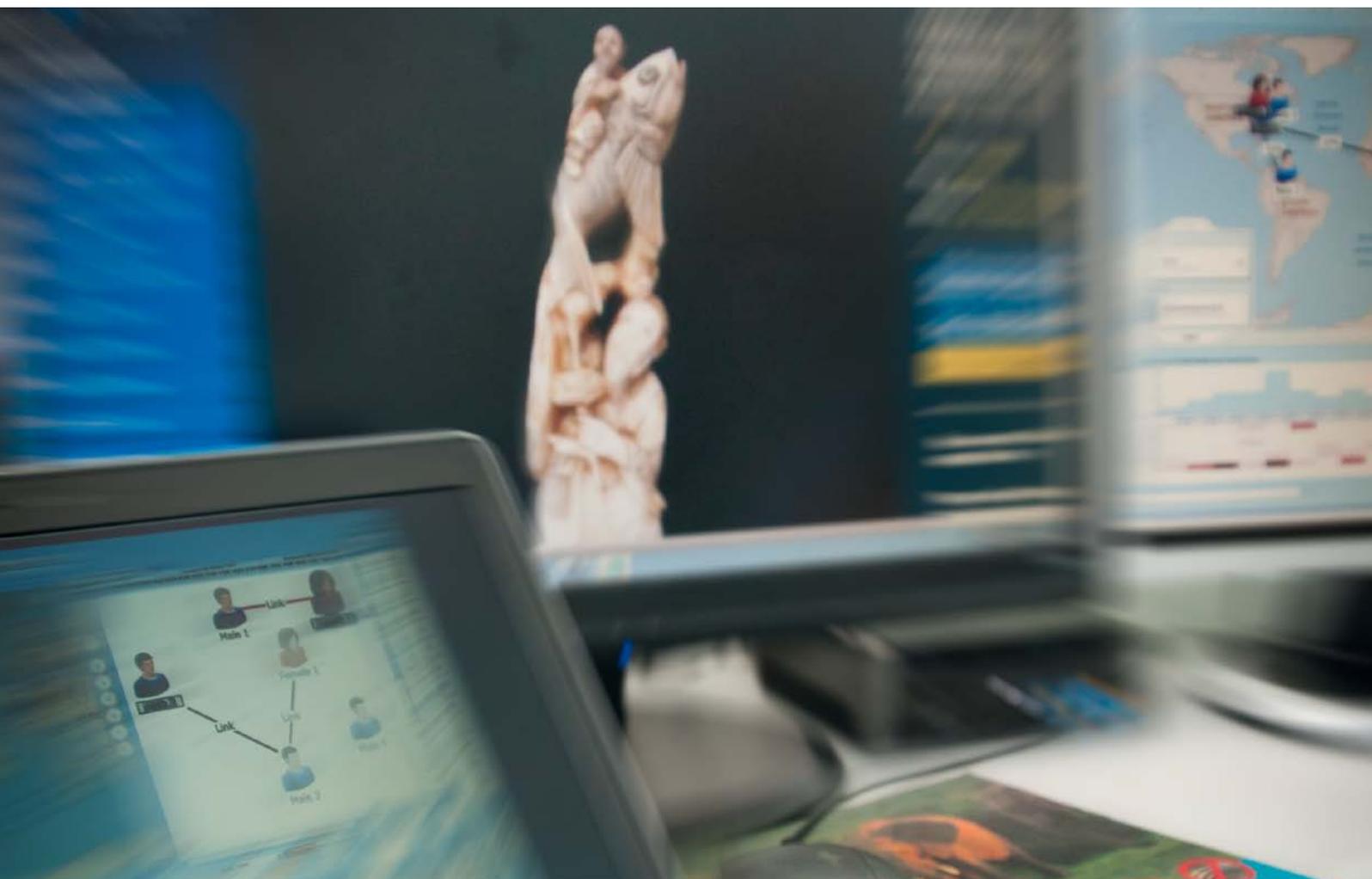




## PROJECT WEB

AN INVESTIGATION INTO THE IVORY TRADE OVER THE INTERNET  
WITHIN THE EUROPEAN UNION



ENVIRONMENTAL CRIME PROGRAMME

February 2013

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## Table of contents

Acronyms.....	2
Executive summary .....	3
Key recommendations.....	4
1. Introduction.....	5
1.1 Background.....	5
1.2 Objectives .....	6
1.3 Problem description .....	6
1.4 Research questions.....	7
1.5 Methodology .....	8
1.6 Scope and limitations .....	9
1.7 Definitions .....	10
2. Results .....	11
3. Analysis.....	12
3.1 The drivers of the illegal online ivory trade in the EU .....	12
3.1.1 Demand and supply = profit .....	12
3.1.2 Loopholes in legislation .....	13
3.1.3 Difficulties in enforcement .....	16
3.2 Scale and nature of the online ivory trade .....	17
3.2.1 Scale and value of ivory tracked.....	17
3.2.2 Nature of ivory tracked.....	18
3.2.3 Illegal ivory.....	19
3.3 The supply of illegal ivory into the EU .....	19
3.3.1 Means of transport.....	20
3.3.1.1 Personal effects seizures .....	21
3.3.1.2 Mail (parcels) .....	22
3.3.2 Routes.....	22
3.4 Entities involved .....	23
4. Conclusion .....	24
5. Recommendations.....	26
Bibliography.....	27
Annex I – CITES Resolution Conf. 11.3 Compliance and enforcement (Excerpt) .....	28
Annex II – E-commerce legislation, Czech Republic .....	30
Annex III – Average weight and price of Ivory items.....	32

## Acronyms

CEN	- Customs Enforcement Network
CITES	- Convention on International Trade in Endangered Species of Wild Fauna and Flora
EEC	- European Economic Community
ETIS	- Elephant Trade Information System
EU	- European Union
EU-TWIX	- European Union Trade in Wildlife Information eXchange
IFAW	- International Fund for Animal Welfare
RILO	- Regional Intelligence Liaison Offices of the World Customs Organisation
WCO	- World Customs Organisation
WWF	- World Wide Fund for Nature

# Executive summary

INTERPOL’s Project Web was launched following studies by the International Fund for Animal Welfare (IFAW), which concluded that elephant ivory is the most widely traded wildlife product over the Internet. Project Web is intended to provide an initial snapshot and insight from a law enforcement perspective into the drivers, scale, nature, and involved entities of the illegal trade in ivory over the Internet.

Over a period of two weeks, ten participating countries from the European Union (EU) conducted surveillance of their national auction sites to identify advertisements for ivory items. The details of 660 advertisements on 61 auction sites were analysed and estimated to have a total volume of around 4,500 kilograms of ivory and a total value of approximately EUR 1,450,000. Through analysis of its two week Internet surveillance data, Project Web found that ivory is predominantly sold by individuals residing in the country where they are selling the item, although a number of advertisements did have international links.

Enforcement data from other sources was also analysed, but often could only provide a limited representative picture of the total volume of ivory illegally imported into the EU. In particular, Project Web identified through customs seizure analysis that the majority of ivory sold was in the form of worked items shipped from mainly four African countries. The ivory was predominantly traded through EU countries, with Asia as the destination. However, three EU countries and North America were also identified as common final destinations.

The report also demonstrated that the enforcement of this electronic trade is in its infancy and presents new challenges. Few Internet companies have policies governing the sale of ivory, and those that do have weaknesses in enforcing their own regulations. Law enforcement participants also identified a lack of legislation as a weakness, specifically that governing the Internet trade of ivory and other wildlife products, and cited a lack of prioritisation at departmental and political levels. This can lead to the combination of a strongly profit driven illicit market with little risk of detection or prosecution.

While Project Web demonstrates that the Internet is being used in the ivory trade, the extent to which the Internet is an important medium in the illegal trade cannot be conclusively determined with the existing legislation and available data. However, it is clear that specially adapted legislation and strong collaboration with customs is needed to further investigate this crime type, in order to determine the scale and nature of the illegal trade so that appropriate enforcement measures can be taken against it. To this end, the Project Web report also includes a number of recommendations to improve responses to the illegal trade of wildlife products online.

## Key recommendations

- Introduce e-commerce specific legislation in addition to CITES and EU Regulation listed species;
- Improve the quantity and quality of data collection on the supply of illegal ivory to the EU by EU-TWIX and customs on an interregional level;
- Establish National Environmental Security Task Forces as multi-agency enforcement task forces in EU member countries to tackle environmental crime;
- Introduce the position of an Internet detective within National Environmental Security Task Forces to monitor and enforce the e-commerce in CITES/EU listed species;
- Investigate the links between the import of illegal ivory into the EU and the sale of ivory over the Internet in close collaboration with national customs and parcel delivery services.

