

Environmental Compliance Assurance

GOOD PRACTICE DOCUMENT

Combating environmental crime:
Waste and wildlife





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1. Introduction

This document aims to provide examples of identified good practices in combatting environmental crime, in particular waste and wildlife crime, as well as references to relevant literature and policy documents. It represents an accompanying document to the Vade Mecum on combatting environment crime¹, which delivers on the 2018 Action Plan on environmental compliance and governance².

The document has been prepared through a collaborative process involving EU Member States' experts, representatives of European environmental compliance assurance networks and other stakeholders. As a 'rolling' document, it is meant to be continuously updated to include recent good practices, relevant literature and policy documents. Suggestions for new content can be sent to the Directorate-General for Environment at the European Commission at the following email address: ENV-E04@ec.europa.eu.

2. Examples of good practice

2.1. Guiding principles

Recommendations of the Macrory Report

The report *Regulatory Justice — Making Sanctions Effective* (the Macrory Report) was published in 2006. The report proposed six core principles that should underlie the design of a modern sanctioning system, plus a number of characteristics that all regulators should follow. These recommendations were consequently endorsed by the UK Government.

Six Penalties Principles

A sanction should:

1. Aim to change the behaviour of the offender;
2. Aim to eliminate any financial gain or benefit from non-compliance;
3. Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
4. Be proportionate to the nature of the offence and the harm caused;
5. Aim to restore the harm caused by regulatory non-compliance, where appropriate;
6. Aim to deter future non-compliance

Seven characteristics

Regulators should:

1. Publish an enforcement policy;

¹ COM(2018)10 final.

² The Vade Mecum is currently being finalised.

2. Measure outcomes not just outputs;
3. Justify their choice of enforcement actions year on year to stakeholders, Ministers and Parliament;
4. Follow-up enforcement actions where appropriate;
5. Enforce in a transparent manner;
6. Be transparent in the way in which they apply and determine administrative penalties;
7. Avoid perverse incentives that might influence the choice of sanctioning response.

Source: *Regulatory Justice: Making Sanctions Effective*

Hampton principles for regulatory enforcement

The report *Reducing administrative burdens – effective inspection and enforcement* (the Hampton Report) was produced in 2005. The UK Statutory Code of Practice for Regulators is based on its recommendations with the purpose to promote efficient and effective approaches to regulatory inspection and enforcement.

Principles of inspection and enforcement

- Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most.
- Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.
- All regulations should be written so that they are easily understood, easily implemented, and easily enforced, and all interested parties should be consulted when they are being drafted.
- No inspection should take place without a reason.
- Businesses should not have to give unnecessary information, nor give the same piece of information twice.
- The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions.
- Regulators should provide authoritative, accessible advice easily and cheaply.
- When new policies are being developed, explicit consideration should be given to how they can be enforced using existing systems and data to minimise the administrative burden imposed.
- Regulators should be of the right size and scope, and no new regulator should be created where an existing one can do the work.
- Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.

Source: *Reducing administrative burdens – effective inspection and enforcement*

Themis Network Action Toolkit

The Themis Network Action Toolkit, 2017, is a document that was compiled drawing on the capacity development activities carried out during the implementation of the related project led by the Themis network. The Themis network is an informal regional network of national authorities responsible for natural resources protection and for the enforcement of environmental laws in EU candidate countries, potential candidates and countries with EU Association Agreements. The content of the toolkit is based on the materials used during the three Themis regional training programmes delivered to the beneficiary countries by the Regional Environmental Center for Central and Eastern Europe (REC). The toolkit is designed to give a basic understanding of implementing law enforcement strategies for the sustainable management of natural resources and environmental protection. It covers training, organisational planning and management, enforcement and

compliance management, nature conservation and the challenges of implementing EU nature protection legislation, and cross-cutting issues in the EU environmental acquis.

Link: [*Themis Network Action Toolkit*](#)

OECD principles for regulatory enforcement and inspections

The OECD report *Regulatory Enforcement and Inspections*, 2014, provides guidance to policy makers on improving regulatory enforcement and inspections and provides some examples of good practices in this area. It identifies a range of core principles on which effective and efficient regulatory enforcement and inspections should be based:

1. Evidence-based enforcement;
2. Selectivity
3. Risk focus and proportionality;
4. Responsive regulation;
5. Long-term vision;
6. Co-ordination and consolidation;
7. Transparent governance;
8. Information integration;
9. Clear and fair process;
10. Compliance promotion;
11. Professionalism.

These principles address the design of policies, institutions and tools for promoting compliance through enforcement of environmental laws and inspections. Their formulation was based on a survey conducted among OECD countries in 2012, on expert papers presented to the OECD Regulatory Policy Committee, as well as on additional country information provided to the OECD on a voluntary basis.

Link: [*Regulatory Enforcement and Inspections*](#)

2.2. Strategic approach

National Environmental Enforcement Strategy in the Netherlands

The objective of the strategy is to assist authorities in implementing their general duty to enforce. This includes appropriately intervening for every finding of non-compliance, making comparable choices in comparable situations, and choosing and applying interventions in similar ways, across the country, by the various competent enforcement institutions. To this end, the strategy contains a vision on enforcement and a clearly defined and structured approach. The strategy outlines several steps to be taken by enforcement institutions in each case of non-compliance. These include determining the type and gravity of a violation of environmental laws, assessing whether administrative or criminal law should be applied, taking the appropriate action and recording it.

Link: [*Human Environment and Transport Inspectorate*](#)

Enforcement and sanctions policy of the Environment Agency of England

In policy paper *Environment Agency enforcement and sanctions policy*, 2018, by the Environment Agency of England sets out its strategy to use enforcement and sanctioning powers to secure compliance with environmental laws.

The document details:

- the outcomes the Environment Agency wants to achieve;

- the enforcement and sanction regulatory principles
- the regulatory and penalty principles;
- the liability for enforcement action;
- rights, records and cost recovery;
- the enforcement and sanction options available;
- how enforcement decisions are taken;
- the enforcement framework for the climate change schemes and the control of mercury regime.

Link: [*Environment Agency enforcement and sanctions policy*](#)

Environmental Enforcement Performance Framework in Ireland

The Irish Environmental Protection Agency has designed a *Performance Framework* to support local authorities in their work in environmental enforcement. Through the *Framework*, information on enforcement activities is provided by local authorities and their environmental enforcement performance is evaluated against 26 indicators for annual reporting. The Framework aims at providing a balanced picture of performance, benchmarking performance over time, and a self-improvement tool for local authorities.

Link: [*Local Authority Environmental Enforcement Performance Framework*](#)

Resources and waste strategy for England

In 2018, the UK Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency published their *Resources and waste strategy* for England. The strategy describes the UK government commitments 1) to preserve the stock of material resources, 2) to reduce and manage waste safely and carefully, and 3) to deal with waste crime. Regarding the latter ambition, the strategic approach revolves around the prevention, the detection, and the dissuasion of breaches.

Link: [*Our waste, our resources: a strategy for England*](#)

2.3. Organisation and capacity

Specialised nature-protection police service in Spain

In Spain, the *Servicio de Protección de la Naturaleza* (SEPRONA), or *Nature Protection Service* in English, is a division of the police force *Guardia Civil* responsible for ensuring environmental protection and addressing environmental crimes. It is tasked with ensuring compliance with environmental laws, including laws on nature conservation, water resources, fisheries, and forestry. SEPRONA has ca. 1800 specialised police officers across the country, with modern equipment and laboratories at their disposal. Its structure is made up of centralised and decentralised units. SEPRONA's central body, the Central Environmental Operating Unit (UCOMA), supports territorial units in operations of special importance. At the provincial level, there are 1) *technical offices*, which coordinate and support the other provincial units; 2) environmental protection units, responsible for the investigation and assessment of environmental offences, and patrol units responsible for prevention, monitoring and reporting of environmental breaches.

SEPRONA cooperates with NGOs for training activities and for joint projects. SEPRONA officers regularly participate in targeted training, including on financial investigations. SEPRONA also actively participates in international cooperation, including with Europol, CEPOL, EnviCrimeNet and IMPEL.

Link: [*Nature Protection Service \(SEPRONA\)*](#)

Specialised environmental prosecution body in Spain

The Spanish Environmental Prosecution Office (*Fiscalía de medio ambiente*) is the Spanish prosecution body specialised in environmental matters. It is in charge of initiating criminal proceedings at the national level. The Spanish Environmental Prosecution Office also coordinates a network of more than 170 specialised public prosecutors across the country. Each Autonomous Community has its own public prosecutor specialised in environmental matters. The Environmental Prosecution Office regularly publishes detailed activity reports, including statistics on prosecutions and sanctions. The Spanish Environmental Prosecution Office is active in international cooperation, including through the European Network of Prosecutors for the Environment (ENPE).

