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**CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS
CONSEIL CONSULTATIF DES PROCUREURS EUROPEENS
(CCPE)**

**Questionnaire for the preparation of the CCPE Opinion No. 17 (2022)
on the role of prosecutors in protection of environment**

***Questionnaire en vue de la préparation de l'Avis No. 17 (2022) du CCPE
sur le rôle des procureurs dans la protection de l'environnement***

COMPILATION OF REPLIES TO THE QUESTIONNAIRE PREPARED BY THE CCPE SECRETARIAT

COMPILATION DES RÉPONSES AU QUESTIONNAIRE PRÉPARÉE PAR LE SECRÉTARIAT DU CCPE

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Albania / Albanie

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

Regarding the environmental crime, we emphasize that there are specific national priorities, which are reflected in the action plan for the implementation of the recommendations of the Assembly Resolution, which has been approved by the Prosecutor General by order. More specifically, in the action plan approved for 2020, one of the recommendations for the Prosecution institution was *the introduction of the new legal framework, part of the amendments to the Criminal Code, related to criminal offenses in the field of environment and their effective implementation into practice. Increasing the number and the quality of investigations for this category of criminal offenses.*

There are also various published documents, such as *guidelines for the fight against environmental crime, studies, publications of the Security Academy for environmental crime, environmental and national security, etc.*, which serve the Albanian prosecutors in investigating criminal cases in this field.

2. Please indicate which category of environmental crime (eg waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

Referring to the statistical data extracted from the published report of the Prosecutor General on the crime situation for 2020, it results that the specific weight of criminal offenses against the environment for 2020 compared to the total number of criminal proceedings registered nationwide is 1.19 %, while for 2019 it was 0.87%.

So, for 2020 there is an increase in the specific weight of this group of criminal offenses.

The crime rate per 100,000 inhabitants for this group of offenses in 2020 is 11.63, while in 2019 it was 9.29.

TRENDS

From the statistical data it results that, in 2020 there is an increase of 24.44% of the number of registered proceedings for criminal offenses against the environment compared to 2019 and a decrease of 3.03% of the proceedings sent to the court compared to year 2019.

Regarding the defendants, for this group of criminal offenses, there is an increase in the number of defendants registered compared to this total in 2019 of 19.01%, a decrease in the number of defendants who were sent to court by 4, 11% and a decrease in the number of defendants convicted by the court by 2.08% compared to 2019.

Illegal logging, air pollution, water pollution and soil pollution, logging of ornamental and fruit trees, the destruction of forests by fire constitutes criminal offenses that result in the highest number of cases registered in Albania.

3. Are there specialized prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

There are no Prosecutor's Offices or sections of the Prosecutor's Offices in Albania specialized in investigating criminal offenses against the environment. These offenses are prosecuted by all Albanian prosecutors, but some of them have engaged in various trainings conducted in this field.

4. Which reasons for specialization and specialized training do you consider important for prosecution of environmental crimes?

The Albanian criminal legislation in terms of environmental protection has provided for several criminal offenses, by criminalizing acts which are considered illegal and which may harm the environment, the human life and health. The Albanian state has become a party to many conventions in the field of environment, signing and undertaking the commitment to fulfil the obligations deriving from these conventions. The International and European environmental conventions and agreements for the protection of the environment in our country, have an impact on the reform and adoption of contemporary laws. The recent legal amendments made in the Albanian criminal code have been made in accordance with the EU Directive 2008/99, supplementing the legal framework of criminal offenses against the environment. The criminal offenses against the environment together with the amendments that entered into force on 8.10.2019 are provided in Chapter IV of the current criminal code and in this context, as well as the fact that the number of criminal proceedings in this area has been increasing from year to year, the Albanian Prosecution considers the training of the Albanian prosecutors important in order to expand the knowledge in this field.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans / strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation / law)? If so, please briefly explain.

The General Prosecutor's Office of the Republic of Albania has appointed a representative (in the capacity of external member) in the inter-institutional group for environmental damage, set up by law enforcement agencies, in the function of local government. In this regard, we mention the fact that, in 2019, with the support of the OSCE, the Inter-Institutional Working Group against Environmental Crime published a guide on local government competencies for the prevention of environmental crime, to which a representative of the General Prosecutor's Office also contributed. Regarding the concrete cases, the Albanian prosecutors, depending on the case, conduct the investigations in collaboration with specialized structures such as National Inspectorates for Territory Protection under the Ministry of Interior, etc.

The Studies Sector in the General Prosecutor's Office provides opinions / proposals / comments on the drafting of action plans or strategic documents, legislative changes in the field of environmental crime, etc.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.
7. Are prosecutors in your country involved in administrative and civil law matters in the field of environmental protection? If yes, please briefly describe.

No, in Albania the prosecutors are not involved in administrative and civil law matters in the field of environmental protection.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organized crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

Yes, in terms of international co-operation on environmental crime matters, Albanian prosecutors can occasionally send requests for legal assistance based to the international bilateral agreements to which Albania is a party. Otherwise the requests are directed based on the Principle of Reciprocity. The requests can be sent through the Ministry of Justice in the capacity of central authority, through the Interpol channels or directly to the foreign judicial authorities (with the assistance of Embassies of respective countries accredited in Albania or vice versa)

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

The direct cooperation between the judicial authorities is considered by us as the most effective means for the speedy realization of the required investigative actions, in function of a criminal proceeding.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

Yes, the Albanian Prosecution is a member of the European Network of Prosecutors for the Environment (ENPE) and some Albanian prosecutors have participated over the years, in several trainings organized by this network.

Andorra / Andorre

Aspects nationaux

1. Existe-t-il des priorités nationales spécifiques, des documents de politique stratégique ou des orientations disponibles pour les procureurs dans votre pays afin de guider et de soutenir les interventions nationales en matière de crimes environnementaux ?

Malgré il n'existe pas de directives spécifiques dirigées aux procureurs en cette matière, en raison du nombre résiduel d'affaires pénales, il est nécessaire de remarquer que la législation de notre pays donne à l'administration générale un pouvoir de contrôle et de sanction considérable au niveau administratif, de telle sorte que la voie pénale est très souvent résiduelle.

De toute manière, tenant compte de la configuration géographique de notre pays, la préoccupation et le contrôle environnemental est très soutenu de la part du gouvernement et des agents de l'administration en charge de la matière.

2. Veuillez indiquer quelle catégorie de crimes contre l'environnement (par exemple, la criminalité liée aux déchets, la criminalité liée à la faune sauvage, la pollution de l'air, etc.) constitue la majorité des affaires.

La majorité des affaires traitées concernent l'abus et la cruauté envers les animaux.

3. Existe-t-il des procureurs ou des bureaux des procureurs spécialisés dans la poursuite des crimes environnementaux dans votre pays ?

En raison des dimensions du Ministère Public (1 Procureur Général et 4 adjoints) il n'y a pas de spécialisation concrète des procureurs en matière d'environnement.

4. Quelles sont les raisons de la spécialisation et de la formation spécialisée que vous considérez importantes pour la poursuite des crimes contre l'environnement ?

Tenant compte que la protection de l'environnement est un sujet qui a pris de l'importance au fil des années, il est évident qu'une formation spécialisée est nécessaire en la matière eu égard au fait que la législation est très détaillée et de plus en plus compliquée, étant donc adéquat de connaître ces réglementations pour comprendre les expertises, les plaintes et les procès-verbaux présentées par les agents de l'administration ou les organisations non gouvernementales.

En ce sens, il est nécessaire d'informer que le Conseil Supérieur de la Magistrature organise différentes formations obligatoires au long de l'année sur des matières diverses qui sont suivies par les procureurs ; de la même manière, les différents procureurs suivent des formations organisées par les diverses organisations supranationales dont nous formons part.

5. Les procureurs sont-ils impliqués dans la coopération inter-agences dans votre pays dans le domaine de l'application de la conformité environnementale, par exemple, la coopération avec d'autres organismes d'application de la loi (inspections, organes administratifs, douanes, etc.) dans les affaires concrètes, l'adhésion à des groupes stratégiques, le développement de plans d'action/documents stratégiques, l'évaluation des

changements législatifs (pour soumettre des commentaires sur les projets de réglementation/loi) ? Si oui, veuillez expliquer brièvement.

La coopération se fait cas par cas entre le bureau du procureur et les organes gouvernementaux de contrôle, sans qu'il existe aucun groupe de coopération établi, le tout à travers les communications habituelles entre le Ministère de tutelle chargé de la matière et le Ministère Public.

6. Les procureurs de votre pays disposent-ils d'outils efficaces pour poursuivre les crimes contre l'environnement ? Veuillez citer les trois outils les plus importants de votre point de vue. Donnez les raisons très brièvement.

Les procureurs andorrans disposent des mêmes outils pour poursuivre les délits contre l'environnement que pour l'investigation des autres délits: de toute façon, en plus de la police, l'État dispose d'un corps spécial séparé de la police (Les « Banders ») qui s'occupe sur le terrain du respect et de la sanction des normes administratives pour la préservation de l'environnement, ceux-ci avec les autres fonctionnaires du Ministère de l'Environnement et de la Soutenabilité, sont souvent les premiers à constater les infractions pénales, et en font rapport au Ministère Public.

Les dimensions du pays et surtout du bureau du Procureur font difficile disposer en ce moment d'autres outils, tenant compte qu'en Andorre nous ne disposons ni d'unité de police judiciaire adscrite et dépendante directement du Ministère Public ou des juges, ni non plus d'experts détachés: toutefois, et à la lumière de la pratique dans les pays voisins dans d'autres types de délits, un outil essentiel serait de disposer d'unités spécialisées en la lutte de ces délits rattachées directement et sous les instructions du Ministère Public à fin de garantir une efficacité accrue.

7. Les procureurs de votre pays sont-ils impliqués dans des affaires de droit administratif et civil dans le domaine de la protection de l'environnement ? Si oui, veuillez décrire brièvement.

Non, nous ne participons pas directement dans ce type de procédures.

Aspects internationaux

8. Les procureurs de votre pays utilisent-ils des outils de coopération efficaces pour poursuivre les crimes environnementaux ayant un élément transfrontalier ou de criminalité organisée ? Veuillez nommer trois outils les plus importants de votre point de vue dans ce contexte. Donnez les raisons très brièvement.

Comme dans tous les autres types de délits la coopération se fait à travers les différentes conventions du Conseil de l'Europe, et bien sûr à travers de nos contacts personnels avec les différents procureurs et procureurs généraux de nos pays voisins, et si c'est le cas à travers les points de contacts de l'AIAMP (Association Iberoaméricaine de Ministères Publics).

9. Dans quels domaines de ce secteur voyez-vous un avantage particulier pour le partage futur des meilleures pratiques et de l'expertise ? Qu'est-ce qui, à votre avis, améliorerait la coopération internationale dans les affaires de criminalité environnementale ?

Un système de création de point de contacts de procureurs de chaque pays, à travers d'un réseau spécialisé européen, serait une option pour faciliter la coopération.

10. Les procureurs de votre pays sont-ils impliqués dans des réseaux internationaux dans le domaine de l'application de la conformité environnementale, et si oui, lesquels ?

Comme nous l'avons cité auparavant, le Ministère Public de l'Andorre fait partie de l'AIAMP, et parmi les différents groupes de travail, l'un d'eux traite les délits contre l'environnement au niveau transnational.

Armenia / Arménie

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

There is a decision of the Prosecutor's Collegium adopted on 2017 December 2 on "*Prosecutorial supervisor over the pre-trial investigation of the environmental crimes*". According to the mentioned decision the priorities of this field are:

- enforcement of preventive measures,
- protection of ecosystem,
- implementation of effective punitive policy,
- cooperation.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

Illegal logging is the most common form and most frequently committed environmental crime in Armenia.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

There are no specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in Armenia.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

The efforts should be aimed at enhancing the capacity of Armenian prosecutors to handle environmental crimes rapidly and competently, *inter alia* recognizing potential environmental crime scenes, establishing sources of information, forms of interagency cooperation, types of investigative expertise required, the application of financial investigative techniques in combating environmental crimes.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

The General Prosecutor's Office is actively involved in the process of drafting laws related to the investigation of environmental crimes, as well as in strategic planning related to combating of environmental crimes. For example, latest developments in criminal

legislation for toughening the punishment for Illegal logging was initiated by the General Prosecutor's Office.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

The prosecutor is entitled to make submissions to other state agencies aimed at preventing environmental crimes. The submission should be discussed properly and in a timely manner and the results should be submitted to the prosecutor.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court (both civil and administrative) with regard to protection of state interests on environmental matters.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

In recent years no cross-border or organised environmental crimes have been detected in Armenia.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

It is important to strengthen international cooperation in environmental crime cases, ensuring that countries have clear and efficient processes for the timely prioritisation and execution of relevant mutual legal assistance requests. Countries should use a central authority, or another established official mechanism, for effective transmission and execution of requests.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

No, Armenian prosecutors are not involved in international networks in the field of enforcement of environmental compliance.

Bosnia and Herzegovina / Bosnie et Herzégovine

National aspects of Bosnia and Herzegovina

Preliminary remark

The competent authority for protection of environment is the Ministry of Foreign Trade and Economic Relations. Its competence includes the development and exploitation of the country's natural resources. The organizational competence within the Ministry is in the hands of the „Sector for water resources, tourism and environmental protection“. Its function in general is the coordination of measures and cooperation with all relevant sectors and institutions on the different levels of the state for the benefit of environmental protection, but not to forget the cooperation with neighboring regions and international institutions in case of emergency. The Ministry's duty is the analysis of data concerning the state of the environment and its pursuit too.

Questions of the CCPE and answers regarding Bosnia and Herzegovina

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

Answer: There aren't any guidances for prosecutors.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

Answer: It wasn't available any reliable statistics but the fact that only the following offences are enlisted in the penal law as well the „Federation of Bosnia and Herzegovina“ as the „Serb Republic“ allow the conclusion that those constitute the majority of cases: Air pollution by illegal burning waste, illegal disposal of toxic waste, Illegal woodcutting, illegal hunting and illegal fishing.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

Answer: No.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

Answer: In my opinion specialised training for prosecutors could enhance as well the awareness for preventive measures i precise criminal prosecution, as the sense for cooperation with the different institutions caring for environmental protection.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership i strategic groups, developing of action plans/ strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/ law)? If so, please briefly explain.