# 1. Introduction

## 1.1 Background

Since 2004, the International Fund for Animal Welfare (IFAW) has conducted several studies into the illegal trade of wildlife products on online auction sites. The results of these studies have shown that ivory is the most widely traded wildlife product on the Internet.

In order to further substantiate these findings and raise awareness among relevant enforcement agencies, IFAW recommended that INTERPOL set up a short-term surveillance project on the illegal ivory trade on the Internet.

The INTERPOL Environmental Crime Programme performed a feasibility assessment on this recommendation and placed it in context with its own information position and Member State demand. The programme concluded that such a project was opportune at this stage and launched Project Web.

INTERPOL's Environmental Crime Programme was able to utilise IFAW's expertise monitoring the Internet for ivory items, building on the search terms and methodology employed in previous investigations, while enhancing this by adding additional enforcement criteria.

Project Web is supported by IFAW and falls within the wider scope of INTERPOL's Project Wisdom, which is designed to support and enhance governance and law enforcement capacities for the conservation of elephants and rhinoceroses.

Project Web was an INTERPOL-led information gathering and analysis campaign within the European Union (EU). Over a period of two weeks the participating Member States conducted surveillance on their national auction sites to identify advertisements regarding the sale of ivory. Details of the advertisements and involved entities were collated and analysed with the general aim of combating the online illegal ivory trade.

### Project Wisdom

Recognising that the illegal ivory trade is the biggest threat to elephants in the wild, the INTERPOL Environmental Crime Programme has created a strong and ambitious initiative to support and enhance the governance and law enforcement capacity for the conservation of elephants.

The project has three aims:

- Organize collaborative, high-level international efforts to improve political will;
- Transform this will into departmental support; and
- Train officers in the necessary skills.

The project will call upon countries to establish National Environmental Security Task Forces that will be connected regionally and internationally through INTERPOL National Central Bureaus. These task forces will encourage the use of modern intelligence-led enforcement practices for elephant conservation.

## 1.2 Objectives

The main objectives of Project Web were,

To determine:

- The drivers of the illegal elephant ivory trade over the Internet in the EU;
- The scale and nature of that trade;
- The relative importance of the Internet in the illegal trade of elephant ivory.

And to propose:

- Measures and/or actions to tackle this crime type.

## 1.3 Problem description

Since the development of the Internet in the 1980s, its popularity has grown steadily with 73 per cent of the inhabitants of the EU now using the Internet on a regular basis<sup>1</sup>. Though originally developed for research purposes, the Internet was commercialized in the late 1990s with the buying and selling of goods online becoming one of the main uses of the Internet. The percentage of legal Internet trade worldwide continues to grow with website owners taking numerous initiatives to advertise goods and act as intermediaries in the supply and demand chain.

Legislation concerning trade was, in general, written before the introduction of the Internet and therefore refers to traditional trade methods. This is also the case with wildlife trade legislation. The lack of appropriate legislation for the trade over the Internet, in combination with the advantages offered by the Internet through its worldwide reach, anonymity, and low costs, make e-commerce attractive to both legal and black markets, including the illegal wildlife market.

IFAW's studies<sup>2</sup> into the Internet wildlife trade concluded that elephant ivory is the most widely traded wildlife product over the Internet, with a considerable percentage thought to be illegal. The enforcement of this trade is in its infancy and presents new challenges. In order to take appropriate measures and use opportunities to combat the illegal Internet ivory trade, more insight into this black market is needed. Project Web was launched to provide an initial snapshot from a law enforcement perspective into the drivers, scale, nature, and involved entities of the illegal ivory trade on the Internet.

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<sup>1</sup> See Internet World Stats, *Internet usage in the European Union*, <http://www.internetworldstats.com/stats9.htm>

<sup>2</sup> See IFAW, 2008, 2010 and 2011, *Killing with Key Strokes*; IFAW, 2005, *Caught in the Web, Wildlife trade on the Internet*.

## 1.4 Research questions

To meet the project's objectives, the following main research questions were developed to gain an insight into the problem:

### Drivers

1. What are the drivers for the illegal trade in elephant ivory on auction sites on the Internet in the EU?
  - 1.1. What are the profit margins for illegal ivory sales on the Internet?
  - 1.2. What are the loopholes in legislation?
    - 1.2.1. How is the ivory trade on the Internet regulated?
  - 1.3. What are the difficulties in enforcement?

### Scale and nature

2. What is the scale and nature of the online ivory market (auction sites) in the EU?
  - 2.1. What is the volume of elephant ivory tracked during the two week investigation of Project Web?
  - 2.2. What is the estimated value of this trade?
  - 2.3. What ivory items are being sold online?
  - 2.4. How are these items sold?
  - 2.5. From where do these items originate?
  - 2.6. What part of this trade is presumed to be illegal?

### Supply of illegal ivory into the EU

3. What is the scale and nature of the import of illegal ivory into the EU?
  - 3.1 What is the estimated volume of illegal elephant ivory that is being traded annually into the EU?
  - 3.2 How is the ivory imported into the EU?
  - 3.3 Which routes can be identified?
  - 3.4 Can the illegal import be linked to the online ivory trade?

### Entities involved

4. Which entities are involved in the sale of ivory on auction sites in the EU?
  - 4.1. Which auction sites could be identified?
  - 4.2. How many (and which) individuals can be linked to international trade?

### Enforcement

5. If the Internet is determined to be an important medium for the illegal trade in elephant ivory, what (enforcement) measures and actions can be taken to improve enforcement?

## 1.5 Methodology

At the beginning of December 2011, the INTERPOL Environmental Crime Programme sent a short outline of Project Web to all 27 INTERPOL National Central Bureaus (NCBs) in the EU, with an invitation to participate in this surveillance operation.

In the invitation, the NCBs were requested to forward the message to their competent national authorities which, depending on the country's structure, could be the national environmental authorities, sometimes in conjunction with a cybercrime department and/or national customs.

Ten EU Member States accepted the invitation and provided a designated contact point. Their agencies participated in a surveillance of auction sites on working days across two weeks in February 2012 with a minimum period of surveillance of one hour per day. The results of one of the participating countries were not received in time to be included in the analysis. The analysis is therefore based on the results of nine countries.

### Preparation

The Environmental Crime Programme provided participating countries with a guide which included information on the execution of the surveillance, a spreadsheet for recording information gathered, and a questionnaire to inventory the capacities and logistics allocated to the surveillance, as well as to capture feedback and recommendations.

Before the surveillance could begin, the websites and search terms were identified. Participating agencies were encouraged to analyse historical national enforcement data on the Internet trade in ivory (and other wildlife contraband) to predetermine a ranking of websites at high risk from the illegal ivory trade. A list of websites by country, identified in the past by IFAW as being used for the ivory trade, was also provided in order to verify if illegal trade in ivory was still occurring on these sites.

In addition, a general web search using terms such as, 'ivory', 'buying ivory', 'ivory for sale' etc., or the equivalent terms in the countries' native language(s), was carried out to look for any additional and/or newly launched sites on which ivory may be traded. Furthermore, the categories on each website relevant to ivory traders were identified, such as Collectables, Art, Jewellery and Watches, Toys and Games, and Antiques.

Investigators were also encouraged to build an effective set of search terms prior to the start of the Internet surveillance. A simple search for 'ivory', or equivalent in native languages, was not considered sufficient during this campaign, as sellers sometimes disguise the item by using a different name or by deliberately misspelling the word ivory. A list of synonyms of ivory discovered during previous studies by IFAW was also provided to give an idea of other terms used.

### Recording data

During the surveillance, details of the advertisements and entities involved were recorded in the spreadsheet provided, and copies of the advertisements were also attached to the spreadsheet. The completed spreadsheets, including the capacity and logistics of the surveillance as well as feedback and recommendations on combatting online ivory trade, were returned to the INTERPOL Environmental Crime Programme after the conclusion of the surveillance.

### **Analysing data**

**Price:** The final price of the sale was recorded in order to determine the value of the ivory trade on the Internet. If this was unavailable, the advertising price or starting bid was recorded. In the 10 per cent of cases for which no price was available, the average price of a comparable item was used. If there was no comparable item available, the price was recorded as 0 (zero) Euros. The calculation of values may therefore be considered to be very conservative.

