Combatting Environmental Crime: a priority?

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Priority on the International Level

- UN ENVIRONMENT (UNEP) – *The State of Knowledge of Crimes that have Serious Impacts on the Environment, Nairobi, 2018*
  
  [https://www.unenvironment.org/resources/publication/state-knowledge-crimes-have-serious-impacts-environment](https://www.unenvironment.org/resources/publication/state-knowledge-crimes-have-serious-impacts-environment)
  
  - 4th largest criminal area
  - Yearly increase (by 5 - 7 %)
  - Lucrative
  - Low risks
Driven by economic benefits, substantial demand, institutional and regulatory failures resulting in impunity

Very negative impacts
- Undermining sustainable development
- Acceleration of climate change (deforestation)
- Undermining rule of law, good governance, fuelling geopolitical conflicts
- Depriving governments of vast revenues
- Undermine sound economic competition

Serious (transnational) Environmental Crime
- Illegal logging and timber smuggling
- Species smuggling
- Illegal, unreported and unregulated fishing
- Black market on ozone depleting substances
- Illegal movement of toxic and hazardous waste and other prohibited chemicals
- Illegal mining
- Corruption, money laundering, tax fraud
- Organised crime

Gaps in tackling environmental crimes
- Lack of knowledge and data
- Lack of legal frameworks
- Lack of capacity in the enforcement chain
Lack of co-operation (nationally and internationally)

**INTERPOL**
- Wildlife crime
- Trade and disposal of waste and hazardous substances
- Emerging: illegal carbon trade and water management crime

**Activities:**
- Leading global and regional operations to dismantle the criminal networks behind environmental crime using intelligence-driven investigations;
- Coordinating and developing international law enforcement best practice manuals, guides and other resources;
- Providing environmental law enforcement agencies with access to INTERPOL tools and services by enhancing their links with INTERPOL National Central Bureaus;
- Working with the Environmental Compliance and Enforcement Committee to shape strategy and direction.

**WORLD CUSTOMS ORGANISATION**
- Environment Programme

**INECE – INTERNATIONAL NETWORK FOR ENVIRONMENTAL ENFORCEMENT AND COMPLIANCE**
- [https://www.inece.org/topics/category/10](https://www.inece.org/topics/category/10)
Also on the European level

**EUROPEAN UNION**


  - MS shall ensure that *the conduct mentioned in art. 3 constitutes a criminal offence*, when unlawful and committed intentionally or with at least serious negligence

  - They shall ensure that *inciting, aiding and abetting* the intentional conduct referred to in Article 3 is punishable as a criminal offence

- They shall take the necessary measures to ensure that the offences referred to in Articles 3 and 4 are punishable by *effective, proportionate and dissuasive criminal penalties*

  - They shall ensure that *legal persons can be held liable for offences* referred to in Articles 3 and 4 where such offences have been committed for their benefit by any person who has a leading position within the legal person, acting either individually or as part of an organ of the legal person
Council of the European Union, Council Conclusions on Countering Environmental Crime, 12 December 2016, 15412/16

“Environmental crime has become one of the world’s most profitable organised criminal activities and has a significant impact not only on the environment, but on society and the economy in general, and that it has been identified as an emerging threat in the Serious and Organised Crime Threat Assessment (SOCTA) 2014-2017”

INVITES MEMBER STATES TO:

- provide law enforcement and other relevant authorities with sufficient capacity to detect and investigate offences against the environment in a timely manner and bring their perpetrators to justice, and consider the potential added value of establishing specialised police units as well as extending the expertise of forensic and other scientific units to cover the investigation and examination of environmental offences
The specialization of prosecutors at both national and regional level as well as of judges, in accordance with national law and practice, could also be considered

- coordinate activities related to fighting environmental crime at national level, including among law enforcement, customs, environmental and administrative authorities, by involving all relevant multidisciplinary actors, clearly defining their roles and ensuring a secure system for actively sharing information between these actors;
- (...)
- where appropriate, systematically address the organised crime angle of environmental offences, in particular in the areas of wildlife and waste trafficking as well as illegal chemicals and pesticides;
- (...)
- consider introducing an obligation for an offender convicted of an environmental crime to cover the costs of the environmental agency which uncovered the facts that led to the prosecution;

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**European Commission**

- Action Plan on environmental compliance assurance and governance (18 January 2018)

  - 9 Actions
    - help inspectors and law officers to combine forces, including through joint inspections and enforcement actions
    - provide guidance on combating environmental crime
Life + Support for some projects:


- IMPEL
- ENPE

**EUROPOL**


- **ENVICRIMENET** [http://www.envicrimenet.eu/](http://www.envicrimenet.eu/)
  - informal network connecting police officers and other crime fighters in the field of environmental crime
The Enforcement Chain is a strong as the weakest link!