

# WILD LIFE CRIME

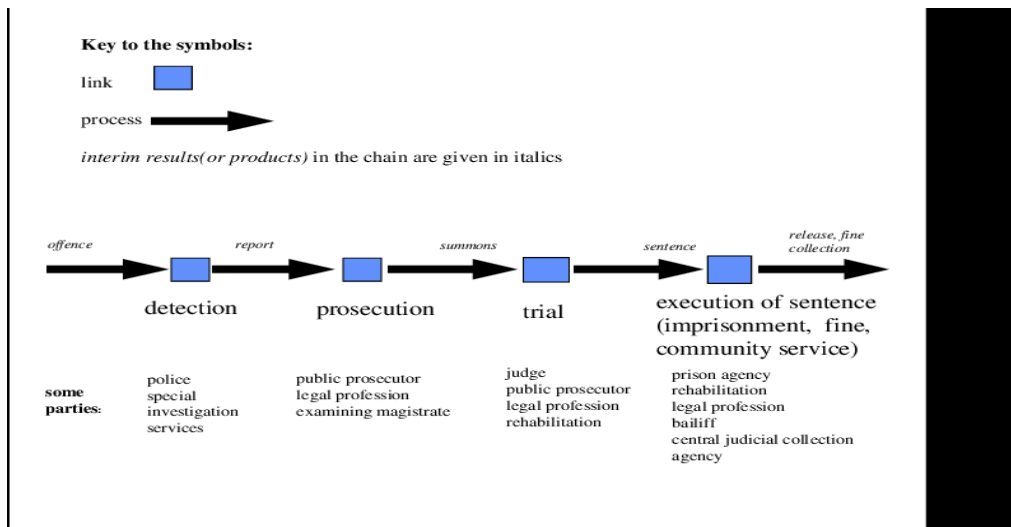
## LA JUSTICE, RÉSULTATS ET COORDINATION EUROPÉENNE

Le commerce illégal d'espèces sauvages : Jackpot pour la criminalité transnationale ? – Sénat – Bruxelles – 6 mars 2018



EU FORUM OF JUDGES FOR THE ENVIRONMENT  
UE FORUM DES JUGES POUR L'ENVIRONNEMENT

## HANDHAVINGSKETEN



## EUROPEAN LEVEL

### **The European Union Forum of Judges for the Environment (EUFJE) – 2004**

- Aim:
  - Exchange of experiences in area of training of the judiciary in environmental law
  - Contribute to a better knowledge of environmental law
  - Share experiences with environmental case law
  - Contribute to a more effective enforcement of environmental law

- Membership:
  - Open for all judges within the EU (and EEA) with a special interest in environmental law
  - Judges from states that are applying for EU membership can follow activities as observers
- Supported by DG Environment of the European Commission and DG Environment FPS Health, Security of Food Chain & Environment of Belgium
- Member of the newly created “EU Environmental Compliance and Governance Forum”

## ANNUAL CONFERENCES – LINK WITH WILDLIFE CRIME

- Luxembourg 2007: criminal enforcement of environmental law
- Brussels 2010: application of European biodiversity law at national level
- Bolzano 2015: the protection of the environment through criminal law

## OTHER AWARENESS RAISING ACTIVITIES

- EU Action Plan against Wildlife Trafficking
- Council of the EU, Conclusions on countering environmental crime (8 December 2016)
  - Dissemination to Membership
- Links on EUFJE website to:
  - European Union Action to Fight Environmental Crime (EFFACE)
  - United Nations Interregional Crime and Justice Research Institute (UNICRI)
  - Interpol
  - European Network against Environmental Crime (ENEC)

- Information on EU Twix Network disseminated
- Participation in workshops of the European Network against Environmental Crime (ENEC)
- LIFE-ENPE project GIE/UK/000043: chair of the Working Group 4 Sanctioning, Prosecution and judicial Practice: proportionality and gravity factors
- Participation in UNICRI/UN Environmental Project “Combatting crimes that have serious impacts on the environment”

- Joined conferences with IMPEL, ENPE, EnviCrimnet in
  - Utrecht 2016/ Oxford 2017 (wild life crime prominent on the agenda)
- Training Workshops organized by ERA in 2018 for judges and public prosecutors on court case dealing with wildlife issues