**Weight:** A similar approach was used in order to determine the volume of the trade. If the weight was unavailable, the average weight of a comparable item was recorded. This was used in 52 per cent of cases. If there was no comparable item available, the weight was counted as 0 (zero) kilograms. As the items were very diverse, the weight of 36 per cent of items was not counted, which makes the estimated volume considerably lower than may be expected actually to have been the case. Please see Annex III for the average weights and prices.

### **Other sources**

In order to see the results of Project Web in a broader perspective, they were compared to publications and data from the following sources:

- Customs seizure data (Customs Enforcement Network (CEN) of the World Customs Organization)
- EU-TWIX seizure data
- CITES legislation and information
- EU legislation
- TRAFFIC reports
- IFAW reports

Because EUROPOL currently does not structurally record enforcement information on illegal ivory trade, no additional information could be retrieved from this source.

## **1.6 Scope and limitations**

### **Geographical**

The geographical scope of Project Web was determined to be the EU. This decision was based on the fact that, within the EU, access and use of the Internet is the highest in the world.

The EU has been reported to constitute one of the largest and most diverse markets for wildlife and wildlife products in the world<sup>3</sup>. Furthermore, the EU has adopted detailed and harmonized legislation to implement the CITES Convention that goes beyond the minimum requirements of that convention to include stricter regulations (“the EU CITES legislation”). From a law enforcement point of view, a more clear and detailed legal framework provides better opportunity for compliance surveillance. It is also likely to provide a more optimal stepping stone for the implementation of recommendations that result from such surveillance.

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<sup>3</sup> TRAFFIC, 2007, *Study on the Effectiveness of the EC Wildlife Trade Regulations*, <http://ec.europa.eu/environment/cites/pdf/effectiveness.pdf>

A timescale of four months was adopted following the feasibility study. The publications and data acquired from other sources were limited to those from within the EU.

### **Websites**

The surveillance covers only unrestricted websites. Restricted websites, including password-protected, paid-for, Facebook groups, or other social networks, were not included in the survey.

## **1.7 Definitions**

This report describes the online trade in elephant ivory. The word ivory in this report therefore only refers to elephant ivory.

Illegal ivory refers to elephant ivory traded and/or held in violation of existing international or national legislation or regulations.

Two important categories of ivory trade that need to be considered are:

### **Antique ivory**

Ivory is considered antique or pre-convention if the raw ivory was acquired or introduced into the EU before the adoption of CITES, or if the worked ivory was acquired more than 50 years ago. These ivory items are subject to less strict regulations. Commercial trade within the EU in these antique ivory items may be allowed with certification. For the commercial trade of worked ivory items more than 50 years old, no certificate is needed. If the ivory item is not antique, an import and/or export permit must be obtained to prove its legality.

### **Personal effects**

Items made of ivory that are carried on the person or in the personal luggage of travellers coming from a third country are regarded as personal effects. This can, for example, be a tourist souvenir or a hunting trophy<sup>4</sup> brought back from a holiday destination.

The EU CITES legislation includes various categories of ivory as personal effects that are listed in Annex A and Annex B. Importing ivory listed under Annex A of the EU CITES legislation as a personal effect requires an export and import permit which must be presented to customs before entering the EU. An import permit is not needed for a personal effect of ivory listed under Annex B of the European legislation. In both cases, however, an export permit from the country of origin is necessary.

Hunting trophies are also considered to be personal effects, and similar rules apply. Hunting trophies can be acquired by a traveller and imported at a later date. The traveller must prove that the trophy was acquired while travelling outside the EU and that it is being prepared for import at a later date. The EU has established quotas to regulate the import of hunting trophies of ivory listed in Annex B.

More detailed information on applicable EU regulations can be found at the website of the European Commission<sup>5</sup> and the EU Wildlife Trade Regulation database<sup>6</sup>.

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<sup>4</sup> See EU Council regulation No. 338/97 art. 7.3.

<sup>5</sup> [http://ec.europa.eu/environment/cites/home\\_en.htm](http://ec.europa.eu/environment/cites/home_en.htm)

<sup>6</sup> <http://www.unep-wcmc-apps.org/eu/taxonomy/>

## 2. Results

Results of the Internet surveillance of Project Web were received from nine out of ten participating EU Member States.

Surveillance was conducted by the following agencies and departments:

- Environmental departments (four countries)
- High-tech crime departments (two countries, one in collaboration with the environmental department)
- Criminal assets department (two countries, one in collaboration with the intelligence department of food and consumer product safety authority and customs)
- INTERPOL National Central Bureau (one country)
- CITES authorities (one country)

The personnel conducting the surveillance varied from one to three persons, with an average of 1.5 persons monitoring auction sites for around two hours per day.

During the surveillance, a total of 83 national auction sites were monitored over a period of two weeks using different search terms. This resulted in the identification of a total of 702<sup>7</sup> advertisements containing ivory items. The number of advertisements per country varied considerably. Western European countries identified the most advertisements, while central and eastern European countries identified the fewest.

The advertisements predominantly contained worked ivory items with raw ivory seen in only a small number of cases. The total weight of the items for sale in 660<sup>8</sup> of the advertisements was estimated to be 4,500 kilograms, with a total value of EUR 1,450,000. As a result of the surveillance, six national and three international investigations were launched in cases where the ivory was described as new or where the ivory was being traded from abroad.

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<sup>7</sup> One country did not provide the details of the 42 advertisements they identified on the 22 websites they tracked. Therefore, estimated value, weight and volume in Project Web are based on the details of 660 of the total 702 identified advertisements.

<sup>8</sup> Idem.

## 3. Analysis

### 3.1 *The drivers of the illegal online ivory trade in the EU*

Black markets are always driven by profit, with supply following demand where profits can be made. The black market trade of a product becomes more interesting to criminals when profits are high and the risks are low; this is often the case with environmental crimes. Loopholes in national and international legislation, difficulties in enforcement, and low penalties keep risks low while profits remain high. This can therefore lead to flourishing black markets<sup>9</sup>.

In the following paragraphs, the profit and the risks of the illegal sale of ivory over the Internet are assessed in order to determine if the circumstances are favourable for a flourishing black market.

#### 3.1.1 Demand and supply = profit

Ivory has been traded with or imported into Europe from Asia and Africa since the beginning of European contact, especially during and following the colonial periods. Ivory was prized as a high-end material used in the arts (e.g. ornaments, piano keys, religious objects) and was seen as an object of prestige purchased by the wealthy. However, plastics have now replaced ivory in most of the products where it was previously used.

Research conducted by TRAFFIC<sup>10</sup>, comparing trends in private consumption with levels of illegal elephant killings, suggests that ivory is still seen as a luxury commodity in some markets. For example, China is identified by different sources as being the current biggest market for illegal ivory. On the other hand, increases in income can also lead to declining demand for illegal ivory, such as in Japan. This can be a consequence of increased environmental awareness often associated with higher levels of per capita income.

Little is known about the demand for illegal ivory and its price in the EU. Any patterns in increase or decrease in demand and prices are therefore difficult to assess.

As an example, the results of Project Web show an overall average price for raw tusk of EUR 627 per kilogram in the EU. However, this average price may be relatively low due to the occasional trade of raw antique ivory by sellers who are unacquainted with the market and ivory values and sell their items significantly below the market price.

It is assumed that the sellers who advertise their raw ivory per weight (EUR/gram) are the more experienced traders with up-to-date insight into going market rates. Within this specific selection of four identified advertisements in Project Web, the prices of raw ivory varied from EUR 1,000 to 2,000 per kilogram.

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<sup>9</sup> See also Brack and Rayman, 2002, *International Environmental Crime: The nature and control of environmental Black Markets*, The Royal Institute of International Affairs (RIIA).

<sup>10</sup> TRAFFIC, *Status of elephant populations, levels of illegal killing and the trade in ivory: a report to the standing committee of CITES* (SC61 Doc. 44.2-p.14), [www.cites.org](http://www.cites.org).

The results of Project Web show that the price for raw ivory on the Internet in the EU remains relatively high. However, prices in Asia seem to be much higher. For example, in 2012 the Royal Thai Customs reported a seizure with a value of EUR 1,600 per kilogram, or EUR 14,400 per elephant. Other sources provide even higher price estimates.

The relatively high price of raw ivory means that the profits that can be made from the ivory trade remain, therefore, high in the EU.

