of 7 May 2015 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora</u></a>
16	<a href="#"><u>Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</u></a>
17	<a href="#"><u>Commission Implementing Regulation (EU) No 888/2014 of 14 August 2014 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora</u></a>

18	<a href="#"><u>Commission Implementing Regulation (EU) No 578/2013 of 17 June 2013 suspending the introduction into the Union of specimens of certain species of wild fauna and flora</u></a>
19	<a href="#"><u>Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds</u></a> (Birds Directive)
20	<a href="#"><u>COUNCIL DIRECTIVE 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos</u></a>
21	<a href="#"><u>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora</u></a> (Habitats Directive)
	<b>Environmental Crime Legislation</b>
22	<a href="#"><u>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</u></a>
	<b>EU and Member States' Case Law</b>
23	<a href="#"><u>C-73/14, Judgment of the Court (Grand Chamber) of 6 October 2015, Council of the European Union v European Commission (illegal fishing)</u></a>
24	<a href="#"><u>C-532/13, Judgment of the Court (Second Chamber) of 4 September 2014, Sofia Zoo v Országos Környezetvédelmi, Természetvédelmi és Vízügyi Főfelügyelőség</u></a>
25	<a href="#"><u>C-100/08, Judgment of the Court (Third Chamber) of 10 September 2009, Commission of the European Communities v Kingdom of Belgium (available only in French)</u></a>
26	<a href="#"><u>C-344/08, Judgment of the Court (Second Chamber) of 16 July 2009, Criminal proceedings against Tomasz Rubach</u></a>
27	<a href="#"><u>C-219/07, Judgment of the Court (Third Chamber) of 19 June 2008, Nationale Raad van Dierenkwekers en Liefhebbers VZW and Andibel VZW v Belgische Staat</u></a>
28	<a href="#"><u>C-154/02, Judgment of the Court (Sixth Chamber) of 23 October 2003, Criminal proceedings against Jan Nilsson</u></a>
29	<a href="#"><u>C-510/99, Judgment of the Court (Sixth Chamber) of 23 October 2001, Criminal proceedings against Xavier Tridon</u></a>

	<b>Useful documents: International law</b>
30	<a href="#">United Nations Convention against Transnational Organised Crime and the Protocols thereto, United Nations Office on Drugs and Crimes</a>
31	<a href="#">Convention on the Conservation of European Wildlife and Natural Habitats, Bern, 19 September 1979</a>
32	<a href="#">Convention on the conservation of European wildlife and natural habitats - 35th meeting of the Standing Committee - Strasbourg, 1 December - 4 December 2015 - Report of the 35th Standing Committee meeting, (T-PVS(2015)30E), 16 December 2015</a>
33	<a href="#">Convention on the conservation of European wildlife and natural habitats - 33rd meeting of the Standing Committee to the Bern Convention (Strasbourg, 3 - 6 December 2013) - Report of the meeting, T-PVS(2013)15E, 21 October 2014</a>
	<b>Useful documents: policy documents, reports, fact sheets</b>
	Wildlife trafficking
34	<a href="#">Wildlife Trade Regulations in the European Union. An Introduction to CITES and its Implementation in the European Union</a>
35	<a href="#">Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions; "EU Action Plan Against Wildlife Trafficking", COM(2016) 87 final, 26.02.2016</a>
36	<a href="#">Commission Notice — Guidance document: export, re-export, import and intra-Union trade of rhinoceros horns, (2016/C 15/02), 16.01.2016</a>
37	<a href="#">ROADMAP - EU Action Plan against Wildlife Trafficking (2015/ENV/087)</a>
38	<a href="#">Reference Guide to the European Union Wildlife Trade Regulations, July 2015, European Commission and TRAFFIC</a>
39	<a href="#">United Nations General Assembly A/69/L.80: Tackling illicit trafficking in wildlife, 15.07.2015</a>
40	<a href="#">Information on the EU ban on the import of elephant hunting trophies from Tanzania, Mozambique and Zambia, July 2015, European Commission</a>
41	<a href="#">COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on the EU Approach against Wildlife Trafficking</a>

	<a href="#">/COM/2014/064 final/, 07.02.2014</a>
42	<a href="#">COMMISSION STAFF WORKING DOCUMENT Summary of the Responses to the Stakeholder Consultation on the EU Approach against Wildlife Trafficking, SWD(2014)347/F1, 26.11.2014</a>
43	<a href="#">Reference Guide on European Union Wildlife Trade Regulations, CITES, February 2013, TRAFFIC</a>
44	<a href="#">Wildlife and Forest Crime Analytic Toolkit, United Nations Office on Drugs and Crime, Revised edition, 2012</a>
45	<a href="#">Wildlife Trade Regulations in the European Union: an introduction to CITES and its implementation in the European Union, (European Commission, 2010)</a>

### Trainer's profile

The trainer, implementing this unit, shall be an expert of all aspects with regard to the CITES Convention and its implementation and enforcement in the European Union. Ideally the trainer would be a representative of enforcement bodies, fully acquainted with the import/export rules or an expert who has practical experience in this field.



