

# SPECIES DISAPPEARING THROUGH THE NET

## ILLEGAL TRADE IN ANIMALS ON THE INTERNET IN POLAND



POLAND – REPORT 2004



**Salamandra**  
Polish Society For Nature Protection

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## 1. INTRODUCTION

Trade – one of the reasons, aspects and effects of the development of civilization. Being neither good nor bad in itself, it may be a source of prosperity or cause of the fall of whole countries; it may start a war or ease conflicts and bring people closer to each other. In some cases it may also threaten nature - contributing to the extinction of species or destruction of unique habitats. That is why this form of human activity underlies several regulations. In order to mitigate the negative impact of trade on nature, bans on selling endangered species have been introduced over many years. For about 30 years international trade in endangered species of flora and fauna has been limited by the regulations of the so-called ‘Washington Convention’, and European Community law states trade restrictions on certain species on its territory.

Since the beginning of the ‘90s, a new form of trade has flourished in Poland – retail and wholesale trade on the Internet. Originally it served mostly advertising purposes, supporting traditional trade, popping up at producers’ and trading companies’ websites. Gradually it took on different forms. First internet stores appeared, offering products only via the Internet. In the beginning, sale of single products by private persons took place mostly by means of advertisements on private websites. In the world in the mid-90s, and in Poland in 1999, the first internet auctions appeared, enabling the offer of any item or service for electronic sale. On account of the popularisation of the Internet and internet banking this form of trade rapidly became more widespread. At present (October 2004), there are more than 500 thousand ongoing auctions. On the world's most popular online marketplace, eBay, 15 million items are traded each day. Moreover, other forms of trading have developed – by means of advertisement services (online newspaper editions or city sites, for example), in special chat forums, and other current methods of internet communication.

As one could have predicted, along with the popularisation of the Internet comes its use for illegal actions. One such activity is national and international trade in fauna, flora and fungi that have been placed under various forms of legal (national or international) protection. Organizations and experts dealing with the protection of endangered species are well aware of this fact. Among others IFAW (International Fund for Animal Welfare), WWF (World Wide Fund for Nature) and OFI (Orangutan Foundation International) draw attention to this fact in their reports and publications. This problem concerns Poland too. However, regarding specifically this medium, the scale of this phenomenon was unknown until now.

## 2. OBJECTIVES

The Nature Conservation Act of 16 April 2004 came into force on 1 May 2004. On the same day our country became a member of the European Union and the vast majority of Community regulations became binding for us, including all decrees governing the endangered species trade. The national and European regulations are to be complementary to one another and make a hermetic system in order to effectively protect the endangered species from the dangers connected to trade.

Already in the process of drafting the new Nature Conservation Act there have emerged differences in the estimation of needs and optimal ways of legally regulating this sphere. The primary draft treated the matter extremely superficially and the suggested regulations completely differed from the European ones. During the process of parliamentary work on the act, some improvements suggested by nature conservation organizations (mainly the Polish Society for Nature Protection "Salamandra" and the WWF) were introduced, minimizing the number of inconsistencies between the national and European regulations. However, many detailed issues are still not regulated, or existing regulations are ambiguous. In part it results from the difference in opinions of the importance of the matter. The discussion on the act has proven that nobody knows precisely what is the true and potential scale of the problem. Is the illegal trade in the endangered species incidental, or is it done on a mass scale? What is the tendency of its intensity? Which particular species are concerned? Answers to these questions are especially vital for the action plans of bodies responsible for enforcing regulations and nature conservation, as well as for possible future law amendments.

Smuggling and illegal trade in endangered species are complex phenomena, underlying dynamic changes. Some forms of these activities are easier and some more difficult to assess. In the case of smuggling, valuable data might be submitted by the Customs Service which attaches great importance to this problem. One should notice, however, that this data shows only the scale of disclosed smuggling, which depends not only on the range of the real smuggling, but is also a resultant of many other factors, e.g. training of customs officers, availability and application of technical measures, as well as their effectiveness in disclosing various arts of specimens, frequency of controls, etc. That is why an important addition to the monitoring of the smuggling range should be the control of the national trade. This trade also acquires various forms, among which the internet trade is at the moment the least recognized and appears to be the most difficult to control and combat.

In the year 2003, The Polish Society for Nature Protection "Salamandra" started actions aimed at limiting the illegal trade in endangered species, assuming that it is one of the most important and at the same time underestimated dangers. Proper planning and execution of all long-term programmes requires recognition of the initial scale of the problem and monitoring of the changes occurring as a result of the actions undertaken. Consequently, one of our first undertakings was to plan and start the monitoring. We assumed that the monitoring should provide useful data for all interested parties, whilst at the same time being helpful in evaluating the effectiveness of our own actions. We presumed that the internet trade could give us a picture of the whole situation. There are three premises, that support this:

- the internet trade embraces all systematic groups of organisms and all kinds of products;
- the Internet is used for selling on wholesale and retail scales, as well as selling single items beside the economic activity;
- using relatively simple measures and easily repeated methods, it is possible to monitor a significant part of the trade done on this medium, what makes the results of the monitoring fully demonstrate the real scale of the problem.

Taking into account the needs mentioned above, in designing the process for monitoring we tried to select the methods in such a way as to accomplish the following aims:

- **establishing the scale of illegal trade in animals on the Polish Internet;**
- **ascertaining the methods by which this trade is carried out, especially those used in order to avoid legal consequences;**
- **documenting the reactions of authorities and institutions to disclosed cases of breaking the law;**
- **determining the reactions of dealers to information on the monitoring conducted;**
- **recognizing the deficiencies in the procedures connected to the regulations governing the trade in endangered species;**
- **revealing gaps in the trade in endangered species regulations and suggesting amendments;**
- **enabling tracking of the changes in the incidents uncovered by the monitoring.**

### 3. METHODS

The monitoring, the results of which are presented later in this report, was divided into two parts – one comprising the illegal trade on the Internet and the other concerning reactions of various institutions and authorities to disclosed cases of crimes and offences of this kind. Different methods were used for each part.

#### 3.1. Time frame

The project lasted for 5 months – from 1 May to 30 September 2004. These were the first months of Poland's membership of the European Union and of binding of Community regulations in our country. The monitoring concerning the trade on the Internet was divided into two stages: one secret, one public, lasting respectively three months and two months.

#### 3.2. Scope

Monitoring of illegal trade was conducted on Polish internet websites. It embraced, first of all, the national sites, few websites however, administered by the Polonia abroad, were also controlled.

The research embraced all offers to buy and sell animal items of species placed under protection in Poland or mentioned in the appendices to Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein. It concerned not only live specimens, but also hunting trophies, skeletonized animals and derivatives.

Corals and articles made from corals were excluded from the monitoring owing to methodological problems with verification of the species and legality of the offers on the basis of advertisements. For the same reason, the monitoring did not embrace articles made from snake and crocodile skins if the offer did not specify what it was made from nor its origin. Although it is likely some such offers were illegal, it was impossible to determine on the basis of the monitoring conducted which portion it was. As the number of offers and their value were significant, placing them together in our list would make the results less precise. However, such disregarded offers should be taken into consideration in the future comparison of results of similar controls.

The study of reaction to disclosed cases of illegal trade concerned, initially: prosecution authorities, courts, chosen auction houses and internauts.

### **3.3. Methods of auction search**

Sale or purchase offers were looked for especially on:

- one of the biggest internet auction houses (on a permanent basis);
- one of the biggest advertisement services (on a permanent basis);
- several hobbyist and terraristic discussion forums in the advertisement section (on a permanent basis);
- several smaller auction houses (at random – approximately one per day);
- several local advertisement services (at random – approximately one per day);.

Other places on the Internet were also searched at random - private websites, internet offers of terraristic and hunting stores, terraristic and hunting stores' advertisement websites, short personal comments written next to the users' names in the programmes for direct communication – the so-called “communicators”.

The staff of the Polish Society for Nature Protection "Salamandra" conducted the Internet controls together with a group of volunteers, who conducted searches for species of chosen systematic groups.

With the beginning of the public stage of the monitoring and publicizing this information on the Internet, an on-line application form was developed, which allowed every internaut to send information concerning a suspicious offer found in the Internet.

### **3.4. Verification of legality**

The websites, containing suspicious auctions, were submitted to a two-step verification by the staff of the Polish Society for Nature Protection "Salamandra". In the first step all auctions were checked and divided into three categories:

- offers definitely illegal (e.g. containing information on the lack of documents or

concerning species placed under a species protection in Poland, sale of which is banned);

- offers, legality of which could not have been unequivocally stated;
- offers, which were considered probably legal after thorough analysis (e.g. containing a declaration on possession of required documents).

In the case of the second category, about 10 percent of offers, chosen randomly for each group of organisms, were then submitted to the second stage of verification (via email, internet communicator or by phone). Depending on the type of offer, the seller was asked, for example, about the origin of the item, its age or documents confirming its legal origin. In course of the verification process, no attempt to buy the item was made and the seller was not informed about the monitoring.

### 3.5. Quantity analysis

In order to check the effectiveness of detecting suspicious offers by methods above, in the case of a few species a detailed search using a few search engines was conducted. We chose representatives of 5 groups of animals, trying to choose those species which were most represented in illegal offers and at the same time relatively easy to detect and determine the legality of the offer they (e.g. elephant was not chosen for mammals, as offers concerning items containing ivory did not include this information and the word “ivory” came up on thousands of internet sites, meaning, for instance, the colour. This would make analysis of the results acquired by search engines extremely difficult).

These species chosen were:

- arthropod – curlyhair tarantula (*Brachypelma albopilosum*);
- amphibian – Mexican axolotl (*Ambystoma mexicanum*);
- reptile – iguana (*Iguana iguana*);
- bird – African grey parrot (*Psittacus erithacus*);
- mammal – lynx (*Lynx lynx*).
- For collective analyses concerning trade sales, the following objectives were set:
- each offer was treated separately, even if it embraced a larger number of items;
- if the offer contained no price, to calculate its value an average price of other offers of related character was taken (concerning the same species, gender, age group, number, size or other features, influencing the price);
- in the case of auctions which did not end with a transaction (e.g. because of removing the auction by the auction service) and which did not contain the option: “Buy now” (a price, at which one may buy an item without bidding), the upset price was not treated as the offer’s value, but it was assumed that the offer did not contain any price;
- the number of illegal sale offers and their value was calculated by multiplying the results acquired from the basic monitoring by a coefficient of minimal correction of monitoring effectiveness, rounded up to one decimal place, calculated on the basis



of the formula:

$$X = (M + K) / M$$

where:

X – coefficient of minimal correction of monitoring effectiveness,

M – total of results of the basic monitoring, acquired in case of 5 chosen species, for which a detailed search by means of Internet search engines was conducted,

K – total of offers concerning 5 chosen species, acquired in effect of an advanced search in the Internet, not found in course of the basic monitoring.

- When stating the quantity of offers placed in certain months, solely the offers placed in the biggest Polish auction store were analysed. The monitoring of the auction store was conducted for a month's time after the end of the basic monitoring (this was done as it was under constant, systematic monitoring; it was a source of the most illegal offers found; offers concerning practically all groups of items were found there; all offers had a precise date of advertisement).

### **3.6. Making monitoring public**

When the secret stage of the monitoring was over, information on its conduct was publicized by means of:

- own internet website of the Society;
- announcements on chosen natural discussion lists;
- information in public media (a press conference was organized and information was disseminated to chosen media).

### **3.7. Behaviour of people and institutions**

Cases where the law was with all certainty or with great probability broken, were reported to the Police. Every time, the Polish Society for Nature Protection "Salamandra" offered to serve as the subsidiary prosecutor.

Information on the progress of the reported cases was collected and became subject to analysis concerning:

- the degree of respective authorities' and institutions' preparation for undertaking actions in this matter;
- effectiveness of actions undertaken;
- effectiveness of currently binding regulations.

