FIGHTING WILDLIFE CRIME

Danube sturgeons – European and international legal framework for sturgeons protection
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For more information: www.danube-sturgeons.org

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1. WHAT ARE STURGEONS AND WHY ARE THEY SO IMPORTANT?

1.1 VALUABLE AND THREATENED

There are 27 species of sturgeon (Acipenseriformes), all living in the Northern Hemisphere. They inhabit the rivers, lakes and coastal waters of Europe, Asia and America. In Europe, eight species of sturgeon can still be found, but seven of these are listed as Critically Endangered.

Sturgeons are among the most valuable fish in the Lower Danube. For many centuries, giant Beluga and other sturgeons were important economic mainstays for many fishing communities. Until recently, sturgeons were extremely important for the economies of Romania, Bulgaria, and Ukraine, and had a significant role in commercial fishing in Serbia. However, the decrease of sturgeon populations over the last decades has been of severe concern for commercial fishermen, scientists, the States and their agencies.
The Black Sea connects the last two rivers on the European continent where natural spawning of sturgeon still takes place, the Rioni River in Georgia and the Lower Danube, therefore giving a huge responsibility especially to Bulgaria, Romania, and Ukraine.

A century ago, six species of these ancient fish were native to the Danube: Beluga Sturgeon (*Huso huso*), Stellate Sturgeon (*Acipenser stellatus*), Russian Sturgeon (*A. gueldenstaedtii*), Sterlet (*A. ruthenus*), Ship Sturgeon (*A. nudiventris*) and European Sturgeon (*A. sturio*). Five of them are now classified by the IUCN as Critically Endangered - with the European Sturgeon already extinct in the Danube and the functional extinction of Ship Sturgeon being discussed among experts\(^1\). Sterlet has been assessed as Vulnerable.

### 1.2 STURGEONS AT A GLANCE

- Romania and Bulgaria are the only EU countries where reproducing populations of wild Danube sturgeons can still be found. Serbia and Ukraine as non-EU countries share the same populations.
- Rapidly decreasing catches over the past decades indicated that sturgeons were disappearing from the Danube.
- Ukraine was the first of 4 countries to interdict sturgeon fishing in 2000. Serbia included Sterlet in the permanent fishing ban for sturgeons in 2019. In Romania and Bulgaria, sturgeon fishing is banned until 2021.
- Before the fishing bans were introduced, the main direct threat to sturgeons was overfishing. Today it seems to be poaching.
- Sturgeons are especially vulnerable because of their long-life cycle and late maturity, at an age of up to 20 years.
- As a measure against unsustainable trade in their meat and caviar, all sturgeon species are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and international trade requires authorised permits/certificates\(^2\).
- The Iron Gates dams confined migratory sturgeons, cut off important spawning sites and directly caused a decline in populations of Danube sturgeons.
- Channelization of the river, gravel extraction and navigation are big threats to sturgeons.

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\(^2\) To learn more about CITES, visit www.cites.org
2. ENVIRONMENTAL CRIME - A THREAT TO HUMANS AND TO THE SURVIVAL OF SPECIES

2.1 INTRODUCTION

A recent report of United Nations Environmental Program and INTERPOL finds that environmental crime is a growing crime area and estimates it ranked 4th globally of all illegal activities, following drug trafficking, counterfeiting and human trafficking. Despite the seriousness of the problem, it is very little known and, hence, rarely prosecuted and punished by the authorities.

“Environmental crime” is a collective term to describe illegal activities harming the environment and aimed at benefiting individuals, groups or companies from the exploitation of, damage to, trade in or theft of natural resources, including serious crimes and transnational organised crime. *Lato sensu*, is used to describe the illegal trade in wildlife but also illegal mining and trade in minerals, illegal logging and deforestation, illegal dumping and trade of hazardous toxic waste, smuggling, illegal fishing and trade.

All these illegal activities have immediate consequences at ecosystem level by disturbing the natural equilibrium, on the long term causing species extinction, deforestation, pollution, resource depletion, and of course impacting human health and livelihood.

Wildlife crime is a significant category of environmental crime, including acts in contravention of laws protecting wild animals and plants. Wildlife crime is regulated nationally and internationally by a series of conventions, with CITES being the most important for the regulation of trade. The seriousness of wildlife crime and trafficking of wildlife has been recognised relatively recently. The annual volume of illegal trade in flora and fauna is estimated to reach up to 20 billion Euros. Illegal harvesting, transportation and delivery of protected wildlife or wildlife products into legal or clandestine markets involve significant levels of criminality. Wildlife crime is now considered one of the largest transnational organised criminal activities.

However, it is often seen as rather irrelevant and as a “victimless crime”. The victims are nature and biodiversity, the people who used to make a living from the targeted endangered species - and could do so again if the protection plans work and the stocks recover - and the state losing tax revenue from legal production and trade. Residents of rural communities, often living below the poverty line, are exploited by criminals and dispatched into hazardous terrain to harvest the sought-after species. The Environmental Prosecution Report states that wildlife crime is still being recorded less than any other environmental crime, but stresses that it should be a genuine priority due to its wide implications, complexity and connection to organised crime.

Organised crime groups and networks are increasingly engaged in this field due to the high profits that can be made and the relatively low risk of being caught and convicted. Black market prices for wildlife - such as sturgeon caviar - can exceed gains made from gold or heroin. Most of the time the criminal channels are very complex and diverse, not focused only on one criminal activity, such as weapons or drugs, but multi-channel operations incorporating these and even expanding to wildlife crime. By closing channels for wildlife trafficking, other illegal activities are most likely struck, too.

Furthermore, illegal wildlife trade is not only damaging to nature and weakens the rule of law, but it is considered to be directly linked to other forms of serious crimes such as forgery, tax fraud, money laundering, corruption, financial threat, violence, intimidation and even terrorism. Some of the most efficient and successful prosecutions of wildlife trafficking cases have been conducted using not wildlife legislation but criminal statutes that seek to penalise associated offences such as document fraud, customs law violation, tax evasion, fraudulent advertising, trade with counterfeit goods, conspiracy or racketeering.

The organised crime networks usually work transboundary, which can imply catching the species in one country, often by exploiting the people from vulnerable countries that are nature and biodiversity, the people who used to make a living from the targeted endangered species - and could do so again if the protection plans work and the stocks recover - and the state losing tax revenue from legal production and trade. Residents of rural communities, often living below the poverty line, are exploited by criminals and dispatched into hazardous terrain to harvest the sought-after species. The Environmental Prosecution Report states that wildlife crime is still being recorded less than any other environmental crime, but stresses that it should be a genuine priority due to its wide implications, complexity and connection to organised crime.

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The organised crime networks usually work transboundary, which can imply catching the species in one country, often by exploiting the people from vulnerable
communities, transporting them to another where this activity might not be illegal to „whitewash” them after which they are exported to another country where they will be placed on the market, making it almost impossible to trace the criminal activities.