Answer: Such cases still are very rarely, so there isn't any spectacular or typical case available for me.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

Answer: The only tools for prosecution of environmental crimes are leading cases as a guidance for a similar sentence.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

Answer: No.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

Answer: Here isn't registered any crime case of cross border cooperation in environmental protection affairs.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

Answer: It could be of fundamental benefit for Bosna i Hercegovina to introduce an information exchange between neighboring countries concerning crime cases of higher importance which do inflict the pollution of common seaside, lakes or of border areas.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

Answer: No.

Bulgaria/Bulgarie

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?
There is a **methodological guidance** only on the prosecutorial work in cases concerning criminal acts against the protected wild flora or fauna species and cruel behaviour against animal (vertebrates), issued in 2018 by the Prosecutor General.
2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.
The statistic in the last three years shows that by far the largest group of cases concern **crimes against the forestry funds** (illegal woodcutting, illegal treatment of timber, illegal hunting).
The second largest group of cases comprises the **investigation of pollutions** of soil, air, water sources, basins, ground waters and the territorial or sea waters.
Special priority (because of its growing social danger) is the **illegal management and treatment of waste**. The number of these cases is also growing and as a rule these are large and complicated cases which require international cooperation.
3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?
With regard to the prosecutor's offices (POs) – **there are no specialized structures dealing with environmental crimes**. As long as organized crime is not involved the cases are distributed among the POs with general competence. The organised crime cases – including environmental issues are in the field of competence of the Specialized PO (for now).
There are some more experienced and prepared (trained) prosecutors¹ in the matter of the environmental crimes in the POs with general competence. In those POs they are trying to form the groups for random distribution of environmental-crime-cases involving these prosecutors.
4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?
The obvious reason is the **growing impact** of those crimes to the society and the **complexity** of the cases involving different subject matter. They require a stronger and combine criminal law and administrative law protection.
5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)?
If so, please briefly explain.

¹ In the pandemic period 2019-2021 at least 16 prosecutors participated in trainings, conferences and seminars concerning the environmental crimes.

The Prosecutor's office participates in the **institutional consultations** when drafting normative changes including new laws on environmental protection.

There **are no formal frameworks** (agreements with other institutions or participation in permanent strategic or expert groups) for the activities of the PO. Some relevant interventions of the PO are connected with the relatively large prerogatives of the Bulgarian prosecutors outside the criminal law field - see № 7 below.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

Generally – yes. The instruments are given by the CPC and not on only. The Bulgarian PO has large responsibilities and some instruments outside the criminal law field also. The most important tools are the prerogatives of the prosecutors to **initiate a criminal investigation** with their own decree, and to **direct the whole pre-trial phase**. As third most important tool – prosecutors can **challenge administrative decisions** including those affecting the environment.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

Generally – yes. The prosecutors from the Supreme administrative prosecutor's office /SAPO/ and the prosecutors from the administrativedepartments /PAD/ of the prosecutor's offices in Bulgaria are those who are obliged to carry out the activities of the Public Prosecutor's Office outside the criminal proceedings, in the field of administrative law. In addition to point 6, those prosecutors at different levels shall monitor cases in which an unlawful act, act or omission of an administrative authority is concerned. In the area of protection of environment, for the last 5 years, SAPO cases are 10% from all and PAO cases are 20% from all cases. For Bulgaria, these methods are very effective and often the only possibility to protect the environment and the public or state interest.

Another extremely effective tool is the power of the Prosecutor General to submit requests and opinions to the Supreme Administrative Court for incorrect or contradictory case law in administrative cases in the field of environmental protection, which he has exercised four times since 2015 till 2021. Furthermore, at the request of the Prosecutor General, cases may be brought before the Constitutional Court or he may give opinions on initiated cases seeking interpretation or declaration of illegality of environmental laws, which he has exercised four times since 2012.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

Yes, in general they are. We see the **EIO**, the option to use **Eurojust** in its coordination capacity and the option to apply the **European Convention on Mutual Assistance in Criminal Matters** as the three most important tools for international cooperation. The reason is that the serious environmental crimes often have international aspects and as a rule require the involvement of more than one jurisdiction.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

There is a large room for exchange of good practices and development of international and EU regulation and standards in the area of **transfer of criminal proceedings among the MS** – in such way that the validity of the evidence gathered in one state is preserved in the receiving state.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?
No.

Croatia/Croatie

National aspect

1. In the Republic of Croatia, there is no special document and guidelines in relation to the work of state attorneys regarding the prosecution of criminal offenses related to environmental protection.

2. In the Republic of Croatia, the criminal offenses in the scope of environmental protection in relation to other types of crime are not significantly represented. The largest number of cases relate to the criminal offenses of environmental pollution, endangering the environment with waste, illegal hunting and fishing, trafficking in wild life species, destruction of protected natural values.

3. There are no specialized state attorney's offices in the Republic of Croatia for the prosecution of criminal offenses of environmental protection.

4. The specificity of criminal offenses related to environmental protection indicates the need for special training and constant education as well as the exchange of experiences by the state attorney's offices with specialized departments or prosecutors to combat this type of crime, having certain experience in a number of successfully prosecuted major cases in this type of crime.

5. The State Attorney's Office, as the body responsible for the prosecution of perpetrators of criminal offenses in case of suspicion of a perpetration of a criminal offense, cooperates with a number of other bodies, especially inspection bodies, customs authorities, various administrative bodies responsible for environmental protection. In addition, all of the above-mentioned bodies are obliged to file a complaint or inform the competent state attorney's office in the event of a suspicion of a criminal offense. At the request of the State Attorney's Office, they are obliged to perform targeted actions within their scope as requested by the State Attorney's Office and provide available data (minutes, results of conducted inspections and other relevant information gathered through their work in the scope of their competence), in relation to each case representing a situation that might have characteristics of environmental crimes.

So far, no specific bodies have been established in whose work the State Attorney's Office would participate on a regular basis through the development of special plans and strategies. However, in relation to legislative changes, the State Attorney's Office has the possibility to give remarks and suggestions to the submitted draft amendments to the acts.

6. Funds available to the State Attorney's Office for the successful prosecution of criminal offenses from the scope of environmental protection include:

- the possibility to order inquiries (collection of data of various types and from various bodies).
- ordering and conducting inspections
- the possibility to order expertise from court witnesses
- the possibility to temporarily seize objects and means of perpetration of criminal offenses.

These mechanisms and their timely application are extremely important for the successful prosecution of criminal offenses.

7. The State Attorney's Office within the Criminal Department prosecutes perpetrators of criminal offenses, and is able to initiate misdemeanour proceedings (which are primarily within the competence of the relevant administrative bodies). The Civil Administration Departments of the State Attorney's Office have the authority to participate in civil proceedings in which the state's property interests are protected (including seeking redress for damage caused to the state / ordering actions to further prevent damage related to actions that endanger and damage the environment).

International aspect

8. If there is suspicion of perpetration of criminal offenses with a cross-border element, the state attorney's offices cooperate with the competent law enforcement authorities of the neighbouring countries, and in situations of organized crime, if the environmental crimes are committed within a criminal association, this type of crime is under the jurisdiction of the Office for the Suppression of Corruption and Organized Crime (a specialized state attorney's office for special types of crime whose jurisdiction is established by a special law).

The most common type of cooperation is achieved by exchanging initial information and in the subsequent phases by providing international legal assistance and gathering the necessary evidence in order to successfully conduct the proceedings.

A timely exchange of information and collection of relevant evidence is a necessary precondition for a successful completion of the proceedings.

9. Exchange of experiences and best practices with colleagues from other countries in all areas covered by environmentally-related crime with possible special emphasis on environmental pollution, discharges of pollutants from vessels, ozone depletion, wildlife trade, forest devastation and biodiversity protection, should contribute to a more successful fight against this type of crime.

International cooperation would be improved by establishing the protocols for a faster flow of information and by establishing networks of contacts of state attorneys who, as experts in this field, would be available for an advisory and any other necessary activity aimed at conducting timely actions relevant for successful prosecution of criminal offenses.

10. The State Attorneys in the Republic of Croatia are not members of international networks in the field of environmental protection, but we participate as a partner in the SWiPE Project funded by the European Union which aims to raise awareness and build capacities of state attorneys (police and inspection as well as other bodies), to exchange international knowledge and increase cooperation of various bodies in an effort to reduce the illegal killing of the European protected species, biodiversity and ecosystem health, with the ultimate goal of a successful prosecution of such crimes.

Czech Republic / République tchèque

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

Currently, there are two strategic documents.

“Strategy to Prevent and Combat Waste-Related Crime for the Years 2021-2023”, that was elaborated in line with recommendations stated in the Evaluation Report on the Czech Republic of the 8th Round of Mutual Evaluation – “The practical implementation and operation of European policies on preventing and combating Environmental Crime” (2019). The strategic document was prepared by a working group of seven parties, including public prosecutor’s office representatives, and was adopted as Government decision on 5 October 2020. It contains four specific objectives (such as to improve cooperation of law enforcement agencies, to promote specialisation and qualification of law enforcement agencies in the field of waste and others) with nine proposed measures for their implementation.

“Action Plan on Combating Illegal Trade in Endangered Species of Fauna and Flora up to the Year 2023” was adopted as Government decision on 20 January 2020 in connection with the *Action Plan to Combat Organised Crime for the Years 2018-2019*. It contains seven specific goals (such as to prioritise combating this type of crime, to improve the training system, to improve international cooperation, to increase capacity of rescue centres for endangered species and others) with fourteen proposed measures.

However, the implementation of some proposed measures was slowed down by the COVID-19 pandemic and is endangered by consecutive cuts in budgets of responsible institutions.

There are no guidance documents on prosecution of environmental crime.

2. Please indicate which category of environmental crime (e.g., waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

Most of the environmental crime cases are wildlife crime and waste crime cases.

There are not more than dozens of cases of each type of crime (wildlife and waste) in the criminal track each year. As stated in the Evaluation Report (mentioned in the answer in point 1.), Czech system is in favour of administrative enforcement in cases of breach of laws designed to protect the environment. However, investigations into criminal cases using tools such as criminal intelligence operations often reveal wide-ranging breach of law. Using intelligence from both administrative and criminal track gives better overview of the state of play of environmental crime. In terms of good interagency cooperation, the most serious cases can be picked up for criminal proceedings.

Remark: the definition of environmental crime used by Czech Criminal code also includes the crime of cruelty to animals (Maltreatment of Animals) which is in fact the most frequently committed crime in this category, followed by wildlife crime and waste crime.

3. Are there specialised prosecutors or prosecutor’s offices for prosecution of environmental crimes in your country?

There are no specialised environmental prosecutor's offices or courts in Czech Republic as such. However, obligatory specialisations of public prosecutors are created in the prosecution system (economic crime, property crime, violent crime, etc.). The amendment to the general instruction (an internal normative regulation) has extended the obligatory specialisation to environmental crime. There are specialised prosecutors on all levels: in district, regional, high prosecutor's offices and prosecutor general's office.

There is a National Correspondent for the fight against environmental crime at the Prosecutor General's Office. The National Correspondent and his expert team are in their field of work the guarantors of interdepartmental cooperation, cooperation with foreign countries, analyse case law and expert articles, participate in the preparation of questionnaires, educational activities, especially those provided by the Judicial Academy, participate in intra-departmental cooperation and specialist consultations, and participate or propose participation in conferences.

The National Correspondent elaborates the report on its activities in the field of environmental crime for the past calendar year. The annual report is published on the Prosecutor's Office internal website - Extranet and is thus accessible to all prosecutors specialising in this type of crime.

As one of the measures taken according to the strategic documents mentioned in answer to question 1., a network of specialised prosecutors was created.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

Specialisation is the most effective tool to ensure expertise, adequate application of respective provisions of criminal law and related legal provisions, know-how in prosecution and sentencing of environmental crime. It also meets the requirement of effective exercise of powers of prosecutors – being a specialist means, you have the know-how, contacts and do not need extra time to study the law and jurisprudence at the point of that starting a case. It is also effective national and international cooperation.

Within the prosecution system, there is an effort to increase and deepen the knowledge and experience of prosecutors in this type of crime.

Despite the COVID-19 pandemic, training events for prosecutors and judges on this issue have been held.

For example, in cooperation with the Judicial Academy, a seminar on environmental crimes was held in October 2021. The seminar focused on the issue of illegal trade in endangered species of animals and plants, illegal waste management, animal cruelty and its punishment, environmental damage, and environmental hazard.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

Following the two strategic documents mentioned in the answer to the question 1. there are two strategic inter-agency groups. Both include representatives of prosecutor's office, police, customs, Czech environmental inspectorate, Ministry of the Interior, Ministry of Justice and Ministry of the Environment. These groups have been set up to achieve the objectives of both strategic materials. Separately, *CITES Task Force for cooperation and coordination of wildlife cases* facilitates inter-agency cooperation in individual criminal cases. In this task force representatives of police, customs, Czech environmental inspectorate and prosecutor's office are present. This task force used to meet three times a year. There is also a *Task force for Transboundary Shipment of Waste* lead by the Ministry of the Environment with meetings once or twice a year. The activity of both task force groups has been significantly influenced by the COVID-19 pandemic. Both groups also strongly depend on personal contacts with colleagues in other law enforcement agencies and individual trust, as sharing information and negotiating further steps in currently lead investigations is the key point of this type of cooperation. The long period of pandemic together with staff changes in various institutions undermined this cooperation, which could be otherwise labelled as good practice.

Prosecutor General's Office is entitled to comment on draft laws and other legislation, including laws relating to the environment and its protection.