The reactions of the internauts were also observed and studied to reveal information on the monitoring conducted. This analysis concerned:

- changes in the scale and methods of selling;
- opinions expressed by concerned groups of internauts (including breeders and salesmen) on discussion forums and by mail and in phone calls to our Society.

## 4. RESULTS

### 4.1. Illegal offers

#### 4.1.1. Correction of results

In order to state the effectiveness of the basic monitoring, according to the above-mentioned method for 5 chosen species, an advanced search was conducted, which brought the following results:

The monitored species	Number of offers found as a result of the basic monitoring	Number of offers found additionally as a result of advanced search
<i>Brachypelma albopilosum</i>	91	37
<i>Ambystoma mexicanum</i>	14	4
<i>Iguana iguana</i>	98	29
<i>Psittacus erithacus</i>	31	9
<i>Felis lynx</i>	4	1
<b>RAZEM:</b>	<b>M = 238</b>	<b>K = 80</b>

Using the formula  $X = (M + K) / M$  the coefficient of minimal correction of monitoring effectiveness, rounded up to one decimal place, was  $X = 1,3$ . If it was not stated otherwise, all below mentioned numbers of offers and their values are a result of multiplying numbers acquired by this coefficient. One should note that the detailed search conducted on the internet would still not have found all offers. Offers remaining undetected would include:

- those placed on some auction services using dynamic databases, operated by means of PHP;
- where the item's name was placed as an image;
- where on purpose or by mistake an incorrect name of the species was given;
- where no name of the species was given, only a higher taxonomic unit (e.g. "tarantula");
- placed in difficult to access places (e.g. personal comments written next to the user's name in programmes for direct communication, the so-called "communicators");
- advertised by means of discussion lists, which have no widely accessible archives.

It means that the real scale of the trade is probably much higher.

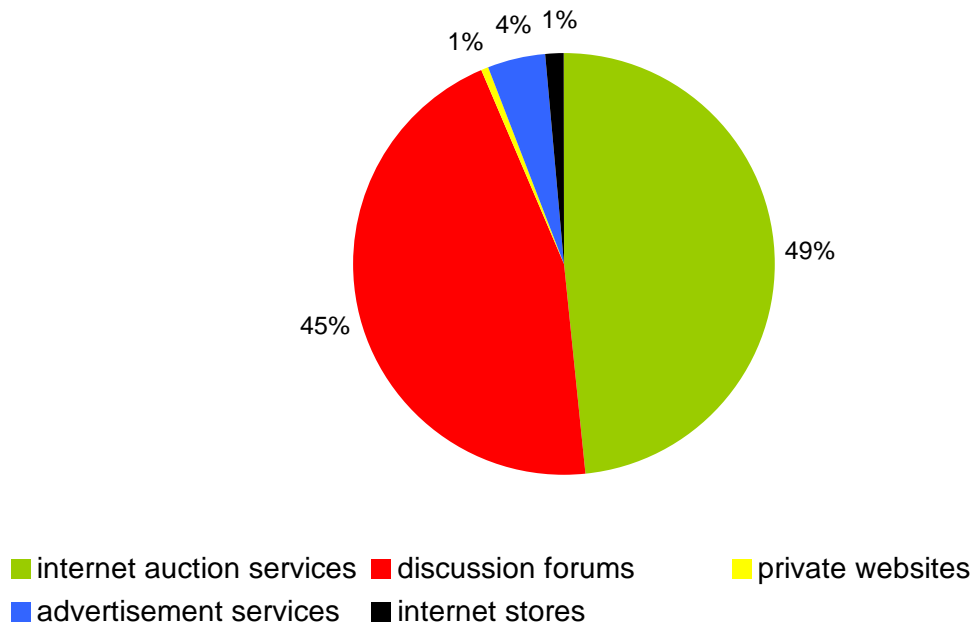
As a result of the second stage of verification, concerning randomly picked offers, the legality of which could not have been verified on the basis of how the offer sounded it was concluded that 95 percent of all offers were illegal. In the case of more than 4 percent, the verification process did not bring sufficient information in order to make a definite assessment. Only in 1 percent of offers it turned out that they were probably legal. It means that in vast majority of cases, if the offer was legal (meaning that the seller possessed all necessary documents) it contained the proper information from the beginning. Among offers

the legality of which was effectively confirmed, the legal ones were so rare that their number was within the bounds of error and it could have been skipped. Thus in collective lists of this report – if not stated otherwise – all offers the legality of which could not be confirmed in the first stage of verification and which were not subject to the second stage of verification – were also treated as illegal.

#### **4.1.2. Number of offers**

The application of these methods allowed us to conclude that in the course of 5-months of monitoring at least 1406 illegal offers of animals or animal parts were placed for sale on Polish internet websites. Almost half of them were found in auction stores, enabling everybody to sell any item or service they liked. Most offers were placed with one service, dominant in the Polish market, however in total illegal sale offers were found in three auction stores. The differences in the number of illegal sale offers found in certain auction services do not imply any specialization in that matter, but seem to be proportional to the total number of all offers placed there. The second source, again providing almost half of all illegally sold animals – were special sections on internet discussions forums. The sale, purchase or exchange offers appeared on all analysed forums concerned with terraristics, exotic bird breeding and also a few forums of wider or slightly different subject matter. Only about 4 percent of illegal offers were found in advertisement services placed, for example, on internet websites of cities or online editions of newspapers, but also on sites devoted solely to small advertisements. Only ca 2 percent of illegal offers concerning the sale of protected animal species were found in other places on the net (e.g. private websites, sites of internet stores, proposals placed on internet chat forums, discussion lists or personal comments written next to the user's name in programmes for direct communication). Figure 1 shows the percentage share of illegal sale offers found on various types of internet websites.

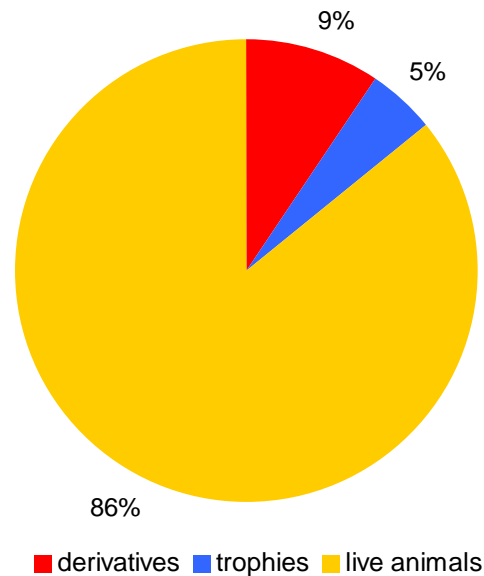
One should note that a detailed analysis of results shows that this list does not fully represent the number of illegal offers placed by zoological stores. The information acquired in the course of the monitoring shows that in many cases declarations that all items placed on the zoological stores' websites possessed proper documents did not reflect reality. The truth was that some of these stores either did not send the documents together with the animal, or did it only on a direct demand for additional payment, or sent documents which did not conform to the regulations (e.g. only copies of certificates of entry into a register, copies of invoices or copies of the breeder's declarations). There were also several cases where zoological stores placed illegal offers on websites other than their own, ensuring themselves greater anonymity, e.g. on auction stores. The methods used do not allow us to specify precisely the scale of illegal trade done by specialist stores. It is suggested to conduct another monitoring project as far as these stores are concerned.



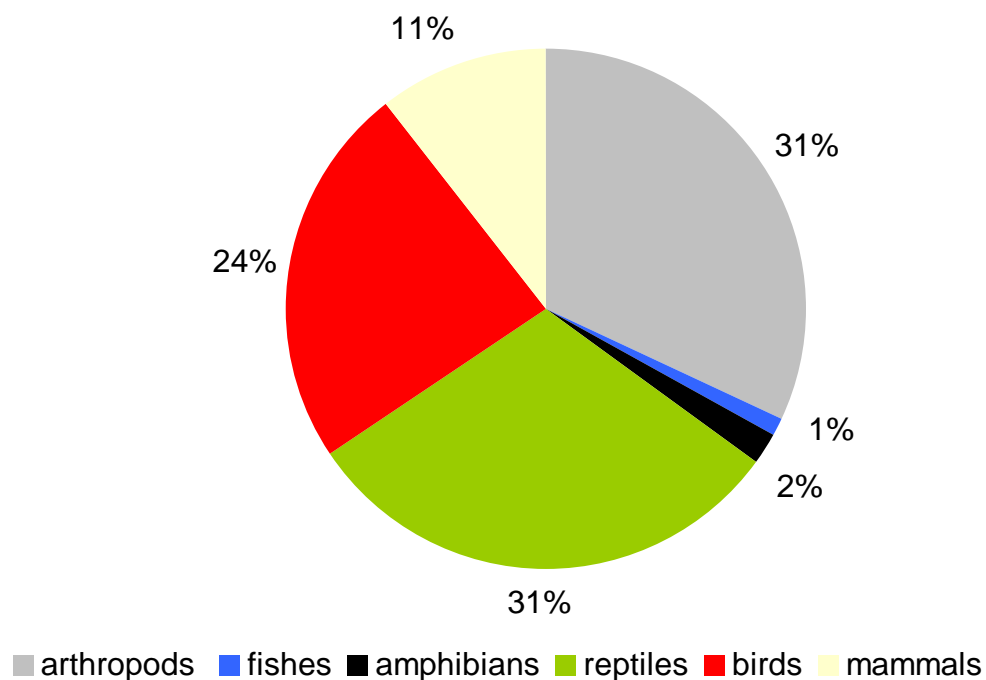
**Figure 1.** Percentage share of illegal sale offers found on various types of internet websites

The monitoring showed relatively minor differences in the total number of illegal offers placed in certain months (figure 9). The exception is June, where there was a definite (almost double) rise in animals offered for sale. The reason for this might have been the coming holiday season, when young people (who represent a large number of dealers) start looking for an additional source of income, but before all attempts to get rid of the animals by individual owners, who knew it would be problematic for them to care for the animals during the holidays. At first the number of live animals increased. After revealing to the public that monitoring was taking place, there was no sudden fall in the total number of illegal offers that were of any statistical importance (one should note, however, that this analysis refers solely to the auction service, as described above).

Definitely the vast majority of illegal offers, amounting to 86 percent, concerned live animals. Derivatives (articles from ivory, rhinoceros teeth, bird eggs, caviar, etc.) and trophies (hunting trophies – acquired legally and illegally, skeletonized insects etc.) made barely 14 percent and they were mainly birds and mammals. The share of single items among all illegal sale offers is shown in figure 2.



**Figure 2.** Percentage share of single items among all illegal sale offers



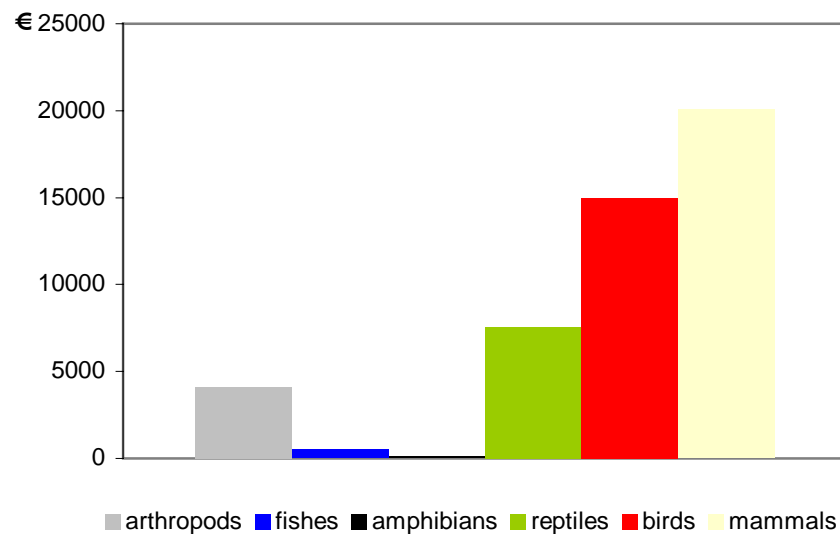
**Figure 3.** Percentage share of single systematic groups among all illegal sale offers

#### 4.1.3. Taxonomic categorization of offered items

Among illegal advertisements, the most numerous were those concerning invertebrates and reptiles (ca 1/3 of all offers each) and in third place ranked birds (about 1/4 of offers). Share of sale offers by groups of animals is shown in figure 3.