A kilogram of raw ivory can be obtained in its African country of origin for around USD 100 (c. EUR 80). The difference in prices between source countries and destination markets, varying from EUR 500 to EUR 1900, demonstrates that after the deduction of around 10 per cent to cover costs, a considerable profit can be made by the various intermediaries through the sale of illegal ivory. This price increases further if the tusks are made into statues or carvings.

### 3.1.2 Loopholes in legislation

Loopholes in legislation can lower the risk of detection and apprehension, and can, in combination with the potential profits, be an important driver for the black market. This section will give a brief outline of the legal frameworks governing the ivory trade, followed by the legislation loopholes identified in the virtual markets by Project Web.

#### **Legal framework**

The international ivory trade is regulated by the 1973 Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES). It aims to ensure that the international trade in specimens of wild animals and plants (including their parts and derivatives) does not threaten their survival. The treaty is legally binding, and changes to the CITES Appendices<sup>11</sup> and amendments to the Convention need to be approved by two-thirds of the Parties present in order to enter into force<sup>12</sup>. However, resolutions and decisions of the Conference of the Parties are not legally binding<sup>13</sup>. As of January 2013, 177 countries are signatories to CITES.

CITES works by subjecting international trade in specimens of selected species to certain controls<sup>14</sup>:

- All import, export, re-export, and introduction from overseas of species covered by the Convention must be authorised through a licensing system;
- Each Party must designate one or more management authorities to be in charge of administering that licensing system and one or more scientific authorities to advise them on the effects of trade on the status of the species;

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<sup>11</sup> The procedure for amendments to Appendices I and II are described in Article XV of the CITES convention.

<sup>12</sup> Except Parties which make a reservation.

<sup>13</sup> European Commission, 2006 (updated in 2009), *International and EU legislation*, [www.eu-wildlifetrade.org](http://www.eu-wildlifetrade.org)

<sup>14</sup> See CITES website: [www.cites.org](http://www.cites.org)

- Species are covered in three appendixes:
  - Appendix I - species threatened with extinction, trade is only permitted in exceptional circumstances;
  - Appendix II - species not necessarily threatened with extinction but in which trade must be controlled in order to avoid utilisation incompatible with their survival;
  - Appendix III - species that are protected in at least one country, which has asked CITES parties for assistance in controlling the trade.

The EU (the European Economic Community (EEC) when CITES was first adopted) has been implementing the provisions of CITES through EC Wildlife Trade Regulations<sup>15</sup>, which regulate not only the trade in all wild animals and plants, their parts, and derivatives, between its Member States, but also the domestic trade in its Member States.

All EU Member States have implemented the EU wildlife regulations<sup>16</sup>. These regulations use Annexes similar to the CITES Appendices which function as follows:

- Annex A includes:
  - All CITES Appendix I species, except where an EU Member State has entered a reservation;
  - Some CITES Appendix II and III species, for which the EU has adopted stricter domestic measures;
  - Some non-CITES species.
- Annex B includes:
  - All other CITES Appendix II species, except where an EU Member State has entered a reservation;
  - Some CITES Appendix III species;
  - Some non-CITES species.
- Annex C includes:
  - All other CITES Appendix III species, except where an EU Member State has entered a reservation.
- Annex D includes:
  - Some CITES Appendix III species for which the EU holds a reservation;
  - Some non-CITES species<sup>17</sup>.

For example, *Elephas maximus* and *Loxodonta africana* are listed on Annex A with the same exemption as CITES for the populations of *Loxodonta africana* in Botswana, Namibia, South Africa, and Zimbabwe that are listed on Annex B.

For the import of ivory to the EU, an export and import permit are required from the designated (CITES) Management authorities<sup>18</sup> of the export and import countries. These permits prove that the ivory was legally acquired and that the trade should not be detrimental to the survival of the species.

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<sup>15</sup> Regulation (EC) No. 338/97 and Regulation (EC) No. 865/2006.

<sup>16</sup> See for national regulations of EU Member States [www.eu-wildlifetrade.org/pdf/en/2\\_national\\_legislation\\_en.pdf](http://www.eu-wildlifetrade.org/pdf/en/2_national_legislation_en.pdf)

<sup>17</sup> EC wildlife trade regulations, [http://ec.europa.eu/environment/cites/legis\\_wildlife\\_en.htm](http://ec.europa.eu/environment/cites/legis_wildlife_en.htm)

<sup>18</sup> EC regulation No. 338/97 art. 4.1 and 4.2.

This permit must be obtained before importing the ivory and must be presented to the customs authorities before entry to the EU.

Within the EU, ivory can only be sold under certain conditions. It is generally forbidden to use Annex A-listed ivory for commercial purposes. However, sale of Annex A listed ivory is permitted if the intended use is non-commercial in nature<sup>19</sup>. There is an antiques derogation that means worked specimens acquired before 1 June 1947 do not require a certificate. Specimens can be treated as worked if:

- They are significantly altered from their raw state for jewellery, adornment, art, utility, or musical instruments, and;
- Need no further carving, crafting or manufacture ‘to effect their purpose’.

Worked specimens acquired before 1947 can be used commercially without being covered by a commercial use certificate.

There are some conditions on this exemption. The regulation states that specimens can only be considered “worked” if they are significantly altered from their raw state for jewellery, adornment, art, utility, or musical instruments AND need no further carving etcetera to effect their purpose.

However, the subsequent sale of personal effects is forbidden. For the sale of Annex A-listed ivory within the EU, within a Member Country, or between two Member States, a certificate of exemption of the prohibition is needed. For Annex B-listed ivory, no certificate is needed to trade the ivory within the EU, but the ivory must be legally imported into the EU.

### **Virtual market**

The certificate and permit systems used in CITES and EU trade regulations are not adapted to virtual markets and were mentioned by countries participating in Project Web as significant legislative loopholes. It means that in general there is:

- No obligation on the side of the seller to prove on the Internet that the ivory item for sale complies with the existing legislation;
- No obligation to inform the buyer of existing regulations;
- No obligation for the website owner to comply with existing legislation.

CITES acknowledged the need for measures to be taken on the trade in wildlife by organising an E-commerce Workshop chaired by the United Kingdom in 2008. The outcome of the workshop resulted in an amendment to Resolution Conf. 11.3 to include e-commerce in CITES listed species (see Annex I). It recommends that the Parties, regarding the e-commerce of CITES-listed species, “*evaluate or develop their domestic measures to ensure that they are sufficient to address the challenges of controlling legal wildlife trade, investigating illegal wildlife trade and punishing the perpetrators.*” In addition, some specific enforcement measures were recommended which are referred to in Annex I. Although the EU acknowledges the resolution, the general recommendation did not lead to the implementation of any concrete regulations concerning the Internet trade in specimens of CITES-listed species.

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<sup>19</sup> EC regulation No. 338/97 art. 8.3. Non-commercial trade includes trade for expositions and for scientific research.

Only one of the countries participating in Project Web, the Czech Republic, has implemented national legislation on e-commerce that aims to address this gap in CITES and EU legislation. This legislation obliges the Internet seller to indicate that this item needs to be accompanied by valid CITES documentation by making the notice *CITES-obligatory documents* “an obligatory part of an advertisement offering the sale of a specimen subject to the registration or a specimen subject to the prohibition of commercial activities”<sup>20</sup>. This facilitates enforcement and helps to increase consumer awareness and thus to increase transparency of the online wildlife trade.

E-permits are issued by the Czech CITES Management Authorities to facilitate this legislation and to avoid fraudulent use of traditional paper permits.

The law also requires sellers to inform buyers of their obligation to register their specimens and other legal provisions. It also requires website owners and/or operators ensure that this obligatory information is made public for each specimen offered in advertising or Internet sales. Finally, the Czech Environmental Inspectorate can require removal of advertisements if they do not comply with international or national legislation.

Project Web demonstrates that the implementation of e-commerce specific legislation, as in the Czech Republic, in addition to trade legislation based on CITES and EU Wildlife Regulations, is needed to adapt legislation to modern needs and to combat the illegal Internet trade.

### 3.1.3 Difficulties in enforcement

Countries participating in Project Web have stated that the lack of obligations for the seller to prove the legality of the ivory is causing great difficulties in regulating the sale of illegal ivory on Internet auction sites. It has led to a situation where law enforcement is unable to distinguish legal ivory from illegal ivory in advertisements. To control the trade on the Internet, the authorities need to obtain the contact details of the owner of the advertisement, and in some countries it is difficult to obtain a warrant to do so. Verification is then needed as to whether the necessary documents are available and/or to determine the origin of the ivory. As a result of this lack of e-commerce adapted legislation, the effective control of advertisements on the Internet has become an almost impossible task.