Link: [*Spanish Environmental Prosecution Office*](#)

Specialised environmental breach police service in France

In France, the *Central Office for the fight against environmental and public health breaches* (OCLAESP), is a judicial police service within the in France whose mission is to combat environmental and public-health breaches. OCLAESP's missions is to:

- coordinate and lead the investigations of the judicial police carried out in its fields of competence;
- assist investigators and officials of other interested administrations in the conduct of their investigations;
- analyse breaches, characterise offenders, and centralize information;
- participate in training and information actions at national and international levels;
- process requests for assistance through traditional channels (Interpol, Europol, ...) and membership in different networks (IMPEL-TFS, HMA-WGEO, EUTWIX, ...).

OCLAESP has over 60 officers with specialised expertise, supported by four technical advisers from the ministries of sports, health, environment and the national office for wildlife and hunting. OCLAESP's structure is comprised of 1) a command unit, 2) an investigation unit, tasked to coordinate and conduct judicial investigations, and 3) a support unit, whose aim is to collect and analyse strategic intelligence, provide expertise to ministries, and conduct training actions with foreign actors.

Link: [*Central Office for the fight against environmental and public health breaches \(OCLAESP\)*](#)

Information exchange tool for law enforcement officers and stakeholders

The *IMPEL Enforcement and Stakeholders Information eXchange* (IMPEL-ESIX) tool is a communication tool developed by the *European Union Network for the Implementation and Enforcement of Environmental Law* (IMPEL) to enable law enforcement officers and other stakeholders to exchange and disseminate information about nature conservation – with the aim to improve communication of crime cases. The tool currently comprises information relevant to protected birds covered by the EU Bird Directive and may also, at a later stage, include information related to the EU Timber regulations, the Habitat directive and Natura 2000. The first part of the tool, the website, contains general information about the project as well as resources on legislation. It provides tools to facilitate the identification of bird species, information on common illegal practices of bird catching, killing and trading, as well as reports and studies on the status of birds in specific areas. The second part of the tool consists in a mailing system, aimed at sharing information about trends, seizures, experiences, expertise and identification between enforcement officials. The system also gives the opportunity to other stakeholders to share information about ongoing illegal matters, expertise, seizure news, scientific articles and other relevant information with enforcement officers. The major benefits of the mailing system is to stimulate (inter)national information exchange and co-

operation and to gives stakeholders the opportunity to share information with enforcement authorities.

Link: [*IMPEL-ESIX tool*](#)

National environmental enforcement network in Portugal

In 2016, the Portuguese National IMPEL network was established between 15 national and regional entities, replicating the *European Union Network for the Implementation and Enforcement of Environmental Law* (IMPEL) coordination model on a national scale. Institutions involved include permit issuing authorities, inspectors, public prosecutors and police authorities.

The network pursues three practical objectives:

- availability and transfer of knowledge;
- cooperation and collaboration between public entities with powers in implementing the legislation in question; and
- implementation, concrete and effective, of the acquired knowledge

The following entities are currently part of the National IMPEL Network: the Attorney General's Office, the General Secretariat of the Ministry of the Environment and Energy Transition (SGMATE), the Portuguese Environment Agency (APA), the General Inspection of Agriculture, the Sea, the Environment and of Spatial Planning (IGAMAOT), Institute for the Conservation of Nature and Forests (ICNF), Regional Inspection of the Environment - Azores (IRA Açores), Regional Directorate for Spatial Planning and Environment - Madeira (DROTA Madeira), General Directorate of Territory (DGT); Regulatory Entity for Water and Waste Services (ERSAR); Coordination and Regional Development Commissions (CCDR) of the North, Center, Lisbon and Tagus Valley, Alentejo and Algarve; and Public Security Police - Environmental Protection Brigades (PSP / BriPA), as well as the National Council for Sustainable Development (CNADS), the latter entity with Observer status.

Link: [*Portuguese national IMPEL network*](#)

Network for Ireland's Environmental Compliance and Enforcement

The Network for Ireland's Environmental Compliance and Enforcement (NIECE) is an Irish network established in 2004 and co-ordinated by the Office of Environmental Enforcement. Participants of NIECE include, for the most part, local authority staff, state agencies and government departments involved in the enforcement of environmental legislation, environmental engagement and promotion. In addition, representatives from other sectors including nongovernment organisations, businesses and producer responsibility schemes are invited to participate, where relevant. The network is comprised of public sector staff from around 50 enforcement agencies. NIECE seeks to harness collective resources and expertise to co-ordinate a consistent and more effective approach to the enforcement of environmental legislation in Ireland. Its three objectives are to:

- link practitioners and their work areas;
- share expertise and create learning opportunities;
- enhance consistency.

The role of NIECE is to provide a forum which encourages individuals and organisations to work together to deliver improvements in priority environmental areas. It also acts as a space where individuals share experiences, seek help from each other and learn from their peers. NIECE is structured around key thematic areas: waste, water, and air/climate.

Link: [*Network for Ireland's Environmental Compliance and Enforcement*](#)

Transboundary co-operation and coordination between Ireland and the UK on waste

The UK and Ireland's environmental regulators have strengthened their collaboration on driving resource efficiency and tackling criminality within the waste industry. Five agencies are involved: the Environment Agency (EA), Natural Resources Wales (NRW), the Northern Ireland Environment Agency (NIEA), Ireland's Environmental Protection Agency (EPA) and the Scottish Environment Protection Agency (SEPA). They reinforced the extensive partnership working underway on key regulatory issues, such as Duty of Care and cross-border transport of waste.

The agencies developed the ShARE programme (Shared Agencies Regulatory Evidence Programme), which is a flexible framework for research and evidence collaboration between the five environment agencies of the UK and Ireland.

Link: [*ShARE programme*](#)

Cooperation and coordination on wildlife crime in the United Kingdom

The Partnership for Action Against Wildlife Crime (PAW UK) is a collaboration of organisations involved in wildlife law enforcement. PAW UK was established in 1995 to help statutory and non-government organisations to work together to reduce wildlife crime. PAW UK includes statutory wildlife bodies, such as the conservation agencies, police and customs – but also non-governmental bodies, which are important partners. Its overarching objectives are:

- To facilitate effective enforcement to ensure that wildlife crime is tackled professionally;
- To influence the improvement of wildlife enforcement legislation; and
- To raise awareness of wildlife legislation and the implications of wildlife crime.

Link: [*Partnership for Action Against Wildlife Crime*](#)

Cooperation and coordination on waste crime in Poland

In Poland, the Chief Inspectorate for Environmental Protection (CIEP) co-operates with the Border Guard, the Customs Service and the Inspectorate of Road Transport to counter the illegal shipment of waste. This co-operation is based on two agreements: the first between the Chief Inspectorate of Environmental Protection, the Head of the Customs Service and the Chief Commandant of the Border Guard on cooperating in regard to international waste shipment; the second one between the Chief Inspectorate of Road Transport and the Chief Inspectorate of Environmental Protection on cooperation between the Inspectorate of Road Transport and the Inspection of Environmental Protection.

These institutions monitor the documentation and verify that shipped loads match the documents submitted.

The first of the two agreements also provides a legal basis for cooperation to prevent illegal international shipments of waste by providing mutual assistance in performing control activities. The Agreement also covers carrying out joint inspections, exchange of information and experience, and classification of goods as waste.

Source: [*Chief Inspectorate of Environmental Protection in Poland*](#)

Cooperation and coordination in the Netherlands on waste shipment

In the Netherlands inspections on waste shipment are carried out in cooperation with:

- the Dutch National Police Services Force;
- the Dutch Human Environment and Transport Inspectorate;
- the Dutch Regional Police Force;

- Dutch Customs;
- Dutch Provinces.

Cooperation between the relevant organisations is formalised in an agreement and brought into practice via joint inspections. The environmental inspectorate gives support to customs and police officers. The impacts of this co-operation are greater efficiency in the control functions of the respective institutions and improved understanding of the issues by the staff involving, thus enhancing capacity. Avoidance of duplication of effort or inefficient practices also reduces costs.

Link: [*Human Environment and Transport Inspectorate*](#)

Scottish Crime Campus

The Scottish Crime Campus at Gartcosh, near Glasgow, is a £75 million Scottish government-funded facility, providing office accommodation, forensic laboratories and support facilities for over 1,100 staff. The Campus is aimed at enhancing collaboration between serious crime and counter-terrorism agencies, through the enhanced sharing of resources, tactics and intelligence. The campus brings together the Scottish Crime and Drug Enforcement Agency, the Serious Organised Crime Agency, Her Majesty's Revenue and Customs, the Scottish Police Services Authority Forensic Services, the Crown Office, the Procurator Fiscal Service and the National Crime Agency.

Link: [*Scottish Crime Campus*](#)

2.4. Interventions to detect breaches

Procedural protocols for investigation and prosecution of illegal poisoning

The LIFE+ VENENO project, *Action in the fight against illegal poison use in the natural environment in Spain*, has aimed to achieve a significant reduction in illegal poison use in Spain, where this problem is one of the main causes of non-natural mortality in some of the most endangered species in Europe, such as the Spanish Imperial Eagle, the Bearded Vulture, the Red Kite or the Egyptian Vulture (including the Canary Islands subspecies), all of which are included in Annex I of the Birds Directive.