Remark: Prosecutor General's Office is one of the so-called mandatory commentary points – the Government Legislative Rules.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

Almost all statutory tools are fit for use for prosecution of all types of crime, including environmental crime. Only the most invasive methods of investigation (from the point of view of possible interference with human rights), such as interception of telecommunications or deploying of an agent, are limited to serious or organised crime or types of crime, where the Czech Republic is bound to prosecute by international treaties (such as the Basel Convention or CITES Convention). As for environmental crime, surveillance of items and persons, search of premises and seizure of relevant documents are often used. These tools are effective and can be used in every waste crime case. Forensic tools – expert opinions are also very important. Also, international cooperation tools are frequently used (see answer to question 8), as well as cooperation with environmental inspectorate and other law enforcement bodies, and inquiries in their databases.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

The Prosecutor General has the power to bring administrative actions, if he or she finds a compelling public interest (see Act No 150/2002, Code of Administrative Justice, Section 66/2). The assessment of the existence of a compelling public interest is entrusted to the Prosecutor General.

In the administrative actions brought by the Prosecutor General, the protection of the environment was also seen as a serious public interest (e.g. - Interest in respecting a protected natural area - a bird area - belonging to the "Natura 2000" system; Interest in respecting the principles of protection against the negative impact of mining activities on the environment).

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

The choice of international cooperation tools depends on the legal framework of the cooperation. With most of the EU Member states the usually used tool for gathering evidence is the European Investigation Order. In cases of pending investigations in two or more EU Member states, Joint Investigation Team can be a very useful tool. With other states (outside the EU) mutual legal assistance based on multilateral treaties, such as the European Convention on Mutual Legal Assistance in Criminal Matters or bilateral treaties, are the bases for international cooperation. The cooperation is carried out by means of an MLA request for the purpose of evidence gathering mainly.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

Capacity building is important. In this area, thanks to national networking (task forces, strategic groups), it is possible to organise joint trainings for prosecutors, police officers, customs, environmental inspectors, and other law enforcement agencies. Trainers from one institution share their knowledge with colleagues from other institution. Workshops, where experience with solving real cases is shared, are highly appreciated.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

High Public Prosecutor's Office in Prague, represented by one prosecutor as permanent representative, is member of the European Network of Prosecutors for the Environment. This is an international non-profit association that aims mainly to support the work of environmental prosecutors, the exchange of information and experience and best practices sharing. It has nowadays 41 members representing 30 countries.

Denmark / Danmark

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

The prosecutors in Denmark can seek guidance in the Director of Public Prosecutions' guidelines in regards to environmental crimes. Furthermore it is possible for prosecutors to find information regarding the cases on the webpage of the Ministry of Environment.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

It is not possible to provide an overview of which category of environmental crime that constitutes the majority of the cases as there are no statistics on the specific categories.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

Yes, there are specialised prosecutors of environmental crimes in Denmark. The Director of Public Prosecutions meets with them twice a year to discuss relevant topics – not limited to environmental crimes. In addition the Director of Public Prosecutions once a year offers a course for prosecutors regarding environmental crimes.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

The Director of Public Prosecutions is unable to add to this point at the present time.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

Yes, The Prosecution Service throughout Denmark is cooperating with the various authorities in regards to environmental crimes.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

See the above mentioned under number 1, 3 and 5.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

No.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

The Director of Public Prosecutions is unable to add to this point at the present time.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

The Director of Public Prosecutions is unable to add to this point at the present time.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

The Director of Public Prosecutions is a participant in meetings of the North Sea Network of Investigators and Prosecutors (NSN).

Estonia / Estonie

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

No, we have not policy strategic documents or guidance for prosecutors.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

In Estonia there is 5-6 criminal cases in a year. The most of them are involved with illegal fishing or deforest.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

Yes, in Estonia there are specialised prosecutors.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

I consider every kind of specialised training for prosecution of environmental crimes because the training increases the knowledge.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

No, prosecutors are not involved. Sometimes abovementioned bodies ask for prosecutors' opinion.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

In my opinion the most effective tool for prosecution could be not only imprisonment but more effective property confiscation. But as I have mentioned before in Estonia there are a few environmental crimes, so those measures could be effective for persons who commits crime frequently or in cases that are involved with money laundering and cross-bordering crimes.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

In Estonia the prosecutors are not involved in administrative and civil law matters.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

In Estonia there is one cross – border criminal case and the cooperation with Finland was useful and effective.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

In my opinion a particular benefit of sharing practices and expertise could be in waste crimes. International cooperation in environmental crime cases would improve joint training, sharing practices and expertise and contacts.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

Our prosecutors involved in network of prosecutors on environmental crime in the Baltic Sea Region (ENPRO).

Finland / Finlande

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

The Finnish prosecution service has not prioritized environmental crimes, neither is there any policy strategic documents or guidance which would be objected especially to prosecutors in environmental crimes. However, the environmental supervision authorities and criminal investigation authorities are carrying out The Environmental Crime Prevention Strategy and the Action Plan in multi-agency cooperation. The first update of the Strategy was made in the beginning of 2021, and Strategy will be valid until 2026. The fourth Action Plan was published at the same time, and it will be valid for the next two years i.e. in 2021 - 2022.² The Implementation Group chaired by the Ministry of the Environment monitors and supervises the implementation of the Action Plan. Operations of regional cooperation groups consisting of the authorities responsible for environmental crime prevention have gotten off to a good start since their establishment in 2016. The well-established form of cooperation now covers the entirety of the national territory.

The National Working Group on Monitoring Environmental Crime produces situational awareness of environmental crime in Finland. The Working Group has issued Annual Reports on environmental crime since 1997. This working group consist of professionals working among environmental crimes.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

Different types of waste crime form most of the environmental cases. Illegal dumpings; all kinds of dumpings – dumpings of the household waste from the private persons to construction waste from the big companies, breaches of environmental authority orders and storage of hazardous waste are the most typical waste crimes in Finland.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

Finland has three posts of senior specialised prosecutors, whose main task is to prosecute the most challenging cases in the field of their specialization. Then we have several specialized district prosecutors in environmental crimes in prosecution areas which among their other duties prosecute environmental crimes.

² Environmental Crime Prevention Strategy 2021 - 2026 and Action Plan 2021 - 2022.
www.valtioneuvosto.fi (in Finnish only)

We also have prosecutor teams consisting of abovementioned prosecutors in prosecuting areas which share experiences and discuss about the cases. There can also be two or maybe more prosecutors prosecuting one big case if needed.

We also have national expert group dealing with same kind of questions but also in a more national and international level, members are trying to have overview of the situation as a whole and also plan the trainings to other prosecutors and keep in touch with the stakeholders among other things.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

Environmental legislation consists of numerous different laws, decrees and also EU legislation. The large number of laws makes it a challenge for investigators and also for prosecutors to have a clear and comprehensive grasp of the range of possible violations against environmental laws that actually exists.

There are also several authorities who are working among environmental crimes; The environmental authorities, police, border guard, national board of customs and rescue authorities co-operate in environmental matters on a case-by-case basis. Co-operation is essential already in pre-trial investigation stage.

There are also administrative means available which are used by the administrative authorities with exception that environmental authorities do not have the power to impose penalties. Person, who is investigating an environmental case must be aware of the administrative path which has been used.

Investigation methods, techniques and calculation of the proceeds of the crime are just examples from the situations where the environmental crimes differ from so-called ordinary criminality.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

Yes, they are. (look at answer 1).

We have national expert group consisting of prosecutors dealing with issues also in a more national and international level, members are trying to have overview of the situation as a whole and also plan the trainings to other prosecutors and stakeholders and keep in touch with the stakeholders among other things. Specialized prosecutors are often involved in preparing legislation at least in the form of comments.

Operations of regional cooperation groups consisting of the authorities responsible for environmental crime prevention have been established in 2016. The well-established form of cooperation now covers the entirety of the national territory.

Different authorities co-operate on case by case basis.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

In principle, yes. 1) Our legislation is basically very good and we have all the powers to investigate environmental crimes than in other crimes. The effectiveness of our legislation depends anyway on a number of factors. The most important of these is the resources which can be allocated to it. Lack of resources is everyday life at the moment 2) Training and co-operation between authorities is vital. Regularly held meetings and training sessions involving prosecutors, pre-trial investigation authorities and environmental authorities have formed a good basis for exchanging up-to-date information and new practices. 3) Specialised investigators and prosecutors; specializing is essential for succeeding with the cases.

Regarding to legislation; comprehensive legislation regarding to environmental crimes including the possibility to severe punishments, corporate fine and taking the benefit of the crime away from the perpetrator

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

No, we are not. Finnish prosecutors only deal with criminal matters.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

Yes, if needed. Our investigators/prosecutors use actively different international instruments regarding cross-border crimes. Joint investigation teams, European Investigation Order and Eurojust, as fastening the mutual legal assistance, are effective and used tools.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

Regarding waste crime, especially transferring waste from country to another, pollution of air and water.

Active and uncomplicated change of information, common rules, networks, training, personal contacts, contact points in environmental crime in countries.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

Yes. The Finnish Prosecution Service is member of European Network of Prosecutors for the Environment (ENPE).

Senior Specialised Prosecutors in environmental crimes have also participated actively to the work of Network of Prosecutors on Environmental Crime in the Baltic Sea region (ENPRO)

France

Aspects nationaux

1. Existe-t-il des priorités nationales spécifiques, des documents de politique stratégique ou des orientations disponibles pour les procureurs dans votre pays afin de guider et de soutenir les interventions nationales en matière de crimes environnementaux ?

Conscient des enjeux sans précédent de la lutte contre les atteintes à l'environnement dans un contexte de dégradation rapide de nos écosystèmes, le ministère de la justice s'est mobilisé pour la mise en œuvre d'un cadre rénové, ambitieux et cohérent de la répression pénale de ces atteintes. Des circulaires de politique pénale ont été élaborées par le ministère de la justice en matière de lutte contre les atteintes à l'environnement notamment :

- La circulaire du ministère de la justice du 21 avril 2015 relative aux orientations de politique pénale en matière d'atteintes à l'environnement qui a appelé les parquets à définir une politique pénale adaptée aux enjeux environnementaux locaux et à assurer un traitement judiciaire coordonné des atteintes à l'environnement.
- La circulaire du ministère de la justice du 11 mai 2021 visant à consolider le rôle de la justice en matière environnementale qui prévoit qu'un traitement judiciaire efficace des atteintes à l'environnement implique une direction effective et dynamique par les parquets de l'action des fonctionnaires et agents dotés de prérogatives de police judiciaire, et notamment des inspecteurs de l'environnement.

2. Veuillez indiquer quelle catégorie de crimes contre l'environnement (par exemple, la criminalité liée aux déchets, la criminalité liée à la faune sauvage, la pollution de l'air, etc.) constitue la majorité des affaires.

Entre 2015 et 2019, les parquets ont traité 86 200 affaires avec auteur identifié, liées à une atteinte à l'environnement. Sur cette période, les affaires relevant de la prévention des pollutions et des risques et celles relatives à la protection de la faune et de la flore représentaient respectivement 41% et 39% des affaires traitées, contre 11% pour celles relatives à la protection de l'eau et de l'air et 10% pour celles relatives à la protection des espaces naturels. Les affaires liées à la prévention des pollutions et des risques sont constituées à 84% par des affaires « Ordures et déchets ». Les affaires relevant du domaine de la « Pêche » et de la « Chasse » représentent respectivement 44% et 37% de celles relatives à la protection de la faune et de la flore.

3. Existe-t-il des procureurs ou des bureaux des procureurs spécialisés dans la poursuite des crimes environnementaux dans votre pays ?

Un mouvement de spécialisation a été engagé depuis 20 ans en matière pénale avec les juridictions du littoral spécialisées (JULIS) compétentes pour les infractions environnementales de pollutions marines ou atmosphériques littorales et les rejets illicites en mer, les juridictions interrégionales spécialisées (JIRS) compétente pour certaines atteintes environnementales commises en bande organisées (trafics de déchets, trafics d'espèces protégées) et les pôles santé publique et environnement (PSPE) compétents lorsque les atteintes environnementales présentent un lien avec un produit de santé ou présentent un risque pour la santé humaine. Ce mouvement s'est renforcé avec la création de pôles régionaux environnementaux (PRE) dans chaque cour d'appel par la loi du 24 décembre 2020 relative au parquet européen, à la justice environnementale et à la justice pénale spécialisée. A l'exception des délits spécifiques relevant

des JULIS et des JIRS, les PRE ont vocation à traiter les affaires complexes d'atteinte à l'environnement, cette complexité s'appréciant au regard notamment de la technicité de l'affaire, de l'importance du préjudice et du ressort géographique de l'affaire.

Des magistrats référents en matière d'environnement ont par ailleurs été institués dès 2005 au sein des tribunaux et cours d'appels et sont invités à se spécialiser et à se former de manière continue.

4. Quelles sont les raisons de la spécialisation et de la formation spécialisée que vous considérez importantes pour la poursuite des crimes contre l'environnement ?

Les raisons de cette spécialisation tiennent :

- à la technicité, à la très grande diversité et à la dimension interministérielle qui caractérise le contentieux environnemental ;
- à l'identification nécessaire par les services judiciaires et administratifs de leurs interlocuteurs en matière environnementale par le biais des référents environnement ;
- à la nécessité de mettre en commun les bonnes pratiques recensées par la mise en place de réunions régulières, ces bonnes pratiques étant par ailleurs diffusées, à l'attention des juridictions, par le ministère de la justice.

5. Les procureurs sont-ils impliqués dans la coopération inter-agences dans votre pays dans le domaine de l'application de la conformité environnementale, par exemple, la coopération avec d'autres organismes d'application de la loi (inspections, organes administratifs, douanes, etc.) dans les affaires concrètes, l'adhésion à des groupes stratégiques, le développement de plans d'action/documents stratégiques, l'évaluation des changements législatifs (pour soumettre des commentaires sur les projets de réglementation/loi) ? Si oui, veuillez expliquer brièvement.

Le 21 avril 2015, le ministère de la justice a diffusé une circulaire relative aux orientations de politique pénale en matière d'atteintes à l'environnement, définissant les principes devant guider une réponse pénale et administrative coordonnée et adaptée, et invitant à mettre en œuvre, pour une politique pénale adaptée au niveau local, des mécanismes de collaboration entre les autorités judiciaires et les administrations déconcentrées et les établissements publics en charge des polices (administrative et judiciaire) de l'environnement, sous l'autorité des parquets.

