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International cooperation in combating transnational crime

Illicit trafficking in protected species of wild flora and fauna and illicit access to genetic resources

Report of the Secretary-General**

Addendum

Contents

| | <i>Paragraphs</i> | <i>Page</i> |
|--|-------------------|-------------|
| I. Introduction | 1 | 2 |
| II. Comments received from Member States | 2-6 | 2 |
| Germany | 2 | 2 |
| Venezuela | 3-6 | 2 |

* E/CN.15/2003/1.

** The footnote required in accordance with paragraph 8 of resolution 53/208 B, in which the General Assembly decided that, if a report was submitted late to the conference services, the reason for this should be included in a footnote to the document, was not included in the original submission.



I. Introduction

1. Additional information from Germany as well as a reply from Venezuela have been received by the Secretariat in response to its note verbale of 26 September 2002, in which comments were sought from Member States on the content of the progress report on implementation of Economic and Social Council resolution 2001/12 on illicit trafficking in protected species of wild flora and fauna (E/CN.15/2002/7) together with details on relevant national legislation, practical experience, statistics and measures taken. These replies were received after finalization of the report of the Secretary-General on illicit trafficking in protected species of wild fauna and flora and illicit access to genetic resources (E/CN.15/2003/8) and are therefore covered in the present addendum.

II. Comments received from Member States

Germany

2. Germany reported that violation of the legal provisions on conservation of species could be punished either as a criminal or as an administrative offence. Up to five years' imprisonment or a fine could be imposed if one of the most endangered species (those listed in annex A of Council Regulation (EC) No. 338/97) was wilfully imported, exported or placed on the market without authorization. Up to three years' imprisonment could be imposed for offences involving a less endangered species (those listed in annex B of the above-mentioned regulation). For non-criminal offences, the Federal Agency for Nature Conservation or the authorities of the federal states could impose administrative fines of up to €50,000. Regarding law enforcement, special commissions composed of staff members of various national authorities had been created in a number of concrete cases, leading in one particular case to the sentencing of the principal offender to three years' imprisonment. Close cooperation and sharing of experience took place on a regular basis, formally as well as informally, among responsible authorities at the national, European and international levels and had been facilitated in particular in recent years through the use of modern information media.

Venezuela

3. Venezuela made reference to its National Act, by which the Convention on International Trade in Endangered Species of Wild Fauna and Flora had been approved, as well as to its Environment Act, Act on the Protection of Wild Fauna (a new draft of which was being revised and discussed), related regulations and other laws.

4. Regarding access to genetic resources, Venezuela mentioned that its resolution No. 54 of 20 March 1997 had established rules for the coordination of responsibilities among the individual ministerial offices and associated bodies for the processing of contracts for access to genetic resources. The bodies responsible were obliged to comply with the procedure established in decision 391 on a Common Regime on Access to Genetic Resources, which had been signed by, in addition to Venezuela, Bolivia, Colombia, Ecuador and Peru.

5. More generally, Venezuela hoped to see the officials of its Ministry of the Environment being invited and participating in the courses and general training provided by relevant European and American organizations.

6. Finally, Venezuela suggested that Economic and Social Council resolution 2002/18 of 24 July 2002 should be brought to the attention of other bodies, such as universities, foundations and national armed forces, as well as to any other body associated with animal and plant resources.
