

**Environmental crimes:
The role of European Prosecutors on the
Protection of the Environment.
Special overview of the Spanish
Prosecutors for the Environment's
experience and practice.**

MARÍA LUCÍA GIRÓN CONDE

Delegated Prosecutor of the Spanish Network of Prosecutors for
the Environment in Lugo



ENVIRONMENTAL CRIMES: A REAL THREAT

EFFORTS TO COMBAT ENVIRONMENTAL CRIMES IN EUROPE

Environmental crimes - significant threats to ecosystems, human health, and sustainable development.

HOW TO FIGHT AGAINST THEM:

- **Legislative Frameworks:** ECO-CRIME DIRECTIVE 2008/99/CE FUNDAMENTAL STEP (new directive pending) and national laws regulations to prevent and punish environmental crimes.
- **Law Enforcement:** Specialized environmental agencies, law enforcement units, and prosecutorial bodies. European prosecutors play a crucial role.
- **International Cooperation**
- **Public Awareness and Participation**



THE ROLE OF PROSECUTORS

European prosecutors - **Several key responsibilities** fighting environmental crimes:

- **Investigation** :To oversee investigations into environmental offences, to gather evidence and build cases against perpetrators.
- **Prosecution**: To initiate legal proceedings against individuals or corporations accused of violating environmental laws, presenting evidence in court and seeking appropriate sanctions or penalties.
- **Legal Expertise**: To provide legal guidance and expertise on environmental regulations.
- **Cooperation**: To collaborate with other national and international law enforcement agencies, judicial authorities, and environmental organizations to enhance coordination and information sharing in combating environmental crimes. MLA TOOLS -EIO
- **Advocacy**: To advocate for stronger legal frameworks, policy initiatives and public awareness campaigns.

CHALLENGES AND PROBLEMS

- **Limited Resources:** Prosecutors often face resource constraints, including insufficient funding, staff shortages, and inadequate training, **lack of specialization.**
- **Complex Legal Issues:** Environmental crimes involve intricate legal issues (administrative and penal regulation), including jurisdictional complexities, cross-border dimensions, and challenges in proving causation and liability, **requiring specialized expertise and resources** to prove and quantify the environmental damages.
- **Transnational Nature:** Environmental crimes often transcend national borders - Cooperation and coordination among prosecutors from different countries is essential but challenging **due to legal, linguistic, and cultural differences. WITHIN EU-EASIER-MLA ,JOIT,EUROJUST.**
- **OUTSIDE EUROPE-MUCH MORE COMPLICATED**
- **Corporate Influence:** Prosecuting large corporations and powerful entities for environmental offences can be challenging due to their financial resources, legal teams, and influence.
- **Emerging Threats:** Rapid environmental degradation, climate change, and technological advancements.

PROSECUTING ENVIRONMENTAL CRIMES IN SPAIN: The Environmental and Urban Planning Unit of the Office of the Attorney General and the Network of Prosecutors for the Environment

ORIGINS AND LEGAL FRAMEWORK

- Law Amending the Forestry Law 6/2006
- Organic Statute of the Public Prosecutor's Office - reform on October 9, 2007
- Instruction 4/2007 about the Coordinating Prosecutor for Environment and Urban planning and the Environmental Sections of the Prosecutor's offices



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Medio Ambiente

Su creación responde a la necesidad de especialización en una materia tan compleja como esta, así como a la de garantizar una adecuada coordinación.

Organigrama



Informa

<https://www.fiscal.es/web/fiscal/-/medio-ambiente>

The image shows a browser window with the URL `fiscal.es/web/fiscal/-/medio-ambiente`. The page header includes the logo of the Ministerio Fiscal and navigation links for Instagram, Twitter, YouTube, Directorio, Sede Electrónica, Preguntas Frecuentes, and Zona Privada. A sidebar on the left lists menu items: ACTIVIDADES, DOCUMENTOS Y NORMATIVA, FUNCIONES, and CONTACTO. The main content area displays a news article with the date '07 de Marzo de 2024' and the title 'Una delegación del Líbano conoce el funcionamiento de la Unidad de Medio Ambiente'. Below it, another article is partially visible with the date '15 de Febrero de 2024' and the title 'La Fiscalía plantea la vía penal para evitar la electrocución de aves en las torres de electricidad'. A small watermark 'Recorte de pantalla completa' is visible at the bottom of the page.

STRUCTURE:

THE COORDINATING UNIT

THE ENVIRONMENTAL SECTIONS

THE COORDINATING PROSECUTORS FOR THE ENVIRONMENT OFFICE



COORDINATING UNIT'S MAIN TASKS-art 20.2 OSPPO

- To carry out the proceedings referred to in Article Five and to intervene, directly or through instructions given to delegates, in those criminal processes of special significance appreciated by the Attorney General.
- To exercise public action in any type of procedure, directly or through instructions given to delegates, when it is provided for in the different laws and regulations of an environmental nature, demanding the responsibilities that proceed.
- To supervise and coordinate the actions of the specialized environmental sections and obtain the necessary reports, directing, by delegation of the Attorney General, the network of environmental Prosecutors.
- To coordinate the Prosecutors in environmental matters by unifying the
•criteria for action,.
- To draw up annually and submit to the Attorney General a report on the procedures followed and actions taken by the Public Prosecutor's Office in environmental matters.