La circulaire du 11 mai 2021 visant à consolider le rôle de la justice en matière environnementale a rappelé cette nécessaire coordination, et invité à la renforcer par l'établissement d'un état des lieux des problématiques et enjeux environnementaux du ressort en concertation entre les partenaires institutionnels et la mise en place d'instances de coordinations dédiées. Des protocoles d'accord tripartites avec les préfets, les procureurs de la République et l'office français de la biodiversité sont par ailleurs mis en place et ont été encouragés par le ministère de la justice pour permettre d'articuler les réponses administrative et judiciaire aux infractions environnementales.

6. Les procureurs de votre pays disposent-ils d'outils efficaces pour poursuivre les crimes contre l'environnement ? Veuillez citer les trois outils les plus importants de votre point de vue. Donnez les raisons très brièvement.

Des outils particulièrement efficaces ont été créés, permettant une poursuite efficiente des atteintes à l'environnement, parmi lesquels :

- **La convention judiciaire d'intérêt public environnementale (CJIFE)** introduite par la loi du 24 décembre 2020 relative au parquet européen, à la justice environnementale et à la justice spécialisée. Cette mesure alternative aux poursuites éteint l'action publique à l'égard de la personne morale en échange de l'acquittement de certaines obligations parmi lesquelles figurent le versement d'une amende d'intérêt public au Trésor public ; la régularisation de sa situation via l'adoption d'un programme de mise en conformité d'une durée maximale de trois ans sous le contrôle des services compétents du ministère de l'environnement ainsi que la réparation du préjudice écologique dans un délai maximal de trois ans, toujours sous la supervision des services du ministère de l'environnement et, lorsqu'il existe une victime identifiée, la CJIP prévoit également le montant et les modalités de réparation du dommage dans un délai d'un an.
- **Le référé pénal environnemental**, qualifié comme tel par la circulaire du ministère de la justice du 21 avril 2015 relative aux orientations de politique pénale en matière d'atteintes à l'environnement et institué par la loi du 3 janvier 1993 sur l'eau. Pour certaines atteintes à l'environnement, le procureur de la République peut, d'office ou à la demande de l'autorité administrative, de la victime ou d'une association agréée de protection de l'environnement, demander au juge des libertés et de la détention ou, en cas d'information judiciaire, au juge d'instruction d'« *ordonner pour une durée d'un an au plus aux personnes physiques et aux personnes morales concernées toute mesure utile, y compris la suspension ou l'interdiction des opérations menées en infraction à la loi pénale* » (article L.216-3 du code de l'environnement).
- **La remise en état des lieux environnementale**, l'autorité judiciaire doit s'attacher, dans le cadre des procédures dont elle a la charge, à rechercher systématiquement la remise en état de l'environnement auquel il a été porté. Cette mesure est prévue à l'article L.173-5 du code de l'environnement et prévoit qu'en cas de condamnation d'une personne physique ou morale pour une infraction prévue au code de l'environnement, le tribunal peut « *ordonner, dans un délai qu'il détermine, des mesures destinées à remettre en état les lieux auxquels il a été porté atteinte par les faits incriminés ou à réparer les dommages causés à l'environnement. L'injonction peut être assortie d'une astreinte journalière au plus égale à 3 000 €, pour une durée d'un an au plus* ».

7. Les procureurs de votre pays sont-ils impliqués dans des affaires de droit administratif et civil dans le domaine de la protection de l'environnement ? Si oui, veuillez décrire brièvement.

Afin de renforcer l'efficacité et la cohérence des dispositifs de lutte contre les atteintes à l'environnement, un dispositif de spécialisation du contentieux civil en matière environnementale a été mis en place. Les PRE sont ainsi également compétents pour connaître des actions visées à l'article L. 211-20 du code de l'organisation judiciaire, ce qui permet aux juridictions désignées de construire avec leurs partenaires extérieurs une action coordonnée et donc plus efficace contre les atteintes à l'environnement sur le plan civil. Ces juridictions se voient reconnaître une compétence d'attribution pour connaître des actions en réparation d'atteintes portées à l'environnement, des actions en responsabilité civile fondées sur le code de l'environnement et des actions en responsabilité civile engagées sur le fondement de dispositions issues de règlements européens ou de traités internationaux.

Aspects internationaux

8. Les procureurs de votre pays utilisent-ils des outils de coopération efficaces pour poursuivre les crimes environnementaux ayant un élément transfrontalier ou de criminalité organisée ? Veuillez nommer trois outils les plus importants de votre point de vue dans ce contexte. Donnez les raisons très brièvement.

Les outils traditionnels de l'entraide pénale (échanges spontanés d'informations, demande d'entraide internationale et décision d'enquête européenne (DEPI et DEE), équipes communes d'enquête (ECE), enquêtes miroirs, mandats d'arrêt européen (MAE) et notices rouges), la numérisation/dématérialisation des échanges et les relais humains (points de contacts police/justice au sein des Etats et des organisations européennes et internationales) sont des modalités facilitatrices et simplificatrices de la coopération pénale internationale en matière environnementale.

Dans ce cadre, les outils les plus importants apparaissent être :

- La DEE, qui permet au niveau européen la réactivité attendue à la matière notamment en matière de pollutions, de trafic d'espèces protégées et de trafic de déchets ;
- L'ECE, qui permet une coopération approfondie entre plusieurs Etats en facilitant le recueil et le partage des éléments de preuves et l'appréhension globale des différents acteurs qui concourent à la commission de l'infraction ;
- Les outils de coopération en matière de saisie et de confiscation des avoirs (demandes d'entraide ou certificat de gel ou de confiscation s'agissant de l'UE), qui permettent d'étayer les enquêtes financières qui devraient être développées le plus en amont possible pour identifier, saisir et confisquer les avoirs criminels.

9. Dans quels domaines de ce secteur voyez-vous un avantage particulier pour le partage futur des meilleures pratiques et de l'expertise ? Qu'est-ce qui, à votre avis, améliorerait la coopération internationale dans les affaires de criminalité environnementale ?

Certains domaines ont déjà été investis avec succès : le trafic illégal de déchets et d'espèces protégées et de bois. Mais de nouvelles problématiques apparaissent dans ces secteurs, notamment la fraude documentaire en lien avec la dématérialisation des certificats, le trafic de déchets en lien avec le retrait des Etats assurant traditionnellement le retraitement.

Certains domaines mériteraient d'être expertisés en lien avec la criminalité environnementale en particulier la cybercriminalité ainsi que la question des interactions entre la criminalité environnementale avec les autres criminalités : traite des êtres humains, trafic de stupéfiants, criminalité économique et financière, terrorisme.

Pour une meilleure effectivité du droit de l'environnement et de la coopération internationale, plusieurs pistes pourraient être investies :

- Alléger et simplifier la législation parfois complexe ou la renforcer dans certains Etats et renforcer les sanctions pénales afin de permettre l'usage des techniques spéciales d'enquêtes ;
- Favoriser la concordance des incriminations, doter les acteurs clés d'outils juridiques internationaux, renforcer la formation et privilégier une approche transversale et pluridisciplinaire (droit, science et technique policières)

De manière générale, les échanges opérationnels au niveau de la coopération policière autant que de la coopération judiciaire, le plus en amont des dossiers, devraient être développés. Les réseaux classiques de la coopération (ASI/Interpol ; MDL/point de contacts des réseaux judiciaires) apparaissent être adaptés et pourraient être mobilisés sur ces thématiques. La question des saisies et confiscation pourrait être expertisée par les agences nationales dédiées

au regard des spécificités des biens concernés. Au niveau européen, le rôle d'Europol et d'Eurojust devrait être privilégié. Ainsi, les bases de données d'Europol devraient être alimentées par les enquêteurs locaux pour permettre d'éventuels rapprochements avec d'autres enquêtes en matière de criminalité environnementale présentant une dimension transfrontalière. Eurojust devrait être actionné le plus en amont possible afin de faciliter la mise en présence, au plus tôt, des autorités judiciaires concernées, et ce pour permettre l'élaboration de stratégies d'enquête communes, en utilisant les outils de l'enquête miroir, voire, dès que cela apparaît opportun, des ECE. Des magistrats référents pourraient être identifiés au niveau européen dans le cadre des Points de contact du RJE. Des points de contacts police pourraient aussi être identifiés en raison d'Office ou d'agents spécialisés dans certains Etats. Au niveau international, un réseau opérationnel de praticiens pourrait être développé sur le modèle du Réseau Génocide afin de partager les expériences et traitements réservés à ces dossiers et d'étudier les problématiques émergentes. Les Forum des Juges de l'Union européenne pour l'environnement et le réseau des procureurs européens pour l'environnement pourraient être actionnés et développer des relations avec des associations professionnelles existantes également au niveau international.

L'amélioration de l'efficacité en matière de criminalité environnementale pourrait être de s'éloigner d'une approche cloisonnée par types d'incriminations (criminalité organisée, corruption...) pour s'attacher à des spécialistes environnementaux traitant de toutes ces incriminations permettant d'englober les différents aspects du phénomène et les différentes facettes d'un même dossier.

10. Les procureurs de votre pays sont-ils impliqués dans des réseaux internationaux dans le domaine de l'application de la conformité environnementale, et si oui, lesquels ?

Au-delà de la possibilité au niveau national de participer à un groupe de discussion ouvert aux magistrats en charge de ces questions, les procureurs français participent au réseau des procureurs européens de l'environnement (RPEE) impulsé par un magistrat français, Jean-Philippe RIVAUD, aux côtés de 4 collègues européens en 2012.

L'Ecole nationale de la magistrature (ENM), avec son département international et en accord des priorités stratégiques internationale de l'école, est également engagée dans des actions de formation en proposant d'une part des formations sur ce thème dans le cadre d'actions de coopération bilatérale et d'autre part, des places aux magistrats étrangers pour assister aux sessions organisées par la formation continue sur ces thématiques. Des séminaires en ligne ont également été proposés sur la lutte contre la criminalité environnementale auxquels ont pu participer une trentaine de magistrats européens, des Balkans et d'Asie.

Greece / Grèce

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

Prosecutors in Greece receive general orders and guidelines from their Chief Prosecutors. For example,

- a. the circulars No 2 and 17/2020 of the Deputy Public Prosecutors of the Greek Supreme Court responsible for the supervision and coordination of prosecutors combating environmental crimes provided guidelines towards the successful prosecution of crimes against animals,**
- b. the circular No 6/2013 of the same Public Prosecutor provided such guidelines towards the successful prosecution of noise pollution and the circulars 7/2013 and 9/2007 referred to the protection of forests,**
- c. Finally, the circulars No 3/2017, 5/2013, 8/2013 of the same Superior Public Prosecutor provided such guidelines towards the successful prosecution of environmental crimes in general.**

It is reminded that public prosecutors in Greece do not receive any orders or guidance from the Ministry of Justice.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

The majority of the environmental cases involve wild life crimes, such as poaching and illegal hunting. There are also waste crime cases and only a few air pollution cases.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

Although all the Prosecutors might handle any environmental crime cases, in every Prosecutor's Office (of the Courts of First Instance, of the Courts of Appeal and of the Supreme Court) a specialized prosecutor is designated in order to coordinate the inferior prosecutors and the investigative authorities (police and specialized inspectorate) in combating the environmental crimes and providing them with general guidelines.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

Environmental criminal law is very close related to environmental administrative law and laws harmonizing EU directives and regulations (ex. on waste, pesticides, industrial pollution etc). It is impossible to combat environmental organized crime without being informed about the modus operandi and the international character of such organized criminal groups. For example, the knowledge of the utilization of satellite landscape pictures against poaching, of CITES convention on endangered species, of the waste framework directive and the waste regulation as well as

specialized legislation on industrial waste and pollution can only be acquired by specialized prosecutors and inspectors.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspection, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

Specialized environmental prosecutors cooperate closely with environmental inspectorate, forestry authorities, anti-smuggling and police officers, exchanging ideas on facilitating the environmental law enforcement and better combating against environmental crimes. In this direction, public prosecutors are allowed to coordinate special meetings in their offices and also issue guidelines to the above investigators.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime ? Please name three most important tools from your point of view. Give reasons very briefly.
- a. **Serious environmental crime is included in the catalogue of the crimes committed by an organized criminal group, which means that special investigative techniques such as wire tapping are allowed towards effective prosecution.**
 - b. **The definition of the environmental crime is very wide. Any pollution or degradation of the environment might constitute a criminal offence.**
 - c. **Specialized inspectors carry out most of the serious (administrative and criminal) investigations, writing down in their reports all the violations of administrative environmental law detected.**
7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

Not as a rule. Only exceptionally are prosecutors involved for example when they exercise their right to remove abused animals from the position of their owners.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

Concerning (serious) cross-border environmental crimes, the cooperation tools mainly used are:

- a. **International police cooperation (direct cooperation, quick answers)**
- b. **European investigation orders (EU countries) (useful investigative tool easily recognized and executed by other EU member states)**
- c. **MLA requests (non EU countries)**

Concerning organized crimes involving environmental ones, the tools mainly used are:

- a. Wire tapping (very successful)**
- b. Activity logging (very successful)**

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

A particular benefit for future sharing of best practices and expertise is derived in the areas of combating the illegal use of pesticides ending up in lakes and rivers (serious transnational water pollution cases), illegal waste transport and illegal fishing even in international waters around islands.

A catalogue of official emails and phone numbers of environmental prosecutors of each European court (a sort of environmental judicial “Atlas”) might improve international cooperation in environmental crime cases.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

- a. The Prosecutor’s Office of the Supreme Court of Greece is since February 2017 a full member of the European Network of Prosecutors for the Environment (ENPE). Since then, the representative and contact point Christos Naintos, Deputy Public Prosecutor of the Court of First Instance of Thessaloniki, has actively participated in all the annual assemblies and conferences (in Oxford, Heraklion - Crete, Hague etc) and most of the workshops (in Segovia – Spain, Nicosia – Cyprus etc) organized by the Network. Together with the representative Prosecutor of Cyprus he presided over the working group of ENPE concerning “Air Pollution”.**
- b. With the representation of the Public Prosecutor Christos Naintos, Greece has also participated in the symposium of “Environmental Protection in the Mediterranean Sea”, organized by the French Ministry of Justice, the Court of Appeal of Aix-en-Provence and the French Mediterranean Maritime Prefecture (Amphitheatre “Emilienne Robinnet”, Toulon, 4, 5.7.2019).**

Hungary / Hongrie

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

Yes, there are such guidelines. The fundamental rules applicable for activities in the field outside criminal law / the field of the protection of public interest (i.e. the activities connected to civil law and administrative law) are laid down by Order 3/2012. (I.6.) LÜ issued by the Prosecutor General, which includes a separate chapter on prosecutors' duties relating to environmental cases. According to the fundamental rules, the prosecutorial duties relating to the protection of the environment and nature are carried out by a prosecutor designated at each chief prosecution office for such tasks, who in the course of his/her duties cooperates on the one hand with prosecutors working in the field of criminal law, and on the other hand, with civil society organizations protecting the nature and the environment in order to ensure coordinated actions.