The LIFE+ VENENO project, funded by the EU LIFE programme, ran from 2010 to 2014 and aimed to protect these species and reduce illegal poison use in Spain. Evidence shows that legal instruments and action against wildlife poisoning can reduce the number of incidents. Thus, a major goal of VENENO was to develop action plans — which describe how illegal poisoning can be avoided — and to establish *protocols* to be used to pursue and penalise those responsible. Besides the creation of an *Action Plan for the Eradication of the Illegal Use of Poison in the Countryside*, four protocols were developed:

- A procedural protocol for dealing with cases of poisoning in wildlife rescue centres and toxicology laboratories;
- A procedural protocol for law enforcement officials in charge of collecting presumably poisoned fauna or bait and the preliminary investigation;
- A general legal protocol for administrative action and liaison with criminal proceedings deriving from the use of poisoned bait in the countryside;
- A procedural protocol for law enforcement officials in charge of surveillance and preventive action.

The development of four separate protocols is based on the idea that enforcement involves a series of complementary activities within a *compliance assurance chain*, from surveillance, through breach detection and investigation, to the application of remedies and sanctions. Effectiveness of enforcement activities depends all the links in this compliance assurance chain. The project also

created a 'Poison Investigation Unit' comprising two patrols of forest rangers operating in Birds Directive Special Protection Areas (SPAs). Over the course of the project, 19 training courses on the investigation of the illegal use of poison were given to over 500 police officers and forest rangers in seven different regions of Spain, which has improved monitoring and detection of poisoning across the country

Link: [*Final report of the VENENO project*](#)

Standard operating procedures for the prevention, detection and investigation of environmental crimes

The *THEMIS network* – an informal regional network of national authorities responsible for nature protection and enforcement of environmental laws in EU candidate countries, potential candidates and countries with EU Association Agreements – has developed standard operating procedures for the prevention, detection and investigation of environmental crimes for eight Balkan countries. The written procedures provide details of regular work processes followed within an organisation and/or between organisations. They document the way activities are to be performed in order to facilitate consistent conformity with technical and quality system requirements. Some of them focus on a specific sector (e.g. nature protection), while others have a general character. The development and use of standard operating procedures minimises variation and promotes quality through the consistent implementation of a process or procedure within the organisation, even if there are temporary or permanent personnel changes. Ultimately, the intended benefits of a valid standard operating procedure are reduced work effort, clarity, credibility, legal defensibility and improved inter-institutional cooperation.

Link: [*THEMIS standard operating procedures*](#)

Waste toolkit for enforcement authorities

The DOTCOM Waste project is a Commission-funded project that seeks to increase the capabilities of law enforcement agencies, customs and port authorities, environmental agencies and prosecutors to fight cross-border waste crime more cost-effectively. To achieve this objective, the DOTCOM Waste project strives (1) to increase the stakeholders' understanding of current waste crime trends, (2) to identify and share good practices for detecting, investigating and prosecuting waste crime activities, (3) to translate this knowledge into training materials and tools, (4) to promote training sessions to help key stakeholders integrate good practices into their day-to-day operations and (5) to intensify international collaboration through development and implementation of new mechanisms for information exchange, technology transfer and operational coordination.

As an outcome of the project, the Online Training Toolkit, an operational and organisational toolkit, provides law enforcement agencies with fundamental and up-to-date information on how to better prevent, detect, investigate and prosecute waste trafficking. It is available to members of competent authorities upon request. Its aim is to support operational law enforcement activities by enabling law enforcement agencies to respond faster and more effectively to illegal waste management and trade activities.

Link: [*DOTCOM Waste toolkit*](#)

IMPEL Guidance on waste shipment inspection planning

Under Regulation (EU) No 660/2014, EU Member States have to establish inspection plans for waste shipment inspections by 1st January 2017, in order to ensure the necessary capacity for inspections and effectively prevent illegal shipments. The *Guidance on effective waste shipment inspection planning* drafted by the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) on the basis of national experiences, a survey and intensive discussions

with regulators and other experts, focusses on the essential elements of waste shipment inspection plans and risk assessment, describes best practices, and offers a range of tools that may be useful for competent authorities.

Link: [Guidance on effective waste shipment inspection planning](#)

IMPEL waste sites manual

In view of problematic waste streams worldwide, notably of electronic waste, end-of-life vehicles and their components from Europe to Africa, waste shipment experts nowadays agree on the necessity to target more effectively the sources of illegal waste streams and the upstream facilities where such waste is collected, stored and/or treated prior to export. The *Waste sites project* by the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), which started in early 2011, aims at a better understanding of those waste streams and facilities, at an exchange of information and best practices, and at the development of guidance on site identification, inspection and follow-up to promote compliance.

The *Waste sites manual* by IMPEL is based on the experience of the project team, an analysis of existing guidance documents, questionnaires sent to IMPEL member countries, and the results of an expert workshop. The first sections provides an introduction into the economics of illegal waste trade and the legal context for waste sites. It also highlights the importance of proactive measures, such as awareness-raising campaigns and the collaboration with customs authorities, trade associations and shipping lines. It then provides guidance on the identification of problematic waste sites, as well as examples of successful methods used in some EU countries. The central part of the manual is devoted to the preparation and execution of site inspections, focusing on inspection methods, necessary information and contacts, distinction of waste and non-waste, and safety aspects. The last chapter of the document addresses the necessary follow-up to a site inspection. The text of the manual is supplemented by 11 annexes which include decision trees, checklists, relevant forms, tables of procedural requirements, and useful web-links.

Link: [Waste sites manual](#)

IT tools to facilitate citizen complaint-handling on environmental offences

Ireland developed the IT tool *See it? Say it!*, an app to allow easy submission of citizen complaints related to environmental offences. The types of offences that can be reported are dumping of waste, air pollution – including backyard burning, odour and toxic fumes – noise from commercial premises and small factories, killing of fish and water pollution. In addition, 24-hour national line was opened for citizens to report similar issues.

Link: [See it? Say it! app for environmental complaints](#)

Targeted information gathering by the police in Belgium

The Belgian police have linked the checks of waste transport to a particular system of dataflow. This was done by harmonising the reporting of infringements, via the use of a distinct, standardized reporting format. This information is processed centrally, allowing for punctual investigation as well as strategic and tactical analysis. The data exchange with the competent environmental agencies has enriched the quality of the information and has informed the agencies about actual shipments.

For several years now, 15% of the checked waste transports are in violation. When planning waste transport checks, the police usually invite the environmental agencies to join them in the field, so that their expertise and administrative authority can be used to detect illegal waste transports and take all necessary measures. This collaboration has resulted in better checks, to the police's and administrations' satisfaction.

The database also offers the possibility to provide historic information regarding waste transports, enabling and facilitating large-scale investigations. All movements waste makes must be registered. The paper trail can be cross-checked with the information resulting from in-the-field checks to determine whether all records have been filled out correctly.

Information provided by *Police Judiciaire Fédérale, Direction de la lutte contre la criminalité grave et organisée*

2.5. Interventions to prevent and mitigate breaches

Guidance documents on financial provision for environmental liabilities

The Irish Environmental Protection Agency (EPA) has developed several guidance documents between 2014 and 2015, which provide clear directions for licensees on the necessary standards to comply with license and permit requirements. EPA-regulated facilities in Ireland are required to assess and plan for the liabilities associated with closure and incidents and to ensure that there is adequate money and resources set aside to cater for this (financial provision). These guidance documents relate to planning and costing closure and restoration/aftercare; assessing and costing potential incidents; and making financial provision, including in the form of secured fund, on-demand performance bond, parent company guarantee, charge on property and environmental impairment liability insurance.

Source: *Financial provision for environmental liabilities*

Practical guide on financial provision for environmental liabilities

The document *Financial Provision for Environmental Liabilities – Practical Guide*, 2017, is the result of a wider project carried out within the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL). The practical guide is intended as a reference document for regulators to assist them in making sound decisions about financial provision for environmental obligations and liabilities. The guide identifies issues to consider in decision making, when assessing financial provision, and points to ways to achieve successful solutions. It highlights the importance of ongoing maintenance and monitoring of financial provision to ensure its successful delivery when required. It also provides examples of usage and guidance internationally.

The three main parts of the guide provide:

- information on the calculation of the amount of financial provision including links to available tools and template;
- a detailed breakdown of the key advantages and disadvantages of each financial provision, together with recommended checks; and
- examples of usage and guidance.

Link: *Practical guide on financial provision for environmental liabilities*

2.6. Interventions to respond to breaches

Report on the effectiveness of (criminal and non-criminal) sanctions across Europe

The report *Sanctioning Environmental Crime – Prosecution and Judicial Practices*, 2017, by the European Network of Prosecutors for the Environment (ENPE) is an outcome of the LIFE-ENPE project on environmental crimes, prosecution and sanctioning. The LIFE-ENPE project, whose aim is to improve the efficiency and effectiveness of prosecutors and judges in combatting environmental crime, has formed four working groups to build capacity and consistency in implementing EU environmental law. Working group 4 on *Sanctioning, prosecution and judicial practice* explored the

effectiveness of different methods of securing compliance and described its findings between December 2016 and December 2017 within the aforementioned report.

