

Conclusions and Recommendations of EFFACE

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1. Introduction

- Importance of criminal law
- But also limited function
- Central questions:
 - Recommendation for EU-level or MS
 - Need for the criminal law or civil/administrative
- Difference between core and supplementary recommendations as well as recommendations for further research
- Recommendations (obviously) limited to EFFACE research

2. Proposals concerning the EU level

2.1 Core proposals:

Core Proposal 1: The fact that environmental crime has been committed in the context of organised crime should be considered an aggravating circumstance in the Environmental Crime Directive.

Core Proposal 2: Rules on the confiscation and forfeiture of the proceeds of environmental crime should be adopted at the EU level.

Core Proposal 3: 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, commonly referred to as the environmental *acquis*.

2. Proposals concerning the EU level

2.2 Supplementary proposals:

Supplementary Proposal 1: Make clear in the language of Directive 2008/99 that not only criminal sanctions can provide “effective, dissuasive and proportional” sanctions.

Supplementary Proposal 2: Improve the Environmental Liability Directive

3. Proposals concerning the Member States

Core Proposal 1: Promote effective sanctions, including civil and administrative sanctions (also fines).

Core Proposal 2: Introduce and use complementary sanctions and measures.

4. Guidelines

Core Proposal: Draft non-binding bottom-up guidelines concerning prosecution and sentencing policy that can be applied throughout the EU.

5. Improving enforcement, cooperation and data collection

5.1. Core: Enforcement

Core Proposal 1: Make environmental crime a priority both at the EU and at the Member State level.

Core Proposal 2: Member States should provide for specialisation of prosecution and adjudication.

Core Proposal 3: The EU should set minimum criteria for inspections and monitoring.

5. Improving enforcement, cooperation and data collection

5.2. Core: Cooperation

Core Proposal 1: Enhance the role of Eurojust, EPPO, Environmental Enforcement Networks and Europol, and stimulate networking at the domestic level.

5. Improving enforcement, cooperation and data collection

5.3. Supplementary proposals

Supplementary Proposal 1: Improve capacity building for practitioners.

Supplementary Proposal 2: Develop measures to assist NGOs in rising awareness of environmental issues.

Supplementary Proposal 3: Stimulate the role of NGOs in monitoring enforcement and compliance and reporting environmental crime.

Supplementary Proposal 4: Support and finance environmental enforcement networks.

Supplementary Proposal 5: Stimulate exchange and information as far as data collection is concerned.

6. External dimensions of environmental crime

Core Proposal: European diplomatic actions to put environmental crime high on the international policy agenda.

7. Topics for further research and consideration

Topic 1: Examine the possibility to formulate the concept of environmental crime in the Environmental Crime Directive in a different manner.

Topic 2: Examine whether the environmental crime provisions in national legislation (equally beyond the Environmental Crime Directive) actually focus on environmental crime and are easy to apply and enforce by enforcement officials, prosecutors, and courts.

Topic 3: Examine possibilities to enhance the criminal and civil liability of corporations for environmental crimes committed outside of the EU.

Topic 4: Examine the possibilities to promote access to justice in environmental matters.

8. Unresolved issues...

- Harmonising sanctions?
- External dimensions