The value of all illegal sale offers discovered in the course of the monitoring amounts to almost €240 000. Important is the great difference in the value of single offers. This is the reason for the divergences between the percentage share of single systematic groups among

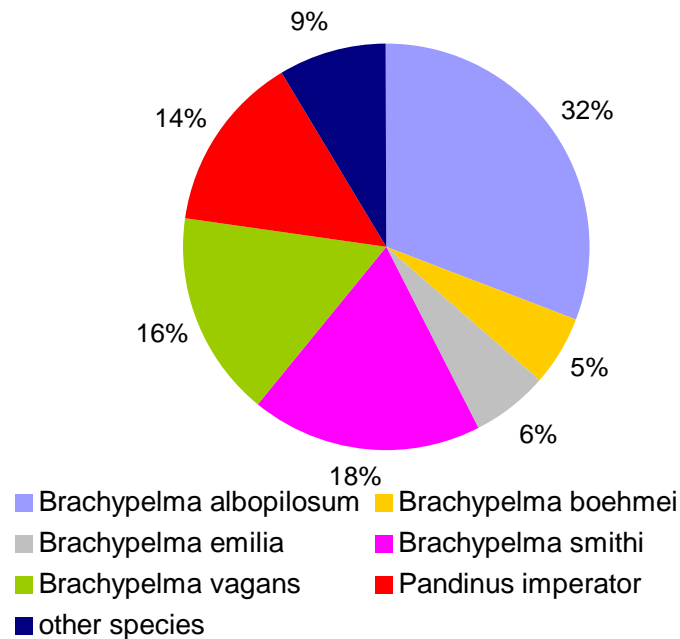
the total value of offers concerning individual groups. The highest offer amounts were for mammals and birds, which were fewer in number than those of invertebrates and reptiles. Figure 4 demonstrates the estimated monthly value of offers for individual systematic groups appearing on the Polish websites during the monitoring.



**Figure 4.** Average monthly values of illegal sale offers concerning single systematic groups (in €)

In the group containing the highest number of offers for invertebrates, within one offer several hundred of animals were offered. In course of the monitoring 451 offers, involving more than 7800 items were found, this gives about 17 items for one sale offer. Although the most often advertised animals for sale were invertebrates, the average value of single offers was relatively low. On a monthly scale, the total value of offers within this group amounted to approximately 4075 €, which placed these offers in only fourth position. Also, one should note that among sellers offering animals of this group (mostly spiders), few people were spotted who made many transactions on a monthly basis and made high income by this means of trade. [\[SEE EXAMPLE 1\]](#)

Advertisements of invertebrates were dominated by arachnids (*Arachnoidea*). One could find especially *Brachypelma* tarantulas, where the offers concerned mostly curlyhair tarantulas (*Brachypelma albopilosum*). One could also often find redknee tarantulas (*Brachypelma smithi*), and redrump tarantulas (*Brachypelma vagans*). Another type of arachnida on offer was emperor scorpion (*Pandinus imperator*) (figure 5).



**Figure 5.** Percentage share of single species among illegal offers concerning invertebrates

One should emphasize that among offers concerning live spiders no cases indicating that the items were smuggled into the country were found. The majority of sellers offered animals from their own breeding. Lack of possession of respective documents certifying the legal origin of offered items was mostly for one or more of the following reasons:

- lack of the seller's knowledge on existing regulations (mostly concerning persons breeding animals on a small scale – mostly youngsters);
- lack of knowledge of the relevant authorities and institutions concerning the existing regulations, resulting in a denial of giving birth certificates;
- lack of documents certifying the legal origin of item's parents;
- breeder's conscious decision, being a result of avoiding troublesome procedure and decreasing breeding costs.

The parents used in captivity were bought generally or also from national breedings, or were brought to Poland before the norms of the European Community came into force.

One should note that we have received information about importing spiders (adult or young) or cocoons with eggs from abroad, however it was so general that it was impossible to connect it to any internet offer.

Although in law all cases concerning selling invertebrates without documents is a crime, their real natural harm, however, seems to be very low and consists above all in creating atmosphere of general social acceptance for breaking the law on trade in endangered and protected species.

One should note that according to methodical objectives, the analysis did not embrace offers concerning corals and articles made from them. The number of such offers was considerable (at least several tens per month) and as it is likely some of them were illegal the

real number and value of offers concerning invertebrates is most likely even higher than the one shown here.

During the monitoring illegal offers concerning fish were rarely spotted among animal offers. They concerned mostly caviar from the order of sturgeons (*Acipenseriformes*). The average monthly value of trade offers spotted in the Polish Internet concerning illegally imported black caviar amounts to ca 500 € basing on the accepted methods. It does not reflect the real trade in illegal caviar on the Internet. Offers to buy “any amount” of caviar were encountered, where the value of transactions could not have been estimated (which is why they were not included in the collective lists). [\[SEE EXAMPLE 2\]](#)

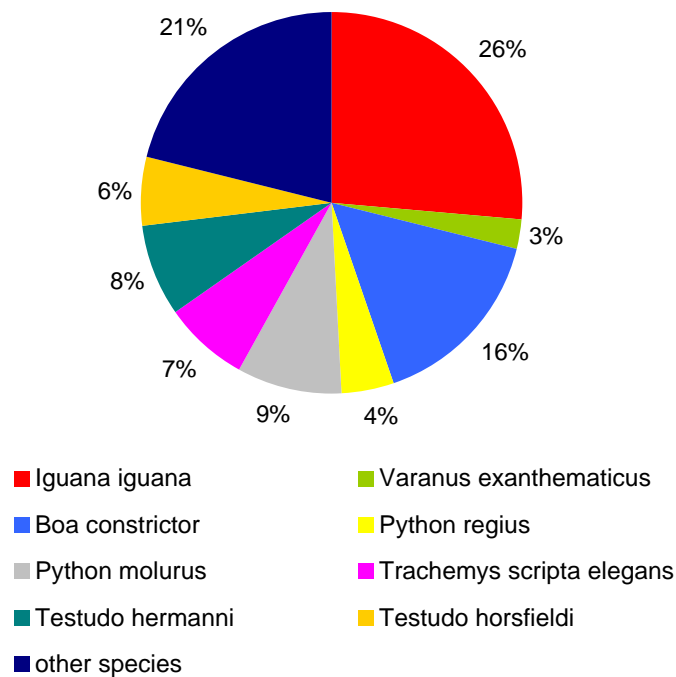
Another group rarely spotted among internet offers were amphibians. They made up only 2 percent of the overall number of registered notifications. The most offered amphibian was the Mexican axolotl (*Ambystoma mexicanum*). Further there were various species of tree climbers (*Dendrobates* spp.) and one species belonging to leaf climbers – the striped poison frog (*Phyllobates vittatus*).

In the case of reptiles, most often offered was the order of scaled reptiles (Squamata), especially lizards. The absolute leader was iguana (*Iguana iguana*) – the value of sale offers of live items of this species amounted monthly to ca 2000 €. In terms of the number of illegal offers encountered, snakes closely follow lizards. The most frequently found species were boa constrictor (*Boa constrictor*) and Indian python (*Python molurus*).

Turtles dominated the land species – above all the Hermann's tortoise (*Testudo hermanni*) and the Horsfield's tortoise (*Testudo horsfieldi*). The illegal offers of live sea tortoises concerned only red-eared sliders (*Trachemys scripta elegans*). [\[SEE EXAMPLE 3\]](#) Sometimes it happened that such tortoises were given for free (then – if it was not a joint sale – such an offer was not a crime). Single offers embracing sea tortoises concerned their shells. Picture 6 shows the percentage share of single species among disclosed illegal offers, which were recognized as illegal or probably illegal.

It's important to note, however, that the lists do not contain the considerable number of offers for various belts, bags, wallets, as well as shoes and clothing from crocodile or snake skin where the seller did not state in his offer what species it was made from. In many cases, even with a picture, it could not have been identified what species an article was made from, and where the offer did not state whether it came from a legal source, they were not classed as probably illegal. However a detailed investigation of these offers would in all probability show that the vast majority of them are criminal. It means that the real number and value of illegal offers concerning articles made from reptile skin has not been fully estimated by this monitoring. However with the methods applied one could not specify the degree of underestimation and so apply a correcting coefficient.





**Figure 6.** Percentage share of single species among illegal offers concerning reptiles

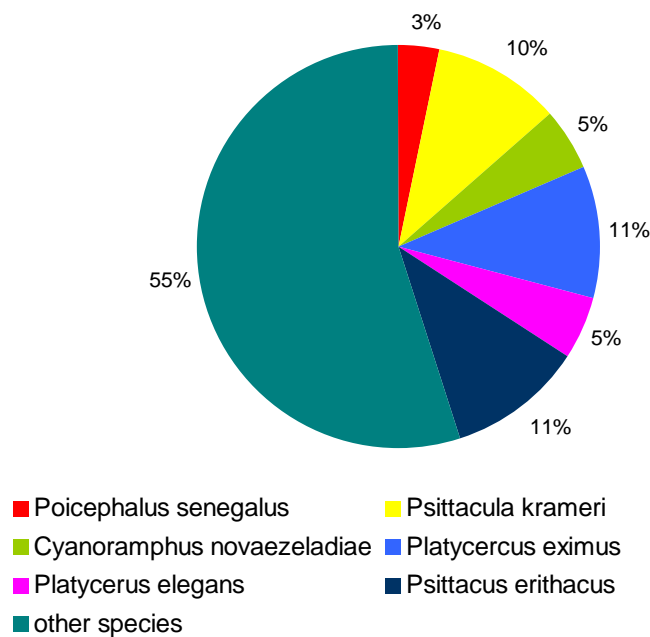
Birds contribute the third largest group of illegal offers and the second group by value, of animals accessible via the Internet. The monthly value of illegally sold items amounts to approximately €15 000. Generally the advertisements concerning birds can be divided into two groups:

- those for dead items (stuffed animals, as well as their parts and derivatives),
- live items.

The first group, considerably lower in both number and value of offers, contained mostly domestic species placed under species protection on the strength of the Nature Conservation Act and regulation of the Minister of the Environment. To this group belong: jay (*Garrulus glandarius*), nutcracker (*Nucifraga caryocatactes*), magpie (*Pica pica*), great crested grebe (*Podiceps cristatus*) and capercaillie (*Tetrao urogallus*). Quite often there were offers of selling species placed not only under species protection in Poland, but also protected on the basis of the European Community law. One should name here such species as: peregrine falcon (*Falco peregrinus peregrinus*), common buzzard (*Buteo buteo*), northern goshawk (*Accipiter gentilis*) and long-eared owl (*Asio otus*).

The second group is much more differentiated concerning the variety of species and items for sale are generally more expensive. Without question parrots (Pssitoformes) dominated the second group. The most frequently encountered species are: eastern rosella (*Platycercus eximius*), African grey parrot (*Psittacus erithacus*) and rose-ringed parakeet (*Psittacula krameri*). Among illegal offers there were also such species as: eclectus parrot (*Eclectus roratus*), hyacinth macaw (*Anodorhynchus hyacinthinus*), little corella (*Cacatua*

*sanguinea*) or Jardine's parrot (*Poicephalus gulielmi*). Estimated monthly value of trade in parrots on the Internet amounted to €14 550 making 97 percent of the overall monthly value of illegal bird sales on the Polish Internet.