The report comprises:

- a questionnaire survey of difficulties, trends and good practices in prosecution and sanctioning;
- an analysis of proportionality in prosecution and sentencing;
- and proposals for training and guidance for prosecutors and judges in the form of a training matrix.

Link: [*Sanctioning Environmental Crime – Prosecution and Judicial Practices*](#)

Guidance on combating environmental crime for prosecutors

The *Association of prosecutors* in Bulgaria implemented a project aimed at strengthening the prosecution offices' operational capacity to address environmental crime. This resulted, inter alia, in the publication of a detailed guidance manual on combating environmental crime.

Link: [*Guidance on environmental crime*](#)

Decree assigning monetary value to species

A decree of the Finnish ministry of the environment provides guidance on the monetary values of protected species. The decree aims at helping courts to determine compensation fees in case of violations of wildlife protection regulation. Most of the guiding values concern bird species. For example, the given guiding value of the European mink (*Mustela lutreola*) is €5,382, and that of the common greenshank (*Tringa nebularia*) is €505. The decree is available in Finnish and Swedish.

Link: [*Ministry of the Environment decree on guiding values for protected animals and plants in Swedish and in Finnish*](#)

Decree assigning societal value to natural capital

In Slovakia, the decree implementing the nature and landscape protection act (24/2003) provides 'price lists' for damage to protected plants, protected animals, birds, woods and natural habitats of European interest. The 'price lists' are based on societal values of the protected species and habitats, factoring in the level of rarity, vulnerability and non-productive functions. Societal values are utilised to determine the degree of fines, penalties and compensations, to appraise the scale of the damage and to characterise the offence (criminal or administrative offence).

Link: [*Decree 24/2003 of the Ministry of the Environment of the Slovak Republic*](#)

Methodological guidance document on administrative fines for environmental offences

The OECD report *Determination and application of administrative fines for environmental offences*, 2009, aims at providing guidance on administering variable administrative fines for environmental enforcement authorities in Eastern Europe, Caucasus and Central Asia countries (EECCA).

The guidance document:

- briefly describes the current use of environmental administrative fines in EECCA;
- summarises the fundamental principles of the design of effective environmental fines;
- describes a methodology to assess economic benefits of non-compliance or delayed compliance;
- explains how to take into account the seriousness of an environmental offence;
- provides an approach to considering operator-specific factors in adjusting the size of a fine;
- addresses the implementation issues, including the consistency, transparency, and enforceability of penalty decisions; and

- provides specific short- to medium-term recommendations for EECCA countries that follow from the international best practices.

Link: [*Determination and application of administrative fines for environmental offences*](#)

2.7. Data collection and dissemination and effectiveness evaluation

Annual environmental enforcement reports (Flanders, Belgium)

The Flemish High Council for Spatial Planning and Environment (VHRM), established in 2009 and reformed in 2014, is an advisory body which supports the Flemish government and parliament with issues related to the enforcement of environmental and spatial-planning legislation. The VHRM is responsible, inter alia, for organising consultations with competent authorities, providing advice to policy-makers, facilitating the development of enforcement protocols, coordinating the five-year environmental enforcement programme and preparing annual enforcement reports. Regarding the later, environmental enforcement actors that are part of the Flemish Region are expected to provide all available information that can be useful for drafting the environmental enforcement report. They can do so at the request of the VHRM or on their own initiative. Other environmental enforcement authorities will also be invited to provide this information.

The VHRM environmental enforcement reports contain:

- a general evaluation of the regional environmental enforcement policy pursued over those five years;
- a specific evaluation of individual enforcement instruments and safety measures;
- an overview of cases in which no decision was taken within the set term with respect to the appeals against the imposition of administrative measures;
- an evaluation of public prosecutors' decision-making practice when it comes to whether or not to prosecute an identified offence;
- an overview and comparison of the environmental enforcement policy conducted by municipalities and provinces;
- an inventory of insights obtained during enforcement activities which can be used to improve environmental legislation, policy visions and policy implementation; and
- recommendations for the further development of the environmental enforcement policy.

Link: [*Flemish High Enforcement Council for Spatial Planning and Environment*](#)

Annual environmental enforcement reports by the Spanish Environmental Prosecutor Office

The Spanish Fiscalía publishes an annual report on its activities, setting out the key issues investigated during the year as well as providing statistics.

Link: [*Fiscalía de Medio Ambiente*](#)

Enforcement report by the Scottish Environmental Protection Agency

The Scottish Environmental Protection Agency's (SEPA) *Enforcement report*, published annually, outlines the enforcement actions undertaken by the agency. It provides an overview of the detected environmental incidents and non-compliance events, as well as of the enforcement measures deployed by SEPA to address them – such measures include statutory notices, final warning letters, reports to institutions responsible for criminal prosecution, civil sanctions, fixed and variable monetary penalties, and enforcement undertakings.

Link: [*Enforcement report \(2016-2017\)*](#)

Publication on environmental crime statistics by the German Environment Agency

The German Federal Environment Agency publishes regularly reports within the series *Environmental Crimes* (Umweltdelikte) presenting the state and evolution of environmental crime in Germany, based on police and court statistics. The publication provides an overview of criminal prosecutions against environmental offenders. Since German criminal law only allows natural persons to be prosecuted, not legal entities, only the former are covered. Reports are available in German.

Link: [Umweltdelikte 2016: Auswertung von Statistiken](#)

Environmental complaint-handling about industrial and waste facilities in Ireland

The report *Industrial and Waste Licence Enforcement 2018*, published in 2019, focuses on the enforcement of industrial and waste facilities licensed by the Irish Environmental Protection Agency (EPA) in 2018. The Irish EPA is responsible for the environmental regulation of large industrial and waste activities and works to ensure that operators comply with the conditions of their licence. Chapter 5 provides statistical details of installation-related complaints received by the Irish EPA in 2018, demonstrating the benefits of digitising complaint-handling for analysis and reporting.

Link: [EPA Industrial and Waste Licence Enforcement 2018](#)

Report on outcome performance measures of environmental compliance assurance

The OECD report *Outcome performance measures of environmental compliance assurance – Current practices, constraints and ways forward* (2010) analyses the experience of ten OECD countries in the design and implementation of quantitative indicators used to assess the outcomes of environmental enforcement authorities' efforts to ensure compliance with pollution prevention and control regulations. To respond to the growing demand for results-oriented work methods and the need for performance management and accountability at the time of severe budget constraints, more and more environmental enforcement authorities are working to develop indicators to characterise improvements in behaviour of the regulated community (intermediate outcomes) or environmental conditions (final outcomes) stemming from their activities. The report considers six types of intermediate and final outcome performance measures, including compliance rates and indicators of improved environmental management practices and reduced risk. Based on the OECD criteria for the evaluation of environmental indicators – measurability, analytical soundness and policy relevance – the paper identifies key challenges for developing and using specific categories of compliance assurance outcome indicators and suggests several ways to improve their effectiveness. The report identifies several issues for further analysis.

Link: [Outcome performance measures of environmental compliance assurance](#)

The ECHO database of publicly available information on compliance and enforcement

The US Environmental Protection Agency (EPA) discloses all its enforcement and compliance records via the Enforcement and Compliance History Online (ECHO) database. ECHO data focuses on compliance- and enforcement-related information for EPA-regulated facilities, including permit data, inspection/compliance evaluation dates and findings, violations of environmental regulations, enforcement actions, and penalties assessed. ECHO includes EPA and state, local, and tribal environmental agency compliance and enforcement records that are reported into EPA national databases. ECHO also incorporates many EPA environmental data sets to provide additional context for analyses. ECHO allows to display trends through dashboards, interactive maps and charts.

Link: [Enforcement and Compliance History Online](#)

Performance indicators for assessing enforcement authorities

The US Environmental Protection Agency (EPA) has a number of indicators used to assess the outcomes of programme activities, such as inspection and surveillance. These indicators include:

- mass of pollutants reduced or treated as a result of enforcement actions and as a result of compliance incentive programmes;
- volume of contaminated soil and wastewater cleaned;
- area of wetlands protected;
- dollar value of pollution control projects required by enforcement actions;
- percentage of regulated entities taking complying actions as a result of on-site compliance inspections and evaluations;
- number of entities seeking compliance assistance; and
- percentage of regulated entities receiving EPA compliance assistance that, as a result of such assistance, reduced or treated pollution or improved environmental management.

Source: *Ensuring Environmental Compliance: Trends and Good Practices*, OECD 2009, pp. 40-41

3. Literature

3.1. Effective environmental compliance assurance and combatting environmental crime (horizontal aspects)

UNEP report on environmental crimes

The UNEP report *The State of Knowledge of Crimes that have Serious Impacts on the Environment*, 2018, intends to document the current status of knowledge of crimes that have serious impacts on the environment and identify interlinkages between these crimes. The study is also intended to provide member states and relevant international organisations with additional knowledge on the options implemented at the national, regional, and international levels to tackle these crimes.

