

Enforcement of Cites Regulation in The Netherlands

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Outline

- Opportunity principle
- Enforcement Strategy Documents
- Statistics
- Additional remarks

Opportunity principle

- Exclusive competence of public prosecutors to bring criminal cases before the courts
- Public prosecutors are free to decide whether or not they will bring a case before a criminal court
- Possibility for interested parties to obtain a court order to the public prosecutor (par 12 CCP) to sue
 - Competence of Courts of Appeal
 - Also open for NGO's within the framework of their (statutory) objective or their factual activity

Enforcement Strategy Documents

- Means to lay down enforcement policies and to give guidance to the public prosecutors
- Content
 - Introduction
 - Description of the FFA
 - Priorities for enforcement
 - Environmental strategy, core legal provisions, administrative enforcement
 - Strategy for criminal enforcement
 - Guidelines for sentences demanded by public prosecutors in court

Statistics

- Derived from factsheet of June 2008 on compliance with CITES legislation
 - Introduction
 - Intended to give insight to parliament and interested parties by providing a snapshot
 - Relevant legislation
 - Tasks and responsibilities of competent authorities
 - Programmed enforcement
 - Implementation figures
 - Monitoring and Enforcement figures
 - Seizure figures
 - Examples from police, general inspection service and customs practice

Additional remarks

- Last week, Ministry of Agriculture, Nature and Food Quality had been integrated with Ministry of Economic Affairs into Ministry Economic Affairs, Agriculture and Innovation
- In 2010, General Inspection Service became a part of the New Food and Vendible's Authority
- The Implementation Service of the Ministry of Agriculture, Nature and Food Quality also has monitoring and administrative enforcement competence for the FFA
- Customs at Schiphol Airport have competence to offer transaction to air passengers if they leave the illegally imported specimens to customs
- All authorities involved in monitoring and enforcement participate in bimonthly consultations to make enforcement arrangements and to accommodate their respective activities
- Guidelines for sentences demanded in court are under review