In addition to this, websites cannot be forced to cooperate or develop policies on the trade of ivory, nor can strong efforts be made to control them. Law enforcement authorities are similarly unable to control legal compliance and take measures against website owners if these obligations are not met. Project Web demonstrated that most of the websites do not have policies concerning the trade of ivory, and the few larger ones that do have policies often lack the ability to enforce them.

Another issue raised was the lack of attention afforded the Internet ivory trade. This was already demonstrated by the reactions of some countries to the invitation to participate in Project Web: reasons to not participate varied from lack of capacity to a lack of prioritisation of the crime type in the Member Country.

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<sup>20</sup> Czech Republic Act. No. 100/2004 Act on Trade in Endangered Species section 23b, as amended by Act No. 444/2005 Coll., Act No. 227/2009 Coll. and Act No. 346/2009 Coll. See Annex II.

The participating countries emphasized the need to better monitor the crime type in order to attain a better understanding of the trade and to develop legislation and measures to ascertain if the ivory sold on Internet auction sites is legal or illegal.

### 3.2 Scale and nature of the online ivory trade

The lack of obligations for the seller to prove the legality of the ivory on the Internet made it as well impossible to distinguish legal ivory from illegal ivory during the Internet surveillance of Project Web. The results of Project Web contain therefore a mixture of legal and illegal ivory. The results of the surveillance will give an impression of the scale and nature of this trade and will be demonstrated in the next paragraphs.

#### 3.2.1 Scale and value of ivory tracked

The total volume of the ivory items tracked on auction sites in the two week surveillance of Project Web was estimated to be around 4,500 kilograms, with an estimated value of around EUR 1,450,000.

**Table 1 Project Web – Ivory in estimated weight and value advertised in participating countries.**

Country	Tracked websites (number)	Identified advertisements (number)	Estimated total weight (kg)	Estimated total value (EUR)
1	<b>INTERPOL for official use only</b>			
2				
3				
4				
5				
6				
7				
8				
9				
<b>Grand total</b>	<b>62</b>	<b>660<sup>21</sup></b>	<b>4,485</b>	<b>1,442,575</b>

The volume of the ivory traded (one or more items) was recorded in 18 per cent of the advertisements. In 56 per cent of cases it was extrapolated by using an estimated average weight for ivory items such as statues, tusks, carved tusks and jewellery (see Annex III). Therefore, the volume in 73 per cent of the advertisements could be calculated. If there were no other comparable items, no weight was recorded (as in 27 per cent of cases). The volume provided here can therefore be considered a conservative estimate.

<sup>21</sup> One country did not provide the details of the 42 advertisements they identified on the 22 websites they tracked. Therefore, estimated value, weight and volume in Project Web are based on the details of 660 of the total 702 identified advertisements.

The value of the ivory was calculated by using the final sale price of an advertisement. If this price was not available, the advertising price or starting bid was taken. In 7 per cent of cases, neither figure was available. The value can therefore also be considered a conservative estimate, since the websites function as auction sites and therefore final prices are usually higher than the initial advertised price.

### 3.2.2 Nature of ivory tracked

The 660 advertisements tracked during Project Web contained many different kinds of ivory items, predominantly worked ivory. The following pie-chart shows the relative representation of categories of ivory items that were found during the two week Internet surveillance of Project Web.

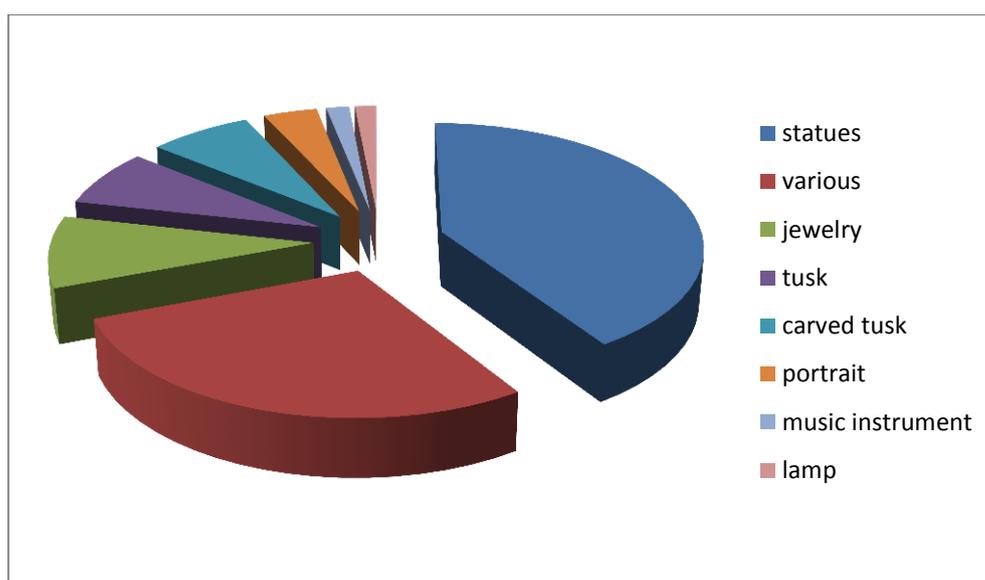


Figure 1 Project Web categories of ivory items sold on auction sites.

The largest category of ivory items (41 per cent) was statues. Statues varied from Japanese statues, okimonos and netsukes, to African statues representing elephants and people. In addition to the statues, 29 per cent of the ivory items tracked varied so much that they could not be placed into a single category. These consisted of decorations or collectors' items, such as knife sheaths, vases, purses, boxes etc. These items were placed in the 'other' category. In addition:

- 9 per cent of ivory items were jewellery, mainly necklaces and bracelets;
- 7 per cent were raw ivory or tusks;
- 7 per cent were carved tusks;
- 2 per cent were musical instruments, mainly piano keys.

The ivory items were sold on a total of 61 auction sites. They were sold mainly under 'antiques' categories, followed by categories for 'art' and 'collectibles'. Other less used categories were 'decoration', 'jewellery', and 'musical instruments'. In 28 of the advertisements, CITES documents were described as being available. However, questions remain as to whether items sold as antiques are really antique and sold legally as there is no requirement to provide proof of legality in Internet advertisements.

### 3.2.3 Illegal ivory

It is unknown which part of the ivory tracked on the auction sites is illegal. Indications that the ivory might be illegally traded can sometimes be found in the advertisements where the ivory is presented as being new or if it is internationally traded, which was the case in nine of the 660 advertisements tracked in Project Web. Most of the advertisements do not contain these kinds of indications.

## 3.3 The supply of illegal ivory into the EU

The organisation that manages the Elephant Trade Information System (ETIS) for CITES announced in 2012, that 2011 was the worst year for ivory seizures since 1989. In 2011, 23 tons of large-scale seizures of more than 800 kilograms of ivory was reported in Asia and Africa, representing around 2,500 elephants killed<sup>22</sup>, a sharp increase compared to 2010 when this volume was less than 10 tons.

At the same time, the trade of raw ivory weighing more than 50 kilograms from Africa to Europe seems to have decreased over the last decade (SC61 Doc. 44.2 (rev.1)). Indeed, customs data shows that seizures of raw ivory over 50 kilograms in the EU are rare and that 81 per cent of seizures consist of worked ivory.

The interception rate of ivory, according to UNODC calculations, is suggested to be between 17 and 40 per cent and more likely to be close to 17 per cent<sup>23</sup>. In order to make an estimation of the ivory illegally traded to the EU, the Regional Intelligence Liaison Offices (RILO) of Western Europe (WE) and Eastern Central Europe provided an analysis on the available seizure data submitted by EU Member States to the WCO Customs Enforcement Network (CEN). In addition, data from the EU-TWIX database was provided. In this database, seizures and offences reported by all 27 EU Member States are recorded with the general aim of assisting law enforcement agencies with strategic analyses and the conducting of field investigations. However, EU-TWIX data contained fewer numbers of seizures and volumes of ivory. Therefore, the customs analysis was taken as being more complete and reliable.