The report:

- examines the magnitude of serious environmental crimes – in particular, their financial scale, the main incentives for committing those crimes, and the impacts on the environment, health, socio-economic development, the State's governance and sustainable development;
- describes key trends on environmental crime in so far as perpetrators (backgrounds, identities, type of offences, and motivations) and hotspots are concerned;
- explores interlinkages among environmental crimes, and between environmental and non-environmental, and the involvement of organised criminals;
- provides an overview of the major hindrances and gaps in responding to environmental crime;
- examines the responses to environmental crime, including awareness raising, legislative responses, frontline enforcement, strengthening customs programmes, enhancing investigation and prosecution.

The main targets of the study are policymakers and national authorities, including law enforcement agencies, prosecutors, and the judiciary.

Link: [*The State of Knowledge of Crimes that have Serious Impacts on the Environment*](#)

Interpol/RHIPTO/Global Initiative report on illicit flows

The World Atlas of Illicit Flows, 2018, compiled by INTERPOL, RHIPTO – a Norwegian UN-collaborating centre – and the Global Initiative Against Transnational Organized Crime, provides a consolidated global overview of the significance of illicit flows in conflicts worldwide. Based on public reports and criminal intelligence, the report identifies more than 1,000 routes used for smuggling and other illicit flows, including of environmental resources. The illicit exploitation of natural/environmental resources, such as gold, minerals, diamonds, timber, oil, charcoal and wildlife, is identified as the single-largest overall category of threat finance to conflicts today. Different types of environmental crime are broached, such as illegal mining, trade of oil and charcoal, illegal logging, waste and wildlife trafficking.

Link: [*The World Atlas of Illicit Flows*](#)

LIFE-ENPE report on tackling environmental crime in Europe

The report *Tackling environmental crime in Europe – A LIFE-ENPE capitalisation and gap-filling*, 2017, provides an analysis and report into environmental crime and prosecution across Europe. In particular, the report explores prosecution and sanctioning practice and how it affects compliance in the following areas of environmental crime: wildlife, chemical and water pollution. For each topic, the report contains a set of core recommendations.

The report:

- explores knowledge, and identify gaps, regarding environmental prosecutions in Europe, on the basis of a review of existing data and literature;
- describes the availability and actual use made of environmental sanctions across EU Member States and other countries, through the analysis of legal materials and statistical data
- examines the nature of the legal systems and processes in place in each jurisdiction and whether these promote or impede responses to environmental crime

Link: [*Tackling environmental crime in Europe – A LIFE-ENPE capitalisation and gap-filling*](#)

UNEP-INTERPOL report on the rise of environmental crime

The report *The Rise of Environmental Crime – a growing threat to natural resources, peace, development and security*, 2016, provides an overview of considerations on environmental crime.

In particular, the report (1) summarizes some of the central resolutions and legal framework available to combat environmental crimes; (2) explores the growth of environmental crimes, with a particular focus on crime linked to wildlife trade, forestry, fisheries, waste and pollution; (3) describes the links between environmental crimes and money laundering, hacking, fraud and tax evasion by transnational organized criminal network; and (4) suggests ways of responding to environmental crime and addressing their root causes.

The report recommends strong action, legislation and sanctions at the national and international level, including measures targeted at disrupting overseas tax havens; an increase in financial support commensurate with the serious threat that environmental crime poses to sustainable development; and economic incentives and alternative livelihoods for those at the bottom of the environmental crime chain.

Link: [*The Rise of Environmental Crime – a growing threat to natural resources, peace, development and security*](#)

INECE report on next generation compliance

The INECE *Special Report on Next Generation Compliance*, 2015, explores technological innovations, new approaches to regulatory design and implementation, and social innovations comprising the

“leading edge” of next-generation compliance activities. It provides an overview of innovative problem-solving activities, utilizations of advanced tools and effective approaches to strengthen environmental performance. Woven into the Special Report are examples of success stories and advanced tools that hold significant promise in meeting environmental compliance challenges.

Link: [*Special Report on Next Generation Compliance*](#)

IPEC report on environmental crime in Europe

The Intelligence Project on Environmental Crime (IPEC) was launched by the Environmental Crime Network (EnviCrimeNet) and Europol in May 2014. The project’s aim was to gain a better understanding of the types of environmental crimes impacting on EU Member States, their extent, and the obstacles which exist to combat them. The project also aimed at identifying the involvement of organised crime groups and threats to the EU, and at developing recommendations on how to improve the situation. The results, described in the *IPEC report on environmental crime in Europe*, 2015, are based on a review of existing and available material, interviews and meetings with experts in the field, and a questionnaire sent to all EU Member States, a number of non-EU jurisdictions and international organisations. Results highlight a lack of inter-departmental and international cooperation and a low level of sanctions with regard to environmental crime.

Link: [*IPEC report on environmental crime in Europe*](#)

Eurojust report: Strategic Project on environmental crime

The report describes the outcome of the *Strategic Project on Environmental Crime*, launched by Eurojust in spring 2013. The report aims to increase expertise in the fight against environmental crime. In particular, it assesses the present situation and identifies problems, obstacles and possible solutions with regard to European and international cooperation to combat environmental crime. Key issues in the prosecution and investigation of environmental crime are analysed with a special focus on three topics: trafficking in endangered species, illegal trafficking in waste, and surface water pollution. Examples of possible solutions include the wider use of joint investigations teams, better exchange of information, the development of case law databases, and the introduction of similar levels of sanctions across EU Member States.

Link: [*Eurojust report: Strategic Project on environmental crime*](#)

OECD report on illegal trade in environmentally sensitive goods

The OECD report *Illegal Trade in Environmentally Sensitive Goods*, 2012, documents the scale of illegal trade in environmentally sensitive goods. The report explores the evidence on the key drivers of illegal trade and on enabling conditions, such as regulatory and enforcement failures. It also provides an overview of the main economic, social and environmental impacts. The report reviews the data collected by customs and licensing schemes for selected environmentally sensitive goods, including wildlife, fish, timber, ozone-depleting substances and hazardous waste. It also assesses the extent to which this information can be harnessed to identify and measure illegal trade. National and international policies have an important role to play in regulating and reducing illegal trade and the report highlights a range of measures that can be taken at both levels.

Link: [*Illegal Trade in Environmentally Sensitive Goods*](#)

OECD report on environmental enforcement in decentralized governance systems

The report *Environmental Enforcement in Decentralized Governance Systems*, 2011, analyses approaches to managing environmental compliance monitoring and enforcement in several OECD countries with decentralised systems of environmental governance. It focuses principally on

strategies and instruments for promoting consistency in the implementation of national environmental law. The report reviews in detail the experience of Spain, Sweden, Switzerland and the United States and draws on examples from several other countries. Three programmatic elements of environmental enforcement are key to ensuring its consistency: the targeting of compliance monitoring; the selection of an enforcement instrument and the timeliness of non-compliance response; and the size of monetary penalties for non-compliance. Accurate and complete information on the performance of sub-national and local competent authorities is an important prerequisite for the evaluation of nationwide consistency of enforcement. To address these issues, OECD countries employ a range of mechanisms of institutional interaction: “vertical” (between different administrative levels) as well as “horizontal” (between competent authorities at the same level). The report presents multiple examples of the application of each mechanism in different decentralised systems. It analyses these good practices and suggests several ways to use them to ensure consistency in the implementation of the main elements of enforcement programmes.

Link: [*Environmental Enforcement in Decentralised Governance Systems*](#)

Study on the role of customs in enforcement of EU environmental legislation

This *Study on the role of customs in enforcement of European community legislation governing the protection of the environment and its best practice*, 2011, was commissioned by DG TAXUD. It addresses the issue of waste shipments between the EU and Asian Asia-Europe Meeting (ASEM) member countries. In particular, it broaches the exploitation of legitimate trade in non-hazardous secondary raw materials to illegally export and dispose of hazard-contaminated and hazardous wastes. The study focuses on how customs authorities can contribute towards eliminating this illegal trafficking and ensure compliance with the existing legal framework.

The study includes:

- targeted information from previous surveys, research, policy, and enforcement authorities in EU and Asian ASEM members;
- a quantitative analysis of the ASEM waste trade;
- an assessment of availability, reliability and relevance of waste trade statistics;
- an assessment of the evidence of environmental pollution arising from the import of waste in Asian ASEM member countries.
- an analysis of the role and capacity of Customs in EU Member States to enforce environmental controls.
- an identification and assessment of the existing tools for information exchange on the waste trade between EU and Asian ASEM members.

Link: [*Study on the role of customs in enforcement of European community legislation governing the protection of the environment and its best practice*](#)

Report on achieving consistency and transparency in sentencing for environmental offences

The report *Achieving consistency and transparency in sentencing for environmental offences*, 2009, by the Judicial Commission of New South Wales (Australia) explores the usefulness of sentencing statistics for judicial decision-making in environmental cases, drawing on experiences with the Judicial Information Research System (JIRS). The latter is an online database for actors in the justice system, which contains case law, legislation, sentencing principles, sentencing statistics and other reference material of use to trial judges. The JIRS database is the first of its kind in Australia and is recognised as a world leader in the field of legal databases. The report revisits the legal debate about the utility of sentencing statistics and sets out some of the benefits and limitations of statistics. It presents evidence on how the database is used in first instance environmental crime cases and other

courts of New South Wales. The report explains the steps taken to develop sentencing statistics for environmental offences, how the system works and what it can provide.