## Unit 4: Case Study on Wildlife Trafficking

### Short description of contents and general objectives

During this unit, a case study on wildlife trafficking raising various questions on illegal trade of protected species should be presented. Participants will be able to deepen their knowledge regarding the implementation of the CITES Convention and the implementing EU legislation in a practical manner and also to further their grasp of the knowledge gained with regard to the challenges faced by Member States. These case studies should also enable judges and prosecutors to facilitate discussion on how they would solve the problems presented and share their practice in different jurisdictions they represent.

### Specific learning points

- Import permits and trade of species under the CITES Convention Annexes
- Trade of species bred in captivity
- Institutions to be tackled and actions to be taken

### Methodology

The three case-studies will be distributed to the participants in the user's pack at the beginning of the workshop. Then the trainer will explain the factual background of the cases and the questions to be discussed on. After the short introduction, participants will be divided into working groups of 6-8 persons. The groups should appoint a moderator and a rapporteur. The groups will discuss the cases on the basis of the applicable material presented and discussed during the presentation.

After the group discussion, participants will reconvene in a plenary session. Each group will have a rapporteur to explain the results of their discussion. The trainer will comment on their findings during the debriefing of the case studies. The trainer will also invite comments from other groups or individuals and seek to stimulate a debate where differences of opinion, approach or interpretation are apparent.

### Time frame

The introduction to the case studies should take 15 minutes; afterwards participants will divide into groups. The discussion on the cases should take 45 minutes, the following discussion in the plenary including the debriefing should take another 30 minutes.

The time allocated to this sub-session should be approximately 90 minutes and should include some time for discussion.

## Documentation

**Necessary material (to be made available in hardcopy during the sub-session):**

<b>01</b>	Task description of the three case studies
<b>02</b>	PowerPoint Presentation 'Enforcement of EU wildlife protection and implementation at national level'

## Trainer's profile

As for the Unit 3, the trainer presenting the case studies on Wildlife Trafficking should be an expert on implementation of CITES Convention provisions as well as it implementing and enforcing EU legislation. Ideally, the expert shall have an in-house experience on enforcement of the rules and requirements of the above defined legislation. The trainer should be available during the group discussion to assist participants if they need him/her for further clarifications of the task. At the debriefing the trainer should be available for an interactive discussion with all the participants and able to lead the discussion and summarise the achieved results.

## Unit 5: EU legal framework on logging and trade in timber: the FLEGT and Timber Trade Regulations

### Short description of content and general objectives

The general objective of this presentation is to introduce the participants to logging and trade in timber. The main two documents will be introduced in details: the FLEGT and Timber Trade Regulations, explaining the issues on enforcing them at the national level, main requirements to be followed to get licences and providing examples of some Member states on sanctions to be applied in case of illegal logging and trade in timber.

### Specific learning points

- Political & Policy Background
  - Communication from the Commission (COM(2008) 645/3)
  - New York Declaration on Forests (2014)
- EU Timber Regulation
  - EUTR overview
  - Key definitions: operator, trader, placing on the market, legally harvested, applicable legislation, product scope
  - Due diligence: information, risk assessment, risk mitigation
  - Enforcement
  - Member State penalty regime highlights
- Forest Law Enforcement Governance and Trade (FLEGT) Regulation
  - CITES certificates/ FLEGT licences
  - Key obligations
  - Enforcement
  - Voluntary Partnership Agreements
- Connection between FLEGT and Timber Regulations
- Related legislation internationally

### Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary. The order in which the different points of the unit are presented should be defined by the trainer. The subsequent discussion should be moderated either by the trainer or the chair of the event.

### Time frame

The time allocated to this unit will be approximately 90 minutes and should include some time for discussion with the participants.

## Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation 'EU legal framework on logging and trade in timber: the FLEGT and Timber Trade Regulation'
02	<a href="#"><u>Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (TIMBER REGULATION)</u></a>
03	<a href="#"><u>Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community (FLEGT REGULATION)</u></a>

Additional material (to be included in the electronic documentation – USB stick):

	<b>EU documents</b>
04	<a href="#"><u>Commission Implementing Regulation (EU) No 607/2012 of 6 July 2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market</u></a>
05	<a href="#"><u>Commission Delegated Regulation (EU) No 363/2012 of 23 February 2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market</u></a>
06	<a href="#"><u>Regulation (EU) No 657/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 2173/2005 as regards the delegated and implementing powers to be conferred on the Commission</u></a>
07	<a href="#"><u>Commission Regulation (EC) No 1024/2008 of 17 October 2008 laying down detailed measures for the implementation of Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community</u></a>
08	<a href="#"><u>Communication from the Commission to the Council and the European Parliament - Forest Law Enforcement, Governance and Trade (FLEGT) - Proposal for an EU Action Plan, COM (2003) 0251 final, 21.05.2003</u></a>
09	<a href="#"><u>Council Conclusions No 2003/268 Forest Law Enforcement, Governance and</u></a>