Low risks and high gains fuel wildlife crime: as identified by several reports, reasons for ongoing wildlife crime are permissive laws, low fines, low prosecution rates and low conviction rates. Furthermore, insufficient enforcement with underfinanced and understaffed authorities to tackle wildlife crime, which are often dispersed over vast parts of land, river or sea, makes this crime difficult to police. Poverty of rural communities is often a driver, as wildlife crime offenders can gain high profits and continuous demand fuels their business.

To better understand the dimension of the problem, it is important to understand the gains involved in the illegal trade in sturgeons. According to anecdotal information, the price offered to fishermen for a kilogram of caviar is approx. 400 Euro - which can add up to a total yield of 15 000 EUR and more, if a large female Beluga is caught - while the final retail price can reach up to 10 000 EUR per kilo.

Another type of major threat to fish stocks is represented by illegal, unreported and unregulated fishing\(^6\). In response to this issue, the international community is making efforts to combat this problem through different action plans (such as the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing developed in 2001 by the Food and Agriculture Organization of the United Nations\(^7\)), strategies and legislative acts. Also, the European Union adopted a series of Regulations, the most recent being the Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported, 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\(^8\), together with 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\(^9\).

The Regulations established a control system for inspections of the ships and import/export of fishery products to ensure the products entering the market are validated as legal by the responsible authorities.

Effective law enforcement, a functional legal system and credible penalties are crucial to control and prevent wildlife crime and reverse the low risk/high profit equation.

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\(^6\) Defined by Article 2(2-4) of Council Regulation 1005/2008 as:

2. ‘illegal fishing’ means fishing activities:
   (a) conducted by national or foreign fishing vessels in maritime waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
   (b) conducted by fishing vessels flying the flag of States that are contracting parties to a relevant regional fisheries’ management organisation, but which operate in contravention of the conservation and management measures adopted by that organisation and by which those States are bound, or of relevant provisions of the applicable international law;
   (c) conducted by fishing vessels in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries’ management organisation;

3. ‘unreported fishing’ means fishing activities:
   (a) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations;
   (b) which have been undertaken in the area of competence of a relevant regional fisheries’ management organisation and have not been reported, or have been misreported, in contravention of the reporting procedures of that organisation;

4. ‘unregulated fishing’ means fishing activities:
   (a) conducted in the area of application of a relevant regional fisheries’ management organisation by fishing vessels without nationality, by fishing vessels flying the flag of a State not party to that organisation or by any other fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation;
   (b) conducted in areas or for fish stocks in relation to which there are no applicable conservation or management measures by fishing vessels in a manner that is not consistent with State responsibilities for the conservation of living marine resources under international law;


\(^8\) Official Journal of the European Union, L 286, 29 October 2008

2.2 STURGEONS AND WILDLIFE CRIME

Poaching and illegal trade targeting sturgeons and caviar is a part of wildlife crime particularly relevant for the Lower Danube region, where these rare and precious fish still occur. Comparable to the situation of tigers, elephants or rhinos, which receive much attention globally, wildlife crime in Europe is threatening the survival of sturgeons and urgent action by all parts involved is needed to effectively combat illegal fishing and trade.

Due to the minor importance attributed to wildlife crime, even when a poacher is caught by the enforcement authorities, most of the time he will not be prosecuted, as the prosecutor (and in the end the judge, if the case goes to the Court) is not always aware of the importance of the species in the ecosystem and may assume that there is no substantial prejudice to determine further investigation. As soon as the case is closed, all the tools used to commit the crime are returned to the poacher, hence he can continue the activity. Moreover, the inequality deepens as enforcement authorities are underfunded, with restrictions on fuel or boats, while the poachers can either purchase new high-performance equipment or upgrade existing equipment, funded by the illegal activity.

To ensure that caviar on the market is legally sourced and traceable, the mandatory CITES labelling system was introduced in 2000. The label consists of a code that enables consumers and authorities to trace the origin of the caviar. The most critical issue regarding the CITES label, however, is the lack of a standard design or security features, giving each producer the liberty to make its own design. Besides the difficulty to read and understand a CITES code, the varying label designs create more difficulties for controlling agencies, and make it easier for criminals to forge labels and „whitewash“ illegally obtained caviar. For more details about caviar labelling requirements, please see Annex I.

1. Poaching / illegal fishing:
   - Capturing or killing protected animal species;
   - Use of prohibited fishing gear;
   - Illegally obtaining licenses (which allow capture of protected sturgeons e.g. for scientific or reproduction purposes);
   - Underreporting or misreporting legal captures;
• Not releasing legally captured sturgeons for scientific or reproduction purposes (if legally required);
• Not releasing sturgeons captured as bycatch;
• Not reporting sturgeons captured as bycatch (if legally required).

2. Illegal possession of illegally obtained sturgeons or products made from them

3. Transport of illegally obtained sturgeons or sturgeon products

4. Illegal production or processing:
• Processing illegally obtained sturgeons or sturgeon products (meat, caviar, etc.);
• Processing without required documentation verifying the legal origin;
• Operating production or processing facilities without mandatory registrations and licenses.

5. Illegal export or re-export:
• Export without CITES permits;
• Export with fraudulent CITES permits or false declarations (e.g. actual volume exceeding volume on permit);
• Misclassification of sturgeon products as from non-CITES species;
• Export of sturgeon caviar without CITES labels or with CITES label not following requirements (e.g. not sealing the container or permitting other visual evidence of any opening);
• Facility exporting without CITES license.

6. Illegal import:
• Import without CITES permits or not declaring at all;
• Import with fraudulent CITES permits or false declarations;

7. Illegal supply and sale:
• Offering illegally obtained sturgeons or sturgeon products for sale;
• Offering for sale without required documentation verifying the legal origin;
• Operating aquaculture facilities producing sturgeon caviar without CITES license and other legally required licenses (sanitary, tax, etc.);
• Infiltrating illegally obtained sturgeons or sturgeon products into aquaculture facilities;
• Fraudulently providing illegally obtained sturgeons or sturgeon products with legal documentation;
• For EU Member States: Trade in sturgeon caviar without CITES labels or with CITES label not following requirements (e.g. not sealing the container or permitting other visual evidence of any opening).

8. Damaging ecosystems.

2.3 THE SITUATION OF DANUBE STURGEONS TODAY

Sturgeon fishing has a long history in the Danube region and for many centuries it has helped local communities to flourish, but today sturgeons are on the brink of extinction and it is our turn to help them recover.

