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## European Network of Prosecutors for the Environment - ENPE

Meeting of the Board of Directors

25 November 2022

09.30hrs – 14.30 hrs CET

Scotland House, Schuman, Brussels & MS Teams

**Attended:** Anne Brosnan (EA, Chair); David Smith – attended virtually (EPA, Ireland); Lars Magnusson – attended virtually (REMA, Sweden); Rob de Rijck (FP, Netherlands); Jean-Philippe Rivaud – attended virtually (MoJ, France); Aisling Kelly (Microsoft, Ireland); Shaun Robinson (EA, Secretariat)

**Apologies:** Antonio Vercher Noguera (Spain)

**09.30 hrs (CET) meeting starts**

### Minutes

#### 1.0 Objectives for the day

AB (meeting Chair) set out the objectives for the meeting:

- To update on ENPE AISBL - membership, governance, and next steps;
- To update the KBC Bank business account details to give wider and easier access to Board members and the secretariat;
- To set out ambition for ENPE from Board members, going forward.

#### 2.0 Minutes and actions from last Board meeting (17/06/22)

All Actions were complete ***the minutes were formally approved and signed off by the Board.***

NEW ACTION – SR to post on the ENPE website

#### 3.0 ENPE aisbl: update

- **ENPE Members update**  
The Syracuse Institute - Supporting member  
Public Prosecution of Ukraine Prosecutor General's Office – Full Member  
Valeriaio Bagattini – Supporting member

***All applications were reviewed and approved by the Board.***

NEW ACTION – SR to send welcome letters and set up meeting with Ukraine ENPE representative to identify where areas of support are needed (as per request to EC)

- **Bank account**  
Balance update (transfer from EA)  
Expenses (subsistence) – direct reimbursement from ENPE going forward to reduce administrative burden

AB noted payments received from the EU Life programme for the Special Operating and Action Grants, (SOG & SAG), and of surplus from the LIFE-ENPE project from the Environment Agency (England, UK). The current balance is €236K.



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ENPE has obligations to manage finances prudently. Two significant areas of expenditure for 2023 (SAG) will be:

- LA Rochelle conference (27-29 April 2023) – approx. €9K
- Four Networks Conference (27-28 September 2023) – approx. €10K.

NEW ACTION – SR to draft high-level expenditure plan (projected) to share with Board (SOG & SAG)

***It was agreed that all Board members could claim expenses, including travel, subsistence and hotel accommodation directly for reimbursement from the ENPE business bank account if these are not met by their employers. It may be that where employers are interested in any subject they will continue to support ENPE representatives to attend.***

NEW ACTION – SR to update Travel & Subsistence claim form as agreed

- **ENPE aisbl Directors (update)**

Director changes had not been registered with the Belgian Tribunal de l'Entreprise as required under Belgian Law. All were now correct:

- Anne Brosnan – President
- Rob de Rijck – Vice President
- Jean-Philippe Rivaud – International Vice-President
- Lars Magnusson – Secretary General
- Aisling Kelly – Treasurer.

Additional Directors were discussed. These changes will be made in due course. David Smith confirmed he would like to proceed to registration of his directorship as approved by members.

RdR updated on the ENPE Director UBO forms. He had attempted to complete the necessary online forms but needed some more guidance. ENPE accountants, Troef, could assist with this.

NEW ACTION – RdR to contact Brecht at Troef to complete for ENPE by proxy

The ENPE Articles of Association's Internal Rules review was completed and updated as needed.

***The ENPE Articles of Association were reviewed & updated by all Board members present.***

NEW ACTION – SR to complete updated versions of Articles and Internal Rules and share with Board for finalising and submission to the relevant organisations to confirm the changes

NEW ACTION – SR to submit AGM minutes to Scotland House (ENPE registered office) for recording

***It was Resolved by the Board that in light of Article 10.2.1 of the Articles of Association, that the existing Directors would be appointed for a period of 3 years from now, to be ratified at the next AGM:***

- Anne Brosnan, President
- Rob de Rijck, Vice-President
- Jean-Philippe Rivaud, International Vice-President
- Lars Magnusson, Secretary General
- Aisling Kelly, Treasurer



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***Directors will also include David Smith and Antonio Vercher Noguera (tbc by AVN) who have been appointed as Directors but not yet formally registered with the Tribunal de l'Enterprise (Brussels).***

AK noted the need for Directors Liability Insurance to be taken out. SR had emailed a provider previously but not heard back.