**Figure 7.** Percentage share of single species among illegal offers concerning birds

By number of illegal offers of sale, mammals were one of the less represented groups of animals. However, it was the group of the highest value – the total amount of items sold on the Internet amounted to approximately €20 050 per month. As with birds, the division into dead and live items can also be applied here. However, in this case the first group turned out to be much more abundant with not only number of species, but also with the value of placed offers. This group was dominated by articles made from ivory. Some were relatively cheap (necklaces, small statues), but very expensive articles were also found (japanese swords with encrusted hilt or sheath, pianos, large sculptures). [\[SEE EXAMPLE 4\]](#) The average monthly value of advertisements concerning ivory amounted to €18 570, that is ca 92 percent of the average monthly value of mammal products offered for sale. One should note, however, that especially in the case of offers concerning the most valuable items (e.g. musical instruments) a large part embraced articles produced more than 50 years ago. As defining the age of most of them would not be a problem, the owners could acquire the relevant certificate enabling them to sell these items (according to Art. 8 it. 3 letter b) of Council Regulation (EC) no. 338/97). The lack of proper documents did not result from illegal origin of items, but only from the lack of knowledge or care on the part of the owner. Although, according to the law, selling such articles is illegal, its harm seems to be very low and, as in case of spiders, consists above all in creating general social acceptance for breaking the nature preservation laws. In the case of ivory, the scale of illegal trade makes it harder to find dealers selling large numbers of items which are nowadays smuggled into the country.

Among dead animals and derivatives, as with birds, mammals were found which are not only placed under species protection in Poland, but also protected under European

Community law. For example belonging to both of these groups are wolf skins (*Canis lupus*), lynxes (*Lynx lynx*), otters (*Lutra lutra*) and brown bears (*Ursus arctos*). In the course of the monitoring, only three cases of illegal offers of live endangered mammals were found. All of them concerned monkeys. They were two squirrel monkeys (*Saimiri sciureus*) and one African green monkey (*Cercopithecus* sp.). [\[SEE EXAMPLE 5\]](#)

#### 4.1.4. Origin of the items

The monitoring methods applied in this report provide little information on the origin of the items sold. The source of the majority of data are descriptions in the offers, where information on the origin of animals or articles was rarely given. Some advertisements, however, did contain such information and sometimes it was acquired in the course of the legality verification process. An indication of an item's origin was also provided by the monitoring of terraristic discussion forums as well as by data from offers found before the beginning of the basic monitoring and shortly after its end.

In the case of illegal offers of sale for live animals, declared sources of origin were:

- seller's own breeding (concerns mostly spiders, parrots and snakes, but the seller does not possess a birth certificate and the origin of the item's parents is also questionable);
- purchase from a national breeder, in a zoological store, on one of the Polish zoological markets – e.g. in Łódź, or via the Internet (concerns most animal species, where with the purchase no documents certifying the animal's legal origin were given);
- personal purchase on one of zoological markets in Czech Republic, mostly in Prague (concerns mostly parrots and reptiles – e.g. cameleons, but also amphibians and invertebrates; with the purchase no legal documents were given and while crossing the border, no notification was made);
- unwanted gift (concerns mostly turtles and parrots, where the origin of the gift has no documentary evidence); [\[SEE EXAMPLE 6\]](#)
- personal finding or taking under one's roof exotic animals found by someone else (concerns mostly red-eared sliders (*Trachemys scripta elegans*), but also land tortoises and common parrots);
- caught in the wild (beside the basic monitoring there were found cases of wasp spiders (*Argiope bruennichi*), sand lizards (*Lacerta agilis*), newts (*Triturus* sp.), swallows (*Hirundinidae* sp.). [\[SEE EXAMPLE 7\]](#)

In the case of dead or skeletonized animals, as well as derivatives, declared sources of origin were:

- smuggling from the countries of the former Soviet Union e.g. Russia, Lithuania, or Belarus (concerns mostly skins of predatory mammals, stuffed animals and caviar from fish of the order of sturgeons); [\[SEE EXAMPLE 8\]](#), [\[SEE EXAMPLE 9\]](#)
- smuggling or legal import of one's own trophies from hunting expeditions abroad –

e.g. Belarus, Scandinavia, USA, Canada, or African countries (concerns mostly skins of predatory mammals – above all lynxes and wolves, but also bear, cheetah etc., skins and skeletonized heads of other mammals, as well as stuffed birds – e.g. heath-cock); [\[SEE EXAMPLE 10\]](#)

- smuggling from various Western European countries or North America (concerns mostly articles from skins of various species of reptiles);
- smuggling from African countries or southern Asia (concerns mostly articles from ivory, or teeth and horns of rhinoceros, but also different kinds of “reminders”, as invertebrates specimens, tortoise shells or stuffed reptiles); [\[SEE EXAMPLE 11\]](#)
- inheritance (concerns mostly various species’ skins, articles from ivory, stuffed birds, collections of insects);
- catching an animal legally in Poland before it was placed under legal protection, finding a dead animal, or poaching (involves mostly mammal skins, or various stuffed mammals and birds – whereas poaching is in all probability the source of a considerable part of items declared as legally caught or found); [\[SEE EXAMPLE 12\]](#), [\[SEE EXAMPLE 13\]](#), [\[SEE EXAMPLE 14\]](#)
- own breeding (concerns a single case of selling an egg and feathers of peregrine falcon and skeletonized *Brachypelma* tarantulas); [\[SEE EXAMPLE 15\]](#)
- fraud (in a few cases offers of protected species’ skins were spotted – e.g. brown bear and giant panda, which after the analysis of pictures turned out to be other species’ skins).

The above list is not exhaustive. This is indicated by the reports of customs services, stating that smuggling embraces many more arts of items. Moreover, some declared sources (such as stores and markets) are of secondary character, where the original source of items bought there is questionable. The credibility of some declarations concerning the origin of items is also unsure. It will be possible to conduct quantity analysis of the real sources of items’ origin being the object of illegal trade only on the basis of data provided by prosecution authorities and courts, which have the possibility to ascertain such facts.

#### 4.1.5. Other illegal offers

While searching for illegal sale offers of protected animal species, many other illegal or probably illegal offers concerning other items, connected to nature conservation were found. These included:

- live flora placed under protection on the basis of the international law (mainly orchids and cacti);
- dried fungi and lichen placed under protection on the basis of species protection (morels *Morchella* sp., *Cladina* lichens as well as *Parmelia* sp. lichens);
- items made from the wood of trees placed under protection on the basis of international law (especially mahogany);
- hunting trophies of domestic animals of the chase, coming from poaching or legal hunting, however sold breaking the law (most trophies concerning the sale of

hunting trophies are probably illegal and the scale of trade in them may be even higher than the trade investigated by this monitoring

- fishing trophies (according to existing regulations in Poland, fishing trophies cannot be traded);
- hunting firearms (e.g. sold by mail-order by means of internet auctions without any control of the buyer's authorization);
- hunting accessories banned by law (e.g. night vision rifle scopes for hunting firearms);
- fishing accessories (fishing nets and fish-pots, trade in which is subject to legal limitations);
- tools banned by law for catching or killing land and water animals (e.g. traps and other snares).

Determining the scale of trade in single categories of articles or items in the above mentioned groups would require conducting separate research.

#### **4.2. Behaviour of people and institutions**

The reactions of institutions and people to the introduction of new regulations, cases of breaking the law and information on the monitoring conducted were mainly analysed on the follow bases:

- direct contacts with these agents (mail, phone, meeting in person);
- official documents and decisions (or their copies) acquired from various sources;
- reports of breeders and dealers, found e.g. at the internet discussion forums;
- press releases.

Considering the fact that the information sources were not fully representative, the acquired data cannot be subject to a quantitative analysis. However this data reflects well the degree of preparation of institutions and society for obeying the regulations concerning the trade in protected species. It shows also the most important gaps in the law and flaws in the procedures.

Below, the most vital observations concerning single institutions and groups of people were demonstrated:

##### **4.2.1. The Police**

According to methodological objectives, in the course of the monitoring a group of offers was isolated, information on which was sent to the Police. These were all offers which were assessed in the first stage of the legality verification as definitely against the law. As well as these, those which were assessed as probably illegal as a result of the second stage of verification, embracing randomly chosen suspicious offers. In the end 89 offers were reported to the Police, 6.33 percent of the estimated minimum number of illegal sale offers of protected animal species, placed at that time on the Polish Internet. Offers concerning all taxonomic groups and groups of items were reported to a similar degree. With the reports, the

Society submitted claims to serve as the subsidiary prosecutor asked for submitting information on the progress in the proceedings.

At the time this report was finished, the Police had not responded in any way to 36 of the reported cases (however, we know about some of them from other sources – e.g. public prosecutor's offices, courts, media or internet discussion forums). The feedback from the Police (including the latest one we received) concerned the following:

- transferring the case to another Police unit (11 percent of reports);
- instituting an inquiry (49 percent);
- denying to institute an inquiry or dropping a lawsuit (15 percent);
- transferring the case to the court or public prosecutor's office (25 percent);

With regard to almost half of the reported cases, the staff of the Society were summoned to testify in person. If cases were investigated by units from other cities (the vast majority of cases) testimonies were given at a local police station in Poznań.

In the case of denying to institute an inquiry, the following reasons were given:

- ascertaining that the suspect does possess the documents required for trade in the animals governed by limitations required by the EC. However no report stated what those documents were – 25 percent of cases of dropping the lawsuit (concerning cases, where the seller informed previously about the lack of documents; from other sources we know that at least in some cases a confirmation of animal's registration at the Starost's Office, or other documents, being no proof for a legal origin of the animal, thus not allowing its legal sale, were recognized as a sufficient document);
- no possibility to find the perpetrator – 25 percent of cases (further investigation was sometimes questionable – e.g. neither the auction service administrator was asked to give access to personal data and the bank account of the dealer, nor was any attempt made to contact the seller and make a controlled purchase);
- other circumstances making it impossible to transfer an application to court for imposing a fine – 50 percent of cases (e.g. lack of proof of committing a crime or the perpetrator's infancy).

The last group of the explanations is differentiated and in many cases questionable. For instance, investigation concerning selling a fur made of wolfs' skins (*Canis lupus*) was dropped after concluding that the fur in question was sewn in China of "chinese dogs" and it was only advertised as wolf fur solely "in order to raise interest in the item and charge a higher price". We were not informed how the material was defined as such if the buyer was not found. Probably the investigation was based on the perpetrator's testimony – if the information was real, the perpetrator did not only break the nature conservation law (according to the Art. 2 letter t of Council Regulation (EC) no. 338/97, as the item of a certain species is also recognized any article, which according to the attached document, label, symbol or any other circumstances is supposed to contain a derivative product of a certain animal) but also committed a fraud. There were other similar questionable explanations. All the investigations conducted that we know of concerned sellers only. We were not informed

about any activities undertaken with respect buyers, despite the fact that not only selling, but also buying protected animal species, is a crime.

Policemen from various regions of the country, investigating the cases reported by us, contacted the staff of the Polish Society for Nature Protection "Salamandra" many times in order to acquire current nature conservation law and European Community regulations concerning endangered species, as well as a list of such species.

An important problem, flagged by the Police, was the lack of proper equipment to enable verification of the reports. According to the information given to us by the policemen in charge at the vast majority of police stations where the reports on breaking the law were sent, the staff had no access to a computer let alone to the Internet. There were cases where there was one typewriter for three policemen. In the end, the investigation was based solely on the printouts of internet websites, attached to the sent reports. No access to the Internet was also recognized as a reason as to why it was impossible to ascertain personal data of the seller (it also concerned cases where acquiring such information did not involve accessing the Internet).

In the case of finding the seller and undertaking further investigative action, in the vast majority of cases policemen conducting searches on houses of people suspected of illegal trade in endangered species did not use expert help. At the same time, they were unable to tell the difference between these and similar, unprotected species. For this reason there were cases of confiscation of items from both of these groups. The lack of knowledge of species governed by EC regulations was also visible in the police records, where instead of the specialist terminology, amateur, incorrect nomenclature was used, e.g. curlyhair tarantula (*Brachypelma albopilosum*), was described as "curly".