## BELGIË

Enkele opmerkelijke strafrechtelijke veroordelingen

**- Hof van beroep Antwerpen 28 september 2011, *TMR* 2012, 558-559**

Invoer Nijlpaardentand zonder CITES vergunning

**- Correctionele rechtbank Brugge 3 oktober 2012, *TMR* 2012, 615-616**

Veroordeling wegens houden van levende nijlkrokodillen en alligator in villa

**– Hof van beroep Gent 18 maart 2016, *TMR* 2016, 546-574; grotendeels bevestigd Cass. 11 oktober 2016**

Georganiseerde natuurroof en zwendel in roofvogels (4 jaar gevangenisstraf, helft met uitstel, geldboete 90.000 EUR, verbeurdverklaring 640.000 EUR, morele schadevergoeding 15.250 EUR)

**- Nederlandstalige correctionele rechtbank Brussel, 22 december 2016, *TMR* 2017, 619-621**

Illegale invoer van bewerkt ivoor: 15 maanden gevangenisstraf, waarvan helft met uitstel + verbeurdverklaring

– **Nederlandstalige correctionele rechtbank Brussel 8 oktober 2017, TMR 2017, 542-546**

Illegale handel Sierra-Leone-Beijing met gedroogde zeepaardjes (2 x 15 maanden gevangenisstraf waarvan helft met uitstel – beslag op illegale winsten)

– **Correctionele rechtbank West-Vlaanderen, afdeling Kortrijk 16 oktober 2017, onuitg.**

Illegale invoer van 334 Moorse landschildpadden uit Marokko (9 maanden gevangenisstraf (herhaling), 15.000 schadevergoeding Belgische Staat, 85.000 EUR materiële en morele schadevergoeding



SOS Reptiel)

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## OPLEIDING

### **IGO/IFJ: 5 maart 2018 CITES**

*Lesgevers:*

Belgische CITES Autoriteit, EU-Twix Project Manager, fiscaal deskundige Algemene Administratie der Douane en accijnzen, Hoofdcommissaris Dienst Leefmilieu Federale Politie, Substituut- PdK Halle-Vilvoorde...

*Doelpubliek:*

magistraten, parketjuristen, referendarissen, gerechtelijke stagiairs, politieofficieren en inspecteurs die milieudossiers behandelen, federale en gewestelijke ambtenaren belast met CITES dossiers, ambtenaren van de algemene Administratie der Douane en accijnzen die dossiers behandelen betreffende de handhaving van CITES



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## AANBEVELINGEN

- Versterk afdeling leefmilieu van de federale politie opnieuw
- Stel een nationale CITES Magistraat aan (cf. Hormonenmagistraat)
  - Zie ook: eindrapport WG 4 ENPE-EUFJE Life Project
- Wijs gespecialiseerde afdelingen van rechtbanken aan (één N, één F, b.v.)

## AANBEVELINGEN



### **European Network of Prosecutors for the Environment (ENPE) aisbl**

- ENPE supports the operative work of environmental prosecutors and promotes the enforcement of environmental criminal law
- Membership is open to prosecutors in Member States of the EU, candidate or potential candidate countries as well as member countries of the European Economic Area, European Free Trade Association or European Environmental Agency. Membership is open to any organization involved in prosecuting environmental crime in these countries. ENPE also offers 'Observer' status beyond this to organizations with an interest in environmental crime. Membership is free and will ensure access to ENPE's events and work outputs which will, in due course, include training materials, research papers and the recommendations of working groups.

<https://www.environmentalprosecutors.eu/>

## AANBEVELINGEN

### **Working Group 1- Wildlife crime LIFE/GIE/UK/000043**

A working group exploring the major issues of interpretation, practical application, evidence gathering and quantification of damage to the environment that hinder efficient and effective prosecution and adjudication of non-compliance with EU wildlife laws.

Focusing on:

- the Habitats Directive (92/43/EEC)
- the Birds Directive (2009/147/EC)
- CITES Regulations (EC/338/97, EC/792/2012 and EC/865/2006)

<https://www.environmentalprosecutors.eu/wildlife-crime>

## AANBEVELINGEN

### **ENPE aisbl Members & Observers**

#### **Full Members**

Sweden, Ireland, England, Netherlands, Czech Republic, Denmark, France, Norway, Croatia, Finland, Latvia, Spain, Albania, Greece, Macedonia

#### **Supporting Members**

Public Prosecutors Office, Antwerp, Belgium

#### **Observers**

Dublin City Council, Eurojust, European Forum of Judges for the Environment, International Association of Prosecutors, The State Environmental Inspectorate of The Former Yugoslav Republic of Macedonia, Association of Prosecutors in Bulgaria, Bulgaria.

<https://www.environmentalprosecutors.eu/background>



 FACULTEIT  
RECHT EN CRIMINOLOGIE

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