Link: [*Achieving consistency and transparency in sentencing for environmental offences*](#)

Study on the implementation of Directive 2008/99/EC on the protection of the environment through criminal law

The *Study on the implementation of Directive 2008/99/EC on the protection of the environment through criminal law* evaluates the transposition of articles 3 and 5 of the Environmental Crime Directive by Member States, with a focus on the illegal killing and taking of birds, intentional poisoning and habitats destruction. It provides a comparative analysis of the criminal penalties introduced by Member States in their national legislations as a result of the implementation of article 5 of the Directive. Through a qualitative analysis, the report explores the criminalization of conducts foreseen in art. 3.f) and 3.h) referring to illegal killing and taking of birds, intentional poisoning and habitats destruction. The analysis also includes an overview of the impact of the Directive, a report on the existence of stakeholders responsible for the enforcement of the Directive, a report on intentional and negligent criminalisation of conducts and a chart reflecting the gaps identified by the national experts in the transposition of the Directive into national law. The report explores further steps to be taken to facilitate the evaluation of the implementation of the Directive.

Link: [*Study on the implementation of Directive 2008/99/EC on the protection of the environment through criminal law*](#)

3.2. Combatting waste crime

ENPE Waste Shipment Regulation: animated training video

The LIFE-ENPE Waste Crime Working Group published a short animated training video on the new Waste Shipment Regulation for prosecutors and other specialists. The video is subtitled in English and about 3 minutes in length.

Link: [*training video on EU waste shipment regulation*](#)

Library on waste crime by Waste DOTCOM

The DOTCOM Waste library is a collection of information on good practices and lessons learned in supporting the detection, investigation and prosecution of the illicit management and illegal trade of waste. The library was created by the EU-funded DOTCOM Waste project, aimed at increasing the capabilities of law enforcement agencies (LEAs), customs and port authorities, environmental agencies, and prosecutors to fight cross-border waste crime more cost effectively.

Link: [*Waste DOTCOM library*](#)

LIFE SMART Waste project

The LIFE SMART Waste project (LSW) is an innovative partnership between key European bodies addressing waste crime. The project commenced in June 2014 and will run until May 2020. The overarching goal of the project is to demonstrate innovative ways of understanding, tackling and reducing waste-related crime, specifically in relation to challenging waste streams (low-value and difficult-to-treat waste). Several project reports, including on practical interventions, investigations and intelligence, are available on the project webpage and on request to the Project Communications team.

The *Financial Risk Assessment* toolkit helps regulators assess the risks of illegal or suspicious activity, such as the disposal of waste on a particular site. It is designed as a decision-making tool to assist regulators or inspectors when considering licence or permit applications – in particular, in determining whether to issue a licence or permit for waste activities, tighten permitting conditions, enhance financial provisions, or increase levels of compliance monitoring or inspections. The toolkit uses financial indicators to help identify those sites or operators at high risk of poor environmental compliance, irregular waste disposal and other illegal waste activities. Comprising of both qualitative and quantitative information, the toolkit can be viewed in two parts:

- A qualitative part, which looks at business ownership and sources of funding, including a credit history check in case the business funding is not traditionally sourced. Site owner checks can also be organised to ensure site owners are aware of planned activities and possible associated risks.
- A quantitative part, which concerns material and operating costs. Material costs, which are the costs of the materials entering and leaving a particular site, may fluctuate. This may influence the business model of the operator, possibly leading to cases of non-compliance. The quantitative part also addresses operating costs of the business for the first three years, including revenues, capital and terms of loans.

To assist regulators in identifying indicators of potential waste crime, a *Waste Crime Indicators* toolkit was designed. The toolkit combines data analysis with regulatory insight to develop indicators of potential illicit waste activities. Another tool developed under the project is the *Horizon Scanning* toolkit, aimed at identifying and prioritising the online indicators of potential issues arising in the short, medium and long term. Users may follow a 9-step process of information gathering, insight and action planning, for topics be ranked – thereby assisting regulators to prioritise issues which they may not have been aware of previously. The *Competitive Intelligence* toolkit is designed to identify gaps in stakeholders' understanding of challenging waste streams, using a modelling process aligned to key intelligence questions. The project also developed a *Remote Sensing* pilot, using various methods of earth observation (including satellite imagery) and a probability model to identify both potential and actual sites of illegal waste disposal. The model gives greater insight into ground disturbances (possible signs of illegal waste activities) and highlights particular types of waste, such as tyres or baled waste.

Link: [LIFE SMART Waste project](#)

Report from the Commission to the European Parliament and the Council on the implementation of Regulation (EC) No 1013/2006 on shipments of waste (COM(2018) 762 final)

The report compiles information from Member States on the generation of hazardous waste within the EU, waste shipments out and into Member States as well as inspection and enforcement measures taken by Member States to address illegal waste shipments. The report covers figures from the time period 2013 – 2015.

Link: [Commission report](#)

WEEE Directive – implementation and enforcement, IMPEL 2017

The report project report focuses on brominated flame retardants (BRFs) in WEEE plastic and on Annex VI of the WEEE Directive (minimum requirements for shipments). The report sets out recommendation and conclusions on Annex VI of the WEEE Directive and on BFR's in WEEE plastic. The report describes some good inspection and enforcement practices.

Link: [WEEE Directive implementation and enforcement](#)

Final report of the Blockwaste Project, 2017

The report summarises the results of the project “Blocking the Loopholes for Illicit Waste Trafficking” (Blockwaste) (2016/2017), which was funded by Internal Security Fund of the European Union. BLOCKWASTE aimed at providing a strategic analysis of the threats and the risks of illicit trafficking of waste across Europe in order to improve the prevention capabilities of EU public and private agencies. The project identified opportunity structures and problems for law enforcement resulting from national differences in regulation and in operating environments. The final report including estimates on illicit waste trafficking in the EU, and proposals for future action.

Links:

- [Blockwaste project](#)
- [Final report](#)

Towards effective implementation of the EU Environmental Crime Directive? The case of illegal waste management and trafficking offences, 2017

This academic article analyses the main features of the illegal waste management and trafficking offences and penalties under the Environmental Crime Directive, and surveys the implementation of those offences by specific EU Member States. It aims to make a broader assessment of the consistency and effectiveness of the implementation of the Directive, assessing the implications that it may have on the enforcement of environmental law in the Member States.

Source: R. Pereira, *Review of European, Comparative and International Environmental Law*, Volume 26, Issue 2, p.147 - 162

Waste Shipment Inspection Planning, IMPEL 2016

Due to the amendment of the Waste Shipment Regulation (WSR) which obliged EU Member States to ensure that waste shipment inspection plans are established for their territory as from January 2017, a two-year IMPEL project was started in 2015 to prepare useful guidance for inspection planners. The German-led project team consisted of members from six countries; altogether 20 countries participated actively in the project.

The guideline explains relevant requirements of the WSR, presents best practice examples and gives recommendations on how to plan effective waste shipment inspections. This report outlines the objectives and structure of the project, the results of the survey, the evolution of the WSIP guideline, and the issues and results of discussion.

Link: [Waste Shipment Inspection Planning](#)

Countering WEEE Illegal Trade – Summary Report, 2015

The research undertaken by the Countering WEEE Illegal Trade (CWIT) project found that in Europe, only 35% (3.3 million tons) of all the e-waste discarded in 2012, ended up in the officially reported amounts of collection and recycling systems. Through the expertise of the various project partners, the report sets out detailed findings in different analytical steps taken towards the issue. In their crime analysis, the team concluded that:

Organised crime is involved in illegal waste supply chains in some Member States. However, suspicions of the involvement of organised crime in WEEE are not corroborated by current information. Increased intelligence will lead to a more comprehensive understanding of the issue.

Link: [Countering WEEE Illegal Trade](#)

Illegal shipment of e-waste from the EU: A case study on illegal e-waste export from the EU to China, 2015

This case study, compiled as part of the EU-funded research project European Union Action to Fight Environmental Crime (EFFACE, 2012-2016) reveals that many legal actors, such as companies, are involved in illegal e-waste shipments and that many actors involved walk on a thin line between legal and illegal. Profit plays a crucial role, but a series of push, pull and facilitating factors gives a more sophisticated picture of the drivers and motivations behind this environmental crime. Loosely structured organised crime groups are often behind illegal trafficking of e-waste to China. Traditional mafia-like organised crime groups seem to be rather marginally involved, mostly as facilitators of the e-waste crime.

Enforcement in the EU suffers from differences in implementation of relevant legislation among Member States. By contrast, the EU legislative framework, which has been significantly amended in recent years, is sufficiently coherent and does not show major gaps. The recent legislative amendments have the potential to improve inspection and enforcement on the ground, but it remains to be seen whether this will effectively occur. Given the complexity of the e-waste problem approaches beyond enforcement and inspections are needed. The report also presents a series of policy recommendations.