The rules applicable for prosecutors' activities relating to the protection of the environment are set forth by Circular 1/2014. (III. 31.) LÜ issued by the Prosecutor General, which equally prescribes tasks for prosecutors handling cases in the field of criminal law and for prosecutors in the field outside criminal law. Accordingly, prosecutors handling environmental crime cases send decisions on the merit and expert opinions to the designated prosecutors handling cases in the field outside criminal law for their information.

In addition to the two types of documents mentioned, which contain internal rules and regulations for the Prosecution Service, there were numerous individual cases where guidelines concerning environmental criminal cases were formulated.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

According to data published annually in the Prosecutor General's report on the activities of the Prosecution Service to the Parliament, the highest number of registered cases usually included violations of waste management regulations. The only exception to this was the year 2018, when although the number of registered damages to natural environment exceeded the number of registered violations of waste management regulations, it must be additionally noted that the majority of the registered 450 crimes (356 crimes) was recorded with regard to one single criminal case.

The statistical data between 2016-2020 include the following:

	1. Environmental offences	2. Damaging the natural environment	3. Violation of waste management regulations	Total [Columns 1-3, annual data]
2016	37	87	287	411
2017	37	81	748	866

	1. Environmental	2. Damaging the	3. Violation of waste	Total
2018	32	450	372	854
2019	19	165	402	586
2020	23	59	474	556

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

There are no specialized prosecutor's offices, but there are specialized prosecutors for the prosecution of environmental crimes. According to a survey made in April 2018 to the eighth round of mutual evaluations (GENVAL) – at the time of the survey – altogether 54 prosecutors had completed postgraduate legal studies specialized in environmental protection, and 13 prosecutors of them were in senior positions. In addition to this, the Office of the Prosecutor General regularly organizes trainings for prosecutors, junior and trainee prosecutors, where special knowledge and experience gained in the field of environmental protection are shared.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

Specialization is mainly justified by the interdisciplinary character and that nature of this field of prosecutorial activities which embraces several branches of law and requires special knowledge and expertise. The acquisition of special knowledge and skills is decisive for recording traces, inspecting and documenting scenes and collecting evidence. Our experience gathered as appliers of law shows that in several cases the successful completion of investigations is risked by errors and omissions occurring in the course of initial, on-the-spot measures, which result from unpreparedness and hastiness, and which cannot be eliminated later, at subsequent stages of criminal procedures.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectates, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

Cooperation is multi-level. In individual cases it contains cooperation between prosecutors working in the field of criminal law and those working in the field outside criminal law, cooperation with investigation authorities as well as cooperation with administrative authorities designated for specific tasks. In addition, the Prosecution Service actively participates in the legislative process, on the one hand by providing preliminary professional opinions on draft legislation, and on the other hand by participating in the amendment of currently effective laws, by possibly initiating amendments to laws. Joint trainings and professional programs held with the involvement of staff members of investigation authorities and administrative authorities designated for specific tasks can be considered as the third level of cooperation.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

According to experience gained in case management, the most effective solutions are usually those where criminal and non-criminal tools are jointly applied in a coordinated manner. These include cases when perpetrators are caught in the act as a result of control and supervisory measures taken by fishing guards and professional hunters, courts in civil lawsuits ban conducts that endanger the environment, or when legal sanctions are imposed by administrative authorities designated for specific tasks parallel to criminal procedures. Such legal sanctions may include imposing the obligation on the unauthorized waste depositor to transport away the waste and to restore the environment to its original state. The joint application of the legal norms of different fields of law and the joint actions taken by administrative authorities designated for specific tasks and authorities handling criminal cases are ensured by signalization, the establishment of mutual contacts as well as by coordinated measures.

In addition to the strict and consistent application of criminal law sanctions, the types of measures aimed at prevention and restoration of the original state, such as registering the protected status of a certain area or territory in the land register, prove to be the most effective. The priority of prevention and mitigation of damages is also expressed by Section 241 (3) of the Hungarian Criminal Code, which provides that in certain cases the perpetrator shall not be punishable, and in other cases his/her penalty may be reduced without limitation if the perpetrator voluntarily terminates or cleans up the environmental damage before a ruling is delivered in the first instance. A similar function is served by tools of the criminal procedure which allow for cooperation with the perpetrator in order to eliminate or mitigate adverse consequences (including, for example, conditional prosecutorial suspension or settlement).

The possibility of using criminal law measures against legal persons can be mentioned as a third option, which, unlike the previously mentioned measures, do not serve reparative but rather repressive purposes. However, in the case of crimes committed within the scope of or in relation to the activities of business organizations, the liquidation of the company concerned or its termination without a legal successor is a recurrent problem, as a result of which measures applicable against legal persons remain ineffective.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

Yes. Protection of public interests includes the evaluation and analysis of data obtained from substantive decisions in criminal cases, the initiation of official proceedings for inspection, the imposition of environmental, nature protection and other administrative fines, and the imposition of obligations, restrictions and prohibitions. The public prosecutor has the right to bring an action in cases of environmental endangerment and endangerment or damage to natural values, areas and protected natural areas, as provided for by special laws. The action may be aimed at the prohibition of the activity or compensation for the damage caused by the activity. The enforcement of a prohibition order against endangering the environment is monitored by the designated prosecutor, who initiates enforcement proceedings in the event of non-compliance.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

Organised and cross-border crimes that damage the environment have so far not been included in the case management practice of the Prosecution Service. Our experience in other types of cases has shown that the establishment of a Joint Investigation Team (JIT), the coordinating role of Eurojust and the use of Europol's IT capacity for assessment and analysis, the use of various covert means, undercover investigators and collaborators can greatly facilitate the detection of crime and the gathering of evidence in such cases.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

The answer to this question is essentially the same as the previous one. We do not yet have significant international practical experience in environmental crime cases, so we can only draw on information gained from cooperation in other types of crime. In general, the available international legal instruments, especially within the European Union, provide an adequate framework for an effective cooperation.

As in domestic cases, cooperation with the competent authorities and coordinated, joint action by the authorities can be the key to effectiveness in dealing with international criminal cases.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

According to the survey carried out in April 2018 for GENVAL's eighth round evaluation, already referred to in the answer to question 3, prosecutors have regularly participated in international meetings, conferences and other professional programmes on environmental issues (e.g. training organised by EIPA, ILEA) in recent years. International networks include the European Judicial Training Network (EJTN) and the European Network of Prosecutors for the Environment (ENPE).

Ireland / Irlande

General

The Director of Public Prosecutions (DPP) has no investigative function. The investigation of crimes and maintenance of public order is a function of An Garda Síochána (National Police). In addition, there are specialised regulatory and investigating authorities in relation to certain particular categories of crime. These agencies will generally be empowered to prosecute summarily (in the Irish District Court) for offences within their areas.

While many investigative agencies have the power to prosecute summarily without reference to the DPP, the sole power to prosecute on indictment rests with the DPP (apart from a limited number of cases still dealt with by the Attorney General). When an offence is or may be sufficiently serious to be tried on indictment the investigator sends a file to the Office of the DPP. The decision whether to initiate or continue a criminal prosecution is made by the Director or one of the Director's professional officers who decide independently of those who were responsible for the investigation what, if any, charges to bring. In some cases, a summary prosecution may be directed.

The Director of Public Prosecutions is independent in the performance of her functions and prosecutors carry out their functions in accordance with the [Guidelines for Prosecutors](#) which set out in general terms principles and ethics which guide the initiation and conduct of prosecutions in Ireland. While the DPP has no investigative function, the Office of the DPP (ODPP) does cooperate with An Garda Síochána and the other investigating agencies, where required, during the course of criminal investigations, particularly in furnishing relevant legal and prosecutorial advice. The relationship between prosecutors and investigators is dealt with more fully in Chapter 7 of the [Guidelines for Prosecutors](#).

In the area of environmental crime, examples of specialist regulatory and investigative agencies are the [Environmental Protection Agency](#), 31 Local Authorities and [the National Transfrontier Waste Shipment Office](#) (NTFSO) within Dublin City Council.

National aspects

- 1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?**

The DPP [Guidelines for Prosecutors](#) provide guidance for prosecutions in all areas including environmental crime. ODPP also provides training to specialist investigative agencies on file preparation. Internal guidance for summary prosecution functions of specialist agencies will be developed by the relevant bodies.

- 2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.**

As set out above, summary prosecutions will be undertaken by specialist agencies. While ODPP will have carriage of indictable matters, it is not a specialist environmental prosecutor's office and disaggregated data according to environmental category is not readily available.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

See general overview above

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

It may be difficult for investigators in specialist agencies, approaching investigations from a regulatory perspective or a scientific point of view, to understand all the legal principles involved. This is all the more complicated where an agency has both regulatory and prosecutorial functions, and where there may be both civil and criminal sanctions for breaches of the legislation. Against that background, prosecution-focussed training can be useful and the ODPP does assist regulatory agencies in this area. Issues to be addressed can include, procedural rights for suspects and accused persons in criminal proceedings; differences in burden of proof for criminal and civil matters; preparation and content of statements, issues arising with expert and opinion evidence; forensic evidence and importance of chain of custody.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

As set out above the ODPP will receive a file from an investigation agency in respect of offences that, if prosecuted, may proceed on indictment. There will therefore be considerable cooperation and engagement in concrete cases. Within the ODPP Directing Division, there are leads in different areas of crime including regulatory offences in general and environmental crime in particular. ODPP also provides training to investigative agencies on file preparation and prosecutorial aspects as above.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

Good cross-sector cooperation, between specialist investigation agencies, between specialist agencies and An Garda Síochána (National Police) and between investigators and ODPP. This builds capacity and expertise and improves the prospects of a successful prosecution.

A new tool that it is hoped will be useful in the area of prosecution of all complex matters, including environmental crime prosecutions, proceeding on indictment is the very recent commencement (on the 28 February 2022) of the [Criminal Procedure Act 2021](#). This Act introduces Preliminary Trial Hearings (PTH) for indictable trials and provides a statutory mechanism to deal with many matters before the commencement of a trial and empanelling of the jury. Issues that can be dealt with at the PTH include disclosure, availability of witnesses, necessity of particular practical measures or technological equipment, length of the trial, severance of Indictments, additional jurors, agreement of evidence, special measures for vulnerable witnesses, admissibility of evidence.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

ODPP Prosecutors are not involved in administrative and civil law matters. These areas may come within the remit of relevant regulatory agencies.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

As set out above, ODPP is not the investigator nor a specialist environmental crime prosecution office. When a prosecution with cross border elements is proceeding, having international judicial cooperation tools in the areas of mutual legal assistance, extradition/surrender and assets will be important. Eurojust and other networks, such as the European Judicial Network and the [European Network of Prosecutors for the Environment](#) (ENPE) are helpful in progressing judicial cooperation requests.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

See response to 8 above

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

ODPP staff members have been involved in the [European Network of Prosecutors for the Environment](#) (ENPE)

Latvia / Lettonie

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

Criminal intelligence analytical report of the law enforcement authorities is issued in Latvia annually. In the concerned document is provided the detailed analysis of the topical environmental crimes. For example, in the report of 2021 was provided the assessment of the actual situation in respect of violations of the waste management regulations and polluting and littering the forests and waters. Referring to the information provided in the given report the decisions on response measures are then taken. Therefore, for example, this year was set up the working party wherein Prosecutors together with the representatives of the State Police are elaborating the guidelines for fighting with the mentioned environmental crimes.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

The criminal procedures initiated in our country in respect of the environmental crimes are mostly related with the arbitrary cutting and damaging of the trees, arbitrary fishing and illegal hunting.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

No specialized Prosecution Office or unit is set up in Latvia that would be dealing specifically with the environmental crimes. According to the internal legal acts of the Prosecution Office the prosecutorial functions in the criminal procedures related specifically with the environmental crimes, including the offences related with the pollution of the sea, atmosphere, land, forest and waters, the disposal of the dangerous substances and waste is ensured by the Specialized Multiple Branches Prosecution Office, that is the district level Prosecution Office. Within the competence of the mentioned Prosecution Office falls also the enforcement of the prosecutorial functions in other criminal procedures not related with the environmental crimes. The prosecutorial functions in the criminal procedures related with the arbitrary cutting and damaging of the trees, arbitrary fishing and illegal hunting are ensured also by all district level Prosecution Offices.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

The main goals of the training organized for Prosecutors and the officials of the law enforcement authorities are the following: enhancing the identification of the environmental crimes; strengthening the mechanisms of the mutual cooperation, including the cooperation with the public and non-governmental organizations involved into the protection of the environment; acquiring the practical skills in gathering, recording and securing the evidences in the criminal procedures; familiarization with the methods of the

foreign law enforcement authorities in relation with the investigation of the environmental crimes and possibilities of their taking over in Latvia.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

The investigators and prosecutors for handling the matters having any importance in the criminal procedures are actively cooperating with the public authorities responsible for the protection of the environment, especially with the State Environmental Service, the State Forest Service, the Nature Conservation Agency. In case of necessity the assistance of other authorities is requested for solving these issues (for example, the State Revenue Service, the Customs, the State Border Guard). Prosecutors of the units of the Prosecutor General's Office are involved into the interinstitutional working parties of the Ministry of Justice for the improvement and facilitating of the practical application of the provisions of the Criminal Law and the Criminal Procedure Law, are engaged as the experts in the sessions of the parliamentary commissions, where the draft laws are being reviewed, as well as within the competence of the Prosecution Office are providing the opinions in respect of the action plans elaborated in the country and other planning documents related with the protection of the environment and other fields as well.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