In Bulgaria, total annual catches fell from 63.5 tons in the 1940s to 25.3 tons in 1995-2004. In Romania – with the Danube delta as a key fishing area – total annual catches fell from approximately 1144 tons in 1940 to less than 8 tons in 1995. In Serbia, there was a continuous decline of the annual sturgeon catch by commercial fishermen from about 55 tons in 1969 to about 21.5 tons in 1979 when the Iron Gate I dam was constructed. After five years the total annual catch peaked to about 72 tons. After 1989 there was again a continuous trend in drop of the annual sturgeon catch which lasted until 2003 (about 10 tons), shortly after CITES was ratified. Sterlet catch in 2003 fell to about 6 tons and fishing was allowed until 2019. The trend in annual catches continued to decline with occasional fluctuations.
In the Black Sea region, all the countries have established a fishing ban for sturgeon:

- Turkey 1971: banned fishing of sturgeon species in the Kizilirmak, Yeşilirmak and Sakarya rivers, and limited the size of the fish that could be fished from other rivers. In 1979, the state extended the ban to all rivers and species, with an exception, still allowing the catch of Belugas over 140 cm. Starting 1997 the ban includes all sturgeons regardless of their size.

- Georgia 1967: completely banned sturgeon fishing.

- Russia 1985: imposed a ban in the Azov Sea for Beluga, in 2005, the ban was extended to all species including those from the Black Sea.

- Ukraine 1994: included four sturgeon species (A. nudiiventris, A. ruthenus, A. sturio and H. huso) in the Red List, meaning that their harvest from natural habitats was prohibited. In 2009 A. stellatus and A. ruthenus were added to the list. Also, trade in wild caught sturgeons from Ukrainian waters is prohibited.

- Serbia 2009: introduced a ban which included 5 species (H. huso, A. gueldenstaedtii, A. nudiiventris, A. stellatus and A. sturio). The Sterlet (A. ruthenus) was allowed to be caught only if it was over 40 cm and not in the spawning period of the year. As of 1st of January 2019, a total fishing ban was introduced for Sterlet as well. The permanent fishing ban that is now in place for all six sturgeon species means that fishing and trading of the species is forbidden.

- Bulgaria 2008: banned sturgeon fishing from the Black Sea, and in 2011 a one-year ban was set in place for the Danube region, this was extended for 4 years in 2012 and renewed for 5 years to be revised in 2021. Also, trade in wild caught sturgeons from Bulgarian waters is prohibited.

- Romania 2006: issued a ban on sturgeon fishing in the Black Sea and Danube for all species, for 10 years. In 2016 the order was prolonged for another 5 years, until 2021. The ban includes not only the sturgeon fishing from natural habitats but also selling them and other products derived from them.
2.4 TRADE IN STURGEONS AND STURGEON PRODUCTS

All sturgeons and products made from them are subject to CITES Regulation.

CAVIAR

Caviar is the roe of sturgeon. It is usually harvested from freshly killed female sturgeons before the eggs get ripe. Caviar is one of the most valuable wildlife products. Its very high economic value is the main reason for the dramatic status of sturgeons in the Danube and worldwide.

To control the trade and to protect sturgeons, every container of sturgeon caviar has to bear a label with a clearly defined code that enables authorities to trace its origin. The non-reusable label must either seal the container or the caviar must be packaged in such a manner as to permit visual evidence of any opening. More information can be found in the project’s Caviar Labelling brochure and the Annex section of this publication.

Most common varieties of caviar in trade are Beluga (from Beluga Sturgeon; very high prices), Osetra/Osietra (mainly from Russian Sturgeon or the closely related Persian Sturgeon; high prices) or Sevruga (from Stellate Sturgeon; lower price).

MIXING OF CAVIAR FROM DIFFERENT SPECIES

Caviar from different sturgeon species may not be mixed into a primary container (the container in direct contact with the caviar), except in the case of “pressed caviar”.

“Pressed caviar” is a dense salty paste composed of damaged sturgeon roe and can be a combination from different sturgeon species.

CAVIAR SUBSTITUTES

Eggs from other fish species (lumpfish, salmon, herring, etc.) or even products made from other materials are often sold as “caviar”. As this derives from species not listed in CITES it is not covered by wildlife trade regulations. However, caviar substitute is often sold as originating from sturgeons, which is deceit of customers.

STURGEON MEAT

Sturgeon meat is in demand as a delicacy and achieves higher prices than most other fish species. While caviar used to be mainly exported from the Lower Danube region, meat was largely consumed within the region. Sturgeon meat is sold fresh, smoked, frozen or dried, as a whole or in parts, fillets, terrines, canned, etc.

OTHER PRODUCTS

Other products from sturgeons that are traded include skins and handicrafts made from sturgeon leather, glue made from swim bladders (“isinglass”), stuffed specimens, caviar extract for luxury facial creams (with a strong increase of imports to the EU, worth 2.7 Billion EUR in 2011).

Live specimens are traded, too, both for aquaculture (mainly fingerlings and fertilized eggs) as well as for ornamental purposes (mainly Sterlet).
2.5 STURGEON AQUACULTURE

Sturgeon farming is the fastest growing sector in regional aquaculture. Operating in accordance with nature conservation, this industry can be positive both for local livelihoods and for wild sturgeons.

Yet these companies can also pose a potential risk to wild sturgeons, as they are allowed to take certain numbers of sturgeons from the wild for artificial propagation with the obligation to release them back into the Danube River. Also, the “whitewashing” of illegally obtained products - introducing meat or caviar from poached sturgeons into the market pretending to be farmed - is a considerable threat, undermining sturgeon conservation as well as legal production and trade.

2.6 FINDINGS OF ILLEGAL FISHING AND TRADE ACTIVITIES TARGETING DANUBE STURGEONS

Although sturgeon fishing is now illegal in the whole Lower Danube, poaching still occurs rather widely.

This was demonstrated in 2012 in a first-time WWF caviar market survey conducted in Bulgaria and Romania. According to the survey, despite legal protection in the form of sturgeon fishing bans, illegal caviar from wild sturgeon could be bought by surveyors on several occasions in Romania and was offered for sale in Bulgaria.

A larger-scale survey of both sturgeon meat and caviar was carried out by WWF in Bulgaria, Romania, Ukraine and Serbia in 2017 and 2018. A total of 112 samples were acquired from all kinds of retailers: shops, restaurants, markets, street vendors, online offers, aquaculture producers, etc. Samples were analysed genetically (at the Leibniz Institute for Zoo and Wildlife Research; Germany) and for isotope ratios (at Agroisolab; Germany) to determine:

- species or hybrid,
- source – from wild caught or captive bred sturgeons,
- geographical region of origin.

A very high rate of 34% of all samples was identified as illegal: 25 samples of sturgeon meat and caviar were from poached wild sturgeons, 13 samples of caviar had violated national laws and CITES/EU Wildlife Trade Regulations as they were illegally imported, mislabelled or unlabelled. In addition, 4 cases of consumer deceit were found: 2 samples of caviar and 2 samples of meat were sold as from sturgeon but were actually made artificially or from sturgeon waste products (caviar) or from other fish (meat).

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In addition, during a study of seizure data between 2000 and 2009, reports showed zero cases reported by Bulgaria and Romania, while there were 14 cases reported by other EU Member States (Austria, France, Germany, Hungary, Italy, and the Netherlands), all implicating Romania and Bulgaria.