	<a href="#">Trade (FLEGT)</a>
	<b>Useful documents: policy documents, reports, fact sheets</b>
	<b>Illegal logging</b>
10	<a href="#">Commission Notice – Guidance Document for the EU Timber Regulation, C (2016) 755 final, 12.02.2016</a>
11	<a href="#">EU support to timber-producing countries under the FLEGT action plan, EU Court of Auditors, Special Report 13/2015.</a>
12	<a href="#">The Voluntary Partnership Agreement (VPA) process in Central and West Africa: from theory to practice, Food and Agriculture Organization of the United Nations, 2014</a>
13	<a href="#">Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products into the European Union, 2014.</a>
14	<a href="#">Fact sheet on FLEGT-licensed timber, EU FLEGT Facility European Forest Institute, April 2013</a>
15	<a href="#">Fact sheet on how the EU Timber Regulation and Voluntary Partnership Agreements work together to combat illegal logging and improve forest governance, EU FLEGT Facility European Forest Institute, April 2013</a>
16	<a href="#">EU Timber Regulation - Frequently Asked Questions: Importing and exporting, EU FLEGT Facility European Forest Institute, 2012</a>
17	<a href="#">Support study for development of the non-legislative acts provided for in the Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market, Final report, European Forest Institute, July 2011</a>
18	<a href="#">Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT), 2011.</a>
19	<a href="#">Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT), 2011.</a>
20	<a href="#">Voluntary Partnership Agreement between the European Community and the Republic of Ghana on forest law enforcement, governance and trade in timber products into the Community, 2010.</a>
21	<a href="#">Changing International Markets for Timber and Wood Products – Main Policy</a>

	<a href="#"><u>Instruments, EU FLEGT Facility European Forest Institute, 2010</u></a>
22	<a href="#"><u>What is a Voluntary Partnership Agreement? – the European Union Approach, EU FLEGT Facility European Forest Institute, 2009</u></a>
23	<a href="#"><u>Forest Law Enforcement, Governance and Trade – the European Union approach, EU FLEGT Facility European Forest Institute, 2008</u></a>
24	<a href="#"><u>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss {SEC(2008) 2618} {SEC(2008) 2619} {SEC(2008) 2620}, COM (2008) 0645/3 final, 17.10.2008</u></a>
25	<a href="#"><u>Assessment of the Impact of Potential Further Measures to Prevent the Importation or Placing on the Market of Illegally Harvested Timber or Products Derived from Such Timber, European Commission, January 2008</u></a>

### Trainer's profile

The trainer presenting the legal framework on FLEGT and Timber Trade Regulation shall be an all-round expert in all aspects of logging and trade in timber and fully familiar with the various policy as well as legal documents in this field. A possible trainer should be a lawyer, specialising in logging and timber trade, as well as experienced in International and European environmental law.

## Unit 6: Case study on FLEGT and Timber Trade Regulations

### Short description of content and general objectives

The aim of the two case-studies on enforcement of the EU Timber Regulation (EUTR) is to consolidate the knowledge and skills received during the theoretical presentation and to lead through the different phases and difficulties of the exercising of due diligence. During the case studies activities, the participants from the national judiciaries should increase their knowledge on the different steps of the procedure of enforcement of EUTR. They should be provided with guidance with regard to the legal basis of each requirement and the problems that can arise during each step of the way.

### Specific learning points

- Whether the prohibition and/or the due diligence elements of the EUTR appear to have been breached;
- What additional information would be required to establish either point;
- What sanctions, if any, would be appropriate?

### Methodology

The two case-studies will be distributed to the participants in the user's pack at the beginning of the workshop. Then the trainer will explain the factual background of the cases and the questions to be discussed on. After the short introduction, participants will be divided into working groups of 6-8 persons. The groups should appoint a moderator and a rapporteur. The groups will discuss the cases on the basis of the applicable material presented and discussed during the presentation.

After the group discussion, participants will reconvene in a plenary session. Each group will have a rapporteur to explain the results of their discussion. The trainer will comment on their findings during the debriefing of the case studies. The trainer will also invite comments from other groups or individuals and seek to stimulate a debate where differences of opinion, approach or interpretation are apparent.

### Time frame

The introduction to the case studies should take 15 minutes; afterwards participants will divide into groups. The discussion on the cases should take 45 minutes, the following discussion in the plenary including the debriefing should take another 30 minutes.

The time allocated to this sub-session should be approximately 90 minutes and should include some time for discussion.

## Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation 'Public participation in decision making: steps of procedure'
02	Task description of the two case-studies
03	<a href="#"><u>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention), 3 March 1973</u></a>
04	<a href="#"><u>Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (TIMBER REGULATION)</u></a>

## Trainer's profile

As for the Unit 5, the trainer presenting the legal framework on FLEGT and Timber Trade Regulation shall be an all-round expert in all aspects of logging and trade in timber and fully familiar with the various policy as well as legal documents in this field. A possible trainer should be a lawyer, specialising in logging and timber trade, as well as experienced in International and European environmental law.



## **Unit 7: Role of a judge / prosecutor when enforcing EU instruments on wildlife trafficking and illegal logging and trade of timber – administrative v. criminal procedures**

### **Short description of content and general objectives**

The general objective of this presentation is to show that cases on wildlife trafficking and illegal logging are not very common at the level of national courts. This is especially true for cases on illegal logging. Therefore, this session aims at raising the awareness of administrative or criminal judges as well as prosecutors. The crucial question is how to facilitate the handling of future national court procedures in this field. Nevertheless, it will show that national criminal law codes and the “toolboxes” of national prosecutors/judges given to them by national criminal procedure law are sufficient for an effective achievement of EU legislation on wildlife trafficking purposes. The presentation shall also focus on the connection between decisions of national administration authorities and national criminal law and differences between a crime and an infringement of the regulations.

### **Specific learning points**

- Illicit Trafficking of Flora and Fauna as a Challenge for the Judiciary
- The Public Law Context:
  - CITES / Council Regulation No 338/97 / national legislation
  - Toolbox of a national judge
  - Law enforcement through administrative v. criminal law
  - Benefits of administrative measures
- The Criminal Law Context
  - General overview of a chosen country’s criminal procedure system, including tools given to prosecutors/ judges for clearing up a crime, e.g. questioning witnesses, searching of premises, seizing or questioning experts;
  - Whether prosecutors/criminal law judges are bound by the decisions of the national environmental administration;
  - whether a permit to import animals protected by EU-/International Law may be questioned in a criminal law case
  - Difference between a crime and an infringement of the regulations under a different status quo in various EU Member States.

### **Methodology**

This unit should be conducted as a face-to-face frontal presentation in plenary session. The order in which the different points of the unit are presented should be defined by the trainer (-s). The subsequent discussion should be moderated either by the trainer or the chair of the event.

## Time frame

The time allocated to this unit will be approximately 90 minutes and should include some time for discussion with the participants.

## Documentation

**Necessary material (to be made available in hardcopy during the sub-session):**

01	PowerPoint Presentation 'Role of a judge / prosecutor when enforcing EU instruments on wildlife trafficking and illegal logging and trade of timber – administrative v. criminal procedures'
02	<a href="#">Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention), 3 March 1973</a>
03	<a href="#">Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein</a>
04	<a href="#">Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive)</a>

**Additional material (to be included in the electronic documentation – USB stick):**

	<b>EU and Member States` Case Law</b>
05	<a href="#">C-73/14, Judgment of the Court (Grand Chamber) of 6 October 2015, Council of the European Union v European Commission (illegal fishing)</a>
06	<a href="#">C-532/13, Judgment of the Court (Second Chamber) of 4 September 2014, Sofia Zoo v Országos Környezetvédelmi, Természetvédelmi és Vízügyi Főfelügyelőség</a>
07	<a href="#">C-100/08, Judgment of the Court (Third Chamber) of 10 September 2009, Commission of the European Communities v Kingdom of Belgium (available only in French)</a>
08	<a href="#">C-344/08, Judgment of the Court (Second Chamber) of 16 July 2009, Criminal proceedings against Tomasz Rubach</a>
09	<a href="#">C-219/07, Judgment of the Court (Third Chamber) of 19 June 2008, Nationale Raad van Dierenkwekers en Liefhebbers VZW and Andibel VZW v Belgische Staat</a>
10	<a href="#">C-154/02, Judgment of the Court (Sixth Chamber) of 23 October 2003, Criminal proceedings against Jan Nilsson</a>

11	<a href="#">C-510/99, Judgment of the Court (Sixth Chamber) of 23 October 2001, Criminal proceedings against Xavier Tridon</a>
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### Trainer's profile

Continuous training of judges and prosecutors on the subject can be more successful when done by colleagues who have the same professional background ("speaking the same language"). As wildlife cases have an administrative and a criminal law context it may create a more rewarding session if it is co-conducted by an administrative and a criminal law judge, having the necessary experience with issues of judicial review proceedings at national level. An ideal speaker could therefore be a judge experienced in administrative and/or criminal law, focusing on environment.

## Unit 8: Case study: the role of a judge / prosecutor when dealing with files on wildlife trafficking and illegal logging and trade of timber

### Short description of content and general objectives

In this unit a case study will be presented, regarding a necessity to obtain a permit or a certificate under the legal provisions of the Council Regulation (EC) No 338/97 under derogations' procedures aiming to trade an old rhino horn. The case study discussion shall be done in line with the aim of the regulation, considering the relevant factual aspects and considering the relevant legal aspects. The aim is also to ask participants from different EU Member States comment on the solutions proposed by the trainer and/or present different solutions from the jurisdictions they represent on administrative and criminal law procedure.

