

Message 001

Communication from the Commission - TRIS/(2026) 1905

Directive (EU) 2015/1535

Notification: 2026/0371/DE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261905.EN

1. MSG 001 IND 2026 0371 DE EN 13-07-2026 DE NOTIF

2. Germany

3A. Bundesministerium für Wirtschaft und Energie, Referat EB3

3B. Bundesministerium für Umwelt, Klimaschutz, Naturschutz und nukleare Sicherheit; N I 4

4. 2026/0371/DE - S60E - Fauna and flora

5. Draft Act to Strengthen modern, digital and effective environmental protection – see § 53 BNatSchG [Federal Nature Conservation Act]

6. Provisions to combat the illegal online trade in species of plants and animals under special protection.

7.

8. regarding § 53 BNatSchG:

This Act closes existing gaps in the enforcement of regulations governing the monitoring of online trade in

species of plants and animals under special protection, and brings the means of monitoring compliance with species conservation legislation into line with current technological developments. To this end, new provisions are to be introduced governing the collection, assessment and transmission of information on potential violations of trade regulations under species conservation legislation. In particular, the use of automated processes, including artificial intelligence, is intended to assist market surveillance authorities in identifying and prosecuting illegal commercial offers. The aim is to more effectively enforce the protection of species under special protection in online trade.

9. The specific characteristics of online commerce make it considerably more difficult to enforce species protection laws. Offers are often available for short periods of time, can be changed at short notice, providers often appear anonymously or with changing user identifiers, there are usually no details on their identity or whereabouts, and the relevant information is distributed across different platforms. This makes it more difficult to determine which enforcement authority has substantive and territorial jurisdiction and delays the initiation of timely measures. In many cases, this precludes the enforcement of trade regulations under species conservation legislation. The project aims to address these enforcement gaps in the monitoring of wildlife trafficking on the internet. The new EU Action Plan against Wildlife Trafficking also sends a clear signal to policymakers and the judiciary that environmental and nature conservation offences are of greater significance than previously assumed, and that combating them must be given higher priority. Furthermore, scientific and technological advances in artificial intelligence have made it possible – and thus necessary – for the draft to monitor online trade for violations of trade regulations under species conservation law and for these regulations to be applied by the authorities.

9a. The establishment of a legal framework for the use of AI-supported monitoring tools, the transfer of responsibility for nationwide market surveillance of online trade, and the accompanying prohibition of anonymous offers of species under special protection make it possible to identify potential violations of trade regulations under species conservation legislation, to determine the competent authority for further prosecution, and to initiate the necessary (criminal) enforcement measures, thereby addressing the challenges described in relation to the online trade in species.

9b. The statutory duty to enforce the provisions on trade in species under the Federal Nature Conservation Act (BNatSchG) and Regulation (EC) No 338/97, together with the prohibition of such trade, also applies to the internet. Accordingly, the legal and technical conditions must be established to enable this statutory duty to be carried out. The establishment of a nationwide central body is necessary to effectively address the international realities of the (illegal) online trade in species.

9c. There are no apparent excessive burdens in relation to the objective pursued. On the contrary, the centralisation of nationwide market surveillance of online trade in species will ease the burden on the federal states.

10. Reference to the basic texts: No basic text available

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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