

Working Group 4 of the Life+ Project “Sanctioning: prosecution and judicial practice”

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Environmental Crime
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LIFE14 GIE/UK/000043



Overview

1. WG4: profile

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1.2. Team: countries, functions and courts

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2.2. Within >< outside the EU

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1. WG 4: profile



1.1. One WG amidst four

Subject-focused WG's

WG 1 Wildlife

WG 2 Waste

WG 3 Chemicals (Air)

Overarching view

WG 4 Sanctioning:
Prosecution and
judicial *practice*

> Issues hindering
efficient and effective
prosecution and
adjudication

1.2. Team: countries, functions and courts

| Member | Country | Prosecutor | Judge |
|-------------------------------|------------------|------------|--|
| Chair Carole M. Billiet | Belgium | | Administrative green court, punitive |
| Sara Boogers | Belgium | X | |
| Ksenija Dimec | Croatia | | County court (court of appeal), civil department |
| Katerina Weissova | Czech Republic | X | |
| Marc Clement | France | | Cour administra- tive d'appel Lyon |
| Françoise Nési | France | | Cassation, ch. pénale; [civil] |
| [Wanja Welke &] Anja Wuest | Germany (Hessen) | X | |
| [Jegor Cekanovskis | Latvia | X] | |
| Lucia Giron | Spain | X | |

1.3. Working topics

- 2016-2017 – Interim Report 1
 - **Difficulties, trends and good practices** in prosecution and sanctioning
 - **Proportionality** in prosecution and sentencing: an exploration through gravity factors
- 2017-2018 – Interim Report 2
 - **Good practices in prosecution : focus on international cooperation**
 - Good practices in prosecution and adjudication: focus on **specialisation** among prosecutors and courts/judges
- *2018-2019 – Ongoing*
 - ***Tools and strategies for remedial action at the pre-trial and trial stage***

2. Some observations and recommendations



2.1. What prosecutors most need

“What prosecutors most need regarding international cooperation

is

accurate information

delivered in a reasonable time

and

the swift execution of requests for investigative measures.”

2.2. Within >< outside the EU

Within the EU

- A toolkit that suffices to meets the needs: the EIO (2017), EFO (2015), EAW (2002) + EUROJUST (+ JIT's) and EJN
- Policy: consolidation
- Daily: mostly EU MS only

Outside the EU

- A toolkit that needs additional tools: MLA requests mainly (+ JIT's)
- Policy: an issue in need of progress
- Daily: less frequently needed but when needed, key

2.3. Combine structures and people

Structural support

- National level
- EU level (Eurojust)

Individual one-to-one contacts

- Meeting and networking possibilities
- Lists specialised environmental prosecutors (open access) (ENPE?) (Eurojust)

2.4. Generalist and a specific tools

- An asset that the tools for cooperation in environmental cases are the very same as those for cooperation in all types of cross-border crime
 - Links with other types of crime such as money laundering and forgery
 - *Matters for further development mechanisms and tools*
- Yet, a specific tool enabling evidence to be secured in CITES-related cases
 - Birds eggs, animals, lab analyses etc.

3. Conclusions

1/ Tools / toolkits matter

2/ Create structures but never forget people (1-to-1 contacts)

3/ Practice grows on facilities – the issue of the way of the lowest resistance (thus of lowering resistance)

4. Sources

See

<https://www.environmentalprosecutors.eu/cross-cutting>

https://www.environmentalprosecutors.eu/sites/default/files/document/LIFE-ENPE_WG4_2nd%20Stg%20IR%202019.pdf

https://www.environmentalprosecutors.eu/sites/default/files/document/LIFE-ENPE_WG4_InterimReport_FINAL.pdf

ENPE

Thank you

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