### Specific learning points/ questions raised for the case study

- Can a derogation under Article 8(3) of Council Regulation (EC) No 338/97 be invoked?
- Is there a margin of discretion involved?
- If so, did the public authority make a correct use of its discretion?
- Is it possible for the court to give a preliminary legal advice?
- Is the contested refusal to be annulled?
- If so, can the Court give an order to issue the certificate?

### Methodology

The trainer will present the case by raising some points on the application of the Council Regulation (EC) No 338/97. After the introductory presentation, participants will be divided into groups of 6-8 persons. The groups will discuss the case on the basis of the Regulation. After the group discussion, participants will return to the plenary. Each group will have a rapporteur to explain the results of their discussion and the trainer will comment on their findings.

### Time frame

The introduction of the case study should take 15 minutes; afterwards participants will divide into groups. The discussion on the case will take 45 minutes, the following discussion in the plenary including the debriefing will take another 30 minutes.

### Documentation

**Necessary material (to be made available in hardcopy during the sub-session):**

01	PowerPoint Presentation 'Role of a judge / prosecutor when enforcing EU
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	instruments on wildlife trafficking and illegal logging and trade of timber – administrative v. criminal procedures’
02	Task description of the case study
03	Solution to the case study
04	<a href="#"><u>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention), 3 March 1973</u></a>
05	<a href="#"><u>Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein</u></a>

### Trainer’s profile

Continuous training of judges and prosecutors on the subject can be more successful when done by colleagues who have the same professional background (“speaking the same language”). As wildlife cases have an administrative and a criminal law context it may create a more rewarding session if it is co-conducted by an administrative and a criminal law judge, having the necessary experience with issues of judicial review proceedings at national level. An ideal speaker could therefore be a judge experienced in administrative and/or criminal law, focusing on environment.

## Unit 9: Mapping of actors and instruments for cooperation in enforcing wildlife trafficking

### Short description of content and general objectives

The aim of this presentation is to introduce the participants to (i) some of the organisations, agencies and authorities active in tackling international wildlife trafficking, (ii) some of the tools available to practitioners dealing with the enforcement of national wildlife, especially trafficking, legislation within the EU, and (iii) some of the enforcement options that may be available as sanctions. During this presentation various institutions etc. will be briefly described and any specific focus each may have on wildlife crime especially trafficking and illegal logging will be explained, and the relevance of the tools describe to wildlife trafficking will be suggested, together with some discussion on the usefulness of particular sanctions. Further, the importance of prosecutors and the judiciary in enforcing this legislation will be a particular theme, together with the recent identification of the increasing involvement of organised crime groups in illegal wildlife trafficking.

### Specific learning points

- Identify international organisations dealing with law enforcement generally but which also have a focus on or involvement with wildlife trafficking, either specifically or within a broader 'Environmental' concern.
- Identify EU based institutions with a specific focus on or involvement with wildlife trafficking and the EU Nature Directives, either specifically or within a broader 'Environmental' concern.
- Identify tools of mutual legal or administrative assistance that exist within the EU to assist in co-operation with law enforcement generally, and which can be used for combatting wildlife trafficking.
- Understand the usefulness of the Council of Europe's 'Tunis Action Plan 2013 - 2020' under the Bern Convention in supporting the enforcement of national wildlife trafficking legislation.
- Be familiar with the range of options for sanctions that may be available to deal with breaches of this legislation.

### Methodology

As the focus of this unit lies in the provision of a substantial amount of information, the best option would be to organise it as a face-to-face frontal training, and to provide a written handout for subsequent consultation and reference, which gives some detail of each institution, and any official website of such to allow continued updating of their roles and activities. Details of the tools covered and comments on sanctions can also be included. Use of a PowerPoint can effectively present the

highlights and headings of the material in the handout thus allowing an efficient introduction to it. Emphasis and examples can be added verbally by the trainer on a slide by slide basis.

It is essential that this unit is effectively structured so as to cover all aspects, and give participants an overview of the institutions, tools and sanctions included. In order to achieve this, it is essential that the trainer ensures that there is sufficient time for participants to raise questions or discuss any unclear points.

### **Time frame**

The duration of this session should be 45-60 minutes (including lecturing time and discussion sessions with the participants).

### **Documentation**

**Necessary material (to be made available in hardcopy during the sub-session):**

<b>01</b>	PowerPoint Presentation: 'Mapping actors and instruments for co-operation in enforcing wildlife trafficking legislation'
<b>02</b>	Additional document prepared by the trainer: 'Co-operation in enforcing Wildlife trafficking – Institutions and Instruments'

### **Trainer's profile**

The trainer/facilitator in this session should be, where possible, someone with practical experience of the enforcement of wildlife legislation through both investigative and judicial processes, preferably as a prosecutor or a judge where the participants have these professional roles.

