



Environmental Crime in the EU: Is there a need for further harmonisation?

9 September 2015, The Hague

"Environmental Compliance Assurance and Criminal Enforcement"

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Implementation and enforcement challenges

Diversity of legislation and responsible bodies

Variety of duty-holders and categories of obligations

Different types of non-compliant behaviour: causation and responses

EU-wide and geographically limited problems

Role of organised crime

Shortcomings on the ground

Lack of strategic identification and planning for the risks of non-compliance

Lack of capacity and adequate coordination mechanisms

Weak arrangements for inter-action with the public

Poor data collection and sharing; lack of systematic performance evaluation

Weaknesses in enforcement (low probability of prosecution and low sanctions)

Current EU legal framework

General framework

2001 Recommendation providing for minimum criteria for environmental inspections in Member States 2001/331/EC (RMCEI)

Environmental Crime Directive 2003/109/EC

Environmental Liability Directive 2004/35/EC

Sector specific legislation, in particular

Waste shipments, Regulation (EC) 1013/2006 – Art 50

Industrial emissions, Directive 2010/75/EU - Art 23

Major accidents, Directive 2012/18/EU (Seveso Directive) - Art 20

Limitations of the current framework on compliance monitoring

RMCEI limited in scope and content, non-binding and mainly focused on industrial facilities

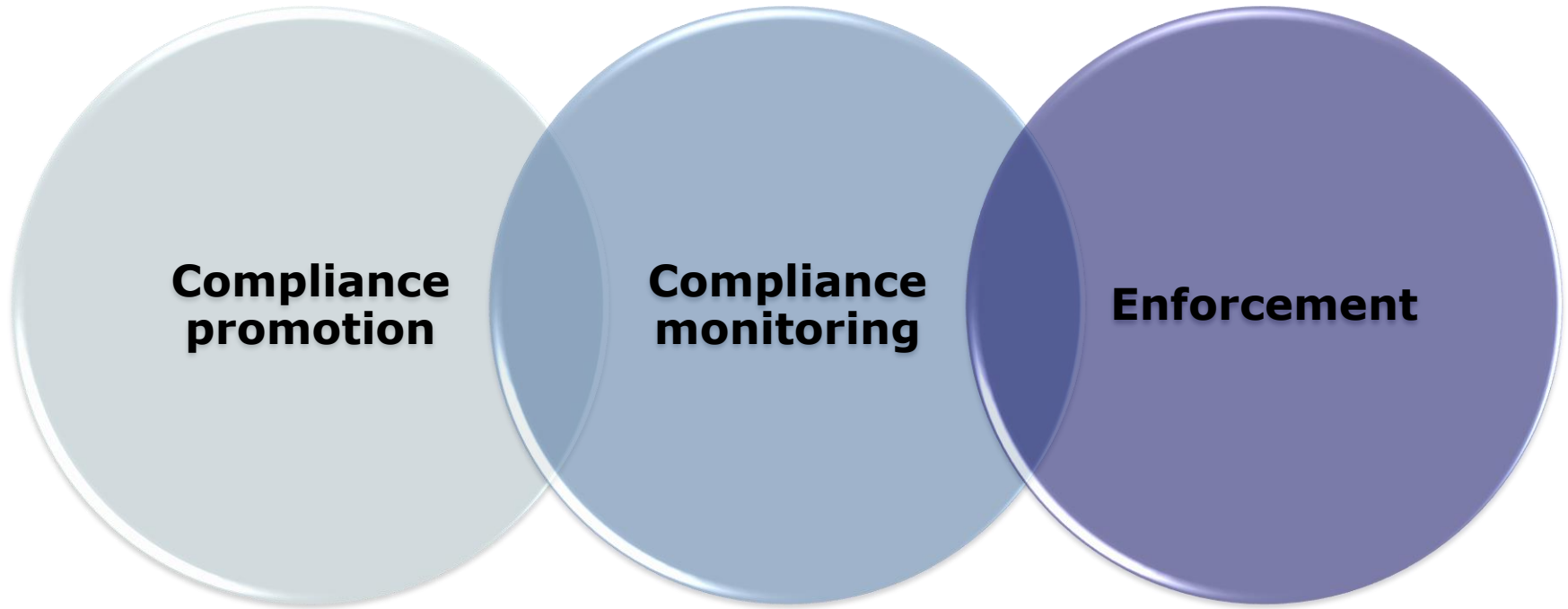
Existing sectoral binding provisions limited in scope

Need for effective co-ordination within MS and for robust trans-boundary cooperation not adequately addressed

No provision on evaluation of effectiveness

Not sufficiently joined-up with enforcement provisions

Compliance assurance: the concept



Compliance assurance (2)

Compliance promotion:

information and advice how to comply; relevance for SMEs

Compliance monitoring

(inspections/surveillance/investigations)

detection and characterisation of non-compliance, identification of offenders, evidence basis for proper enforcement and compliance promotion

Enforcement

Criminal, administrative and civil

Addressing the challenges: upgrading the current framework

Broader approach to serve the broader environment acquis and respond to various types of non-compliant behaviour

Flexibility and level playing field

Horizontal and strategic approach

Risk-based approach, flexibility and streamlining of compliance assurance work

Transparency

Relevant governance issues

Complaint handling

Public consultation

Data collection and management

Active dissemination of compliance assurance related information

Periodic evaluation of performance effectiveness



Dynamic and robust compliance assurance chain

Interaction between compliance promotion, compliance monitoring and enforcement

Enhanced dialogue with the regulated community and involvement of the general public

Added value of cross-network cooperation: network coverage of the compliance assurance chain

Adequate cooperation and coordination mechanisms

Efficiency gains and economic benefits

Compliance assurance issues for addressing environmental crime

Risk assessment to identify most serious problems

Use of the most appropriate monitoring tools, e.g. role of intelligence gathering

Managing the interface between criminal, administrative and civil law enforcement, e.g. *Tunis Action Plan under the Bern Convention on the Conservation of European Wildlife and Natural Habitats*

Thank you for your attention!