

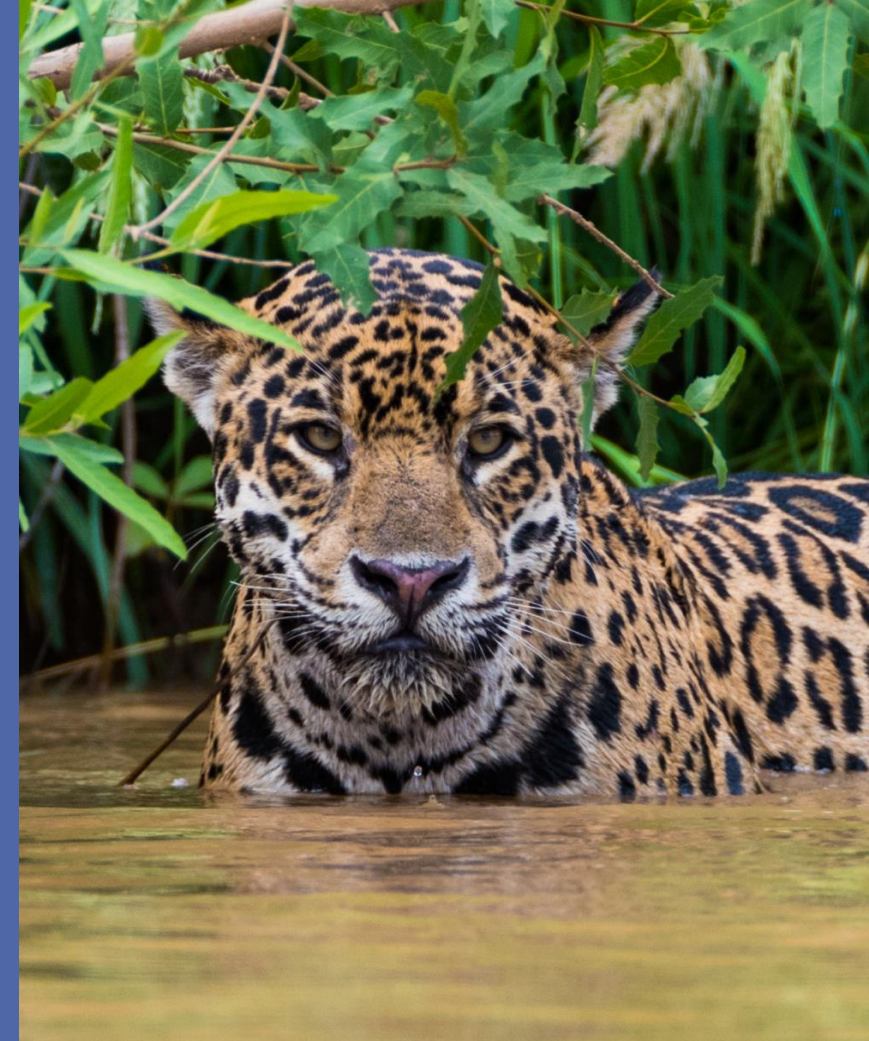


# Global Workshop on CMS Legislation

Effective and Deterrent Laws for  
the Implementation of the Taking  
Prohibition

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The European Union was recognized as Champion Plus for its generous support and commitment towards strengthening national legislation for migratory species for the period 2020 - 2025. This activity has been funded with the contribution granted by the European Commission under the Migratory Species Champion Programme and through the Global Public Goods and Challenges (GPGC Programme) Cooperation Agreements with UNEP.