## Unit 10: Investigation and prosecution of wildlife crime

### Short description of content and general objectives

The aim of this presentation is to raise awareness among participants of the ever-increasing seriousness of wildlife crime and trafficking in fauna and flora. It will encourage them to think of such behaviour as not necessarily simply violations of national and EU wildlife-related legislation but as, potentially, offences against criminal law. It will then examine ways in which responses should match those brought to bear against 'mainstream' crime.

Consequently, it provides, in particular, many illustrations of the involvement of organized crime and the various forms that can take. The goal is to raise awareness and, especially, prompt participants to view this subject in a fresh light. Some of the responses suggested may seem radical and markedly different from historical approaches to investigations and prosecutions.

### Specific learning points

- Distinguishing between 'violations' and 'crime'
- Risk-assessment and profiling to aid distinguishing
- Meaning of 'organized crime'
- Indicators of organized crime involvement
- Ways to respond
- Forensic science support
- Use of controlled deliveries
- Using criminal, not wildlife, law
- Conspiracy and other crimes
- Sources of expertise and guidance

### Methodology

The focus of this unit is on practical approaches to combating wildlife crime. It should be conducted as a face-to-face frontal presentation in plenary session. The order in which the different points of the unit are presented should be defined by the trainer (-s). The subsequent discussion should be moderated either by the trainer or the chair of the event.

The session is intended to encourage discussion and reflection on past practices, rather than focus on 'teaching' or 'learning'. The initial presentation is then followed by a case study which, again, is very practical in nature and is designed to facilitate the fresh-thinking to be operationalized in a group setting. The study is also intended to prompt innovative and imaginative thinking by the participants. Whilst the trainer should



facilitate discussion and make suggestions, there is no 'right' or 'complete' answer for the case study.

### **Time frame**

The duration of this session should be 45-60 minutes (including lecturing time and discussion sessions with the participants).

### **Documentation**

**Necessary material (to be made available in hardcopy during the sub-session):**

<b>01</b>	PowerPoint Presentation: 'Investigation and prosecution of wildlife crime'
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### **Trainer's profile**

The trainer/facilitator of this session should, ideally, be someone with a background in investigation or prosecution of, not just wildlife crime, but (importantly) mainstream crimes too. It will be particularly beneficial if the individual has lengthy experience, equipping him or her to describe practical examples and specific cases.

## **Unit 11: Case study on evidence-gathering and sanctions for wildlife trafficking and illegal logging and trade in timber**

### **Short description of the content and general objectives**

In this unit a fictitious case with the background documentation is provided. The case presented is a hypothetical case in which all kinds of doctrinal and practical problems are 'hidden' regarding the evidence – gathering in possible wildlife crime. The case is meant to facilitate discussion amongst the participants on how they would solve the problems presented. Important to note is that the case is not meant to provide 100% right or wrong answers to the legal questions, problems and dilemmas presented. Its main purpose is to make the participants aware of the legal problems and showing the participants possible and impossible routes to react to these questions.

### **Specific learning points**

- Which agency or agencies shall be instructed to conduct an investigation
- What instructions and guidance should be given
- Which legislation may be relevant for the investigation and any subsequent prosecution; and
- What actions shall be taken to assist an investigation

### **Methodology**

The trainer will introduce the case. A case study which is very practical in nature and is designed to facilitate the fresh-thinking to be operationalized in a group setting. The study is also intended to prompt innovative and imaginative thinking by the participants.

After the introductory presentation, participants will be divided into groups of 6-8 persons. The groups will discuss the case on the basis of the ancillary documents that provide a setting and background information. After the group discussion, participants will return to the plenary. Each group will have a rapporteur to explain the results of their discussion and the trainer will comment on their findings. Whilst the trainer should facilitate discussion and make suggestions, there is no 'right' or 'complete' answer for the case study.

### **Duration**

The introduction to the case study should take 15 minutes; afterwards participants will divide into groups. The discussion on the case will take 45 minutes, the following discussion in the plenary including the debriefing will take another 30 minutes.

## Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation 'Investigation and prosecution of wildlife crime'
02	Task description of the case study – Introduction
03	Task description of the case study – a fictitious letter from an anonymous person 'Document A'
04	Task description of the case study – background information for the discussion of the case study 'Document B'
05	<a href="#"><u>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention), 3 March 1973</u></a>

## Trainer's profile

The trainer/facilitator of this session should, ideally, be someone with a background in investigation or prosecution of, not just wildlife crime, but (importantly) mainstream crimes too. It will be particularly beneficial if the individual has lengthy experience, equipping him or her to describe practical examples and specific cases.