An important problem for policemen conducting searches was securing the evidence. At first the Police did not have any cages or other containers for transferring animals. Often they hesitated to get hold of the confiscated animal (many cases concerned species generally believed to be dangerous – e.g. spiders or snakes). There were cases where a decision was made to leave the items accepted as evidence in the keeping of the person suspected of illegal trade. When it was decided to take the animals, they were often placed in zoos or specialist stores active in animal trade (including those which also sold animals without proper documents).

Reports on illegal trade in endangered species in the Internet were a total novelty for most policemen. However in several cases they attempted to search for illegal sale offers on the Internet themselves. The staff of the Polish Society for Nature Protection "Salamandra". were consulted on the offers found. However the lack of knowledge on which species were governed by regulations resulted in finding items which can be legally sold – for example the leopard gecko (*Eublepharis macularius*). In one instance, a person introducing himself as a policemen contacted the Society on the phone in order to report a crime found by him.

#### **4.2.2. Public prosecutor's office**

According to Art. 128 it. 2 letter d of the Act of 16 April 2004 on nature conservation,

selling animal items belonging to species governed by regulations of the European Community without proper documents certifying their legal origin is a crime. For this reason where there was a lack of confirmation of such a situation, the Police transferred cases to respective public prosecutor's offices.

At the time when this report was finished, the Polish Society for Nature Protection "Salamandra" received from public prosecutor's offices official information concerning only seven cases (as far other cases are concerned, we acquired information from letters from courts and information appearing on the Internet). Among all letters sent to the Society from the public prosecutor's offices, only one informed about transferring the case to court (concerning selling an egg and feathers of peregrine falcon – *Falco peregrinus peregrinus*). Other six informed about dropping the lawsuit. These cases concerned selling: skin of brown bear (*Ursus arctos*), ivory necklaces imported from Africa, *Brachypelma* tarantulas, iguana (*Iguana iguana*), crimson rosella (*Platycercus elegans*) and eastern rosella (*Platycercus eximus*).

The argument we acquired for dropping the lawsuit was:

- ivory - in this case placing several offers for selling various ivory necklaces from Africa without CITES certificates, by the same person, the public prosecutor's office justified its decision with "insignificant harm of the action". The seller put the items in question up for auction again, although the auction service, where the articles were offered, blocked a few auctions and instructed the seller that he was violating existing regulations. According to the information sent by the public prosecutor's office, after being instructed this person made at least two transactions. One must assume that even if this person did not at first realize that he was committing a crime, after the intervention of the auction service, he was breaking the law with full knowledge;
- eastern rosella - Public prosecutor's office informed us that the seller of the parrot was misinformed by an official of the County Starost's Office. He refused to register the bird, explaining that it is not listed as an animal which needs to be registered. According to the public prosecutor's office, the readiness to register the bird proves that the seller "has a proper relation to the existing legal norms". In the decision that we received it is not evident that this person had any document certifying the legal origin of the parrot. One should note that an animal's registration in the Starost's Office has no influence on the legal sale of this item. In order to make a legal transaction, the buyer must receive from the seller a document certifying the legal origin of the animal.).

In the other four dismissed cases, the decision did not contain any justification.

In one case, the leading prosecutor contacted the Society and asked to be sent relevant regulations of the European Community and also asked some questions about a few of the regulations. We do not know which case this request referred to.

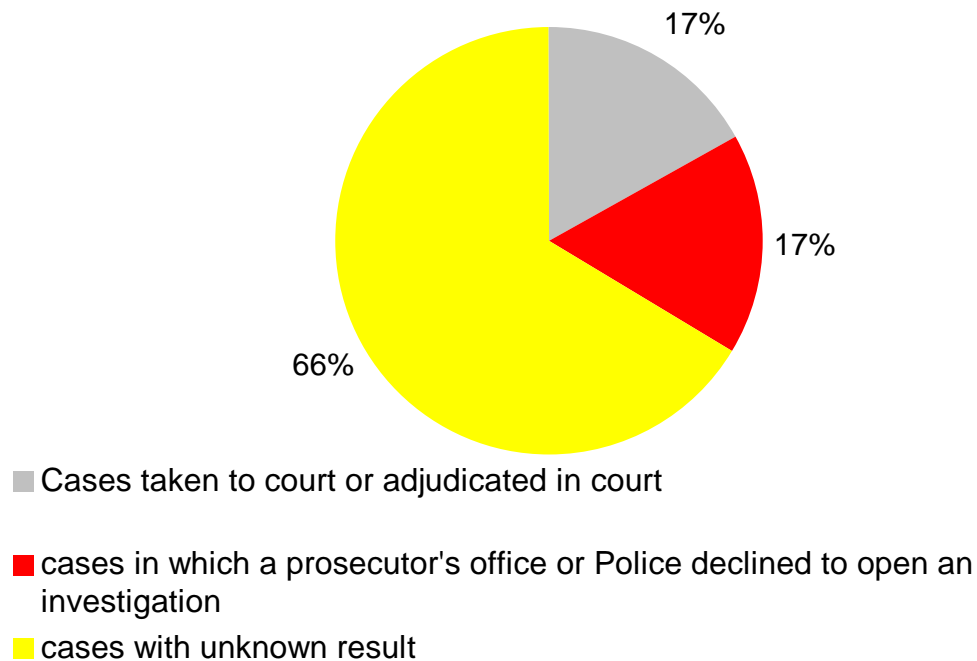


### 4.2.3. Courts

In only 13 cases were we officially informed about bringing the case to court. About other cases we acquired information from other sources – e.g. from the defendants or by reading discussion forums. Analysis of these cases resulted in the following observations:

- all cases of which we were officially notified the results, ended with a guilty verdict. In one case also a fine for charity was imposed;
- in every case the total of the imposed fine, the damages and the court fees amounted to €50–200 (it should be noted that in the majority of cases brought to court, the investigation showed that they concerned sale of items by people who were not aware of new regulations – thus it seems reasonable that the perpetrators were treated mildly);
- only in one case the court adjudicated forfeiture of offered items, although all cases concerned items which were not only illegally offered for sale, but also illegally kept – they were items of protected species on the basis of the Polish law, or species protected on the basis of the European Community regulations kept without registration (Art. 129 it. 1 of nature conservation act allows for adjudication of forfeiture of such items, however not adjudicating forfeiture of illegally possessed items encourages further breaking of the law);
- in two cases the courts denied to recognize the Polish Society for Nature Protection "Salamandra" as the subsidiary prosecutor (arguing that the Society was not wronged), in three cases we did serve as the subsidiary prosecutor (acting on behalf of the animal, which cannot defend itself), in other cases the courts did not inform us of their decision concerning our offer to serve as the subsidiary prosecutor.
- The staff of the Society were twice summoned to appear in court in order to give a testimony as a witness, even though in both cases the courts did have the confirmation of the police that the offers had been placed on the Internet and the testimonies of the Society's staff given at the police stations. (in one of the cases the court decided not to question the Society's staff member, deciding it was not necessary).

Figure 8 shows a summary of the fate of all the cases reported by us about which we were officially informed by the Police, public prosecutor's offices or courts. From other sources we know that some cases, about which we received no feedback are still in progress and some have already ended in the courts.



**Figure 8.** The fate of reported cases of illegal trade in animals by means of the Internet

#### 4.2.4. County Starost's Offices

Given the current legal situation, the role of the Starost (in practice – County Office or in case of towns functioning under the rights of a county – Town Hall) in implementing regulations concerning endangered species is limited in practice to registering amphibians, reptiles, birds and mammals protected on the basis of the law of the European Community. From the information collected in the course of our monitoring it became clear that officials responsible for entering applications into the register had varying degrees of knowledge on the existing regulations. In some counties the information was given according to the actual state, and if there were any doubts considering the interpretation of the regulations, the Ministry of the Environment, or e.g. our Society, were contacted. However in many cases decisions that were made or information given were incorrect and demonstrated the lack of knowledge or incomprehension of the regulations. Most problems arose from the following issues:

- aim and effects of the registration (in some cases people registering their animals were informed that the registration document also certified the animal's legal origin and allowed its sale);
- list of animals which must be registered (often officials could not determine, whether a certain animal had to be registered or not – e.g. they used outdated lists, did not know that invertebrates and fish were not subject to registration, did not know whether the obligation concerned all appendices of the Council Regulation

- (EC) no. 1497/2003, or they could not find the animal in the appendices);
- documents certifying the legal origin of an animal (in some cases officials did not know which documents are necessary for registration of the animals);
  - possibility of registration of animals without documents certifying their legal origin (nature conservation act of 16 April 2004 allowed registration of such animals until 2 November 2004, but some Starost's Offices officials were not familiar with this and denied registration);
  - registration fee (although the nature conservation act of 16 April 2004 introduced a new fee for an animal's registration, reports of people registering their animals in different counties shows that in many cases a different, higher, fee was charged).

#### **4.2.5. Voivodeship administration**

Where illegal offers for sale were found on the Internet for items placed under species protection, reports were sent also to respective Regional Nature Conservators, representing Voivodes in cases concerning nature conservation (at the beginning of the monitoring they were informed about all illegal offers originating from their regions). Altogether, 15 conservators were informed about crimes and offences, and some received several reports concerning different cases. Only one conservator undertook relevant action and asked for intervention at respective police stations. One should emphasize however that no regulations obliged voivodes or their deputies to undertake any actions.

#### **4.2.6. The Ministry of the Environment**

According to the current nature conservation law, the Ministry of the Environment is the administrative body responsible for obeying CITES regulations in Poland. At the same time, the consulting body appointed by the Minister of the Environment – National Council for Protection of Nature – is the Polish scientific body of CITES.

In the course of the monitoring, the Ministry employed at the beginning two, then three persons responsible for CITES issues (above all examining applications and giving out certificates). These are all the people (beside the staff of non-governmental organizations, conducting CITES projects) employed in our country for the fulfilment of the Washington Convention and connected with it the national and European regulations. The National Council for Protection of Nature is a body meeting every 3-4 months for a few hours. The Council members work for free. The main part of work is done in a few committees, operating between the Council meetings. Committees meet generally with similar frequency to the Council and most decisions are made by e-mails or on the phone. During our monitoring, the Council was composed of 30 members. However, there was no committee responsible for CITES issues. Judgement in all cases (e.g. giving out certificates) concerning animals was passed by Committee for Conservation of Animals and Zoological Gardens and concerning plants – by Committee for Conservation of Plants and Botanical Gardens. In every committee there was one person specialized in CITES issues. All in all – in course of the monitoring in Poland there were 2–3 officials at the Ministry of the Environment responsible for implementation of CITES regulations and 2 volunteers from the National Council for

## Protection of Nature.

The situation described above resulted in the degree of activity of the national authorities in the field of enforcing the CITES regulations. It was almost completely limited to examination of current applications and giving out certificates sent by interested persons to the Ministry and to representing Poland at conferences and work groups organised at the international level. No actions aimed at disseminating to society information on new regulations and their effects on, for example, owners of live animals, were undertaken. Also, there were no discernible activities that could be considered a reaction to information on the monitoring we conducted and to cases of breaking the law. During the monitoring the Ministry received several letters from various people and institutions asking for clarification of the interpretation of the regulations. At the time of finishing this report, these people had still not received an answer.