NEW ACTION – SR to follow up contact with insurance liability provider

NEW ACTION – SR to check with AVN that he wishes to proceed to registration as a Director of ENPE and if so registration of DS and AVN to be undertaken.

***Board arrangements going forward: Working better together. How do we work together as a Board of Directors? What must we:***

- Do more of together or individually.
- Do less of together or individually.
- What will make us more successful?

AB said we must reflect on the Board activity and decide how we will run ENPE going forward.

RdR asked how the board would work strategically? It was agreed that more Directors are needed from our membership (a maximum of 11 are allowed). The following points were raised:

- Expert advice & training provided at events was well received. Outreach of this type should be directed at where it is needed most (countries/ jurisdictions), e.g. Southern & Eastern Europe
- Often a need to go past the specialist prosecutors and focus on the small *generalist* prosecutor who needs training and guidance in prosecuting environmental crimes
- Cross-border co-operation and collaboration is often crucial. How best to do we get this? Having a presence (e.g. desk in Eurojust) may be of value here
- More 'basic' support to prosecutors in fundamental aspects of prosecuting environmental crime is very helpful. Focus on countries/ geographical areas that need it most e.g. Eastern & Southern Europe
- The value of case studies as good examples in showing best practices was noted
- Additional value in expertise, not just within ENPE, e.g. specialist stakeholders & colleagues in our wider membership so we should use this wherever we can
- Offering time-limited pieces of work was very valuable (e.g. ECD consultation)
- 'Hands-on' best practice – keep work simple, not too complicated.
- Online training and short videos/ animations/ podcasts/ webinars are good
- Better/ smarter use of website (e.g. sharing training and best practice, improve crimes database etc.) to do this
- We need to establish relationships with other prosecutor networks e.g. AMFE in France
- Should we also look at Civil as well as Criminal cases?
- Direct approaches to suitable ENPE members for succession planning (Directors) and mention in next General Assembly Meeting
- Expand network with contacts from e.g. Eurojust, US DoJ and other institutions
- Student interns to be used (short term, stipend) to assist with specific work items (e.g. social media)

NEW ACTION – AB to contact Eurojust to follow up this proposal



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NEW ACTION – AK to contact Eveleen Healy (Irish DPP) to see if interested in participating in WG

**3.0 New Working Groups ToR & update** – including matters arising from liaison meeting. US DoJ/ Ukraine environmental crimes request (paper). We b/f this matter to our next meeting for lack of time and to allow for further thought.

#### **4.0 Comms – 1) website & database update (paper); 2) newsletter**

SR said contractors had been appointed to update the website, including the crimes database which is being reviewed by a team at the Law department at the University of Cork (Ireland). A workshop is planned in Mid-December to agree changes needed.

The newsletter (Issue 18) had been issued, with some very good feedback received.

#### **5.0 ECD update – latest (ECA Governance & Compliance forum 14/11/22 feedback)**

B/f next meeting. Not covered for lack of time.

#### **6.0 ENPE events (co-hosting) 2023 – these forthcoming events were noted.**

- Colloquium with La Rochelle University 27-29 April 2023;
- 4 Networks Conference, Rome 28-29 September 2023

Both events were noted. The La Rochelle event may also include a General Assembly Meeting.

#### **7.0 Other seminars and workshops attended**

- SWiPE Workshop 29-30/06/22 (Paul S & Teodor)
- IMPEL Land & Water conf, Lisbon 11-12/10/22 (AB)
- UNITE Env crime conf, Bangkok 16/10/22 (J-P R)
- ERA Water Pollution training, Virtual 21/10/22 (AB)
- EUFJE Annual conference; Paris, France 24-26 October 2022 (J-P R)
- OPFA – Final event; Rome, Italy 26/10/22 (AK)
- CEPOL WLC, Budapest, 07-11/11/22 (Teodor)
- IMPEL Waste conference, Malta 09/11/22 (RdR)
- (ECA) TAIEX workshop, Brussels 14/11/22

**Forward look** - Taken as read.

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- CEPOL Waste crimes 07-11/12/22 (Howard McCann)
- ERA Water Pollution training (EU law) – 23-24 & 30-31/01/23 French (virtual) – speaker needed;  
23-24 April 2023, German (virtual) – speaker needed.

#### **8.0 AOB, date of next meeting & Close**

No items of AOB. Meeting closed at 14.30 hrs.

Next meeting between 04-24 February 2022, location TBC

NEW ACTION – SR to find most suitable date & location.