**Table 2 Number and volume of ivory seizures and weight when available, reported to CEN - period 2007-2011, and estimated total weight (source: RILO WE and ECE analysis).**

	2007	2008	2009	2010	2011 (incomplete)
<b>Number of seizures</b>	149	140	75	98	19
<b>Recorded weight (kg)</b>	123	27	70	180	206
<b>Estimated weight (kg)</b>	450	300	125	350	375

The customs analysis provided was based on seizure data from an average of ten countries<sup>24</sup> (not counting 2011 as this data was only provided by three countries and was, at the time the report was written, not yet complete). The underlying reason for this low reporting may be the fact that

<sup>22</sup> TRAFFIC, 2011: "Annus horribilis" for African elephants, says TRAFFIC, [www.traffic.org](http://www.traffic.org).

<sup>23</sup> UNODC, 2010, *The globalization of crime. A transnational organized crime threat assessment. Chapter 7 Environmental resources*, p. 158, [www.unodc.org](http://www.unodc.org).

<sup>24</sup> The RILO WE analysis concerns customs data submitted to CEN by the EU Member States: Austria, Czech Republic, France, Germany, Italy, Netherlands, Portugal, Spain and the United Kingdom. The RILO ECE concerns data submitted to CEN by the EU Member States: Estonia, Hungary, Poland and Romania.

submitting national data on seizures to CEN is carried out on a voluntary basis. Another factor rendering the data less reliable is the fact that the weight of ivory is recorded in only 25 per cent of the seizures, making the flow of illegal ivory to the EU extremely difficult to estimate. The table above is therefore based on analysis of the formally recorded data as well as an estimated volume achieved by using an estimated average weight of the categories of ivory items used in Project Web (see Annex III).

The above extrapolated data shows that in 2010 the eight countries that reported data that year<sup>25</sup> seized an estimated volume of 350 kilograms of ivory. Taking this figure as 17 to 40 per cent of the real volume means that the true amount of illegally imported ivory can be estimated to be between 875 kilograms and 2,059 kilograms a year. This represents the ivory of between 97 and 229 killed elephants a year, or 2 to 5 a week, being traded to only eight EU countries.

It should be noted that although the number of seizures reported to the EU-TWIX in 2010 was similar to the preceding years, the volume of ivory seized was higher in 2010, due to a seizure of almost 7,500 kilograms reported in one country<sup>26</sup>. This seizure was not reported to CEN and would make estimations of the real volume of ivory illegally imported much higher.

Unfortunately, estimates based on customs seizures or EU-TWIX data regarding the illegal trade in ivory to the EU cannot be compared with the results of Project Web, even if they were complete, as the Web results contain a mixture of legal and illegal ivory.

### **3.3.1 Means of transport**

The RILO analysis of data on seizures from EU customs authorities gives more insight into the way illegal ivory is entering the EU and shows that ivory seized is predominantly in the form of personal effects (60 per cent), mail parcels (22 per cent), and ivory concealed in freight or transport (together 9 per cent).<sup>27</sup>

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<sup>25</sup> Reporting countries in 2010: Denmark, France, Germany, Hungary, Netherlands, Portugal, Spain and the United Kingdom.

<sup>26</sup> EU-TWIX seizures 2007-2011 as provided to the INTERPOL Environmental Crime Programme.

<sup>27</sup> It should be noted that processing national seizure data of national customs authorities through the overall CEN databases of their WCO RILO is voluntary and therefore not carried out by all EU Member States. The EU-TWIX data shows the same picture although the concealment method of a large number of seizures is recorded as unknown.

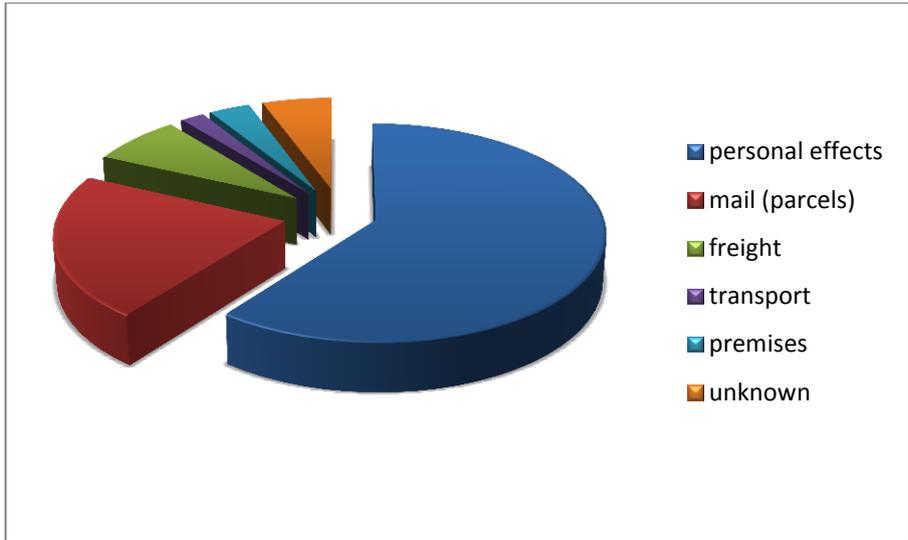


Figure 2 RILO WE and ECE analysis of customs data on labelling of seized ivory imported into the EU 2007-2011.

### 3.3.1.1 Personal effects seizures

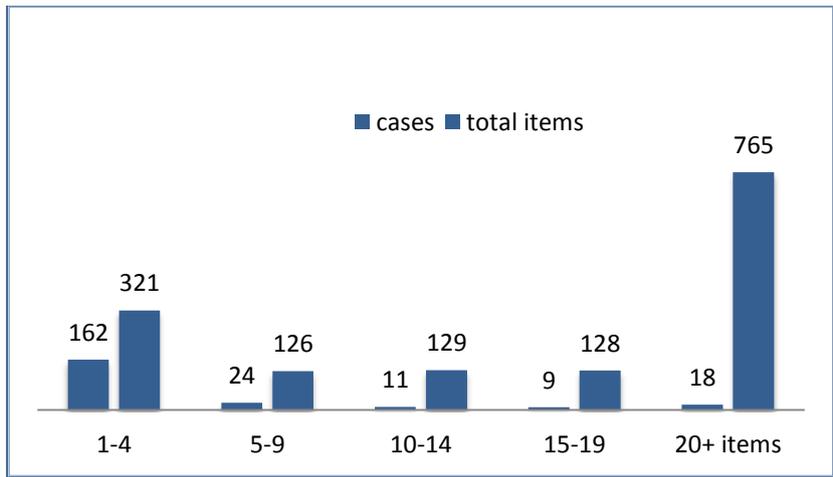


Figure 3 RILO WE and ECE analysis of customs seizures of ivory imported as personal effects in the EU, 2007-2011.

Over the period 2007-2011, 224 seizures of ivory concealed in personal luggage were reported to CEN in Europe. A large number of these seizures (162) concerned one to four ivory items. These seizures may be explained by a lack of awareness among tourists of the applicable regulations. In 62 cases, the checks revealed more than five ivory items in personal luggage, which could imply commercial trade in the form of occasional trade of smaller volumes. Finally, 18 seizures consisted of more than 20 items each, with an overall total of 765 ivory items.

The largest single seizure consisted of 113 items. In such cases it is more likely to be an organised trade with potential connections to the Internet ivory trade. However, no link can be made through the database as no records are kept to establish connections with the Internet trade.

### **3.3.1.2 Mail (parcels)**

Internet sales are generally concluded through parcel delivery. Ivory items can be sent after having entered the EU illegally, as personal effects or concealed in freight or transport. They can be sent from outside the EU as well either directly or indirectly from the country of origin. Mail parcels concerned 22 per cent of the seizures in the period 2007-2011. These were all sent from outside the EU. Approximately 50 per cent of the parcels were transiting the EU with Asia and North America as final destinations.

Almost 50 per cent of the mail parcels with a final destination within the EU were sent from North America. The other half was mainly sent from 13 different African countries. The customs analysis of the seizure data does not reveal whether these parcels were related to the Internet trade of ivory.

### **3.3.2 Routes**

The origin of the items was only mentioned in 5 per cent of the advertisements tracked in Project Web and was equally divided between Africa and Asia. Better insight into the countries from where the illegal ivory is traded (though not necessarily the country of origin) into the EU comes from the RILO analysis of reported customs seizure data. This analysis shows that most seizures in the EU departed from five countries in Africa. Ivory shipped from two African countries is primarily destined for one specific EU country, while ivory from other African countries is predominantly traded through EU countries with Asia as the final destination. However, three EU countries and North America were also identified as common final destinations.