## A New Area of Focus

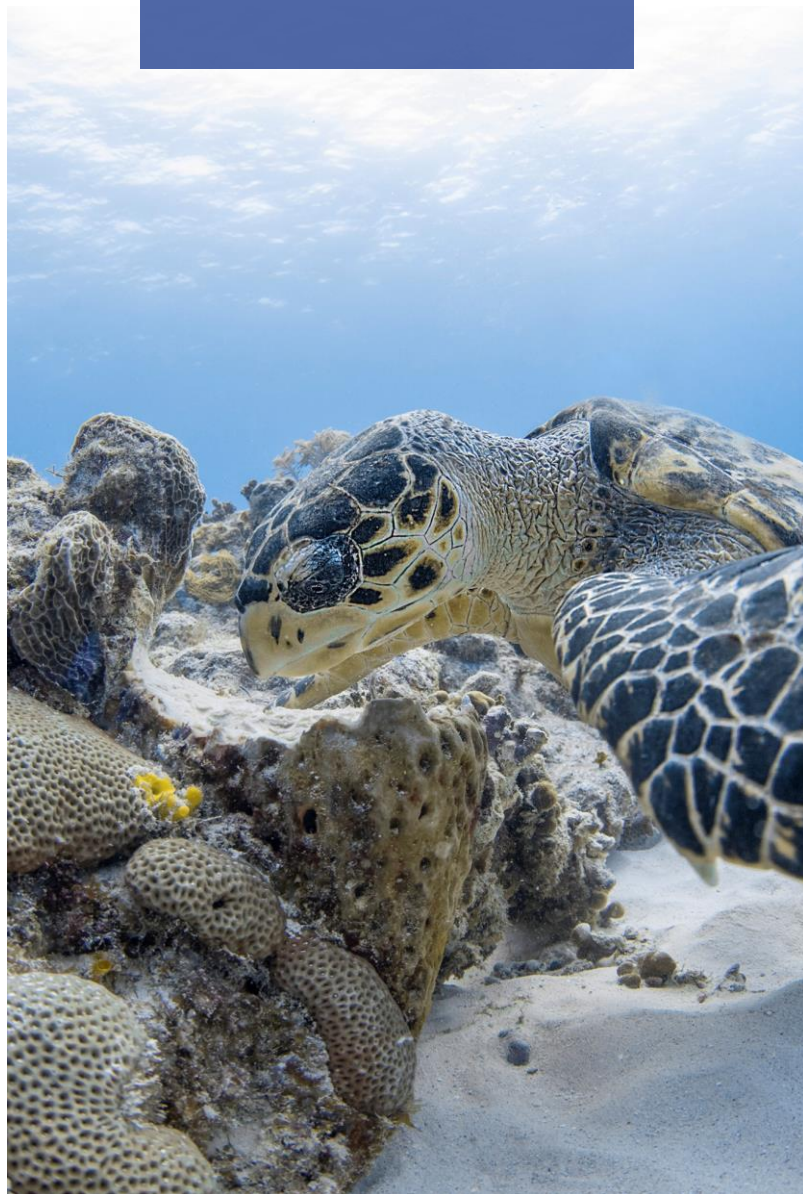
- CMS National Legislation Programme offers key insights into implementation of Article III.5
- Reviews of 70 Parties show progress, but also inconsistencies; Legal frameworks exist—but are they effective in deterring illegal take?