WWF conducted an analysis of cases of sturgeon trafficking reported by law enforcement authorities between 1st January 2016 and 15th May 2020. This is the only available compilation of such information for the Lower Danube, and figures must be seen as minimum numbers of cases that occurred in the region in the assessed time period. Cases include seizures of illegal fishing gear, live or dead sturgeon specimen or their products (caviar, meat). Overall, a minimum of 175 cases of sturgeon trafficking (illegal fishing and trading) were compiled. These involved at least 573 specimens of sturgeons, which fell victim to illegal activities.

3. STURGEON LEGAL PROTECTION FRAMEWORK

LEGAL PROTECTION OF WILDLIFE

Because most of the crime targeting wildlife takes place transboundary, there is a strong need for cooperation between Governments to ensure the effectiveness of the legal framework to protect these species from overexploitation. This need appeared as early as the 18th Century, when a series of treaties were signed between different states in order to ensure the transboundary environmental protection. We can mention the Treaty between Italy and Austria signed between 5-29 of November 1875 concerning the protection of useful birds for agriculture during the autumn and winter.

During the 19th Century a series of international treaties were signed to protect fishery resources, most of them focusing on delimitation of fishing zones and less on protection measures.

The sources of environmental law can be divided into international treaties as main source, mandatory resolutions of international organisations for its member states (such as the UN Security Council, European Union as resolution or directive); optional texts, customs and other auxiliary acts (such as court decisions which have a great role in identification and interpretation of rules concerning environmental protections).

Until recently, only civilian and administrative mechanisms were used for the liability of prejudices against the environment, where usually the rule is that the liability is objective, independent of the delinquency, and it mainly focused on repairing and preventing the damage instead but not punishing.

However, due to the complexity of damages done by human activities and their impact on ecosystems, it was a natural move to protect the environment through criminal law mechanisms. A step in this direction, on an international level, was made by the Convention on the protection of the Environment through criminal crime (which never entered into force). At European Union level one of the main legislative acts that settles this gap between civil and penal protection is Directive 2008/99/EC of the European Parliament and the Council of 19 November 2008 on the protection...
of the environment through criminal law\textsuperscript{15}. As it is normal for the criminal law, both acts are proposing to sanction acts committed by negligence, while a direct link needs to be demonstrated between the violation of law and the criminal will.

**CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) & EU WILDLIFE TRADE REGULATIONS**

Signed in 1973 in Washington D.C., CITES represents an international agreement between Governments aiming to ensure that international trade in flora and fauna specimens doesn’t threaten their survival in the wild. According to the Convention, all Parties must assign a national CITES Management Authority and a CITES Scientific Authority responsible for the implementation of the Convention.

The Convention entered into force in 1975, and at this moment it is signed by 183 Parties, including Bulgaria, Romania, Serbia and Ukraine.

The Convention has 3 Appendices which include species of wild fauna and flora which could be endangered by unregulated trade, having different juridical protection.

Appendix I lists “\textit{all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances}”.

The export of Appendix I species requires presentation of an export permit as well as an import permit. The export permit will be issued if specific conditions are met, such as approval by the Scientific Authority of the State of Export, that the export will not harm the survival of the species; the Management Authority of the State approves that the specimen was not obtained illegally, it is satisfied with the conditions of the transport; and that an import permit was issued. The import of the specimens is also tied to conditions that must be met: the Scientific Authority of State of Import advised that there is no danger to the survival of the species; it is satisfied with the conditions of housing and caring; the Management Authority of the State of import proves that the specimen won’t be used for commercial purposes;

Re-export requires the issuance of a re-export certificate, which can be done if the following criteria are met: the Management Authority of the State of re-export certifies that the specimen was imported according to the rules stated by the Convention, it will be transported without harm, and the existence of the import permit.

Appendix II includes:

“(a) all species which although not necessarily now threatened with extinction, may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.” (Art.2)

The same rules apply for the export of the specimens listed in Appendix II and Appendix I, except for the import permit.

The import requires the presentation of an export permit or a re-export certificate, while the re-export certificate can be issued if the specimen was imported legally and the Management Authority of the State of re-export approves the preparatory and shipping conditions.

Appendix III covers “\textit{all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade\textsuperscript{16}.}”

The export of Appendix III listed specimens are granted based on the export permit, which can be obtained if the Management Authority is convinced that the specimen was legally obtained and that the shipment won’t affect it.

The import is granted based on the certificate of import and export permit and a re-export certificate is issued if all the provisions of the Convention are met.

Among the 27 species of sturgeons and 2 paddlefish species existing, Shortnose Sturgeon (\textit{Acipenser brevirostrum}) and European Sturgeon (\textit{Acipenser sturio}) are included in Appendix I, while the remaining 25 are included in Appendix II.

Even though most of the countries ratified the Convention, the sturgeon stocks continued to dramatically decline, in the Danube Delta the catches dropped to less than 8 tons in 1995 compared to 1 144 tons in the 1940, along the Danube the catches fell from 63.5 tons in 1940 at 25.3 tons in 1995-2004; e.g. on Ukrainian part of the Danube Delta according to an expert approximate assessments the sturgeon stock declined from 5000 tons per year in the 1990s to 30.0 tons per year nowadays. Thus, sturgeon population in this part declined 100 times over 25 years.
During the 12th Conference of the parties from Santiago (Chile), Resolution 12.7 (Rev. CoP17) - Conservation of and trade in sturgeons and paddlefish was adopted. The document recommends a series of legislative and administrative, operational (control) and coordination measures to ensure the conservation of sturgeon such as personal effects exemption for caviar, caviar labelling, taking measures to ensure the registration of sturgeon facilities to the Convention, and applying the export quotas established by the Convention (starting on the 1st of March for the actual year).

On an operational and coordination level a more vigilant approach is recommended in the trade aspects of caviar and sturgeons and enhanced cooperation between relevant authorities is recommended.

Even though all the European Union Member States are Parties to CITES, the European Union, as a juridical entity, was not part of the Convention for a very long time. Through Council Decision (EU) 2015/451 of 6th of March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) starting from the 8th of July 2015, the European Union officially became a Party of the Convention.

Even though the EU is a single market and there are no systematic border controls, the CITES provisions have to be implemented uniformly in all Member States, which could not be achieved only through CITES. This was overcome through the promotion of several Regulations:

- Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein which sets out the principles stated by the Convention and the basic requirements for the trade;19

The EU Wildlife Trade Regulations not only implement the provisions of CITES and the majority of CITES Resolutions, they also go beyond the requirements of the Convention in some respects.

Regulation (EC) No 338/97 has four Annexes (A-D) which contain also non-CITES species. The sturgeon species Acipenser brevirostrum and Acipenser sturio are included in Annex A (largely corresponding to CITES Appendix I), and the rest of the sturgeon species are included in Annex B (largely corresponding to CITES Appendix II).