## Unit 12: Closing session – evaluation of the workshop

### Short description of content

In the final session of the workshop, conclusions will be drawn and participants will be invited to evaluate the event.

### General objectives

Participants will provide feedback on the whole event, the preliminary information, the workshop documentation, the e-learning module and the usefulness of the workshop for their daily work.

### Specific learning points

- Summing up the event
- Obtaining feedback
- Use the feedback and the evaluations to improve the training module (for organisers)

### Methodology

Participants will be in plenary. Before the final discussion and evaluation of the event is actually opened, each participant should have already filled in the evaluation form. If possible, all participants, i.e. including the speakers and the leader of the workshop, should participate in this final evaluation session. The training manager of the workshop should encourage the participants to speak openly about their impressions of the workshop.

### Time frame

The closing session should take approx. 20-30 minutes.

### Documentation

**Necessary material (to be made available in hardcopy during the sub-session):**

01	Evaluation form
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### Trainer profile

The closing session will be chaired by the training manager of the workshop.

## Objective

Wildlife trafficking, illegal logging and timber trade are a global problem with significant negative economic, environmental and social impact. This two-and-a-half day workshop will provide the participants with an overview of EU legislation on the illegal timber trade and wildlife trafficking affecting biodiversity. By addressing the issues that may be relevant for administrative or criminal judges as well as prosecutors, it will facilitate the handling of future national court procedures in this field.

## Key elements of the workshop

- Introduction to the economic, environmental and social impact of illegal wildlife trafficking
- Aims and features of EU legislation (CITES, FLEGT Regulation and Timber Regulation)
- Various case studies on the role of the judge and prosecutor in this matter
- Role of international organisations in tackling wildlife trafficking

## Who should attend?

Administrative and criminal law judges and prosecutors from all EU Member States who are interested in environmental law.

## Speakers & training managers



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## HOW TO ENFORCE EU LEGISLATION ON BIODIVERSITY AND WILDLIFE TRAFFICKING

WORKSHOP FOR JUDGES AND  
PROSECUTORS

**Venue, date:**

**Organisers:**

**Language:** English





## First Day of the Workshop

09:00	Arrival and registration of participants
09:30	<b>Welcome and introduction</b>
<b>I.</b>	<b>SETTING THE SCENE</b>
10:00	<b>What are the environmental, economic, social, and criminal impacts of wildlife trafficking and illegal logging?</b>
11:00	Coffee break
11:30	<b>How does the EU counter wildlife trafficking, illegal logging and trade in timber? A general introduction</b>
12:30	Lunch break
<b>II.</b>	<b>WILDLIFE TRAFFICKING</b>
13:30	<b>Enforcement of EU wildlife protection and implementation at national level</b>
15:00	Coffee break
15:30	<b>Case study on wildlife trafficking</b> <ul style="list-style-type: none"> <li>• Introduction to the case study</li> <li>• Working groups</li> <li>• Plenary discussion of the results</li> </ul>
17:00	End of the first workshop day

## Second Day of the Workshop

<b>III.</b>	<b>ILLEGAL LOGGING AND TIMBER TRADE</b>
09:00	<b>EU legal framework on logging and trade in timber: the FLEGT and Timber Trade Regulations</b>
10:30	Coffee break
11:00	<b>Case study on FLEGT and Timber Trade Regulations</b> <ul style="list-style-type: none"> <li>• Introduction to the case study</li> <li>• Working groups</li> <li>• Plenary discussion of the results</li> </ul>
12:30	Lunch break
<b>IV.</b>	<b>ENFORCEMENT AT NATIONAL LEVEL</b>
13:30	<b>Role of a judge / prosecutor when enforcing EU instruments on wildlife trafficking and illegal logging and trade of timber – administrative v. criminal procedures</b>
15:00	Coffee break
15:30	<b>Case study: the role of a judge / prosecutor when dealing with files on wildlife trafficking and illegal logging and trade of timber</b> <ul style="list-style-type: none"> <li>• Introduction to the case study</li> <li>• Working groups</li> <li>• Plenary discussion of the results</li> </ul>
17:00	End of the second workshop day

## Third Day of the Workshop

<b>V.</b>	<b>PRACTICALITIES OF ENFORCEMENT: ACTORS AND INSTRUMENTS</b>
09:00	<b>Mapping of actors and instruments for cooperation in enforcing wildlife trafficking</b>
10:00	<b>Investigation and prosecution of wildlife crime</b>
11:00	Coffee break
11:30	<b>Case study on evidence-gathering and sanctions for wildlife trafficking and illegal logging and trade in timber</b> <ul style="list-style-type: none"> <li>• Introduction to the case study</li> <li>• Working groups</li> <li>• Plenary discussion of the results</li> </ul>
13:00	<b>Evaluation of the workshop</b>
13:30	End of the workshop