# Penalties: A Critical Yet Underexplored Component

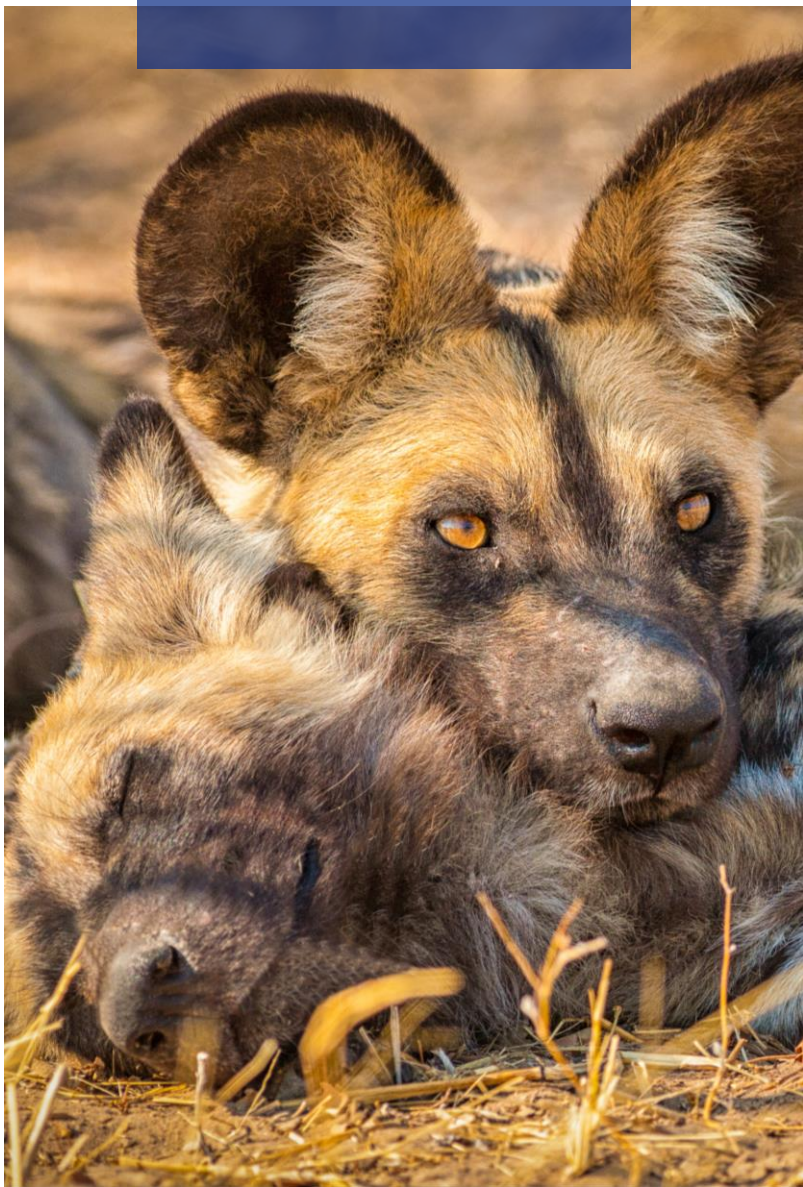
- While reviewing legislation, the Secretariat found limited information on how penalties are structured or enforced.
- Preliminary evidence suggests that penalties may be too lenient to deter violations, even when involving endangered species.
- COP14 recognized this gap and, through Decision 14.29(d), requested a dedicated study on penalties, subject to available resources.





# Legal Tools to Strengthen Deterrence and Compliance

- Criminal and Administrative Penalties and Fines
- Legal Tools Beyond Fines and Imprisonment:
  - **Licensing & Permits:** Required, revocable
  - **Administrative Sanctions:** Confiscation, bans
  - **Civil Liability:** Compensation, restoration
  - **Corporate Liability:** Legal entities held responsible
  - **Injunctive Measures:** Preventive legal action
  - **Reporting Duties:** Mandatory species interaction records
  - **Aggravated Circumstances:** Higher penalties



## Innovative Legal Approaches

- Tampering with trackers = Destruction of official property
- Using decoys = Fraud or obstruction
- Disabling surveillance = Cybercrime or tampering → These are not just wildlife crimes, but public authority offenses

# Next Steps & Discussion Questions

**Next step** – COP15, subject to the availability of resources, to commission a study to determine whether national legislation allows for effective, deterrent and proportionate penalties, including both criminal penalties and administrative sanctions, for Appendix I species taken in violation of the Convention, and the use of other legal tools to strengthen compliance with the taking prohibition

1. How are penalties applied in your jurisdiction?
2. Any innovative legal approaches or enforcement gaps?
3. Share experiences to improve implementation of Article III.5





THANK YOU!



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