For ensuring the efficient bringing the criminal charges against the persons in relation with the environmental crimes Prosecutors are conducting the supervision of an investigation of the criminal procedure and in case of necessity shall give the instructions to an investigator regarding the choosing of type of the procedure, direction of the investigation and conducting of the investigatory activities. For the investigation of a large or especially complex cases Prosecutor shall set up the investigation team. When some problematic issues in any specific criminal procedure should be discussed, Prosecutor shall organize the meetings by inviting an investigator and the higher-ranking Prosecutor. In the criminal prosecution phase Prosecutor may give a task to an investigatory authority to conduct any specific procedural or investigatory activity.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

The Prosecution Office in Latvia is not conducting any general supervision measures in initiated administrative cases and the civil cases in respect of the violations in the field of the nature protection. Prosecutors are engaged into such cases only if an information about the alleged criminal offences are gathered, as well as in respect of violations of the application of any respective legal acts. In such cases Prosecutor shall conduct an examination and depending on its results may terminate the administrative case and to launch a criminal procedure, as well as to file Prosecutor's protest in any already reviewed case. Prosecutor is also entitled to file the written warning on inadmissibility of a law

violation, to file a motion on necessity to remedy a law violation, as well as to file an application with the Court. For example, in March of this year Prosecutor, having examined the application of the Nature Conservation Agency, filed the Prosecutor's application to a local government with request to lift the issued construction permits in the territory of the nature monument – veteran tree (oak). If a local government will refuse to comply with the requests set out in the Prosecutor's application, Prosecutor will be entitled to file with the Court a respective application.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

While investigating the environmental crimes or encountering with the transborder or organized crime elements in the criminal cases of such type, the law enforcement authorities of Latvia are applying the international cooperation instruments, namely, are sending the legal assistance requests or the European Investigation Orders to the foreign countries, as well as depending on the situation are filing the proposals on surrendering the criminal procedures launched in Latvia to a foreign country.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

The European Investigation Order is regarded as the most effective instrument of the international criminal judicial cooperation allowing the rapid information exchange among the respective law enforcement authorities of the EU countries required for the conduction of the criminal procedures. Certainly, there exist some problematic issues like in any other sphere, which must be discussed for finding the most appropriate solutions for the improving of a situation.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

Prosecutors of the Republic of Latvia are engaged into the international cooperation networks, including the ones specializing in the environmental protection, for example, the European Network of Prosecutors for the Environment (ENPE), Baltic Sea Region Countries Prosecutors network (ENPRO). The representative of Latvia with the Eurojust is also involved into the handling the international cooperation issues in respect of the criminal procedures.

Liechtenstein

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes? No.
2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases. Currently there are no such cases pending.
3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country? No. Due to the small size of the country and the Prosecutors office a specialisation is not possible.
4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes? See answer above.
5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain. No.
6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly. Domestically violations of our strict environmental laws occur seldom and are prosecuted strictly. The topic is however relevant in relation to the financial sector. Environmental crimes are predicate offences, hence laundering of gains can be prosecuted, assets frozen and forfeited also in NCB forfeiture proceedings. We are not aware of any foreign MLA-requests in this field in the past years however.
7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe. Some administrative laws foresee the competence of our office to prosecute misdemeanors in this field.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly. a) Information sharing through FIU and police channels. b) parallel financial investigations followed by MLA and c) detection, freezing and confiscating assets stemming from such crimes.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? Following the money, financial investigations and /confiscation of the proceeds so crime does not pay. What, in your opinion, would improve international cooperation in environmental crime cases? Raise awareness and close loopholes in national criminalisation so double jeopardy is not an issue.
10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones? No.

Lithuania / Lituanie

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes? *No.*
2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases. *In the past, pre-trial environmental investigations in Lithuania were mainly related to illegal logging, destroying flora and fauna. Nowadays, pre-trial investigations are actively carried out for air, water and soil pollution, landscape alteration.*
3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country? *Yes, there are specialised prosecutors for prosecution of environmental crimes in Lithuania.*
4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes? *Pre-trial environmental investigations are very complex and require expertise in a specific field. Specialisation and specialised training help to raise awareness of the importance of investigating environmental crime, to undertake more sophisticated pre-investigations and to increasingly respond to the needs of society.*
5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain. *For a successful investigation, it is important to inform the pre-trial investigation authority as early as possible about the possible offence and to record the results as soon as possible after the pre-trial investigation has started. Not only do traces of a crime disappear after a period of time, but it can be difficult to establish the time when the crime was committed, and if this is not done, it is not possible to link the perpetrators to the case. This unfavourable situation for investigations can be solved by coordinating the activities of prosecutors, pre-trial investigators and environmental officers and by exchanging information. Measures have already been taken in this respect, to some extent, as contact persons have been appointed in the prosecutor's office, the police, the Ministry of the Environment of the Republic of Lithuania and its subordinate bodies, and these contacts are exchanged. Prosecutors are also active in inter-institutional working groups, for example, participating in an inter-institutional working group set up by the Minister of the Environment of the Republic of Lithuania and the Prosecutor General of the Republic of Lithuania to make proposals on the implementation of the recommendations made in the report of the 8th Peer Review Phase in Lithuania on "The Practical Implementation and Operation of the European Policy Measures for Preventing and Combating Environmental Crime", and to draw up a plan for measures to combat environmental crime.*

Prosecutors evaluate legislative changes (comment on legislation/draft laws) and take their own initiatives to improve legislation.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

The most important measure is the criminalisation of illegal environmental acts in the Criminal Code of the Republic of Lithuania, which enables prosecutors (and officials of pre-trial investigation bodies) to initiate pre-trial investigations on a wide range of illegal environmental acts.

Equally important are sanctions that are appropriate to the offence committed. Lithuania is currently moving in the direction of balancing the level of sanctions for different environmental offences.

In addition, prosecutors are taking measures to secure civil claims for possible damages by controlling and directing pre-trial investigations. Where property belonging to the perpetrator is identified, measures are taken to temporarily restrict the suspected/accused's ownership of their property to the extent of the potential environmental damage caused.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe. No, except in public interest cases.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly. *Prosecutor General's Office of Lithuania values the assistance of Eurojust national member very much, as it allows Lithuania coordinating investigations between the competent authorities in the Member States, as Eurojust assists the Member States in facilitating the execution of international mutual legal assistance and the implementation of extradition requests.*

Prosecutor General's Office of Lithuania, apart from Eurojust, also uses the assistance of EJM, EJTN, European contact points and other networks. The assistance provided by the said networks and the tools they employ are very valuable, as they help to collect important evidence in a much shorter time period.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases? *Some problems were encountered in relation to the different interpretation of the scope of the authorization to import and process non-hazardous waste (the same problem is believed to be relevant also with regard to hazardous waste), as well as in relation to identification of whether certain substances are to be attributed to hazardous waste. The formation of the case law (judicial precedents) in the cases of such category, the training on the issues of interpretation of the contents of authorizations for the transportation, processing of such substances would contribute to the elimination of such obstacle.*

As concerns the criminal offences committed in several EU Member States the main problems are related with transfer of criminal proceedings and surrender of persons. For

example, one EU MS referred to the national law and refused to surrender the requested person to the Republic of Lithuania by claiming that the criminal offence was committed not only in Lithuania, but also in its territory as well. This is deemed to be a serious obstacle for the effective and successful criminal prosecution as regards the transnational crimes.

The problems encountered during the investigation of transnational criminal offences where the alleged waste transportation procedures are performed by way of swindling and forgery of CMR bills of lading, are related with the fact that the CMR bills of lading are issued in the paper format and they do not have any uniform accounting system within the EU. Therefore, it is suggested to consider the expediency of development of the uniform system within the EU with regard to the bills of lading related with the transportation of non-hazardous and hazardous waste, which would prevent a possibility for the persons acting in several EU Member States to issue forged CMR bills of lading regarding the transportation of alleged waste.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

Prosecutor General's Office of Lithuania has its contact point in Network of Prosecutors on Environmental Crime in the Baltic Sea Region – ENPRO, for the record – during the Lithuanian Presidency of ENPRO, in 2016 the annual meeting it organized, was devoted to the topic of waste.

Prosecutor General's Office of Lithuania also participates in the activities of various other networks and expert groups meetings, e.g. European Judicial Cooperation Network for Criminal Matters, Eurojust Network of JITS, Asset Recovery Network, CARIN, EJTN, NADAL, Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union, Evidence Expert Group Meetings, etc., which serve for establishing personal contacts for further facilitation of international cooperation by exchanging the informal requests through direct contacts and sometimes the topics covered by their meetings cover the waste issues.

Lithuanian law enforcement agencies exchange information with law enforcement agencies of foreign countries via the channels of Europol, Interpol and network of liaison officers. A 24/7 point of contact was established within the International Liaison Office, Lithuanian Criminal Police Bureau, for the exchange of information including information on waste crimes.

FCIS uses communications channels for international cooperation. No special communication channels for the investigation of offences related to waste are used.

Luxembourg

Aspects nationaux

1. Existe-t-il des priorités nationales spécifiques, des documents de politique stratégique ou des orientations disponibles pour les procureurs dans votre pays afin de guider et de soutenir les interventions nationales en matière de crimes environnementaux ?

Réponse : Non.

2. Veuillez indiquer quelle catégorie de crimes contre l'environnement (par exemple, la criminalité liée aux déchets, la criminalité liée à la faune sauvage, la pollution de l'air, etc.) constitue la majorité des affaires.

Réponse : abandon de déchets, destruction de biotope, construction en zone verte, pollution de l'eau.

3. Existe-t-il des procureurs ou des bureaux des procureurs spécialisés dans la poursuite des crimes environnementaux dans votre pays ?

Réponse : Au parquet de Luxembourg, deux substituts du procureur sont notamment en charge de la poursuite des infractions environnementales.

4. Quelles sont les raisons de la spécialisation et de la formation spécialisée que vous considérez importantes pour la poursuite des crimes contre l'environnement ?

Réponse : Application d'une législation spéciale.

5. Les procureurs sont-ils impliqués dans la coopération inter-agences dans votre pays dans le domaine de l'application de la conformité environnementale, par exemple, la coopération avec d'autres organismes d'application de la loi (inspections, organes administratifs, douanes, etc.) dans les affaires concrètes, l'adhésion à des groupes stratégiques, le développement de plans d'action/documents stratégiques, l'évaluation des changements législatifs (pour soumettre des commentaires sur les projets de réglementation/loi) ? Si oui, veuillez expliquer brièvement.

Réponse : Confronté pendant de nombreuses années à un manque flagrant d'enquêteurs spécialisés en la matière, le parquet essaie de motiver les administrations spécialisées à se doter d'officiers de police judiciaire habilités à mener des enquêtes en matière d'infractions environnementales. Le manque d'enquêteurs spécialisés et disponibles constitue cependant toujours une actualité dans certains domaines (notamment au niveau de l'Administration de l'environnement, la situation étant en train de s'améliorer au niveau de l'Administration de la gestion de l'eau et la coopération avec l'Administration de la nature et des forêts étant plutôt excellente).

6. Les procureurs de votre pays disposent-ils d'outils efficaces pour poursuivre les crimes contre l'environnement ? Veuillez citer les trois outils les plus importants de votre point de vue. Donnez les raisons très brièvement.

Réponse : Les faibles peines d'emprisonnement prévues par la loi concernant la protection de la nature et des ressources naturelles, la loi relative à la gestion des déchets, la loi relative à l'eau et la loi relative aux établissements classés excluent la possibilité de recourir notamment à l'observation systématique et aux mesures spéciales de surveillance. Un détournement par l'infraction de blanchiment s'impose dans les dossiers nécessitant la mise en œuvre de ce genre de moyens.

7. Les procureurs de votre pays sont-ils impliqués dans des affaires de droit administratif et civil dans le domaine de la protection de l'environnement ? Si oui, veuillez décrire brièvement.

Réponse : Non.

Aspects internationaux

8. Les procureurs de votre pays utilisent-ils des outils de coopération efficaces pour poursuivre les crimes environnementaux ayant un élément transfrontalier ou de criminalité organisée ? Veuillez nommer trois outils les plus importants de votre point de vue dans ce contexte. Donnez les raisons très brièvement.

Réponse : Non.

9. Dans quels domaines de ce secteur voyez-vous un avantage particulier pour le partage futur des meilleures pratiques et de l'expertise ? Qu'est-ce qui, à votre avis, améliorerait la coopération internationale dans les affaires de criminalité environnementale ?

Réponse : Les deux substituts en charge de la matière au parquet de Luxembourg n'ont jusqu'à présent pas eu connaissance de dossiers ayant un élément transfrontalier et ne peuvent dès lors fournir une réponse éclairée à cette question.

10. Les procureurs de votre pays sont-ils impliqués dans des réseaux internationaux dans le domaine de l'application de la conformité environnementale, et si oui, lesquels ?

Réponse : Non.

Malta / Malte

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

No such specific documents are available; these cases are treated as other criminal cases before the Criminal Courts

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

The large majority of cases prosecuted concern the protection of wildlife i.e. illegal hunting/trapping of protected species (birds), illegal importation of protected species such as birds and reptiles, possession of protected species.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

Although most prosecutions are carried out by the Inspector of Police in charge of the Environmental Protection Unit, there is no particular specialisation in this field in this Unit. .

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

Prosecutors would benefit greatly from specialised training in the identification of species. Furthermore, training of the judiciary on environmental crimes would be of benefit. Specialisation on the impact (damage) of such crimes on the environment would assist the prosecutor to exhibit/present all relevant documentation as well the judiciary when deciding such cases.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

The Malta Police Force (MPF) collaborates well with other agencies/authorities mainly the Environment and Resources Authority (ERA), Customs and Wild Birds Regulation Unit (WBRU). MPF participates in several EUROPOL/INTERPOL Operational Actions where assistance/collaboration with other agencies/authorities is requested. The Environmental Protection Unit within the MPF is not requested to submit comments on draft local legal regulation/law.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

No particular tools are available.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

No involvement.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

Not applicable.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

The sharing of best practices and expertise among Member States would be beneficial although smaller Member States, like Malta, will not benefit from sharing of best practices on illegal logging, river pollution, illegal mining and large-scale waste crime. Having said that, the sharing of best practices would still be beneficial for prosecutors in particular.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

The Environmental Protection Unit within the Malta Police Force is involved in several international networks including INTERPOL, EUROPOL, EMPACT (the European Multidisciplinary Platform Against Criminal Threats), ENVICRIMENET (the European Network for Environmental Crime) and in the project AMBITUS.