The RILO analysis of seizure data gives impressions of the departure, transit, and destination countries of the ivory seized. However, it should be noted that the data was provided by an average of ten EU Member States and does therefore not give a complete picture. This is regrettable as the more seizure data is recorded, the more valuable the information is to law enforcement. Furthermore, customs and environmental crime units must collaborate closely to ensure all important information is captured. For example, mail parcels contain the details of an addressee and a sender, providing opportunities for focused analysis and intelligence-led investigations. This could lead towards establishing links between the illegal import of ivory and the illegal ivory trade on the Internet.

### 3.4 Entities involved

The 660 advertisements analysed in Project Web were found on 61 auction sites of varying size. Most advertisements were tracked on the following auction sites:

**Table 3 Project Web - Top ranking website in number of ivory advertisements detected.**

Rank	Website	Number of advertisements	% of total advertisements monitored
1	<b>INTERPOL For official use only</b>	230	35%
2		77	12%
3		63	10%
4		40	6%
5		17	2%
	<i>'other'</i>	233	35%
<b>Total</b>		<b>660</b>	<b>100%</b>

A third of the advertisements were found on one website, which has policies on the sale of ivory and permits only the sale of antique ivory dated pre-1947. The seller of the antique ivory must refer in the advertisement to a valid CITES documentation or mention that the ivory is pre-1947. The sale of raw ivory is forbidden. In about 50 per cent of all tracked advertisements the ivory was mentioned to be antique, but reference was made in only 28 cases to supporting documentation. It is clear that the owners of the auction sites are not strictly enforcing these policies, and individuals can still sell their ivory without actual restrictions.

The other top five auction sites do not have special policies on ivory sales. One of the participating countries in Project Web informed INTERPOL that it is trying to achieve the implementation of policies on the trade of ivory for all tracked auction sites.

The advertisements were predominantly placed by individuals. Since the CITES convention regulates the international trade of endangered species and their derivatives, the analysis included specific attention to individuals with an international link.

Individuals selling ivory on the auction sites mainly reside in the same country as their advertisement was placed, with the exception being residents of countries that share a native language. Seven advertisements could be linked to other continents. Those linked to Asia all concerned carvings sold as Asian art, originating from Asia, and were apparently sold by the same person delivering to Europe and Asia.

Asian advertisements were also found on a .com website where Asian trading companies advertise ivory. Items are sold with a minimum order, sometimes starting at 200 carvings with prices in dollars. The range on offer is wide, and all items can be delivered. Online advertising websites under generic top-level domains such as .com present an opportunity for further law enforcement investigation in addition to social media and restricted websites. Although restricted websites did not fall within the scope of Project Web, which logically focused on country-code top-level domains, some countries included a select number of .com domains and one participating country tracked an advertisement on a restricted website from a resident in North America who was selling ivory in the EU and who is now being investigated.

## 4. Conclusion

Project Web aimed to investigate the illegal trade of ivory over the Internet within the European Union. An Internet surveillance of auction sites was organised in ten participating EU Member States. During two weeks, 83 auction sites were monitored. Out of the 702 advertisements identified in Project Web, 660 were reported with the necessary details to determine the drivers, scale, nature, and entities involved in this trade. These 660 advertisements were identified across 61 tracked auction sites. The surveillance led to six national and three international investigations and an intention to motivate auction sites to implement policies governing the sale of ivory.

### Drivers

Profit is the main driver of black markets. Based on the results of the Project, the overall average price of raw ivory is estimated at EUR 627 per kilogram. This price was much higher and varied from EUR 1,000 to 2,000 per kilogram in advertisements where raw ivory was sold per weight (EUR/gram). The profit from the sale of ivory in the EU is estimated to vary between EUR 450 up to EUR 1,700 per kilogram, taking into account a 10 per cent deduction of costs and applying an average price of acquiring raw ivory from Africa of around EUR 100 per kilogram.

The illegal ivory trade over the Internet could also be stimulated by the lack of e-commerce adapted legislation implemented by CITES or the EU. In general, this means that there is:

- No obligation on the seller to prove the ivory item for sale complies with existing legislation;
- No obligation on the seller to inform the buyer of existing regulations;
- No obligation on the website owner to comply with existing legislation;
- No obligation on the website owner to develop policies governing the ivory trade.

This causes great difficulties for law enforcement as the distinction between legal and illegal ivory cannot, in practice, be established on the Internet.

Another issue identified is the lack of prioritisation and capacities at enforcement and political levels to address the issue.

### Scale

The RILO WE and ECE analysis of data on seizures from customs and the EU-TWIX data is limited by the fact that only a small number of EU Member States (10) submit their data to these databases regularly. Extrapolating from the analysis and data available, the volume of ivory seizures was estimated at 350 kilograms in 2010 from almost 100 seizures in eight EU Member States.

Project Web's two week Internet surveillance detected an estimated 4,500 kilograms of online advertised ivory, with an estimated value of EUR 1,450,000. Because this surveillance cannot distinguish between legal and illegal ivory, these results cannot be compared with the customs seizure analysis or EU-TWIX data.

## **Nature**

The ivory sold on the auction sites consists predominantly of worked items. Raw ivory is only seen in 6 per cent of the advertisements. The ivory sold on the auctions sites can be legal antique ivory or ivory illegally purchased. Internet sales are generally concluded by parcel delivery. Illegal ivory items can be sent from inside the EU, after having entered the EU illegally as a personal effect (60%) or concealed in freight or transport (9%). Seizures of ivory in mail (parcels) accounted for 22 per cent of all seizures. All seized parcels were departing from another continent. Approximately 50 per cent of the parcels were transiting Europe with Asia and North America as final destinations. These were almost all departing from two African countries. Parcels with Europe as a final destination were sent from North America in 50 per cent of the cases. In the other half of the cases, the parcels were departing from 13 different African countries. Unfortunately no seizures could be linked to e-commerce as this kind of information is not recorded.

According to the customs data analysis, the ivory seized was mainly shipped from five countries in Africa. From two countries, the ivory was primarily traded with one country in the EU as the main destination, while ivory from the other countries is predominantly traded through the EU with Asia as its final destination. Three EU countries are the primary final destinations after Asia, with some ivory also flowing to North America.

## **Involved entities**

Almost a third of the advertisements detected during the Project Web surveillance was found on one auction site which has a policy on the sale of ivory that restricts these sales. In about 50 per cent of all tracked advertisements, the ivory was described as antique, but only 28 cases referenced supporting documentation. The other top five auction sites do not have special policies on ivory.

The ivory is predominantly offered for sale by individuals who seem to be residing in the same country as the top level domain of the website where they are advertising the item. Seven advertisements had an international link and turned out to be placed by two sellers.

Although formally outside the scope of this project, one link to North America was found on a restricted website. One of the participating countries also showed the involvement of Asian companies in the sale of ivory on the Internet via a .com advertisement site. Asian traders sell new ivory items on this site in minimum volumes that sometimes start at 200 items.

## ***Is the Internet an important medium for the illegal trade in elephant ivory?***

The lack of e-commerce legislation, together with the incomplete data on seizures, make it impossible to determine if the Internet is a relatively important medium in the total illegal trade in elephant ivory. However, Project Web's investigation by law enforcement proves that the Internet is being used as a platform for the trade in ivory. Nonetheless, improved legislation and strong collaboration with customs are required to further investigate this type of crime, in order to determine the scale and nature of the illegal trade so that appropriate enforcement measures can be taken.

## 5. Recommendations

The results of Project Web led to the following recommendations in a number of areas in order to better control the illegal trade of ivory over the Internet:

### Legislation

- Introduce e-commerce specific legislation in addition to CITES and EU Regulation listed species;
- Introduce an e-permitting system with a unique registration number recorded in a national or interregional (EU) CITES database;
- Introduce an e-permitting system to prove the antiquity of ivory (for sale) through CITES or designated antiquaries;
- Place a legal responsibility on those who offer CITES-listed wildlife for sale via channels such as the Internet to provide in their offers, links or other, access to valid CITES import or export permits, or other documents proving legal possession with its registration number;
- Oblige website owners and operators to ensure that mandatory information related to the transfer and registration of a specimen is made public regarding advertising or Internet sales;
- Oblige website owners to remove an advertisement which does not comply with the e-commerce legislation.