#### 4.2.7. Veterinary services

One of the duties of county veterinarians is (on the basis of the nature conservation act) giving out birth certificates of animals born in captivity. In case of animals placed under the protection of European Community law, these certificates are one of the basic documents allowing their legal sale. Moreover, in the case of amphibians, reptiles, birds and mammals, they are necessary for a registration at the Starost's Office. According to the interpretation of veterinary regulations presented by WWF–Poland and applied by the Ministry of the Environment, a county veterinarian has a record of breedings and maintains veterinary control over them. Information gathered during our monitoring shows that the majority of county veterinarians are completely unaware of these regulations, misinterpret them, or deny fulfilling obligations resulting from them, waiting for directives or executive decrees (not provided by the law). Generally the following problems were pointed out concerning contacts with county veterinarians:

- repeatedly there was a problem with registration of animal breedings covered by regulations of the European Community at the county veterinarians' offices – some of them knew it was necessary and understood it was a condition for acquiring a birth certificate, others thought the registration of small home breedings to be unnecessary, in some cases they denied the registration arguing that living rooms were not proper breeding conditions, mostly, however, denied the registration (especially of *Brachypelma* tarantulas) claiming that if the invertebrates and fish were exempt from the registration at the Starost's Office, than there were no reasons for giving out birth certificates (in fact, these two things have nothing in common, as spiders' birth certificates are necessary for their legal sale and not for registration) [\[SEE EXAMPLE 16\]](#)
- in case of *Brachypelma* tarantulas it was not known how the county veterinarians were supposed to state the number of newly hatched spiders.
- some county veterinarians were not aware of the fact that invertebrates and fish were exempt from the registration at Starost's Offices and demanded from breeders certificates proving the registration;

- some county veterinarians pointed out the lack of fixed procedures and forms concerning birth of an animal;
- we acquired information about cases of giving out birth certificates without former control – solely on the basis of the breeder's or private veterinarian's declaration;
- there was no case of giving out birth certificates, where county veterinarians did check, whether all conditions stated in the Art. 24 of the Commission Regulation (EC) no. 1808/2001 were fulfilled;
- in at least one case a veterinarian refused to give out separate certificates for each animal and issued one joint certificate, stating an approximate number of offspring (it concerned a private breeder who was not conducting an economic activity concerned with the sale of animals, and was not obliged by law to make copies of the certificate for the sale of single animals).

#### **4.2.8. Auction services**

In connection to activities conducted by the Polish Society for Nature Protection "Salamandra", the most popular Polish online marketplace offered its cooperation in order to limit the illegal trade in protected animal species. The Society and the company running the auction service made an agreement. The staff of the auction service removed most of the questionable auctions indicated by the Society, and informed their authors of the reasons for their removal. However, auctions of substantial value were not removed – this concerned mostly ivory items.

Conditions of sale in the above mentioned auction service did not comply with the international and national regulations concerning nature conservation. The only conditions of sale for live animals made by the service were placing a note in the offer about ensuring safe and humanitarian transport conditions and information that “the species was permitted for sale in Poland”. Such conditions made it possible to sell any animal without violating the service's regulations. In theory, the majority of species governed by EC regulations and species protection in Poland are “permitted for sale”. However, generally possession of relevant certificates, permits and other documents for such trade is required. Potential buyers using the Internet are often unaware of nature preservation law. They take it for granted that if something is offered on a well-known service, then it must be legal. On the basis of such misplaced trust, in many cases an illegal transaction was made. Inaccurately formed conditions of service made legality assessment of some offers difficult. In connection to this, the Polish Society for Nature Protection "Salamandra" suggested the introduction of changes in the regulations, which would only allow the sale of species with required documents. It was suggested that the seller of animals, plants, or fungi of protected species should be obliged to put this information in the offer's description along with a note, stating what documents would be attached to the sold item. However our suggestion was rejected by the board of the service. It was argued that the staff would not be able to verify whether a certain species was subject to legal regulation. It was also doubted whether such a solution would be effective. So the sellers still have to ensure that “an animal is permitted for sale”, despite the fact that Polish law does not proscribe such a thing (even in case of dangerous animals there is only a

ban on their possession, not their sale).

#### **4.2.9. Media**

The first press releases concerning the monitoring appeared before its official publication. They concerned cases of illegal spider breeding in Wrocław and were based on information from the Police. After the beginning of the second, public stage of the monitoring the media received information from us, a press conference was held and we published on our website all information, materials and photos for free use. Interested journalists were given further explanations and interviews and we were always ready for expert proof-reading of articles, asking them to send us any quoted statements for authorization.

The number of press releases, at first in the local press, then in the national media, concerning the detection of spider breeding in Wrocław by the Police could be comparable or even higher than the number of reports on our monitoring, whereas the vast majority of articles and releases in radio and television were of sensational character. Mostly the fact of venomousness of spiders was stressed and it was suggested that the spiders being bred were dangerous to local people. The real reason for the Police action (the illegal trade) was mostly skipped, or mentioned only on the side. Many news items were full of serious, fundamental mistakes.

Information on the monitoring and its results was picked up mostly by the local media. Little of the national media referred to this topic. Articles prepared on the basis of the provided materials were generally free of serious mistakes.

Journalists were not, in general, interested in communicating detailed information on the current regulations and the obligations for citizens resulting from them – this was not a thrilling topic. However information on recently disclosed cases was eagerly published. Nonetheless, there were some journalists who did their best to present the essence of the problem.

Few journalists denied to write about the possibility of registration of protected animal species without documents certifying their legal origin, based on European Community regulations, saying, they would be interested in this topic a day before the deadline of the registration, because then it would be "hot news". The good this would do for the readers, who then would have no time to make a registration, was not taken into consideration.

Mistakes made in the articles resulted mostly from mistaking the obligation of registering certain species for the obligation of possessing and transferring documents certifying the legal origin of an animal, in the case of its sale. The regulations concerning endangered species' protection were also mistaken for a ban on keeping dangerous animals at home. Often the source of mistakes was incorrect information provided by people responsible for obeying the regulations (e.g. officials or county veterinarians).

#### **4.2.10. Reactions of animal dealers**

Both the actions conducted in the course of the monitoring (reporting cases of illegal sale offers) as well as the publicising of the monitoring, created various reactions among terrorists and animal dealers.

##### ***a) Reaction on discussion forums***

Most intense was the reaction of users of specialist discussion forums (two, above all – devoted to widely understood terraristics). These reactions were generally in the form of forum discussions, however, other actions were also undertaken, such as letters to the Polish Society for Nature Protection "Salamandra" and interested institutions, telephone calls, even personal visits to our office. Among the observed reactions on the forums, one can distinguish the following ones:

- intensive discussions on the need and substantiation of current regulations (especially concerning registration of animals);
- discussions and advice on how to evade the regulations concerning registration and animal trade in order to avoid legal responsibility (most advice was inadequate and proved the lack of knowledge of the law);
- discussion on interpretation of certain legal regulations (the vast majority of users presented the lack of knowledge on regulations and legislative principles – thus the suggested interpretations were generally wrong. However, sometimes these discussions pointed out the real legal gaps and the ambiguity of the regulations);
- attempts at gathering information concerning the current regulations and their interpretation in official institutions (in the Ministry of the Environment, at the County Starost's Offices and county veterinarians) or in the non-governmental organizations (mostly acquired from the website of the Polish Society for Nature Protection "Salamandra") – and informing about the effects of these attempts;
- criticism of the activities of the Polish Society for Nature Protection "Salamandra" connected to the project (especially those concerning attempts to enforce the law);
- invectives and threats to the Society and its staff involved in the project;
- suggestions for contacting and cooperating with the Polish Society for Nature Protection "Salamandra" and other interested institutions.

The Polish Society for Nature Protection "Salamandra" generally did not participate in the observed discussions, acting as a passive reader (considering the number of forums and different discussions held at the same time concerning the CITES topics, we were able to follow only few of them). However there was an exception to this, namely sending explanations concerning the project to one of the natural forums following a direct request and invitation from the forum's administrator.

##### ***b) Contacts with the Society***

Following the start of the public stage of the monitoring, and publication of information about the project, the office of the Polish Society for Nature Protection "Salamandra" received

many questions and remarks connected to the topic. They referred mostly to the following issues:

- which species are covered by the obligation to register (sometimes also – why these and not others);
- where one can register the animals;
- what is the registration procedure (are there any forms, what documents are required, how much does it cost);
- what is the possibility of registering an animal which does not possess any documents certifying its legal origin;
- sale of which animals is limited by European Community law;
- what to do if official institutions refuse to carry out their obligations (e.g. if a county veterinarian refuses to give out a birth certificate);
- which documents are recognized as sufficient for certifying an item's legal origin (e.g. is a copy of registration certificate or one's own declaration enough);
- why do we conduct such a project, and especially – why isn't it limited to an educational campaign, but also involves activities aimed at enforcing the regulations;
- can we stop a certain investigation or can we help dismiss a case?

We also received numerous questions concerning interpretation of international or national regulations.

In the course of the public stage of the monitoring we also received several tens of reports describing suspicious offers of sale on the Internet.

### ***c) Changes in the internet market for protected species of animals***

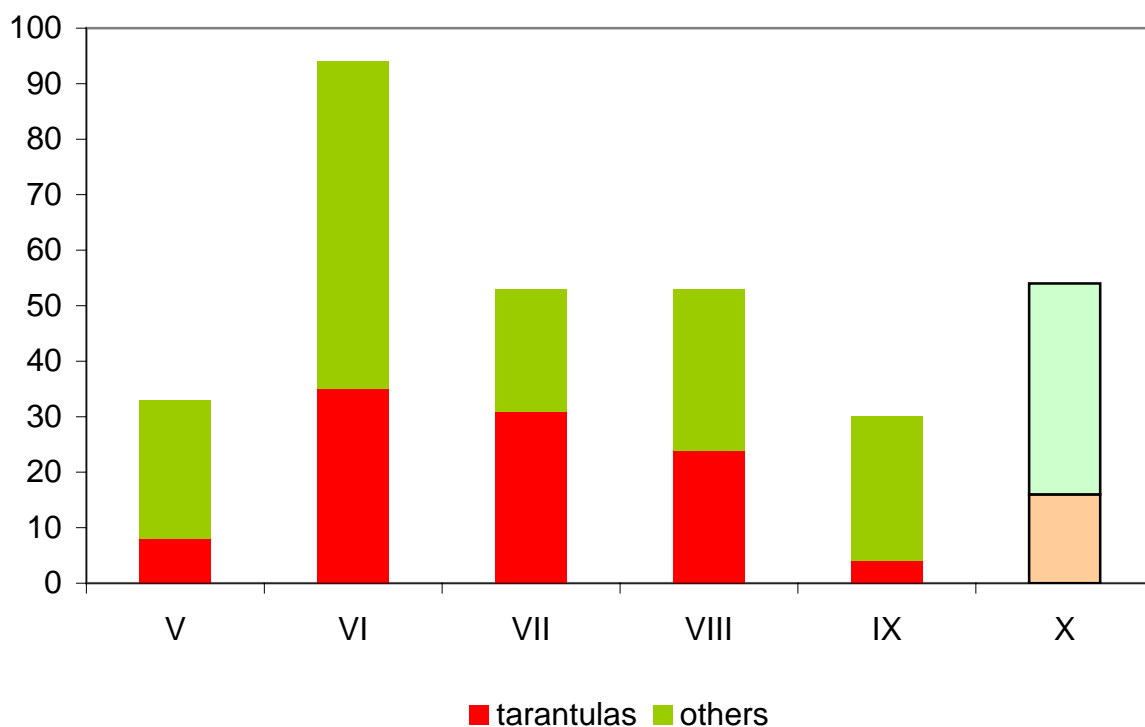
The basic changes desired, expected after publicising the monitoring being conducted, were a decrease in the number of illegal offers, and attempts by sellers to acquire for the items being sold proper documents certifying the legal origin of animals.

As far as the number of offers is concerned, a small, but , definite, decrease was noticed after communication of information on our project. However a deeper analysis of change in the number of offers for certain items of species (conducted on the most popular national auction service) showed that there was a statistically significant change only in the case of a small group – of live spiders, namely *Brachypelma* tarantulas (figure 9). In August 2004 the decrease in spider offers was small and it could have been regarded as accidental, however at that time the number of offers of other items increased slightly (note – the smaller number of offers for spiders in May 2004, presented in the figure 9, are probably the effect of a less effective search for such offers at the beginning of the monitoring). Nonetheless, in September there is a dramatic drop in the number of auctions offering spiders. Above all, a large number of auctions placed by big dealers offering large numbers of spiders in several parallel auctions vanished. Offers from people with small, in-house breeding programmes



were still there – selling the offspring of a single female. Already in October (estimated data on the basis of observations conducted in the first ten days of the month) the number of spider offers on the internet increased, reaching a number only slightly smaller than in August. The first drop was observed after the press release on the police action concerning the illegal spider breeding in Wrocław. However a dramatic decrease in the offers took place, when it appeared in the news that the Wrocław case was not isolated, and when information appeared on terraristic discussion forums on the national project conducted by the Polish Society for Nature Protection "Salamandra".