North Macedonia / Macédoine du Nord

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?
 - The Ministry of Environment and Physical Planning of Republic of North Macedonia is the creator of National Strategies in various Environment areas, Management plans, Manuals and Guidelines regarding the protection of the Environment. The right to a healthy environment is one of the basic human rights of the citizens, guaranteed by the Constitution. The Criminal Code of Republic of North Macedonia has a special chapter dedicated to crimes against the Environment, with 16 incriminations - crimes, that are intended to secure protection of the Environment. Also, there are several specialized laws regarding the protection of the Environment, that are mostly under the authorisation of the administrative organs and inspections.
2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.
 - Waste management is one of the most serious environmental issues in Macedonia. The Ministry of Environment and Physical Planning is authorized in dealing with waste management and implementing the relevant standards and instruments of the waste legislation. The offences in this area are mostly handled in administrative procedures, with activities and effective sanctions undertaken by authorized inspections.
3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?
 - No, there aren't specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in Republic of North Macedonia (RNM). From the statistic data of the Yearly reports of the work of the Public Prosecutors Offices in RNM, it is visible that these types of illegal activities are not often handled in criminal procedure.
4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?
 - The specialisation and specialised training would be of great importance for prosecution of environmental crimes, especially in regards of encouraging the prosecutors in taking more initiative in treating certain unlawfull acts as crimes, rather then offences. With specialized technical knowledge and practise in this area, the prosecutors would be able to secure adequate and significant evidence for prosecuting Environmental crimes, especially in severe cases of Environment endangerment, where high prison sentences are prescribed, by the law.
5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents,

legislative changes assessment (to submit comments on the drafts legal regulation/law)?
If so, please briefly explain.

- The Public Prosecution Office of RNM is closely cooperating with the law enforcement agencies, the inspectorates and the administrative bodies that are authorized to discover Environment offences or crimes. Prosecutors are represented in various Commissions, within the Ministry of justice, when it comes to amending the Criminal Code, so in regards of the Environmental crimes, prosecutors mainly intervene and make legislative suggestions within the Criminal Code.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

- The prosecutor as the leader of the investigation, can establish coordination between the law enforcement investigators, other authorities such as environmental, veterinary, public health, food safety authorities, customs, for more efficient discovering and gathering evidence for Environmental crimes. All investigating measures prescribed by the Code of criminal procedure, can be activated in this direction, such as arrests, interviews, searches, seizure. Forensic experts in this field, must be incorporated, for correct interpretation of samples, traces and data, regarding the degradation of the Environment and the breach of regulations and standards in regards of Environment protection. Parallel financial investigation and asset freezing or confiscation should be implemented in cases where potential illegal financial gain is discovered.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

- The prosecutors in RNM are not involved in administrative and civil law matters in the field of protection of environment. Other administrative organs and inspections are conducting the administrative procedures for Environmental offences, and also the civil procedures are initiated by the affected parties, before the Civil Law courts.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

- Important tools that could be significant in combating environmental crimes with a cross-border or organised crime element, would be joint investigations and joint inspections, especially between the neighbouring countries, regarding cross-border waste delivery, investigating suspicious waste delivery, controlling illegal export and import of waste, investigating pollution of air, water and soil, gathering and exchange of data, conducting mutual legal assistance.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

- Environmental crimes are hard to investigate and bring before Court. That's why it is necessary to strengthen the environmental criminal law, harmonise the legislation, and identify the best practices in the area of cross-border judicial cooperation, regarding environmental crime cases.
10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?
- Prosecutors in RNM are involved in international networks such as Eurojust, SEEPAG, European judicial network, that among other areas, can have impact in the field of enforcement of environmental compliance.

Portugal

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?
As per article 5, Alinea g) of Law 55/2020, of August 27, environmental crime is one of the crimes in relation to which criminal investigation is deemed to be a priority. The Prosecutor General's Office has issued Execution Directive 1/2021 (point P) covering such criminal aspects as water pollution, waste, trafficking of glass eel and other protected species. The same Directive has determined the concentrated distribution of environmental investigations and, whenever convenient, the setting up of investigation teams. In 2019, a guiding information was internally disseminated on glass eel trafficking.
2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.
A survey conducted in 2019 showed that the majority of complaints made to the Portuguese public prosecution service concerned water pollution.
3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?
The Directive mentioned earlier determined the concentrated distribution – in the same section or functional unity – of crimes against environment *lato sensu*, as is already the case in some departments or judicial units. There is at present an embryo of a national network of prosecutors dealing with environmental crimes.
4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?
The reasons for specialisation (relating to the distribution of investigation of cases and training) relate to the underlying technical problems involved in environmental crimes and the need to ensure, at the same time, an adequate cooperation with prosecutors dealing with administrative matters, as well as with relevant law enforcement bodies.
5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.
The public prosecution is part, following the signature of a Protocol, of the national network IMPEL (https://www.ministeriopublico.pt/sites/default/files/anexos/protocolos/protocolo_2016_red_e_nacional_impel_pt.pdf), a platform coordinated by the General Inspectorate on Agriculture, Sea, Environment and Land Use Planning and involving relevant licensing and monitoring authorities, as well as law enforcement agencies dealing with environment. The public prosecution therefore participates in the meetings and contributes to the overall work of the network, as for instance the preparation of specialized documentation, as the one on water pollution. There is a specific instruction on cooperation with IGAMAOT on matters relating to administrative offences (Instruction 1/2019). A special department of the public prosecution service concerned with State Litigation and the Protection of Diffuse

Interests maintains permanent institutional cooperation with State agencies, as the IGAMAOT and the Institute for the Conservation of Nature. As a result of the cooperation with IGAMAOT, 17 prosecutors were able to participate, in 2019, in the EU financed WASTEFORCE project.

The public prosecution has however also Protocols with several other State agencies.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

Besides the information on glass eel, there are no further tools available on environmental crime. A document on water pollution, mentioned earlier, is in its final stage aiming to establish criteria for the separation between administrative offences and crimes and providing technical reasoning for ascertaining the notion of substantial damage to the water.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

The administrative jurisdiction has full competence for the protection of environmental goods and interests. Administrative decisions imposing financial penalties can be challenged before ordinary courts.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

The Portuguese Public Prosecution is a member to EMPACT (<https://www.europol.europa.eu/crime-areas-and-statistics/empact>), a platform for alignment with EU common policy and with national and international partners. In the framework of criminal investigations, there are theoretically cooperation tools available, as Joint Investigation Teams. However, as regards environmental crime, they have not been used yet.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

The possibility of close face to face contacts with prosecutors of other European countries, with greater experience and successful cases, was a major source of inspiration for the kick-off of the Portuguese public prosecution investigating environmental crime. The fight against trafficking of protected species, the safeguard of protected species inside the country, the fight against water pollution, the fight against international waste trafficking and, at domestic level, against the discharge or abandonment of slop or sludge, would certainly benefit from a closer cooperation with prosecution services across Europe.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

The Portuguese public prosecution is a member, as stated earlier, of the national network IMPEL and, on April 2019, adhered to ENPE (<https://www.environmentalprosecutors.eu/>). In October 2019, participation was ensured in the joint seminar ENPE EUROJUST, in the Hague.

Romania / Roumanie

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

None of the requirements mentioned in the above question exist at this time. Regarding the situation of prosecutors, it should be noted that the Prosecutor's Office attached to the High Court of Cassation and Justice (PICCJ) has joined the European Network of Prosecutor for the Environment since 2018. At this level, online practical training seminars were organized, the trainers being specialized prosecutors.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

Forestry crimes are the majority (approx. 10,000 cases registered/year), even if they are not complex, followed by fish poaching (approx. 1,000 cases/year) and hunting poaching (approx. 600 cases/year). Waste crimes are low in terms of number of cases (approx. 100 cases/year). It is questionable, however, to what extent forestry crimes are environmental crime, although there is a strong link with environmental protection. In Romania, however, these crimes are a major part of the activity of prosecutors.

The caseload of waste crimes is varied: cases concerning illegal transfers of waste-textile, electrical, mechanical, plastic, medical, etc.

Many criminal cases concerning air and water pollution or the placement of toxic industrial waste dumps in disregard of technological and environmental protection rules are being investigated and arraigned.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

There are no specialised environmental prosecutors or substructures. But there are specialised prosecutors. A national network of prosecutors specialised in the investigation of crimes against the environment and the national forest and game fund, as well as crimes against cultural and natural heritage, was created at the level of the Public Ministry by an internal order in August 2018. Since then, prosecutors have been nominally appointed to represent each hierarchical level throughout the country (over one hundred prosecutors in total). They communicate with each other through a common e-mail platform, sharing case-related issues, legislative news and training content. One prosecutor is an ENPE member and EC expert on environmental protection.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

Given that environmental crimes are covered by a number of specific laws, some of which overlap or complement each other, it is necessary for prosecutors to have at hand guides covering all legislation.

Minimum or general training on technical aspects of waste management and waste trading systems, air emission containment systems, water treatment, soil protection is necessarily required.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

This is a particularly weak involvement. Cooperation takes place only on an ad hoc basis in ongoing cases (investigation) and in this case very little. Most of the time prosecutors only deal with the police and rarely with the National Environmental Guard, only through a written request (to hand over control documents, to be heard as a witness) without there being a permanent discussion between the prosecutor and the institutions with attributions in the field, even informal, to clarify technical aspects necessary in the investigation.

In addition to collaboration in ongoing investigations, discussions on improving legislation and regular meetings at institutional level on certain sensitive situations would be necessary, as in some European countries there are "task forces". With regard to joint strategies or action plans, although there are some collaboration protocols, the Public Ministry is avoided.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

The rules of common law apply to the inventory of evidence (the means regulated by general procedural law) and procedural measures. The tactics for investigating crimes in this area suffer in particular from the lack of direct cooperation with the administrative bodies responsible for control and detection and the insufficient resources available to them.

-The European Investigation Order - allows evidence to be taken quickly and efficiently

-Scientific and technical findings

-The PICCJ/National Environmental Guard cooperation protocol - generates and allows the input of specialists from this institution

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.
There are no such situations

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

a) European Investigation Order: facilitates faster cooperation as the requested (executing) State is exempted from any procedure to validate the legality of the subject matter of the request.

b) Joint investigation teams: investigations are carried out simultaneously (mirroring), communication between judicial bodies is facilitated and evidence is administered once and shared between the participants.

c) Informal legal assistance: information is spontaneously provided; communication is easy and no formal request for assistance is required.

- d) Letters rogatory
- e) Support that OLAF can provide

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?
- Waste, air pollution, water pollution, protected areas, landscape-natural heritage, genetically modified products.
- Regarding international cooperation we would mention:
- the use of the "Joint Investigation Team" tool
 - facilitating the participation of Romanian officers in investigations carried out in third countries on the occasion of the EIO
 - development of the ENPE
 - meetings and exchanges of experience between networks of specialists, environmental inspectors and networks of prosecutors and judges;
 - faster exchange of information in ongoing investigations;
 - establishment and publication on an official website (e.g., *the Basel Waste Shipment Convention website*) of national and/or territorial contact points to streamline communication and information exchange, even informally.
10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?
- Yes. In ENPE (European Network of Prosecutor for the Environment).

Slovak Republic / République slovaque

International aspects

1. The General Prosecutor's Office of the Slovak Republic pays due attention to the issue of environmental crimes. The specialization of prosecutors of the General Prosecutor's Office and prosecutors of Regional Prosecutor's Offices for environmental crime has been established within the Prosecutor's Office, and authorized prosecutors deal with this agenda in District Prosecutor's Offices. The issue of the environment is evaluated annually in the Report of the General Prosecutor of the Slovak Republic on the activities of the Prosecutor's Office and the findings of the Prosecutor's Office on the state of legality in the Slovak Republic, which is submitted to the members of the National Council of the Slovak Republic.

2. In the long term, the Prosecutor's Office registers the highest number of prosecuted persons for the crime of poaching under Section 310 of the Criminal Code, followed by the offense of violating plant and animal protection under Section 305 of the Criminal Code and in third place is the offense of unauthorized waste management under Section 302 of the Criminal Code.

3. The specialization of prosecutors in criminal activity against the environment was established on 24 October 2008, with prosecutors at all levels of the Prosecutor's Office of the Slovak Republic - specialists who have been dealing with the environmental crime agenda in long term period.

4. The specialization has been established in view of the specific nature of the environmental crime agenda, which requires knowledge in other fields for the effective detection and prosecution of perpetrators of this type of crime (water management, forests, air, protected areas, waste management, animal protection, CITES and others), as well as the fact that most of the facts of environmental crime refer to blanket legal norms.

5. The General Prosecutor's Office of the Slovak Republic participated in the elaboration of an inter-agency document entitled "Action Plan for Combating Environmental Crime 2020-2025". The General Prosecutor's Office actively comments on legislative proposals of legal regulations and laws in the field of environmental protection within the inter-agency comment procedure. In addition to cooperation with the police, prosecutors - specialists also cooperate with representatives of state authorities. Within the specialization, working meetings of prosecutors - specialists in environmental crimes are organized at regular intervals, to which representatives of the Presidium of the Police Force, state authorities, but also non-profit organizations are invited. In addition, cooperative operational consultations with police officers or judges are held at the district and regional levels. Prosecutors - specialists of the General Prosecutor's Office, in addition to working meetings with representatives of the Presidium of the Police Force, also hold discussions with representatives of non-profit organizations and also participate in seminars in the given area.