Beside Annex C (largely corresponding to CITES Appendix III), the EU Wildlife Trade Regulation has Annex D, which includes some species from Appendix III, for which the EU holds a reservation, and non-CITES species.

There are stricter requirements for the import of the specimens. For species listed in Annex A and B there must not be an import restriction issued by the Commission and there must not be other conservation factors against import. An import permit is required not only for Annex A but also for Annex B species. The Scientific Authority must be convinced that import will not be harmful for wild populations and that the place at the destination is adequately equipped for hosting the specimens; the applicant must prove that the specimens were obtained legally.

Within the EU internal market, for Annex A-species, it is prohibited to purchase, sell and display the specimens for commercial purposes.

The Convention’s objective is to ensure the conservation of flora and fauna species (including endangered and vulnerable species) and natural habitats, especially of those species and habitats that require international cooperation, and promote such a cooperation.

18 Official Journal of the European Union, L 75, 19 March 2019

The Bern Convention has 4 Annexes which are regularly updated by the Standing Committee, stating different type of juridical protection: **Appendix I** - strictly protected flora species, **Appendix II** - strictly protected fauna species, **Appendix III** - protected fauna species, and **Appendix IV** - prohibited means and methods of killing, capture and other forms of exploitation. From the eight European sturgeon species, unfortunately only five are covered by the Convention’s Appendices. Appendix II lists (Acipenser naccarri, Acipenser sturio and the Mediterranean population of Huso huso) and Appendix III currently lists Acipenser ruthenus, Acipenser stellatus and Huso huso), the latter three being relevant for the Danube and the Black Sea basin.

The Parties are required to take all the necessary legislative and administrative measures to protect wild flora and fauna species’ habitats, especially for those mentioned in Annex I and II, and the conservation of endangered natural habitats. For the species mentioned in Appendices II and III, the Parties must take measures for the protection of areas important for migratory species situated in relation to migration routes as wintering, staging, feeding, breeding or moulting areas in coordination with neighboring countries if the areas are cross border.

In regard to species protection, all the Parties will forbid in concordance with the provisions of Article 6, for the species mentioned in Appendix II, the following activities:

- All forms of deliberate capture and keeping and deliberate killing;
- The deliberate damage to or destruction of breeding and resting sites;
- The deliberate disturbance of wild fauna, particularly during the period of breeding, rearing a hibernation, insofar as disturbance would be significant in relation to the objectives of the Convention;
- The deliberate destruction or taking of eggs from the wild or keeping eggs even if empty;
- The possession of and internal trade in these animals, alive or dead, including stuffed animals and any readily recognizable part or derivative thereof, where this would contribute to the effectiveness of the provisions of the article.

For the species mentioned in Appendix III, the Parties will regulate exploitation to keep the population out of danger. They will take all the necessary legal and administrative measures needed, which could include:

- Closed seasons and/or other procedures regulating the exploitation;
- The temporary or local prohibition of exploitation, as appropriate, to restore satisfactory population level;
- The regulation, as appropriate, of sale, keeping for sale, transport for sale or offering for sale of live and dead wild animals

For species mentioned in Appendix II and III the usage of indiscriminate means of capture and killing, the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species and especially explosives, firearms, poisons, anesthetics, gassing, electricity, artificial light source, is forbidden.

Any derogation must be allowed only if there is no other satisfactory solution and if it will not be detrimental to the survival of the population and concerning one of the following points:

- For the protection of flora and fauna;
- To prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property;
- In the interest of public health and safety, air safety or other overriding public interests;
- For the purposes of research and education, repopulation, reintroduction and for the necessary breeding;
- To permit, under strictly supervised conditions, on a selective basis and to a limited extent, the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers.

Moreover, the Parties will take measures and encourage the reintroduction of native species when this will contribute to the conservation of endangered species and will strictly control the introduction of non-native species.

For an institutional point of view, a Standing Committee was established within the Convention, comprising of delegates of the Contracting Parties, including the European Union, which meets every 1-2 years and whenever the Contracting Parties requests. The Standing Committee ensures Convention implementation, mainly reviewing the provisions of the Convention and its appendices, examining any modification necessary, recommending measures to be taken for better protection of species and habitats, effectiveness of the Convention, etc.

During the 38th Standing Committee Meeting in 2018, all contracting parties agreed to adopt and implement the “Pan-European Action plan for sturgeons” covering all eight European sturgeon species, (7 of them being listed by IUCN Red List as

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23 Article 7 of the Convention on the Conservation of European Wildlife and Natural Habitats
24 Article 9(1) of the Convention on the Conservation of European Wildlife and Natural Habitats
critically endangered, and 1 vulnerable. Besides the native species from Bulgaria, Romania, Serbia and Ukraine, it includes Adriatic sturgeon (*Acipenser naccarrii*) and Baltic sturgeon (*Acipenser oxyrinchus*). Developed by the World Sturgeon Conservation Society and WWF, and with input from more than 40 international experts, the plan is an advocacy tool which aims to “restore all existing sturgeon population to 'least concern' (IUCN) or ‘favorable’ (Habitat Directive) status and re-establish self-sustaining sturgeon populations as well as their life-cycle habitat in their historic range to an extent that ensures species survival and representation of the subpopulations where possible”. This can be achieved through a series of objectives such as: protection of remaining wild populations; support population trough ex-situ breeding and releasing programs; securing, protecting and restoration of habitats; securing and facilitating migration; monitoring; and elimination of illegal trade.

**CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS - CMS OR BONN CONVENTION**

Adopted under the aegis of United Nations Environment Programme, in 1979, the Convention on Conservation of Migratory Species of Wild aims to ensure the protection of migratory species, especially those which are in unfavorable status, by taking the necessary measures individually or in cooperation, to ensure the conservation of the species and their habitat.

This could be achieved by promoting cooperation and support in research of migratory species; ensure immediate protection for the species listed in Appendix I (which lists the endangered species) and promote agreements for conservation and management of species included in Appendix II (which lists species that have an unfavorable conservation status). The agreements shall aim to ensure the restoration of favorable conservation status or maintain it, and should cover all the Range States where the species exists, even if they are not part of the Convention.

In 1979, the only sturgeon species covered in Appendix II by the Convention was *Acipenser fulvescens*, but in 1999 all European sturgeon species were included in Appendix II, covering all species native to the Danube river area. However, due to the critical status of the *Acipenser sturio* (last documented capture in the Danube was in 1950, listed as Critically Endangered), it was moved to Appendix I in 2005, meaning that Range States must prohibit the capturing of these animals. Though there are 4 exceptions mentioned by the Convention in Art. III (5) for the species mentioned in Appendix I:


The Directive will “contribute to ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States” (art 2), the measures taken by Member States pursuant to this Directive, shall be designed to maintain or restore at favorable conservation status, the habitats and species, considering the economic, social and cultural requirements and regional and local characteristics.