Together with the renewed increase in the number of offers for spiders, the first cases appeared where offers included a note that the seller did possess necessary documents certifying the legal origin of the items (before – according to the regulation of the auction service – a note informed at most that the item was “permitted for sale in Poland”). However by the end of the monitoring only one offer was found stating that the document was a birth certificate issued by the county veterinarian.



**Figure 9.** Number of illegal offers (number of offers in October estimated on the basis of data from the first 10 days of the month)

Although since September 2004 information on the possession of documents certifying the legal origin of animals started to appear more often, it was either too general to assess whether the documents were sufficient, or it was obvious that they did not meet the legal requirements. Mostly offers contained the following assurances:

- very general – on the possession of proper documents; [\[SEE EXAMPLE 17\]](#), [\[SEE EXAMPLE 18\]](#), [\[SEE EXAMPLE 19\]](#)
- on the possession of documents certifying the item’s registration (concerning

sometimes invertebrates, which do not require registration any more);

- on the possession of an official record of the county veterinarian's visit, certifying that the items were born in captivity (it is not known whether the record meets CITES requirements of a certificate, as it was not stated that it was controlled and confirmed according to European Community law, or that all conditions allowing the recognition of an animal as born in captivity were met.) [\[SEE EXAMPLE 20\]](#)

What did occur was that sellers informed potential buyers in detail about the existing regulations and the need for attaching required documents. [\[SEE EXAMPLE 21\]](#)

Unfortunately, in course of the monitoring we were often faced with situations where people attempted to prevent the detection of their illegal offers or take advantage of the supposed legal loopholes in order to avoid responsibility for illegal trade.

We observed the following types of behaviour aiming in all probability at avoiding detection of illegal offers and finding the dealer:

- changing the place of publication of offers from publicly accessible and popular auction and advertisement services to websites and forums visited mainly by people interested in terraristics;
- using programmes for direct communication – like „Gadu Gadu” for placing short personal offers (these advertisements were visible only to people who knew the seller's address and had it saved in their programme); [\[SEE EXAMPLE 22\]](#)
- avoiding the use of Latin names, or giving the name in a shortened form;
- using misspelled Latin and Polish names, or names with additional spaces or hyphens to avoid being found by internet search engines;
- using only unofficial names used in terraristic slang;
- giving only names of higher taxonomic units (e.g. „parrot” or „tortoise”) and placing a picture showing a certain species.

In order to avoid responsibility, the following three methods were used:

- offering not the sale, but exchange of animals (according to the European Community law, exchange is treated as sale);
- sale of items or animals not subject to regulations, with which a protected species was offered 'free of charge' (e.g. selling the insect feed of an animal, or the containers for keeping an animal). This was based on the erroneous belief that they could use the loophole that gifts conferring no interest on the donor are not regulated. In law, this situation is considered a joint sale as the acquisition of the protected animal is conditional on another purchase, and so subject to the same regulations as a standard sale. [\[SEE EXAMPLE 23\]](#)
- an offer stated readiness to give an animal for free, however a regular auction was held, the result of which was the animal was 'given' to the person who made and paid the highest bid (this was, in law, a regular sale). [\[SEE EXAMPLE 24\]](#)

These methods were described in detail and promoted on some terraristic discussion

forums. We have not encountered a case of disapproval of such attempts at evading the law by any forum users or their hosts. At most people questioned the legal effectiveness of those methods.

## **5. SUMMARY AND CONCLUSIONS**

### ***SCALE***

1. Illegal trade in species subject to European Community regulations or placed under species protection on the basis of national law is being done, among others, on the Internet, and the scale of this phenomenon is rather high – the turnover value exceeds €500 000 annually.
2. Internet trade embraces all types of items – live animals (the largest group), hunting trophies and various derivatives.
3. Although the monitoring concerned solely animals placed under species protection in Poland and protected on the basis of international law, it was confirmed that there is also illegal trade in hunted animals (e.g. acquired by poaching) as well as protected species of plants and fungi.
4. At the moment, internet trade in protected animal species in Poland is mainly of retail character (with the exception of caviar) and embraces either sale of single items, or of relatively small consignments. The large scale results from the universality of this phenomenon and the huge number of people, breaking the law.
5. For this kind of trade different internet tools are used, the variety of which constantly increases.
6. The location of Poland at the border of the European Community, the lack of actions aimed at limiting the illegal trade (it does not concern customs services, which try to launch such activities on a mass scale) and a minor threat of penalty in case of getting caught (value of adjudicated fines is often lower than the value of items) means there is a serious danger that Poland might soon become the main smuggling route of protected species into the European Community.

### ***AWARENESS***

7. Illegal trade in protected species conducted on the Internet is done so publicly in Poland – most dealers do not even try to conceal their identity.
8. The problem of illegal trade in protected species is not known or recognised in our country by the majority of society.
9. Most often the reason for breaking the regulations concerning illegal trade in protected species in Poland is complete lack of awareness of the existence of the regulations. This lack of basic knowledge is typical for the majority of the society.
10. In the Polish circles of exotic animal breeders, especially interested in the problem, the illegal trade in protected species is generally accepted, or at least tolerated. Breeders who were caught red-handed do not have to fear that they will be excluded from the circle – on the contrary, they can expect support.

11. Among people keeping exotic animals at home, there is a common belief that this hobby contributes to conservation of protected animals and not to their extinction.
12. Occasionally a public outcry arises from local societies against animal breeders and dealers if they believe that the object of breeding or trade are animals dangerous to life or to the health of people and other animals (regardless of whether this is true or not). Occasional protests are caused by inhuman treatment of animals.
13. It has not been observed that national or local authorities undertook any broader activities aimed at explaining and informing about regulations effective in this area.
14. Officials, functionaries and other persons working in institutions responsible for implementation of the regulations governing the illegal trade in protected species often do not only not know the law, but also are unaware of its existence and their own obligations.
15. The problem of illegal trade in protected species is not fully recognized and understood by prosecution authorities and courts. Necessity of undertaking actions in this regard often raises their objections.

### ***REGULATIONS***

16. Currently, the Act of 16 April 2004 on nature conservation introduces an obligation to register animals governed by regulations of the European Community. From 3 November 2004 registration will only be possible for those animals who have documents certifying their legal origin. Such documents are, above others, a copy (respectively described and provided with a number given according to continuous numbering), a certificate issued by a county veterinarian certifying that the animals were born in captivity, or a copy of various kinds of CITES certificates. In order to prevent registration fraud, developing a national database of registered animals is necessary. Such a database would be a protection against potential attempts of multiple registration of animals (other than they were issued for) on the basis of the same copy. The act would have to state unequivocally that beside the number of the document also the number of its copy should be entered into the register.
17. Art. 64 it. 1 of the Act on Nature Conservation gives the agents conducting economic activity in the scope of animal trade the right to make copies of documents certifying the legal origin of the animal and transferring them to the buyers. Such copies become then as valid as the originals certifying the legality of the origin. Since it is not stated that the copies are to be issued solely from the originals, at the further levels of sale, copies issued from copies may be made. The number of existing copies and the number of animals do not then tally, which makes control difficult. That creates the possibility of abuse and should be amended, allowing only for issuing copies directly from the original certificate. In order to facilitate the mentioned control and avoid necessity of further copying of copies, such copies should be made in the number corresponding to the number of items, stated in the certificate. An alternative and simpler solution is to issue separate original documents for every item. However this would be possible only in the case of national documents (e.g. certificates issued by county veterinarians on birth in captivity).
18. According to Art. 64 it. 9 of the Act on Nature Conservation, only the agents conducting economic activity in the scope of animal trade (that is various kinds of companies) have the

right to make copies of documents certifying the legal origin of the animal and transferring them to the buyers. The act does not provide that a person not conducting any economic activity would want to separate the animals for which he/she possesses a joint certificate and transfer them to different persons together with documents allowing, for instance, their registration. This gap should be filled – giving for instance Starosts or county veterinarians the right to issue and certify copies of documents for citizens, similarly to the rights, which the owners of zoological stores have.

19. According to Art. 64 it. 9 of the Act on Nature Conservation, only the agents conducting economic activity in the scope of animal trade (that is various kinds of companies) have the right to possess and transfer together with the animal sold the original or copies of documents certifying the legal origin of the animal. To other persons – not conducting economic activity in the scope of animal trade – there applies only a very general notation of Art. 8 it. 5 of Council Regulation (EC) no. 338/97, informing about the possibility to prove in a satisfactory way to the “the respective body” that such species were acquired or introduced into the Community in compliance with the law. In the meantime – if the buyer is obliged to register the bought animal (and to the application one has to attach copies of documents certifying the legal origin of the animal), and also to being able to certify its legal origin in case of further resale – this obligation of possession and transfer of such documents should concern everyone. The amendment of the respective legal regulation is therefore necessary.
20. According to the Art. 149 of the Act on Nature Conservation, till 2 November 2004 animals can be registered for which one does not possess documents certifying their legal origin. Therefore, the possession of animals registered in such a way will be legal. Such animals, however, according to the Art. 8 it. 1 and 5 of Council Regulation (EC) no. 338/97, cannot be sold or exchanged but they can be given to another person free of charge. The Act (Art. 64 it. 5) obliges the former owner to submit within 14 days of the sale of the animal an application for its deregistration. However the legislator did not provide regulations for a renewed registration by the new owner. It means that although it is legal to present somebody with such an animal, its possession by the recipient is already a crime. One should do away with this gap, introducing a possibility of owner’s change (on the basis of a free transfer) and re-registration of already registered animals, for which there are no documents, certifying their legal origin. If not, one can assume an increase in the release of unwanted animals (representing generally foreign species, including ones dangerous to the domestic nature – such as red-eared sliders) or their killing.
21. According to the Art. 64 it. 1 of the Act on Nature Conservation all amphibians, reptiles, birds and mammals covered by regulations of the European Community are subject to registration at the Starost's Offices, that means especially all species listed in the currently binding appendices A–D to the Council Regulation (EC) no. 338/97. Registration is made on the basis of documents certifying the legal origin of the animals, which one should receive, for example, with the bought animal. However in case of animals listed in the appendices C and D, neither national nor European law introduces the obligation of

possession and transfer of such documents regarding trade within the Community. This is, therefore, an example of the lack of cohesion of regulations. Consideration on how to change this should be made (maybe by doing away with the obligation of registration of species listed in the appendices C and D).

