



Co-funded by the
European Union

European Network of Prosecutors for the Environment - ENPE

Meeting of the Board of Directors

12 April 2024

09.30 hrs – 16.00 hrs CET

Scotland House, Rond-Point, Schuman-6, Brussels & MS Teams

Attended: Anne Brosnan (EA, Chair); David Smith (EPA, Ireland – MS Teams); Lars Magnusson (REMA, Sweden); Jean-Philippe Rivaud (MoJ, France – MS Teams); Aisling Kelly (Microsoft, Ireland – MS Teams); Rob de Rijck (FP, Netherlands); Antonio Vercher Noguera (FM, Spain).

Guests: Ms Vita Jukne, Head of Unit; Ms Elisabetta Reyneri; Ms Olga Kurpisz; Dr Miroslav Angelov (all DG ENV); Ms Sara Boogers (MoJ, Belgium)

Secretariat: Shaun Robinson (EA, England, UK).

Minutes

1.0 Introduction

AB introduced the main items for the day and welcomed our guests from the European Commission and Sara Boogers, a Supporting Member of ENPE.

2.0 Minutes and actions from last Board meeting (15/12/23)

These were signed off & actions complete, the following would be covered in the agenda:

- UBO appeal update (RdR)
- ENPE Presidency and proposed ENPE Board Changes (AB/ All)
- ENPE annual conference, proposed for UCC in Cork (SR)
- ECD update (DG ENV delegation/ All)

[SB joined meeting 09.45 hrs]

NEW ACTION – DS to share information on dedicated environmental court in Dublin, IRE

3.0 ENPE Membership & UBO update

SR advised that Sebastian Christ, a German prosecutor, had joined as a Supporting Member and that the Prosecuting Association of Serbia (PAS) had joined as Observer Members after approval of their applications by the Board by correspondence.

RdR detailed the UBO registration situation, the appeal and current position. No further action by ENPE is proposed. All agreed this. Belgian Ministry of Finance will advise of their decision in due course. Although all ENPE Directors are now formally UBO registered, ENPE may still incur a small penalty.

AB, on behalf of the ENPE Board, thanked RdR for all his work on this issue.

4.0 Pre-meeting DG ENV-ENPE co-operation

AB welcomed the opportunity to meet with DG ENV to discuss the latest position on the ECD and discuss future co-operation between ENPE & DG ENV.

The ECD was formally adopted on 27/02/2024. A lot of work has been undertaken to get here, including that completed by the ENPE ECD Working Group led by AB and RdR.



Co-funded by the
European Union

AB thanked RdR and all of our group members.

RdR noted that 'actions for implementation' were now needed. AV had gone through the new Directive in a detailed manner and would share his review.

NEW ACTION – AV to share his review of the new updated ECD with the ENPE Board

SB noted the inclusion of new offences such as deforestation, and reference to organised crime. Lots of training – perhaps a joint workshop, is needed. All agreed.

RdR said a high-profile joint conference could be convened to coincide with the date of implementation. Likely to be December 2024/early 2025.

5.0 (10.30 hrs) DG ENV-ENPE presentation: Ms Vita Jukne, Head of Unit DG ENV

Following a Tour-de-Table, VK presented on the updated ECD. Key points were:

- This is very recent, with signatures only added (for authorisation) on 11/04/24;
- It was a collaborative project, with the work of ENPE and others recognised;
- It is a good time to take stock and reflect. Improvement of the ECD has been a long-standing project. Network feedback (including from ENPE) is important;
- 499 votes were in favour (European Parliament) so it was very well supported;
- A key addition was 'unlawful authorisation' of (regulated) activities – ignorance not a defence;
- Of interest to ENPE are the specific chemical offences including pesticides;
- New sanctions should be *effective, dissuasive and proportionate*;
- New *evaluation & review* clauses e.g. after 7 years – to ensure effectiveness;
- Protection for citizens reporting environmental offences with concerned members of the public having the right to participate in proceedings;
- A key objective was a *strengthening of the enforcement chain* with ENPE's role, amongst others, recognised.
- Co-operation and co-ordination within MS to find 'best fit' will be necessary;
- Appropriate training, including of judges prosecutors and officers would be needed going forward;
- National strategies for implementation would be needed – open-ended, with ENPE input highly valued in this regard.