Link: [*Illegal shipment of e-waste from the EU*](#)

Enforcement Actions 2014-2015, IMPEL project report

The project objectives were carrying out inspections on waste shipments, knowledge exchange and capacity building in order to harmonise the level of enforcement and expertise within the participating countries. For this purpose joint activities were carried out over six inspection periods throughout 2014 (Year 1) and 2015 (Year 2). This report covers the results for the inspection periods in both Years 1 and 2.

A total of 4,787 administrative and 12,396 physical transport inspections were undertaken, with the majority conducted on roads or at ports, combining a mix of random, on site and targeted inspections. Waste shipments accounted for 28.7% of these inspections, of which 16.6% (815) were in violation of the Waste Shipment Regulation (WSR). Over the same period, 486 company inspections took place, of which, 91.2% were waste-related, with 66 (14.9%) violations detected.

Link: [*Enforcement Actions 2014-2015*](#)

Eunomia Research and Consulting 2014, Waste Crime: Tackling Britain's Dirty Secret (report commissioned by the Environmental Services Association Education Trust, ESAET)

The report provides an introduction into the problem of Waste Crime in the United Kingdom by presenting the scale and cost of Waste Crime and factors leading to the occurrence thereof, before providing recommendations on how to tackle the issue.

Based on an analysis of the situation and our discussions with government, industry and the regulator, we have identified four high-level recommendations that, if acted upon, will lead directly to a cost-effective reduction in waste crime:

- Recommendation 1: Support Proper Enforcement of the Law
- Recommendation 2: Get the Rules Right
- Recommendation 3: Stop Businesses Becoming Victims of Crime or Facilitating Crime
- Recommendation 4: Make the Punishment Fit the Crime

Link: [*ESAET report*](#)

An overview of waste crime, its characteristics, and the vulnerability of the EU waste sector, 2014

The article highlights some of the factors which make the waste sector vulnerable to waste crime. The article also describes some approaches that can be adopted by regulators and those involved in developing new legislation for identifying where opportunities for waste crime occurs and how to prevent it.

Source: Baird, J., Curry R., and Cruz P, *An overview of waste crime, its characteristics, and the vulnerability of the EU waste sector*, Waste Management & Research, Vol. 32, Issue 2, p. 97–105

Coordinated audit on the enforcement of the European Waste Shipment Regulation - Joint report based on eight national audits, not dated

The report investigates for seven Member States as well as Norway to what extent relevant authorities complied with the requirements arising from the European Waste Shipment Regulation and how authorities enforced them. It also addresses the effectiveness of the enforcement measures. The main conclusion is what while all eight countries have implemented the European Waste Shipment Regulation and generally comply with the formal implementation, there are wide discrepancies in enforcing it. The enforcement strategy, the number of inspections, the interpretation of regulation and the way in which infringements are dealt with all differ widely from one country to another. According to the report, these differences in the enforcement of the regulation are not in line with the basic principle of a level playing field within the EU.

The report is based on audits carried out by the supreme audit institutions of Bulgaria, Greece, Hungary, Ireland, Poland, the Netherlands, Norway and Slovenia and was compiled in collaboration with the EUROSAI Working Group on Environmental Auditing.

Link: [Joint report](#)

Trans-frontier shipment of electronic waste, IMPEL 2010

This report summarises different workshops organised by the IMPEL and has provided a platform for competent authorities to move forward and tackle the e-waste export issues in their countries effectively and efficiently. This project has sought to help participating member states better understand their own contribution to this problem and how they might tackle the problem of illegal e-waste exports more effectively. The project has found that a coordinated approach is required from member states to tackle the problem. An intelligence led approach is fundamental to tackling the illegal e-waste export market at a European and international level.

Link: [IMPEL report](#)

Waste Crime – Waste Risks: Gaps in Meeting the Global Waste Challenge. A UNEP Rapid Response Assessment, 2015

This publication provides insight into the possible scale and features of the main driver of waste crimes, along with case studies. It identifies major policy deficits and challenges that require further investigation, policy action and intervention for prevention and damage control, as well as to identify opportunities. The publication is based on the research findings, and involvement from practitioners such as the formal waste sector, inspectors, law enforcement officers and prosecutors.

Link: [UNEP report](#)

3.3. Combatting wildlife crime

Wildlife trade in Belgium: An analysis of CITES trade and seizure data, TRAFFIC 2018

The report analyses various data sources to estimate the extent of wildlife trafficking to and from Belgium. It finds that Belgium is a major intermediary in the illegal transport of CITES-listed commodities such as plant-derived medicinal products, ivory, seahorse bodies and reptiles. The data analysed in the report indicate that these commodities in transit through Belgium mainly come from West and Central Africa, going to China and are shipped through air transport and postal systems.

Link: [*Analysis of CITES trade and seizure data*](#)

Review of illegal killing and taking of birds in Northern and Central Europe and the Caucasus, BirdLIFE International 2017

The review released by BirdLife provides an overview on the illegal killing and taking of birds in the African-Eurasian flyway. The study quantifies the approximate scale and scope of those illegal activities and highlights the insufficiency of available data on the issue in the region. The review provides information on best-practice techniques and protocols for the systematic monitoring of the different types of illegal activities that it identified. The paper also includes a short road map for addressing the illegal killing and taking of birds by national governments and stakeholder.

Link: [*Final report*](#)

Disrupt: Wildlife Cybercrime, IFAW 2017

The report on wildlife cybercrime analyses the internet as a channel for wildlife trafficking. The study focuses on online marketplaces and social media platforms of four countries: France, Germany, Russia and the United Kingdom.

Link: [*Final report*](#)

Preliminary assessment of the scope and scale of illegal killing and taking of birds in the Mediterranean (2016)

This academic article assesses the scope and scale of illegal killing/taking of birds across the Mediterranean. However, there are few quantitative data on the species and countries involved. The authors estimate that 11–36 million individuals per year may be killed/taken illegally in the region, many of them on migration. In each of Cyprus, Egypt, Italy, Lebanon and Syria, more than two million birds may be killed/taken on average each year. Several species of global conservation concern are also reported to be killed/taken illegally in substantial numbers. Birds in the Mediterranean are illegally killed/taken primarily for food, sport and for use as cage-birds or decoys. At the 20 worst locations with the highest reported numbers, 7.9 million individuals may be illegally killed/taken per year, representing 34% of the mean estimated annual regional total number of birds illegally killed/taken for all species combined. The study also highlights the paucity of data on illegal killing/taking of birds. It concludes that monitoring schemes are needed to generate increasingly robust data on trends in illegal killing/taking over time and help stakeholders prioritise conservation actions to address this international conservation problem. Large numbers of birds are also hunted legally in the region, but specific totals are generally unavailable. Such data, in combination with improved estimates for illegal killing/taking, are needed for robustly assessing the sustainability of exploitation of birds.

EUTR CITES and money laundering: A case study on the challenges to coordinated enforcement in tackling illegal logging, 2015

This paper, compiled as part of the EU-funded research project European Union Action to Fight Environmental Crime (EFFACE), considers three EU policy mechanisms which have the potential to reduce incentives for illegal exploitation of forest resources in producer countries: the EU Timber Regulation (EUTR), CITES and anti-money laundering legislation. Looking at four EU countries (the Czech Republic, Italy, the Netherlands and the United Kingdom) and two producer countries (Ghana and Indonesia) it describes sanctions regimes and enforcement efforts, and identifies opportunities for improved cooperation by national and EU agencies. While the available data is limited, the paper finds that enforcement has been reasonably successful given the early stage of implementation. There are some synergies between EUTR and CITES, whereas anti-money laundering legislation is not generally relied on to address environmental crimes. The paper finds significant variance between enforcement systems in the EU member states, and concludes that European Commission leadership is essential to establishing the consistency necessary for effective enforcement in the EU market. The paper concludes that in the case studies 'criminalization' of environmentally harmful activities has primarily been guided by the nature of the sanctions considered necessary to address the problem in question.

Link: [*EUTR CITES and money laundering*](#)

Illegal wildlife trade: A case study report on the illegal wildlife trade in the United Kingdom, Norway, Colombia and Brazil, 2015

This report, compiled as part of the EU-funded research project European Union Action to Fight Environmental Crime (EFFACE), provides an overview of a multi-method qualitative research project on the IWT in the UK, Norway, Colombia and Brazil. It identifies common and different features of the IWT in these four locations, exploring the various motivations for why people engage in the trade, the nature of the trade and types of victimisation. An overview of the response to the trade is discussed and evaluated through a SWOT analysis – identifying strengths and weaknesses, and proposing suggestions for improvements. The literature review collates the salient issues addressed in relevant academic and official literature, providing a broader context for discussing the findings. The report focuses predominantly on terrestrial fauna.