22. According to the Art. 62 it. 3 of the Act on Nature Conservation, the Minister of the Environment, in agreement with the Minister of Public Finance, should determine by means of a decree the way of handling live fauna and flora illegally exported from our country and confiscated by the customs service, as well as calculating the cost of their transportation and maintenance. Unfortunately, although such a regulation is very necessary, it has not been yet issued. It should be prepared as soon as possible and consulted with all interested units.
23. The Act on Nature Conservation states that transportation and maintenance costs of items governed by the regulations of the European Community illegally exported from the country and confiscated by the customs service should be born by the State Treasury. However the act does not specify, who bears the transportation and maintenance costs of items confiscated within the country by the Police, public prosecutor's offices or courts, without involvement of the customs services.
24. The Act on Nature Conservation does not provide the fact of issuing a regulation, governing the method for handling live fauna and flora confiscated by the Police with regard to breaking regulations other than illegal export from the country and calculating the cost connected to this. Amending the law and adding a statutory delegation for issuing of such a regulation, or adding these issues to the delegation included in the Art. 62, it. 3 of the act is necessary.
25. Considering the trouble with interpretation of the Art. 64, it. 4, paragraph 11, letter d of the Act on Nature Conservation, which the majority of citizens and many officials and even the representatives of prosecution authorities and courts have with this article, the Ministry of the Environment should prepare and publicize the official interpretation of this regulation, listing all documents, which according to the national and international regulations may be recognized as documents certifying the legal origin of the animal.
26. According to the interpretation of the Ministry of the Environment, concerning the Art. 1, paragraph 1, letter c, Art. 4 and Art. 5, it. 1, paragraph 1 and it. 2 of the act of 11 March 2004 on the protection of animal health and prevention of transmissible animal diseases, every person planning to sell an animal from their own breeding should report this intention in advance (30 days prior to sale) to a county veterinarian, who has to issue an official decision on whether all veterinary requirements determined for such an activity are fulfilled. It has been reported as problematic to get certificates from county veterinarians for the birth of a single animal. It seems to be a far-reaching interpretation. This would mean reporting every planned sale one month in advance – also single aquarium fish, cats, hamsters etc. (veterinary regulations are not limited solely to animals covered by European Community law). That would be an unnecessary exaggeration. It seems that with regard to single items, certificates enabling their legal sale and certifying their birth in captivity might be issued solely on the basis of a confirmation of meeting all requirements specified in the Art. 24 of

the Council Regulation (EC) no. 1808/2001. Resolutions of the act on the protection of animal health and preventing transmissible animal diseases refer to “undertaking and conducting activity in the scope of animal trade”. They surely concern agents conducting a registered economic activity in the scope of animal trade (that is, for instance, zoological stores offering animals for sale). One can assume that this regulation refers also to persons who, within economic activity, have animal breedings planned for sale or export to other countries. However cases of single breeding of animals kept at home (including aquarium or terrarium ones) are, in our opinion, not to be treated as “undertaking and conducting activity”. However it is advisable to amend the legal regulations with the to acquire an unambiguous specification for all people covered by this regulation in order to put an end to possible misinterpretations.

27. Appendices to the Washington Convention and Council Regulation (EC) may be amended. In November 2004 at the Conference of the Parties it is likely that new species will be added to CITES Appendices, e.g. of tortoises or geckos. Soon afterwards, appendices to the Council Regulation (EC) no. 338/97 will be supplemented. However, the Nature Conservation Act does not provide the possibility of registration after 2 November 2004 of animals without documents certifying their legal origin. This obviously causes problems for those who did not need to register before this time. This gap should be filled by amendment of the Act. Otherwise, after the new regulations come into force (i.e. after adding new species to the lists), there will be no possibility of legally keeping these animals, which is clearly not in line with the intention of international law nor common sense.
28. It is also advisable to analyse and, if needed, amend the rest of the regulations concerning trade in protected species, with regard to their compliance with international law, their functionality and effectiveness.

### ***IMPLEMENTATION***

29. Given the lack of special services or a nature conservation service responsible for counteracting crimes and offences against nature, there is a strong need for assigning a special police unit to deal with crimes concerning illegal trade in protected species on the Internet. Its members would have to undergo a thorough training on the existing national and international regulations concerning endangered species protection, as well as recognizing taxons that require special protection measures. Such a unit could become in future a part of the “Green Police”, also responsible for enforcing other regulations of nature conservation, including counteracting illegal trade in protected species not only on the Internet, but also in zoological stores and at zoological markets.
30. An important problem in Poland seems to be the lack of specialist rehabilitation centres for keeping animals confiscated during attempts of smuggling and illegal transactions within the country. Generally zoological gardens are forced to act as such centres, however they are not prepared for a larger number of additional animals. Moreover, a vital problem is the fact that the majority of items are in bad physical condition and may be carriers of disease or germs. This is a real danger to the animals kept on a permanent basis in the area of a certain garden. The concept of a national network of centres prepared to admit, conduct quarantine

and keep the confiscated animals should be developed as soon as possible, and then realising such a network and ensuring its stable financing.

31. There is great demand for developing of a national network of experts able to identify items belonging to certain systematic groups and ready for cooperation with the Police and Customs Service.
32. Illegal trade on the Internet is only one of several complementary forms of trade in protected animal species. Its prevention cannot take place separately from that of other forms of illegal trade. Systematic controlling of stores and markets offering animals governed by the regulations of European Community for sale seems necessary. Such controls should lay great stress on the legal origin of animals offered and to the conditions of their keeping.
33. An urgent amendment to the regulations of Polish auction services is necessary. At present the regulations provide mostly that the seller should provide information that an animal is permitted for sale in Poland. In our country there are no animals permitted or excluded from sale. However, in the case of certain species, selling is legal only in case of possessing required documents (certificates, permits, etc.). Therefore, such declarations are confusing and do not provide the bidders with information on whether the transaction is legal. In the case of species from the binding appendices A and B to the Council Regulation (EC) no. 338/97, both sale and purchase of animals without documents is a crime. Therefore, not only for the protection of certain species but also in the interests of people using the auction services, trade in species covered by the regulations should require provision of a note in the auction description about the documents owned and a commitment to their transfer together with the sold animal.

### ***EDUCATION AND INFORMATION***

34. A comprehensive information campaign is necessary, aimed at increasing the level of awareness in society concerning the existence of national and international regulations governing the possession of protected animals and trade in them.
35. Organizing training and preparation of educational and support materials for:
36. prosecution authorities and courts (policemen, public prosecutors and judges) – one should not only familiarise them with the binding regulations, but also persuade them of the great danger caused to nature by the illegal trade in endangered species;
37. county veterinarians – should have their obligations concerning protected animals resulting from the national and international regulations explained to them, and develop certain procedures;
38. officials of County Starost's Offices responsible for the registration of animals – explain which animals are subject to registration and on this basis which documents are required to complete such a registration.
39. It is advisable to develop a widely accessible database on the species protected both on the basis of international and national law. This database should be as detailed as possible and enriched with pictures of items of certain species.
40. A problem often encountered is the readiness to sell inherited, skeletonized items of animals placed under the species protection on the basis of the national law. The Nature



Conservation Act prohibits not only the sale, but also the purchase of such items. Till the end of April 2005 there is a possibility of applying to the respective Voivode for a permit for possession of skeletonized animals. Until now, according to the information available to us, no steps have been taken in order to communicate this information. If this shortcoming is not remedied the chance created by this rule for regulating the possession of old items will be wasted. Therefore a campaign informing interested people and institutions about such a possibility is necessary.

41. In the course of the monitoring there was often a problem with red-eared sliders (*Trachemys scripta elegans*). These reptiles are very popular in our country among hobbyists and are offered for sale in most zoological stores. Due to their potential vulnerability this species was covered by limitations of the European Community. As a consequence, according to the Nature Conservation Act, since 1 May 2004 there is an obligation in Poland to register all red-eared sliders at the County Starost's Offices. For the first six months of our membership of the European Community there has been the possibility to register animals without a document certifying their legal origin. This exemption applied also to red-eared sliders. It seems that this was the only way for the registration of these animals, as there was no information on items of documented origin kept in captivity in Poland. The registration does not change the overall principle that trade in these animals without documents certifying their legal origin is a crime. For this reason, the majority of (or all) red-eared sliders are illegally offered for sale. Moreover, since 3 November 2004 persons purchasing these turtles will not be able to register them and will commit a crime. Given the danger that this species poses to European fauna, it is necessary to communicate this information and undertake actions in order to stop the mass trade in these animals.

### **MONITORING**

42. Since the problem of trade on the Internet is limited not only to Poland, it is recommended to conduct the same analysis also in other countries of the European Union, and at least in the new member states. To standardize the results of the research it is recommended to apply similar methods.
43. Due to their organizational structure, non-governmental organizations have limited possibilities for conducting investigations. Given different priorities and methods of action, as well as susceptibility to reprisals by the perpetrators, such organizations should not take the place of prosecution authorities in disclosing and prosecuting persons breaking the law. In relation to repeating such monitoring in Poland, or in other countries, it is advisable to increase the activities of the Police with different measures than by simply reporting certain cases of breaking the law.

This report embraces all the results of the monitoring conducted in the first months of Polish membership of the European Union. It has resulted in a rather detailed picture of the current state of trade in protected species on the Polish internet websites. It is advisable to continue this monitoring by systematically repeated short-term controls with application of the same methods. Such research will allow the observation of changes and control the effectiveness of remedial measures undertaken.

## Appendix 1.

List of species which were offered on the illegal Internet auctions and were potted in the course of monitoring of Internet trade.

### ARTHROPODA:

*Brachypelma* sp.  
*Brachypelma albopilosum*  
*Brachypelma angustum*  
*Brachypelma baumgarteni*  
*Brachypelma boehmei*  
*Brachypelma emilia*  
*Brachypelma epicureanum*  
*Brachypelma smithi*  
*Brachypelma vagans*  
*Lucanus cervus*  
*Mantis religiosa*  
*Pandinus imperator*

### PISCES:

*Acipenseriformes*

### AMPHIBIA:

*Ambystoma mexicanum*  
*Dendrobates auratus*  
*Dendrobates azureus*  
*Phyllobates vittatus*

### REPTILIA:

*Boa constrictor*  
*Chamaeleo* sp.  
*Chamaeleo chamaeleon*  
*Crocodylia* sp.  
*Epicrates cenchria*  
*Eunectes notaeus*  
*Iguana Iguana*  
*Natrix natrix*  
*Ophiophagus hannah*  
*Phelsuma* sp.  
*Phelsuma madagascariensis*  
*grandis*  
*Pythonidae* sp.  
*Python molurus*  
*Python molurus*  
*Python regius*  
*Testudo graeca*  
*Testudo hermanni*  
*Testudo horsfieldi*  
*Trachemys scripta elegans*  
*Varanus exanthematicus*  
*Varanus niloticus*  
*Vipera berus*

### AVES:

*Accipiter gentilis*  
*Accipiter nisus*

*Agapornis* sp.  
*Agapornis fischeri*  
*Agapornis personatus*  
*Agapornis roseicollis*  
*Alisterus scapularis*  
*Amazona aestiva*  
*Amazona amazonica*  
*Anas querquedula*  
*Anodorhynchus hyacinthinus*  
*Ara ararauna*  
*Ara chloroptera*  
*Aratinga acuticaudata*  
*Asio otus*  
*Barnardius zonarius*  
*Bolborhynchus lineola*  
*Buteo buteo*  
*Cacatua alba*  
*Cacatua sanguinea*  
*Clangula hyemalis*  
*Cyanoramphus* sp.  
*Cyanoramphus auriceps*  
*Cyanoramphus novaezelandiae*  
*Dryocopus martius*  
*Eclectus roratus*  
*Falco peregrinus peregrinus*  
*Forpus* sp.  
*Forpus coelestis*  
*Garrulus glandarius*  
*Gracula religiosa*  
*Himantopus himantopus*  
*Nandayus nenday*  
*Neophema* sp.  
*Neophema elegans*  
*Nucifraga caryocatactes*  
*Pica pica*  
*Platycercus eximus*  
*Platycercus elegans*  
*Podiceps cristatus*  
*Poephila guldiae*  
*Poicephalus gulielmi*  
*Poicephalus senegalus*  
*Polytelis anthopeplus*  
*Polytelis swainsonii*  
*Psephotus* sp.  
*Psephotus chrysopterygius*  
*Psittacula cyanocephala*  
*Psittacula eupatria*  
*Psittacula krameri*  
*Psittacus erithacus*  
*Psittacus erithacus erithacus*  
*Psittacus erithacus timneh*  
*Purpureicephalus spurius*  
*Pyrrhura devillei*

*Resurvirostra avosetta*  
*Tachybaptus ruficollis*  
*Tetrao urogallus*  
*Trichoglossus haematodus*

**MAMMALIA:**

*Bison bonasus*  
*Bos mutus*  
*Canis lupus*  
*Elephas maximus*  
*Loxodonta africana*  
*Lutra lutra*  
*Lynx lynx*  
*Panthera pardus*  
*Rhinocerotidae* sp.  
*Rupicapra rupicapra*  
*Saimiri sciureus*  
*Ursus americanus*  
*Ursus arctos*