### Law enforcement

- Enable law enforcement access to the CITES database of e-permits in order to enforce trade on the Internet;
- Improve the quantity and quality of data collection on the supply of illegal ivory to the EU by EU-TWIX and customs on an interregional level. Data collection should contain the necessary information to conduct intelligence-led investigations including a link to e-commerce;
- Recognise the importance of e-commerce in CITES/EU listed species and the need to direct additional resources towards its monitoring and enforcement;
- Establish National Environmental Security Task Forces as multi-agency enforcement task forces in EU member countries to tackle environmental crime;
- Introduce the position of an Internet detective within National Environmental Security Task Forces to monitor and enforce the e-commerce in CITES/EU listed species;
- Investigate the links between the import of illegal ivory into the EU and the sale of ivory over the Internet, in close collaboration with national customs and parcel delivery services;
- Establish enforcement strategies to combat the illegal trade in ivory and other wildlife over the Internet;
- Coordinate and exchange strategies, tactics, methods, intelligence, trends, and other important information relating to the e-commerce of wildlife through the INTERPOL Environmental Crime Programme.

### Awareness

- Raise awareness at airports in the main departure and destination countries in order to decrease the number of ivory items being traded as personal effects, with a priority focus on:
  - Source countries
  - Destination countries
- Raise awareness among owners of online auction and trading sites;
- Develop awareness campaigns in collaboration with the owners of the tracked online auction and trading sites focused on buyers over the Internet.

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## Annex I – CITES Resolution Conf. 11.3 Compliance and enforcement (Excerpt<sup>28</sup>)

(...)

RECOGNIZING the rapid growth in e-commerce of specimens of CITES-listed species;

NOTING the conclusions and recommendations of the meeting on e-commerce of specimens of CITES-listed species in Vancouver (Canada) in February 2009;

CONSIDERING that the countries that import these illegally obtained resources are directly responsible for encouraging illegal trade worldwide, and in this way the natural heritage of producing countries is damaged;

(...)

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

(...)

DIRECTS the Secretariat to pursue closer international liaison between the Convention's institutions, national enforcement agencies, and existing intergovernmental bodies, particularly the World Customs Organization, the UN Office on Drugs and Crime and ICPO-Interpol.

Regarding communication of information and coordination

RECOMMENDS that:

(...)

d) Parties, when informed by the Secretariat of the fraudulent use of documents issued by them, carry out an inquiry to identify the instigators of the crime, calling on ICPO-Interpol where necessary;

(...)

Regarding e-commerce of specimens of CITES-listed species

RECOMMENDS that Parties:

a) Evaluate or develop their domestic measures to ensure that they are sufficient to address the challenges of controlling legal wildlife trade, investigating illegal wildlife trade and punishing the perpetrators, giving high priority to the offer for sale of specimens of species listed in Appendix I;

b) Establish, at the national level, a unit dedicated to investigating wildlife crime linked to the Internet or incorporate wildlife trade issues into existing units that investigate or monitor computer or cyber-crime; and

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<sup>28</sup> Consolidated Resolution Conf. 11.3 on Compliance and enforcement of the 11th meeting of the Conference of the Parties to CITES, Gigiri (Kenya), 10-20 April 2000, as amended at the 13th, 14th and 15th meetings of the Conference of the Parties to CITES (<http://www.cites.org/eng/res/11/11-03R15.php>)

c) Establish at the national level a mechanism to coordinate the monitoring of Internet-related wildlife trade and to provide for the timely sharing between designated contact points in CITES Management and Enforcement Authorities of information that results from these activities;

RECOMMENDS further that Parties and Interpol:

a) Submit information to the Secretariat on methodologies used by other agencies that may assist in the evaluation of mechanisms to regulate legal commerce of CITES-listed species via the Internet;

b) Ensure that sufficient resources are directed to the investigation and targeting of illegal Internet-related trade in specimens of CITES-listed species;

c) use the data acquired during monitoring activities to establish strategies regarding enforcement, capacity building and public awareness; and

d) Consider ways in which funding may be provided for the establishment of a full-time position, dedicated to e-commerce aspects of wildlife crime, within the General Secretariat of Interpol. The responsibilities of such a position should include ensuring that all information or intelligence regarding e-commerce is consistently collected and disseminated to the relevant Enforcement Authorities designated by Parties; and

(...)

## Annex II – E-commerce legislation, Czech Republic

English Translation of the Act [of the Czech Republic] No. 100/2004 Coll. (Act on Trade in Endangered Species) as amended by Act No. 444/2005 Coll., Act No. 227/2009 Coll. and Act No. 346/2009 Coll. (wording valid on 1st January 2010).

### ACT

*[No. 100/2004 Coll.]*

### **on the Protection of Species of Wild Fauna and Flora by Regulating Trade therein and on Further Measures for Protection of These Species and on Amendment of Several Acts (Act on Trade in Endangered Species)**

The Parliament has adopted this Act of the Czech Republic:

#### PART ONE

#### **INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA AND FURTHER MEASURES FOR PROTECTION OF THESE SPECIES**

...

#### CHAPTER VI

#### **REGISTRATION OF CERTAIN SPECIMENS, GRANTING OF EXEMPTIONS FROM THE PROHIBITION OF COMMERCIAL ACTIVITIES, AND PROVING OF ORIGIN**

...

#### **Registration of certain specimens and granting of exemptions from the prohibition of commercial activities with the specimens**

...

#### Section 23b

(1) The person who sells or offers to sell a specimen which is subject to registration or a specimen which is subject to the prohibition of commercial activities according to the regulation on trade in endangered species 10), shall be obliged to furnish it with a written notice “CITES- obligatory documents” and effect the sale only with the relevant registration document, and in the case of a specimen subject to the prohibition of sale with also a certificate of exemption from this prohibition 20b) or certificate which substitutes the aforementioned one (hereinafter only “obligatory documents related to transfer”).

(2) The person who sells or offers to sell a specimen stated in paragraph 1 shall furthermore be obliged to inform the buyer or a party interested in buying about the obligation to register a specimen according to this Act and about the prohibitions of commercial activities with the specimen 10). This shall apply analogously also to another ways of transfer of the specimen.

(3) Obligations stated in paragraphs 1 and 2 apply to those who sell such specimens or offer to sell them via distant means of communication. Notice “CITES - obligatory documents” shall be an obligatory part of an advertisement offering the sale of a specimen subject to the registration or a specimen subject to the prohibition of commercial activities.

(4) During trading in places accessible to the public, where specimens are sold and offered to be sold, or during the operation of distance communication means, whereby specimens are sold or to be offered to be sold, the operator of such a place or distance communication means shall be obliged to ensure that obligatory information related to the transfer of a specimen be made public in a visible place. The operator of distance communication means shall be obliged to ensure that this information be made public regarding advertising or Internet sales. In that case, a link to obligatory information made public by the Ministry shall be regarded as the publication of obligatory information. The operator of distance communication means shall, if required by the Inspection, be obliged to remove an advertisement, without delay, which is contrary to this Act or the prohibition of commercial activities.

(5) The content of obligatory information related to the transfer of a specimen and the form of a link to obligatory information made public by the Ministry shall be set out by an implementing legal regulation.

## Annex III – Average weight and price of Ivory items

Ivory item	Average weight (kg)	Average value (EUR)
<b>Billiard ball</b>	0.21	-
<b>Bracelet</b>	0.08	96
<b>Lamp</b>	1.50	-
<b>Necklace</b>	0.10	311
<b>Netsuke / okimono</b>	0.40	280
<b>Pendant</b>	-	55
<b>Piano</b>	2.00 <sup>29</sup>	100
<b>Portrait</b>	0.15	-
<b>Ring</b>	0.06	-
<b>Statue / carving / figure/sculpture</b>	0.35	273
<b>Tusk</b>	4.50	627
<b>Tusk (carved)</b>	3.20	1,500
<b>Walking stick</b>	2.50	-

Methodology to estimate the average prices: In order to determine the value of the ivory trade on the Internet the final price of the sale was taken. If this was unavailable, the advertising price or starting bid was used. In the 10 per cent of cases where no price was available, an average price for a comparable item was used. In cases where there was no comparable item available, the price was counted as EUR 0 (zero). The calculation of values may therefore be seen as conservative.

Methodology to estimate the average weight: In order to determine the volume of the trade a similar approach was used. If the weight was not available, the average weight of a comparable item was used (52 per cent of cases). If there was no comparable item available, the weight was counted as zero kilograms. As the items were very diverse, the weight of a considerable number of items (36 per cent) was not counted, which again makes the estimate conservative.

<sup>29</sup> For pianos only the keys were counted (88 keys =2 kilograms).



# ENVIRONMENTAL CRIME

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