Findings suggest the nature of the IWT in the UK and Norway is similar. Specifically, the type of animal victims, the cost of the trade and offender motivations are consistent. However, when the response to the trade is evaluated, variations appear. Each of the case study countries address the IWT through international convention treaties and domestic legislation and enforcement, though responses are complex and diverse and their effectiveness varies considerably. Central to these variations are levels of awareness of the serious negative consequences of the IWT, political and criminal justice system support and resources, and punishment. Additionally, the integrated role of NGOs in the enforcement process and in developing other responses in the UK contrasts starkly with the insufficient enforcement response evident in Norway, Colombia and Brazil. NGOs play an important role in the UK, Colombia and Brazil in creating awareness and preventing the trade, but are almost non-existent as stakeholders in Norway.

A common theme from interviews in the case study countries is the importance of key personnel working to prevent and respond to the trade. Experts and practitioners alike show us that an effective response is one that is intelligence led, systematic, integrated and synergistic; they cite the importance of cooperation between enforcement agencies and NGOs and the necessity for increased prioritisation of these crimes by criminal justice systems.

Link: [*A case study report on the illegal wildlife trade in the United Kingdom, Norway, Colombia and Brazil*](#)

A proposal for an EU Action Plan to prevent illegal poisoning of wildlife, RSPB/Birdlife/SEO Birdlife, 2015

The document proposes different actions to tackle illegal poisoning of wildlife. The proposed actions are aimed at enhancing knowledge about the origin and effects of poison-baits, improved prevention, deterrence and surveillance of the illegal use of poisoned-bait, increasing the effectiveness of prosecution, controlling the sale of toxic substances used for poisoning wildlife, and enhancing cooperation between the actors in the compliance assurance chain. The proposal was developed by various NGOs as part of an EU-funded project.

Link: [*A proposal for an EU Action Plan to prevent illegal poisoning of wildlife*](#)

Stocktaking of the main problems and review of national enforcement mechanisms for tackling illegal killing, trapping and trade of birds in the EU, BioIntelligence 2012

Based on identified shortcomings in implementation and enforcement across the Union, this study made the following recommendations for national level actions:

- Improved awareness-raising of the local issues and illegal actions is needed, targeting key stakeholders through effective communication in order to reduce the number of illegal activities.
- Good practice in training and collaboration between specialised units, the police, customs, prosecutors, judges, etc. should be disseminated in Member States. Specific actions on hunting periods were also recommended. Greater powers to field enforcement units are recommended to avoid congestion in courts, including the ability to apply limited sanctions on the ground.
- In some Member States there is a lack of sufficient human, financial and material resources, which can manifest itself in different situations – in the field, at borders, etc. This needs to be addressed for effective enforcement.

As regards the Union level, the study makes recommendations for Union-level action to support:

- Increased awareness by stakeholders
- Increased awareness by enforcement authorities, such as through joint training, network cooperation, etc.
- Better links between species protection and CITES enforcement activities
- Improved reporting, allowing the Commission to understand what is happening on the ground, for instance concerning the use of exemptions, and so determine levels of compliance more easily
- Improved working with stakeholders such as NGOs to enhance practical compliance.

Link: [*Final report*](#)

Overview of important seizures in the European Union: January-December 2016, TRAFFIC 2017 (CITES related)

The document focuses on seizures reported by Member States at EU external borders and gives a brief overview of the ones having taken place inside the EU. This quantitative overview identifies commodity groups and their distribution in the international seizure records reported by EU Member States. Details on key individual international seizures are also provided.

Link: [*Overview of important seizures in the European Union*](#)

Analysis of EU Member States' CITES Biennial Reports 2013–2014, TRAFFIC 2016

The analysis of EU Member States biennial reports to CITES aims at assessing EU Member States' compliance, performance and effectiveness in implementing CITES. It also aims at providing an overview of the implementation of the EU Wildlife Trade Regulations at the EU level.

The report identifies good practices related to CITES and gives examples of fines, prosecutions and court actions for CITES-related offences reported by the EU Member States. The assessment also provides examples of research carried out by Scientific Authorities and by Management Authorities and examples of public awareness activities organised by Member States. The number and conditions for permits issued by Member States are also reported.

A summary assessment table facilitates a quick and comparative overview of the results of the analysis.

Link: [*Analysis of EU Member States' CITES Biennial Reports 2013–2014*](#)

Wildlife crime study commissioned by the European Parliament, 2016

This study on wildlife crime was commissioned by the European's Committee on the Environment, Public Health and Food Safety. It gives an overview of the state of wildlife crime in Europe based on available documents, EU –TWIX data and empirical research including interviews. The study identifies main routes and species linked to illegal wildlife trade, as well as enforcement deficits.

Link: [*Wildlife Crime, study for the ENVI Committee*](#)

4. Policy documents

Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021

The need to address environmental crime, and especially illegal waste exports and wildlife trafficking, was recognised in the relevant Council conclusions in 2017 as a priority within the EU policy cycle against organised crime for the period 2018-2021.

Link: [*Council conclusions*](#)

EU Action Plan against Wildlife Trafficking

In February 2016, the European Commission adopted a *Communication on the EU Action Plan against Wildlife Trafficking* which sets out a comprehensive blueprint for joined-up efforts to fight wildlife crime inside the EU, and for strengthening the EU's role in the global fight against these illegal activities. The plan has three main strands: (1) preventing wildlife trafficking and addressing its root causes, (2) implementing and enforcing existing rules and combating organised wildlife crime more effectively, and (3) strengthening the global partnership of source, consumer and transit countries against wildlife trafficking. The Action Plan runs until 2020 and is being implemented jointly by the EU (Commission services, EEAS, Europol, Eurojust) and its Member States.

In October 2018, the Commission adopted a progress report on the implementation of the Action Plan. The report is accompanied by a document containing an overview of measures taken to achieve the objectives of the Action Plan. More detailed information can be found in the individual EU countries' contributions to the report. Progress made during the remaining years and the overall success of the Action Plan in curbing wildlife trafficking will be evaluated in 2020.

In June 2016, the EU Members States' environment ministers adopted Council conclusions on the EU Action Plan against Wildlife Trafficking endorsing the three priorities of the plan and calling for timely implementation of the relevant actions by the Commission, the High Representative, Europol, Eurojust and the EU Member States. Among others, the Council stressed that cooperation between various actors is important for effectively combatting environmental crime. Member States are invited to provide law enforcement agencies with sufficient resources for detecting and investigating environmental crimes and enhance training for law enforcement and authorities and the judiciary dealing with environmental crimes.

In February 2020, the European Commission started an evaluation of the EU Action Plan against Wildlife Trafficking and published a relevant roadmap.

Links:

- [Action Plan](#)
- [Progress report](#)
- [Council conclusions](#)
- [Roadmap](#)

Recommendation of the Standing Committee to the Bern Convention

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention, published the *Recommendation No. 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds*. The document provides guidance for prosecution and sentencing decisions to the contracting parties to the Convention, with the aim an effective and coordinated response from courts against wild bird crimes.

Appendix I provides a standardised list of 11 gravity factors to be used for evaluating offences, which the Committee recommends to systematically use for the evaluation of wild bird crimes/offences during investigation, prosecution and conviction of offenders. These gravity factors are the following: conservation status of species; impact risk for ecosystem; legal obligation to protect under international legislation; indiscriminate method used in committing offence; commercial motivation; illegal gain/quantum; prevalence of offence and need for deterrence; professional duty on defendant to avoid committing offence; scale of offending (number of specimens involved); intent and recklessness by defendant; and history/recidivism.

Appendix II provides overarching and jurisdiction-focused principles, which parties to the Convention are recommended to use and disseminate to inform the imposition of sanctions in wildlife crime cases. The Recommendation also exhorts parties to improve and enhance, as a matter of urgency, inter-sector cooperation at national level, particularly between the authorities competent for biodiversity-related matters and the Ministries of Justice.

Link: [Recommendation of the Standing Committee to the Bern Convention](#)

Declaration of the London Conference on the Illegal Wildlife Trade

Representatives of more than 40 countries met in 2014 in London for an international conference on illegal trade in wildlife. The gathering resulted in the so-called London Declaration. The signatory countries commit to a series of measures to combat illegal trade of species, by eradicating the market for illegal wildlife products, ensuring effective legal frameworks and deterrent and strengthening law enforcement.

Link: [Declaration of the London Conference on the Illegal Wildlife Trade](#)

Council Report of the eight round of mutual evaluations on “The practical implementation and operation of the European policies on preventing and combating environmental crime”

Based on the EU mechanism (the Joint Action 97/827/JHA of 1997) for mutual evaluations in the fight against organised crime, the Council decided to carry out an evaluation of Member States efforts to tackle environmental crime, and in particular waste crime. The final report was endorsed in November 2019.

It provides useful conclusions and recommendations concerning, inter alia, the need for:

- national strategies on combating waste crime
- systematic data collection, statistics and evaluation to better target enforcement work
- tailored actions to prevent environmental crime
- institutionalised cooperation between relevant authorities within and between Member States, along the enforcement chain
- proper risk assessment and effective inspections
- acknowledgment and clarification of the interaction between administrative and criminal law enforcement
- greater use of special investigation techniques
- adequate human and financial resources and legal powers
- specialisation and tailored training.

Link: [Final report of the mutual evaluations](#)