## Documentation

# HOW TO ENCFORCE EU LEGISLATION ON BIODIVERSITY AND WILDLIFE TRAFFICKING





## I. Background Documentation

	<b>EU Documents</b>	
	<b>Wildlife trafficking – Basic Regulation</b>	
01.1.	<a href="#">Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein</a>	1
01.2.	<a href="#">Commission Regulation (EU) 2015/870 of 5 June 2015 amending, as regards the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97</a>	ONLINE
01.3.	<a href="#">Commission Regulation (EU) No 1320/2014 of 1 December 2014 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</a>	ONLINE
01.4.	<a href="#">Commission Regulation (EC) No 100/2008 of 4 February 2008 amending, as regards sample collections and certain formalities relating to the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97</a>	ONLINE
01.5.	<a href="#">Commission Recommendation No 2007/425/EC of 13 June 2007 identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</a>	ONLINE
01.6.1	<a href="#">Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</a>	ONLINE
01.6.2.	<a href="#">Commission Regulation (EC) No 865/2006 (Consolidated version)</a>	15
01.7.	<a href="#">Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006 (Commission Documents Regulation)</a>	ONLINE
01.8.	<a href="#">Commission Implementing Regulation (EU) 2015/57 of 15 January 2015 amending Implementing Regulation (EU) No 792/2012 as regards the rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and in</a>	ONLINE



	<a href="#">Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97</a>	
01.9.	<a href="#">COMMISSION REGULATION (EU) No 791/2012 of 23 August 2012 amending, as regards certain provisions relating to the trade in species of wild fauna and flora, Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97</a>	ONLINE
	<b>Wildlife trafficking legislation</b>	
02.	<a href="#">Commission Implementing Regulation (EU) 2015/736 of 7 May 2015 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora</a>	ONLINE
03.	<a href="#">Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</a>	ONLINE
04.	<a href="#">Commission Implementing Regulation (EU) No 888/2014 of 14 August 2014 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora</a>	ONLINE
05.	<a href="#">Commission Implementing Regulation (EU) No 578/2013 of 17 June 2013 suspending the introduction into the Union of specimens of certain species of wild fauna and flora</a>	ONLINE
06.	<a href="#">Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive)</a>	ONLINE
07.	<a href="#">COUNCIL DIRECTIVE 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos</a>	ONLINE
08.	<a href="#">Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive)</a>	ONLINE
	<b>Environmental Crime Legislation</b>	
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10.3.	<a href="#"><u>Commission Delegated Regulation (EU) No 363/2012 of 23 February 2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market</u></a>	ONLINE
11.1.	<a href="#"><u>Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community (FLEGT REGULATION)</u></a>	92
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12.	<a href="#"><u>Communication from the Commission to the Council and the European Parliament - Forest Law Enforcement, Governance and Trade (FLEGT) - Proposal for an EU Action Plan, COM (2003) 0251 final, 21.05.2003</u></a>	ONLINE
13.	<a href="#"><u>Council Conclusions No 2003/268 Forest Law Enforcement, Governance and Trade (FLEGT)</u></a>	ONLINE
	<b>Illegal fishing</b>	
14.1.	<a href="#"><u>Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999</u></a>	ONLINE
14.2.	<a href="#"><u>Commission Regulation (EU) No 202/2011 of 1 March 2011 amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Regulation (EC) No 1010/2009 as regards prior notification templates, benchmarks for port inspections and recognised catch documentation schemes adopted by regional fisheries management organisations</u></a>	ONLINE
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14.5.	<a href="#">Communication from the Commission to the European Parliament and the Council on the application of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (COM/2015/0480 final)</a>	ONLINE
15.1.	<a href="#">Commission Regulation (EU) No 468/2010 of 28 May 2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing</a>	ONLINE
15.2.	<a href="#">Commission Implementing Regulation (EU) 2015/1296 of 28 July 2015 amending Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing</a>	ONLINE
16.	<a href="#">Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing</a>	ONLINE
17.	<a href="#">Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999</a>	ONLINE
18.	<a href="#">Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish</a>	ONLINE
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20.2.	<a href="#">Council Implementing Decision No 2014/170/EU of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a</a>	ONLINE

	<a href="#">Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing</a>	
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27.	<a href="#">C-154/02, Judgment of the Court (Sixth Chamber) of 23 October 2003, Criminal proceedings against Jan Nilsson</a>	112
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29.	<a href="#">Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention), 3 March 1973</a>	157
30.	<a href="#">United Nations Convention against Transnational Organised Crime and the Protocols thereto, United Nations Office on Drugs and Crimes</a>	ONLINE
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34.	<a href="#">ROADMAP - EU Action Plan against Wildlife Trafficking (2015/ENV/087)</a>	ONLINE
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44.	<a href="#">EU support to timber-producing countries under the FLEGT action plan, EU Court of Auditors, Special Report 13/2015.</a>	ONLINE
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65.	<a href="#">Bulgaria: implementing legislation</a>	ONLINE
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