THE ENVIRONMENTAL SECTIONS

185 PROSECUTORS

3 AUTONOMIC
DELEGATES

1 AUTONOMIC
COORDINATOR FOR
FOREST FIRES
OFFENCES

50 DELEGATE
PROSECUTORS

25 LIAISON
PROSECUTORS

110 SPECIALIZED
PROSECUTORS

CRIMINAL OFFENCES TO DEAL WITH: TITLES XVI AND XVI bis SCC

- Organization of the territory and town planning.
- Protection of the historic heritage.
- Environment: natural resources and the environment, criminal offences related to the flora, fauna.
- Offences against animals.
- Forest fires

STATISTICS - ACHIEVEMENTS

2023	ACQUITTALS	CONVICTIONS
ENVIRONMENT	32	61
URBANISM AND LAND PLANNING	64	295
HISTORICAL AND CULTURAL HERITAGE	6	39
FLORA AND FAUNA	40	218
FOREST FIREST	28	90
ILL TREATMENT OF ANIMALS	52	256
	222	959
2008	ACQUITTALS	CONVICTIONS
ENVIRONMENT	21	32
URBANISM AND LAND PLANNING	96	301
HISTORICAL AND CULTURAL HERITAGE	3	7
FLORA AND FAUNA	43	84
FOREST FIREST	21	90
ILL TREATMENT OF ANIMALS	6	11
	190	525

CHALLENGES

- Lack of personal resources - more specialized prosecutors are needed ;specialized prosecutors not only deal with environmental crimes, especially in prosecutors' offices of small provinces.
- Lack of independent technical experts to issue expert reports.
- Lack of staff in specialized police units.
- Legal framework complexity; administrative law.
- Lack of environmental specialization and training in judges and courts.-environmental specialization needed throughout the enforcement chain ,from monitoring to judgement

Strategies for Enhancing Effectiveness

- **Capacity Building:** Specialized training, resources, and support to prosecutors, judges and police units.
- **Collaboration and Information Sharing:** Strengthen cooperation and information sharing among prosecutors, law enforcement agencies and environmental authorities at the national, regional and international levels to Legislative.
- **Reforms:** Advocate for legislative reforms to strengthen legal frameworks, enhance penalties for environmental offences, and unify legislative and procedure systems in Europe.
- **Public Awareness:** Increase public awareness about the severity and consequences of environmental crimes.
- **Technology and Innovation:** Embrace technological solutions, such as data analytics, remote sensing, and digital forensics, to enhance investigation capabilities, gather evidence, and prosecute environmental crimes more efficiently and effectively.

THE ROLE OF ENPE IN EUROPE

- The European Network of Prosecutors for the Environment (ENPE) - An initiative aimed at enhancing cooperation and coordination among prosecutors across Europe in addressing environmental crimes.
- Registered in 2016, ENPE serves as a platform for prosecutors to share best practices, resources, and legal expertise to effectively combat environmental offences.

Website: <https://www.environmentalprosecutors.eu/>

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environmentalprosecutors.eu



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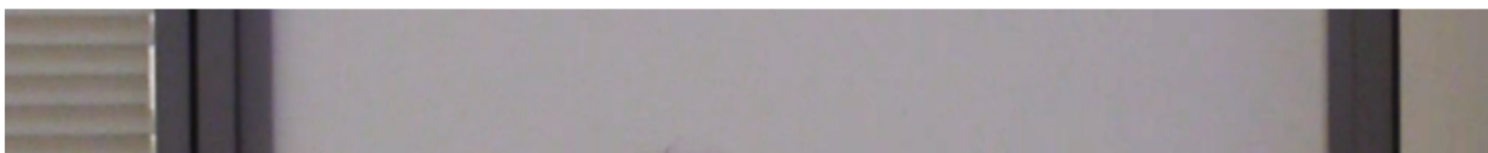
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Promoting a consistent approach to prosecuting environmental crime across Europe.

ENPE delivering training at ERA workshop



OBJECTIVES

- **Facilitating information exchange and collaboration** among European prosecutors to strengthen enforcement efforts against environmental crimes.
- **Providing training and capacity-building opportunities** to enhance prosecutors' knowledge and skills in handling environmental cases.
- **Promoting legislative reforms and policy initiatives** to improve legal frameworks addressing environmental offences.
- **Raising awareness** among legal professionals, policymakers and the public about the importance of prosecuting environmental crimes and ensuring environmental protection.

ACTIVITIES

- ENPE Annual Conferences.
- Training Workshops.
- Research and Publications: reports, guidelines, legal analyses and news letters
- Collaboration with International Organizations: United Nations Environment Programme (UNEP), European Union Agency for Law Enforcement Cooperation (Europol), to strengthen global and regional efforts against environmental crimes.
- LIFE -ENPE PROJECT Working groups
- POLLUTION , WILD LIFE ,WASTE AND ILLEGAL PESTICEDES
- FROM 2016-2020- SANCTIONING ENVIRONMENTAL LAW

CONCLUSIONS

- European prosecutors - critical role in combating environmental crimes and safeguarding the environment for present and future generations.
- Since ECO-CRIME DIRECTIVE IN 2008 achievements in prosecuting environmental crimes are remarkable.
- Addressing key challenges, implementing strategic initiatives, and enhancing cooperation and capacity-building efforts, prosecutors can strengthen effectiveness in prosecuting environmental offenders and promoting environmental justice across Europe.

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right and bottom edges of the frame, creating a modern, layered effect. The central area is white, providing a clean space for the text.

**THANK YOU
FOR YOUR
ATTENTION!!!**