Recommendations for improving data gathering and communication to decision-makers

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Introduction

• Why do we need data on environmental crime?
• Data and smart enforcement
• The EFFACE recommendations on data and information
Why do we need data on environmental crime?

• To target individual enforcement activities
• To develop strategies for better enforcement – targeting resources
• To evaluate policies, driving policy/legal improvements
• To help understand alternative approaches to reducing environmental crime
Reviewing data availability in EFFACE

• Project has looked at data on environmental crime from different angles – MS/EU/international, types of crime, etc:
  – Some areas reasonable data, some few data
  – For some issues there are data at MS level, but not collated or compared at EU level
  – In many cases good env crime data are missing
  – Sometimes hard to distinguish illegal from legal activity
  – Often hard to link illegal activity with enforcement response
  – Problems with linking data across disciplines to help make integrated decisions
  – Are opportunities from new technology (remote sensing, rapid data transfer, etc.)
Recognising data limitations, e.g. Impacts of env crime

Monetisation of the impacts

Insufficient data to monetise some impacts or lack of tools

Quantification of the impacts

Data concerning some impacts not available or not possible

Qualitative description of the impacts

Not all impacts understood and able to be described

Total impacts of environmental crime
Smart enforcement relies on data

- **Smart enforcement directs resources to where they are most needed:**
  - Using risk-based approaches; intelligence-led approaches, etc.

- **Data for directing enforcement actions:**
  - What to check
  - Where to check
  - When to check

- **Data for follow-up:**
  - Sufficient evidence for enforcement response (fines, prosecutions, etc.)
Smart information – smart methods for better data

• IT developments:
  – Ease of data transfer
  – Systems for managing ‘big data’
  – Reporting by public
• Tracking, e.g. satellites – oil, fishing
• DNA – wildlife crime

• But do need to avoid information overload (but not opportunities from ‘big data’) – ensure data collection and reporting is for a reason
• Need to understand data quality/reliability – maybe not all is equally reliable!
• Need to ensure data security as well as supporting transparency where security not an issue
Core Proposal:

• EFFACE has several conclusions on data/information, but its core recommendation on data is:

• Impose an obligation on Member States to provide data on the number of violations, prosecutions and imposed sanctions for violations of national provisions implementing European environmental law (the environmental *acquis*).
Elaboration

- Ensuring the implementation of the environmental acquis is a Treaty obligation, yet there are many implementation failures
- The acquis places obligations (or requires MS to place obligations) on individuals, businesses, etc.
- But extent of compliance failure/violations is poorly collated in many cases
- Responses by MS to compliance failure even less well documented – particularly actual sanctions as opposed to what is allowed in law
Justification

• Data on compliance failure/violations not only can target MS action, but guide action/support from EU level to where it is needed
• Provide transparency to help pressure for improvements within MS
• Can lead to improvements in MS to help provide improved ‘level playing field’
• Much of the acquis requires MS to have “effective, dissuasive and proportional” penalties for violation, but:
  – How many penalties (of different types) are there (for different laws)?
  – What evidence is there for them being dissuasive?
  – What is the measure for proportionality?
Supplementary proposal

• **Stimulate exchange and information on data**
  – A facilitating proposal
  – Tools developed at EU level to help provide information
  – Exchange between MS for enforcement
  – Exchange within MS for enforcement
  – Platforms for mutual learning
  – Enhancing expertise and efficiency on collection and use
  – Role of EU Commission, agencies and networks

• **Thus EU level action should not simply be about legislating for improved data, but also providing the support to enable data provision and to add value to those data**