The conservation and protection measures are differentiated according to the Annex on which the species are listed, Annex II - species of community interest whose conservation requires the designation of special areas of conservation (Natura 2000 sites), Annex IV - species of community interest in need of strict protection (the protection regime must be applied even if the species are outside Natura 2000 designated sites), Annex V species whose taking in the wild and exploitation may be subject to management measures.

For the species mentioned in Annex II, the Directive establishes the Natura 2000 ecological network, which must be designated by the Member States if they met the criteria set in Annex I - natural habitats types of community interest whose conservation requires the designation of special areas of conservation, and Annex III - criteria for selecting sites eligible for identification as sites of community importance and designation as special areas of conservation. The Annex VI contains the prohibited methods and means of capture and killing, and modes of transport.

Species listed in the Directive’s Annexes are protected in various ways:

- For species listed under Annex II - (A. sturio and A. nacarii, both as priority species), core areas of their habitat are designated as sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species. Regarding European sturgeon, eleven areas have been designated up to now and six others are in the process of being approved, which includes some NATURA 2000 sites.

- For species listed under Annex IV - a strict protection regime must be applied across their entire natural range within the EU, both within and outside Natura 2000 sites. (A. sturio and A. nacarii are also listed here).

- For species listed under Annex V - Member States must ensure that their exploitation and taking from the wild is compatible with maintaining them in a favourable conservation status. (all other sturgeon species in Europe are listed here).

Article 6 is the main provision of the Habitats Directive, targeting species conservation measures. It provides that Member States must take appropriate steps to avoid the deterioration of natural habitats, and of the habitat of species for which the habitat has been designated, as well as disturbance of those species if such disturbance could be significant in relation to the objectives of the Directive.

Under the Habitats Directive (Article 17) Member States are required, to monitor the conservation status of the habitat types and species covered by the Directive, and to report their findings, as well as compensation or derogation measures they may have applied, to the strict protection measures, to the Commission every 6 years. The reporting database can be accessed online.

The new explanatory notes and guidelines for the 2013–2018 period also state that the lack of knowledge about the marine stages in the life cycle of most anadromous fish, and that the same populations occur in marine areas and rivers (so the status in adjacent biogeographical and marine regions is closely linked), the status of anadromous fish should only be assessed in terrestrial biogeographical regions. As the only exception to the rule, four sturgeons are mentioned: A. sturio, A. stellatus, A. gueldenstaedtii, and Huso huso.

Acipenser sturio species, included in Annex 4A - Species of community interest - species of plants and animals that requires a strict protection, while all sturgeon species are included in Annex 5A - Species of community interest - species of plants and animals of community interest, excluding the bird species which are subject to management measures.
PROTECTION MEASURES THROUGH CRIMINAL LAW

In the 17 and 18th Century, a series of legal acts that protected the environment were adopted, for many years the environmental laws were not seen as a real branch of Law. However, things started changing recently due to a strike of natural catastrophes, climate changes, depletion of natural resources, extinction or being on the brink of extinction, of some species, etc. The international community started taking measures for the protection of the environment through different mechanisms such as Conventions, Directives, etc. However, most measures were on civilians and the civil side, aimed at restoration in order to reestablish the ecological equilibrium, and less focused on repressive measures against the criminal. As a natural evolution of the environmental laws, the criminal part had to be included. Some states started taking national measures by modifying or adopting legal texts. Even the Council of Europe understood this issue in 1998 when the Convention on the Protection of the Environment through Criminal Law was signed at Strasbourg by 12 states (including Romania in 1999 and Ukraine in 2006) but ratified only by Estonia. The Convention never entered into force as a minimum of 3 ratifications were required.

It is worth mentioning recent developments like 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, which takes the provision established by the Convention further and aims to “establish measures relating to criminal law in order to protect the environment more effectively” 29. The Directive obliges the Member States to include proportionate and dissuasive criminal penalties related to environmental protection in their national legislation, making sure it is sanctioning, inciting, aiding and abetting the intentional conduct as well.

Besides the sanctions applied for the discharge of materials into water that could do substantial damage to the water quality and/or aquatic fauna, it incriminates the killing, destruction or taking of specimens, trading of such, and any destruction of habitats within a protected site for the species protected by CITES and the consequent EU Regulation 338/97 on the protection of species of wild fauna and flora, such being the case of sturgeons.

CONVENTION OF BIOLOGICAL DIVERSITY (CBD)

Due to industrialisation, intensive agriculture, and pollution, more than 60 percent of species are endangered, revealing the urgency to put measures for genetic biodiversity conservation in place. The Convention came to settle the disputes between the countries in which the biological resource lives and the ones who are actively researching them, by sharing access to the resources and to the research results, 30 to ensure the conservation and sustainable use of biological diversity for the benefit of future generations.

During the United Nations Conference on Environment and Development, held in Rio de Janeiro, on the 5th of June 1992, the Convention was opened for signatures. Article 1 states 3 objectives, conservation of biological diversity, sustainable usage of them and sharing the benefits resulting from their exploitation.


According to the Convention, each country is responsible to elaborate and adapt their own strategies, plans, and policies to ensure the sustainable use of biological diversity. Moreover, and linked to, sturgeon conservation measures worldwide, they are required to take measures for “in situ” conservation such as designation of protected areas (at national level, not at European level as Habitat and Birds Directive requires), where it should take administrative, legislative, and operational measures for the protection of species. The “in situ” measures are being completed by the “ex situ” measures, meaning that member States could create facilities for recovery and rehabilitation of threatened species and their reintroduction in natural habitats under appropriate conditions.

Even though the Convention on biological diversity is a very general one, it strives to break the national barrier of measures and exploitation, by promoting international cooperation for the conservation of biological diversity for future generations.

There is no international legal act that is strictly focused on sturgeon conservation, but if all the parties involved are taking responsibility over them, from decision makers to implement and finance them, to enforcement to take repressive measures against criminals, together with the civil society and NGOs, the status of the Danube sturgeons can be substantially improved.

4. CASE STUDY (ROMANIA)

Through Decision no 191/2019 pronounced by Galați Court, 2 defendants were sentenced to 8 months of imprisonment as well as a penal fine of 1000 lei each (app. 200 Euro; the value for each fine-day is 10 lei), and the complementary measure of forbidding them the right to fish for 1 year, for each of the following crimes “commercial fishing without a fishing license or fishing authorization” crime provisioned by art 64 al.1, let.a) from Government Emergency Ordinance 23/2008 concerning fishing and aquaculture, republished, “commercial fishing in natural habitats through any method and mean, in the fishing ban period” crime provisioned by art 64 al. 1, let. e) from GEO 23/2008 republished, “detaining or usage at fishing by unauthorized persons of seine, trammel, cast net, drive-in net, creels any other type of commercial fishing tools” crime provisioned by art. 64 al. 1, let. i) from GEO 23/2008 republished, and one punishment of 8 months of prison for the crime of “fishing of sturgeons captured in Romanian territory in natural fishing habitats” provisioned by art 65 lt.c) from GEO 23/2008 republished.