The Ministry of the Interior of the Slovak Republic has established an Interdepartmental Expert Coordinating Body for Combating Crime (Environmental Crimes), which performs the tasks of the national coordinating body for combating this phenomenon and at the same time ensures effective and coordinated action in the fight against crime in accordance with principles of Council of Europe and the European Union. It works to increase the effectiveness and efficiency

of the fight against crime by coordinating individual measures and activities in the field of combating environmental crime, including its organized forms, among all stakeholders. It ensures coordination, concurrency and continuity of measures and activities from the aspect of time, matter and location, as well as in terms of their implementation and continuously evaluates their effectiveness.

6. In addition to specialization in the Prosecutor's Office, the "Natural Police" was established. The Department of Detection of Dangerous Materials and Environmental Crime has been established at the Presidium of the Police Force, which, among others, methodically directs the subordinate sections of the Police Force. The department also has an investigation section. The instruments for prosecuting environmental crimes are being set up effectively, even with the above facts considered. Prosecutors - specialists evaluate the contribution of the "Natural Police" as a positive step and an effective tool in the fight against this criminality.

7. Prosecutors in the non-criminal area exercise, inter alia, their authority to review the procedures and decisions of state environmental authorities (e.g. district offices).

International aspects

8. In the case of organized crime with a cross-border aspect, a European Investigation Order, a joint investigation team and mutual legal assistance may be used. These tools are being actively used. The General Prosecutor's Office registers one criminal case in which a joint investigation team is set up between the Slovak Republic, the Czech Republic and Hungary, the subject of which is environmental crime.

9. The benefit (for sharing information and procedures) in the future could be active communication and meetings of prosecutors - specialists from other EU countries in the European Network of Environmental Prosecutors (ENPE), possibly active meetings of prosecutors – specialists of EU Member States hosted by Eurojust. Information could be shared in such forums.

10. The Prosecutor's Office of the Slovak Republic has a nominee in ENPE.

Slovenia / Slovénie

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

At its session on 5 March 2020, the National Assembly of the Republic of Slovenia adopted the National Environment Protection Programme with programmes of measures until 2030. It is a strategic document, which emphasizes the importance of addressing of environmental crime or criminal offenses in the field of environmental protection.

A well-established system of coordinated action of all departments concerned, especially in the field of internal affairs, justice and environmental protection, is crucial for improving the state's effectiveness against environmental crime.

Due to the above, a National Strategy for the Prevention, Detection and Investigation of Environmental Protection will be prepared.

With the Annual Work Program for 2021, a commitment was made that the State Prosecutor's Office will pay more attention to the future in the field of environment and strive to fulfill both its punitive and deterrent role in the field of environmental protection. The work program also identifies the most serious environmental offenses, which include e.g. illegal emissions or releases of substances into the air, water or soil, illegal trade in wild animals and plants, illegal trade in ozone-depleting substances and illegal transportation or disposal of waste.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

According to statistic the majority of the cases constitutes of criminal offence torture of animals (Article 341 of the Criminal Code) and criminal offence burdening and destroying the environment (article 332 of the Criminal Code). In this regard, it should be noted that the incrimination of Article 332 of the Criminal Code applies to both waste and water, soil and air pollution.

3. Are there specialised prosecutors or prosecutor's offices for prosecution of environmental crimes in your country?

Since September 2020, a working group for dealing with environmental crimes has been established at the Supreme State Prosecutor's Office of the Republic of Slovenia with a view to improving skills and knowledge of state prosecutors and unification of practice. Working group also acts as a contact point for cooperation with other authorities and institutions. The head of the working group is the Supreme State Prosecutor, who is based on the annual work schedule, specially

responsible for monitoring and coordinating the work of the prosecutor's office in the field of environmental crime. The working group also consists of a one state prosecutor from each District State Prosecutor's Office.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

For the effective prosecution of environmental crime, in addition to knowledge of criminal law, in-depth knowledge of environmental law and knowledge of the specifics of preventing, detecting and investigating environmental crime (eg obtaining and securing evidence) are essential.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspection, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

From the very beginning, the Working Group (see answer no 3) has been cooperating with the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning (IRSOP) and the police, as well as with non-governmental organizations. The biggest problem is the lack of a national action plan to combat environmental crime.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

Prosecutors have the same tools to prosecute environmental crimes as they do to prosecute other crimes. However, for greater efficiency, we would need a specialized police unit, as well as specialized prosecutors.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

State prosecutors in the Republic of Slovenia have certain powers in civil and administrative proceedings. Within these competencies, they also face environmental issues, but they have no special legal powers in this area.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

In their daily work, public prosecutors are involved in international cooperation by cooperating with the judicial authorities of other countries and with international organizations and institutions of the European Union. Several tools of international co-operation are available to a state prosecutor, such as a joint investigation team, European Investigation Order and cooperation with Eurojust.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

The harmonization of criminal law regarding environmental crime would undoubtedly improve international cooperation. Different incriminations in different / neighboring countries pose many problems. International cooperation would also improve the continuous education of prosecutors on all the options available to them.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

No.

Sweden / Suède

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?
Administrative supervisory authorities have recently adopted a national strategy for inspections. This affects indirectly the environmental crime enforcement since the major number of cases come out of inspections. Beside that, a National Environmental Crime Council was instituted in 2021 with representatives from concerned administrative authorities and law enforcement agencies with an overall aim to enhance envi-crime enforcement. This body on a national level is meant to complement inter-agency co-operation on a local and regional level which have been active over the past twenty years.
2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.
“Waste crime” is not a specific crime in Sweden. However, several environmental crime provisions cover actions that could involve illegal management of waste. Therefore, specific data on waste criminality is not available, but waste crime is definitely a major kind of envi-crime. Other major areas of envi-crime are discharges of harmful substances in general, offences in connection with the system of permissions, violation of area protection (e.g. beach protection, nature reserve) and CITES-criminality.
3. Are there specialised prosecutors or prosecutor’s offices for prosecution of environmental crimes in your country?
Yes. Specialized environmental prosecutors were introduced in year 2000 and organized in a national unit within the Swedish Prosecution Authority year 2009. This unit also handle working environment cases.
4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?
 - It promotes concentrated individual and organizational experience in a crime area with high complexity.
 - Complicated investigations and court proceedings (envi-crime) tend to give other areas of criminal law enforcement priority if they compete for the same resources. Therefore specialisation is particular useful if resources for environmental cases are kept apart from other cases.
5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.
Answer: Yes
 - In operative cases different inspectorates often initiates the case by a report. They do not formally take part of the criminal investigation (that’s only for the Police and prosecution)

but are more or less regularly asked (interviewed) to contribute with expert knowledge on issues related to natural science or technical questions.

- Inspectorates and other administrative bodies take part of regular co-operation with criminal law enforcement bodies such as the police and the prosecution. This kind of cooperation exists on local, regional and recently also national level and aim to make criminal law enforcement more effective in general. Sometimes strategic issues are discussed but this could be subject to development.

- The Swedish Prosecution Authority is normally invited by the Government to comment on proposals for new legislation. The National Unit for Environment and Working Environment cases are normally asked to give comments if the proposal concerns environmental law and in particular envi crime law. The prosecution usually has a focus on issues that concerns or could have an impact on criminal law. There is so far no established forum for joint inter-agency comments on legal issues but occasionally the Government initiates special inter-agency commissions to investigate and present a report on facts and proposals for action, when development is needed.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

Comment: There are different aspects of this question. Environmental crime has its own specific challenges linked to the concept of environmental damage. When environmental crime activity is operated in organized form the investigation also needs general tools to penetrate the organization. The last aspect is no different from other organized crimes.

With an open view of "tools" - most important:

1. Distinct and clear environmental criminal law. Vague terms or unclear definitions are the single most obstructive element for an effective application of any criminal law. This is a special issue for environmental law since it is often designed for other purposes than application in criminal cases and lack in the clearance that normally characterizes penalty law. Environmental criminal law often falls back on administrative legislation. The criminal provisions in itself sometimes uses a traditional model that is not adjusted to the complexity of environmental impact and damage. There is no easy way to address this problem, but great care should be taken to avoid open or vague terms when designing environmental crime provisions.

2. Methods to investigate and determine the impact of harmful substances on the environment.

3. The possibility to take legal actions against a company (legal entities).

1-3 is all about creating basic conditions for an effective law enforcement. Swedish prosecutors have access to item 3 and some access to item 1-2, but there is definitely a space for improvement.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

In principle, no. Formally an issue of compensation (to the community or a private land owner) in regard of an environmental crime could be raised to be integrated with the criminal court procedure, but this rarely happens (normally settled out of criminal court).

When answering no, I excluded one minor task for the prosecution to represent the state/Coast Guard in cases of oil pollution from ships when an administrative fine has been appealed to the judgement of a judicial court.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.
1. Eurojust has assisted in a few cases of cross border criminality by helping to set up a joint investigation team. It has been useful in a couple of wildlife crime investigations.
 2. Of course, formal request for legal assistance is useful but sometimes a slow process.
 3. Networks such as ENPE, NSN and ENPRO has occasionally been useful for collection of information or help in other ways served in an informal and fast way.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?
- Substantial parts of Swedish national environmental criminal law are based on EU-legislation. This applies for example to waste shipment, CITES, ship recycling and different regulations in the field of chemical legislation. This gives a base for sharing experience and discuss common issues on a sharp operational level.

What would improve international cooperation: There is an understanding that request for legal assistance or a request for cooperation in other ways (opening of parallel investigations) only is appropriate when the investigated crime bears an considerable level of expected penalty. This understanding could obstruct the possibility to map an indicated organisation behind, for example, waste trafficking. Sometimes the investigations are based on a number of minor single transports that seems to follow a common pattern, but still only indicating an organized operation. So, I would like to increase the possibility to co-operate internationally even if the starting point – the initial case or cases – might seem less serious from a penalty level point of view.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?
1. Sweden is a co-founder of the ENPE and take active part in its administration and activities.
- Swedish prosecutors also participate on a regular basis in:
2. The North Sea Network (under OSPAR) and
 3. ENPRO (Environmental Prosecutors of the Baltic Sea States) and
 4. DG Environment, Enforcement Groupe (CITES)

This questionnaire is answered by Deputy Chief Prosecutor, Jörgen Lindberg, at the Swedish Prosecution Authority, National Public Prosecution Department, National Unit for Environment and Working Environment Cases.

In Sweden the National Environment and Work Environment Unit deals with cases relating to environmental offences and work environment offences, including suspected criminal liability for accidents in the workplace.
The Authority has 21 specialised prosecutors working with envi-crime.

Turkey / Turquie

First of all, protection of environment is existed specifically in our Constitution. In this context, certain issues, such as use of coastlines, protection and development of forests, are codified in the Constution, separately. Within the scope of these legal regulations, the crimes such as the offences committed for destroying or damaging the forests are categorically excluded from any amnesty.

National aspects

1. Are there any specific national priorities, policy strategic documents or guidance available for prosecutors in your country to guide and support national interventions with respect to environmental crimes?

There is no policy strategic document specifically for the prosecutors on combatting the environmental crimes.

2. Please indicate which category of environmental crime (e.g. waste crime, wildlife crime, air pollution, etc.) constitutes the majority of the cases.

“ The Crime of Zoning Pollution” specified under the Part titled “Offences against the Environment” of the Turkish Criminal Code (TCC 184)”

3. Are there specialised prosecutors or prosecutor’s offices for prosecution of environmental crimes in your country?

Although there is no specialisation in this field, the Chief Public Prosecutors, may assign certain prosecutors specifically. Besides, the environmental crimes linked with terrorism are also investigated by the Prosecutor’s Offices for Fight against Terror and Constitutional Crimes.

4. Which reasons for specialisation and specialised training do you consider important for prosecution of environmental crimes?

It may be considered as a way of raising awareness for the indirect acts aimed at environment under different types of acts. Prosecutors may specialize in environmental crimes with the basic training about the sources and principles of the international environmental law, protection of environment through criminal law and environmental crimes from the comparative law perspective, and thus this may help raise any unnoticed acquisitions for the protection of environment.

5. Are prosecutors involved in inter-agency co-operation in your country in the field of enforcement of environmental compliance, for example, co-operation with other law enforcement agencies (inspectors, administrative bodies, customs, etc.) in concrete cases, membership in strategic groups, developing of action plans/strategic documents, legislative changes assessment (to submit comments on the drafts legal regulation/law)? If so, please briefly explain.

Prosecutors perform their duties in cooperation with the officers from the administrative bodies including the organizations of the Police, the Gendarmerie, the Municipality, the Forest Protection Guard and the Coast Guard. They may cooperate at works of legislative drafts and writing out strategic plans.

6. Do prosecutors in your country have effective tools for prosecution of environmental crime? Please name three most important tools from your point of view. Give reasons very briefly.

In Turkey, public prosecutors are authorized to use all the executive public tools under the Code of Criminal Procedure. For instance, firstly, they may get the biological or chemical examinations done by the The Council of Forensic Medicine and public laboratories. They may make use the technical facilities and tools of the agencies in charge of environmental protection. They may attain and use the satellite images for detecting the crime and damages arisen from the offences causing environmental damage.

7. Are prosecutors in your country involved in administrative and civil law matters in the field of protection of environment? If yes, please briefly describe.

There has not been a duty in general for public prosecutors.

International aspects

8. Do prosecutors in your country make use of effective cooperation tools for pursuing environmental crimes with a cross-border or organised crime element? Please name three most important tools from your point of view relevant in this context. Give reasons very briefly.

As part of the proceedings they carry out, the prosecutors may make use of the international mutual legal assist requests in conducting the procedures at the related states thorough the Ministry of Justice. Besides, they may gain support from the international connections (Europol, Interpol, etc.) of the Anti-Smuggling and Organized Crimes Departments of the Turkish National Police and the Gendarmerie Organization.

9. In which areas in this field do you see a particular benefit for future sharing of best practices and expertise? What, in your opinion, would improve international cooperation in environmental crime cases?

We consider that such an international cooperation will serve to conduct the crime and criminal tracking on a mutual basis. It will be important for the fight against particularly the offences, such as forest fires, linked with especially organized criminal groups or terrorist groups.

10. Are prosecutors of your country involved in international networks in the field of enforcement of environmental compliance, and if so, which ones?

This occurs through the international networks involved in by the Ministry of Justice, the Foreign Ministry and the Law Enforcement Forces.