To pronounce this Decision, the Court of first instance retained:

On 27th August 2017 the defendants were caught in flagrant violation while they were practicing commercial fishing, with a gillnet fishing tool, on the Danube river, maritime miles 75, without having a legal authorisation for this purpose. During the activity they captured 18 specimens of Sterlet, provoking a prejudice of 352 lei to the National Agency for Fishing and Aquaculture - Moldova Branch.

Prior to the judgement, the defendants recognised the charges from the bill of indictment and requested the judgement to be made on the existing evidence during the prosecution, which they know and accept. The defendants paid the prejudice to NAFA.

At the individualisation of punishments, the Court took into consideration, according to the provision of art 74 Criminal Code, the circumstances and the way of committing the crime, the means used, the effect on the protected value, nature and gravity of the result, frequency of felonies which are criminal records, the behaviour after and during the trial, the education level, age, health status, family and social situation of the defendant.

31 Presented on www.rolii.ro
The first defendant has 8 years of school education, no work place or any other means of assuring an income, during the prosecution he presented himself each time at the request of the judiciary and recognised the charges, being known for criminal records for similar charges.

The second defendant has 10 classes, no work place or any other means of assuring an income, during the prosecution he presented himself each time at the request of the judiciary and recognised the charges, being known for criminal records for similar charges.

Based on the evidence each of the defendants was sentenced to:

- criminal fine of 600 lei (60 fine-days, the value of one fine-day is 10 lei) for committing the crime of “commercial fishing without a fishing license or fishing authorisation” crime provisioned by art 64 al.1, let.a) from GEO 23/2008, republished together with provision of art 396 al. 10 Criminal Procedural Code. To these was added the complementary punishment of forbidding the right of fishing for 1 year.

- criminal fine of 600 lei (60 fine-days, the value of one fine-day is 10 lei) for committing the crime of “commercial fishing in natural habitats through any method and mean, in the fishing ban period” crime provisioned by art 64 al. 1, let. e) from GEO 23/2008 republished together with provisions of art 396 al. 10 Criminal Procedural Code. To these was added the complementary punishment of forbidding the right of fishing for 1 year.

- criminal fine of 600 lei (60 fine-days, the value of one fine-day is 10 lei) for committing the crime “detaining or usage at fishing by unauthorised persons of seine, trammel, cast net, drive-in net, creels other type of commercial fishing tools” crime provisioned by art. 64 al. 1, let. i) from GEO 23/2008 republished together with provisions of art 396 al. 10 Criminal Procedural Code. To these was added the complementary punishment of forbidding the right of fishing for 1 year.

According to the provisions of art.38 al 2- art.39 al. 1 let. e Criminal Code, the final punishment consists in 8 months of imprisonment to which will be added the criminal fine of 1000 lei (100 fine-days), postponing the measures for a period of 2 years together with the complementary measure of forbidding the right to fish for 1 year. All the tools and equipment were seized.

The Decision was contested at the Galati Court of Appeal which rejected the action as unfounded, retaining that in the first instance, the Court took into consideration correctly all the evidences and instances of the crimes, correctly individualised the punishments.

However, the motivation of the Court of Appeal also mentions the “low value of prejudice caused to National Agency for Fishing and Aquaculture - Moldova Branch” related to the caught Sterlet and “relatively low rate of social danger of the crimes” in their motivation.

To ensure the protection of sturgeons all the stakeholders must be implied, from the general public - who must learn how to buy legally sourced caviar and sturgeon meat, to Parliament, that must assure better protection framework, to Government, that must find solutions for affected fishermen by the ban, to the enforcement agencies, that must cooperate, be better financed and equipped in order to be able to fight against any criminal activity, and to prosecutors and judges who have the responsibility of punishing the criminal.
5. INTERNATIONAL ORGANISATIONS THAT WORK AGAINST WILDLIFE TRAFFICKING AND TOWARDS STURGEON PROTECTION

Despite there being several international documents and national legislations in place for the protection of species, many of them are still critically endangered due to poaching, trafficking, and over-exploitation. The fight is not only between the authorities and criminals any more, but each person must be involved in the combat for the survival of species for future generations. The problem is not only at national level, many criminal activities are cross border, which requires a very good transnational coordination between authorities and real time information exchange. This is why, several organisations have got active over time, to help authorities in their mission.

THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

Established in 1923, INTERPOL is an intergovernmental organisation, which facilitates international police cooperation through a network of criminal law enforcement agencies, police and customs. All 194 member countries have a National Central Bureau which is directly linked to the General Secretariat and other National Bureaus through an encrypted internet-based worldwide communications network, allowing them to contact each other, access databases and services in real time.

In terms of sturgeon protection, INTERPOL has a Wildlife Enforcement team (aiming to disrupt transnational organised criminal networks involved in the illegal wildlife trade and assisting member countries with enforcement of national and international laws and treaties effectively) as well as a Global Fisheries Enforcement team (assisting the member states to detect, suppress and combat fisheries crimes, ensure traceability and legality of fish throughout all stages of the supply chain). In its Wildlife Crime Working Group, wildlife experts devise strategies and initiatives for law enforcement to combat these crimes on an international scale.

More information can be found online: www.interpol.int

EUROPOL

Established in 1993 under the aegis of the Maastricht Treaty, the European Union’s Law Enforcement Agency (Europol) supports the EU Member States and other countries, including e.g. Ukraine, in their fight against serious international organised crime, including the trafficking in endangered species. It conducts, analyses and acts as a support center for law enforcement operations, a hub for information on criminal activities and a center for law enforcement expertise. It has large expertise and actively participates in activities related to illicit trafficking in endangered animal and plant species.

More information can be found online: www.europol.europa.eu

ENVIRONMENTAL CRIME NETWORK (ENVICRIMENET)

Established in 2011, EnviCrimeNet is an informal network connecting police officers and other crime fighters in the field of environmental crime to enhance the effectiveness of the fight against organised crime, detect, investigate, disrupt and prosecute environmental crimes, and exchange information and experiences to deal with such cases.

More information can be found online: www.envicrimenet.eu

WORLD CUSTOMS ORGANIZATION (WCO)

World Customs Organization was established in 1952, with the mission to enhance the effectiveness and efficiency of Customs administrations. Today, it numbers 183 customs administrations that are responsible for 98% of the world trade. It acts as a global center of expertise, a forum for dialog and experience exchange between its members.

In the field of endangered species protection, it is a strong supporter of CITES by leading operations aimed at wildlife smuggling, providing risk analysis and creating ENVIRONET, a platform for information sharing connecting Customs and its enforcement partners worldwide in the fight against environmental crime, as well as the Customs Enforcement Network (CEN), a global database containing Customs seizures information.

WCO established a network of Regional Intelligence Liaison Offices (RILOs). Each of the 11 RILO offices covers a number of WCO Member States and responds to their...
INTERNATIONAL ORGANISATIONS THAT WORK AGAINST WILDLIFE TRAFFICKING AND TOWARDS STURGEON PROTECTION

intelligence needs at the regional level. The Regional Intelligence Liaison Office for Eastern and Central Europe (RILO ECE) is based in Warsaw.

More information can be found online: http://www.wcoomd.org/

UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)

Established in 1997 through a merger between United Nations Drug Control Programme and Centre for International Crime Prevention, UNODC’s aim is to assist Member States in their struggle against illicit drugs, crime and terrorism, which is based on the 3 pillars of the programme: research and analytical operation, field-based technical cooperation projects and normative work. As a part of its efforts against wildlife crime, UNODC is part of the International Consortium on Combating Wildlife Crime.

More information can be found online: www.unodc.org

INTERNATIONAL CONSORTIUM ON COMBATING WILDLIFE CRIME (ICCWC)

The International Consortium on Combating Wildlife Crime represents a cooperation program between CITES Secretariat, INTERPOL, UNODC, World Bank and World Customs Organization which aims to deliver a multi-agency support to affected countries. In 2012, the Consortium developed the Wildlife and Forest Crime Analytic Tool which provides comprehensive guidance in analysing administrative, preventive and criminal justice responses to forest and wildlife crimes. Besides the tool, the ICCWC developed Guidelines and methods and procedures for ivory sampling and laboratory analysis and guides for forensic timber identification.

TRADE RECORDS ANALYSIS OF FLORA AND FAUNA IN COMMERCE (TRAFFIC)

Founded in 1976, under a cooperation program between the World Wide Fund for Nature (WWF) and the International Union for Conservation of Nature (IUCN), TRAFFIC has the mission to ensure that trade in wild plants and animals is not a threat to the conservation of nature. TRAFFIC’s work on wildlife trade follows a variety of different approaches to achieve this goal, including working with national and international conventions, governments, enforcement agencies, private sector companies and consumers. They are active supporters of CITES, monitor wildlife trade, investigate and analyse trade patterns and trends, develop recommendations and work with various groups of actors to support them in detecting, identifying and preventing illegal trade.

More information can be found online: https://www.traffic.org/

WORLD WIDE FUND FOR NATURE (WWF)

WWF came into existence on 29 April 1961 and is now the world’s largest independent conservation organization, with teams of experts working in over 100 countries to protect forests, rivers, ocean, climate, food and wildlife to sustain the natural world for the benefit of people and nature. WWF helps to combat the illegal trade and encourage sustainability in the legal trade by e.g.

- promoting new laws for the control of wildlife trade, when appropriate, and advocating to ensure that the mandate of multilateral environment agreements, such as CITES, are not weakened or over-ruled;
- backing the enforcement of appropriate wildlife trade laws;
- encouraging people to use their local wildlife sustainably;
- changing consumer behaviour.

More information can be found online: https://www.traffic.org/our_work/our_focus/wildlife_practice/wildlife_trade/

EUROPEAN UNION NETWORK FOR THE IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL LAW (IMPEL)

The European Union Network for the Implementation of Environmental Law (IMPEL), established in 1992, aims to create the necessary impetus in the European Union to make progress on ensuring a more effective application of environmental legislation, through raising awareness and concern, capacity building, information exchange, peer review. Even though the name is linked to European Union, it is open to countries outside, including environmental authorities also from Serbia, Turkey, Albania, etc. IMPEL helps to strengthen the implementation of environmental law in Europe by sharing knowledge skills and good practices, producing technical guidance, coordination actions among countries, facilitating communication.
Regarding the protection of sturgeon, it is worth mentioning one of the key areas of IMPEL - assuring support for the implementation of Habitat Directive within the Natura 2000 Network, implementation of EU Action Plan Against Wildlife Trafficking, etc.

More information can be found online: www.impel.eu

**EUROPEAN NETWORK OF PROSECUTORS FOR THE ENVIRONMENT (ENPE)**

Established in 2012, the European Network of Prosecutors for the Environment (ENPE) promotes the exchange of information and expertise of the enforcement and prosecution of environmental crime and the development of environmental criminal laws as part of criminal law. It identifies best practices for successful prosecution, organises trainings, and promotes cooperation with other organisations. It is structured in working groups, having one focused on wildlife crime aimed at exploring major issues of interpretation, practical application, evidence gathering and quantification of damage to the environmental law.

More information can be found online: www.environmentalprosecutors.eu

**EU FORUM OF JUDGES FOR THE ENVIRONMENT (EUFJE)**

Established in 2004, the European Union Forum of Judges for the Environment is open for accession to judges across the EU, from former EU Member States and the European Free Trade Association with the objective to promote the enforcement of national, European and international environmental law by contributing to a better knowledge through exchanging of judicial decision, sharing experience and trainings.

More information can be found online: www.eufje.org

**EUROPEAN JUDICIAL NETWORK (EJN)**

The European Judicial Network was created in 1998 and is a network of national contact points for the facilitation of judicial cooperation in criminal matters, which aims to facilitate an effective judicial cooperation between EU Member States in combating serious crime by acting as active intermediary, providing legal and practical information to competent authority, enhancing cooperation with other organisations.

More information can be found online: www.ejn-crimjust.europa.eu

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**ANNEX 1**

**CAVIAR LABELLING REQUIREMENTS**

In addition to general CITES regulations, there are specific requirements for the trade in caviar. All the primary containers of caviar must bear CITES labels that allow tracing the caviar back to the source. The non-reusable label should be affixed by a registered processing or (re)packaging plant. The label must either seal the container or the caviar must be packaged in such a manner as to permit visual evidence of any opening of the container. It must not be possible to remove it undamaged or transfer it to another container.
The label must include the following information:

- Standard species code: a three-letter code for identifying sturgeon species
- Source code of the caviar or specimen:
  - “W” for caviar from sturgeon harvested from wild
  - “C” for caviar from sturgeon breed in captivity
  - “F” for caviar produced from a female born in captivity and where at least one parent originated from the wild
  - “I” for confiscated or seized caviar
- Code for the country of origin: ISO two-letter code
- Year of harvest or repackaging
- Official registration code of the processing or re-packaging plant
- Lot identification number

For example: GUE/C/RO/2018/0003/0118 (The caviar comes from *Acipenser gueldenstaedtii*, captive bred in Romania, harvested in 2018 by SC Danube Research Consulting SRL, the lot number 0118).

Fighting wildlife crime:
Danube sturgeons – European and international legal framework for sturgeons protection

85%
85% of sturgeon species are at the risk of extinction

2019
All native species of sturgeons are protected in the Lower Danube

34%
34% of sturgeon products of a market survey in the Lower Danube region were illegal

294 Euro
294 Euro is the price for 30-gram Bulgarian Beluga caviar in Brussels, making 9 800 Euro for 1 kg

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