The monitoring of the effectiveness of the ECD will involve DG ENV engaging with ENPE and the other enforcement networks via the Environmental Compliance & Governance Forum (ECA).



Co-funded by the
European Union

More details on all of this will soon be available via the DG ENV/ Europa website. Lots of implementation activity likely.

NEW ACTION – SR to share the link (when available) via the ENPE website

MA noted the formal recognition of ENPE in the implementation of the ECD.

SB was pleased to see *effective, dissuasive and proportionate* sanctions included, following the recommendations of LIFE-ENPE WG 4 (Carol Billiet's Working Group).

AB asked whether ENPE could assist immediately e.g. via training? VK said yes, particularly 'new crimes', which were not yet on the radar.

AV was pleased to see the link with corruption/ organised environmental crime. This was already a factor in Spain, where prosecution of such crimes was already ongoing.

MA noted priority for mechanisms of collecting & sharing data e.g. crimes database.

AB said that ENPE could possibly include some work in its project groups on the ECD. Also workshops for establishing national strategies using existing ones (e.g. Netherlands) as an example, with direction (priorities) from DG ENV.

Other areas of possible training included illegal logging. 'Ecocide' definition in the new ECD. VJ confirmed "qualified offence" around ecocide would allow MS flexibility on this.

On behalf of ENPE, AB congratulated VK and her team for delivering the new ECD – with a round of applause following from the meeting attendees.

It was agreed that ENPE would keep up the dialogue with DG ENV to establish next steps. DG ENV would be happy to be a 'sounding board' for next steps.

12.00 hrs – 13.00 hrs [SR KBC bank appointment] & lunch

6.0 ENPE Board Appointments & Articles of Association

AB explained that post-Brexit it had been a relatively smooth transition with UK (England, EA) holding the Presidency, but now may be a time for change. RdR was proposed as new President.

RdR said that if agreed, this would suit him. He will remain an operational prosecutor in the Netherlands (FP), but in a more strategic role & president of ENPE for 3 years only.

AB formally proposed that RdR would take on the role of President with the UK (England) taking on the role of Secretary General. The current Secretary General (LM) would become a Vice-President. The formal hand-over would be on 10/10/24.

DS seconded the proposal.

All Board members present (AV, DS, AK, LM & J-PR) agreed with the proposal (unanimous).

This would be ratified at the General Meeting by ENPE members on 10/10.24, Cork, Ireland). RdR as the new President, would chair the second day (11/10/24)



Co-funded by the
European Union

SB said that ENPE would miss AB's Presidency – *All agreed and thanked Anne.*

7.0 ENPE Working Groups – update

- RdR (W & IP) - workshop planned for Vienna. 25-26/11/24 with UNODC;
- LM & SR updated on the Wildlife crime WG - Verona workshop 18-19.04.24 (RfH), SR attending online; Case studies collated & shared at Cork Conference;
- Pollution – DS said a Marine Pollution questionnaire was sent to all ENPE members; guide training/ guidance needs, presented at breakout session at Cork.

8.0 Events Attended

AFMJE annual conference; Paris 09 December 2023 – J-PR updated; possible joint conference (like La Rochelle) 2024, water-focussed, Roubaix, nr Lille;

NEW ACTION - J-P to ask AB & SR how ENPE can contribute, all thoughts welcome;

- SB updated on the EJTN Lot 4 Annual meeting, Brussels 29/01/24 (summary shared previously by email);
- AB reported on the ERA training – Trier 05-07 February 2024 (AB & TN had attended) – more sessions were planned, it was a good symbiotic relationship (ENPE & ERA);
- RdR had presented at an IAP/ UNEP webinar on Environmental Crime 20/03/24 – introductory only, good contact made with UNODC colleague.

Forward look

- Reason for Hope II Italy/ Hybrid – 18-19 April 2024 (covered in earlier WG item)
- RERI (Serbia) – 24-25 April 2024 Belgrade AV & DS – SR noted the promotion of Balkan events/ participants from Eurojust (SR had shared details on this event)

NEW ACTION – AV to share Serbian prosecutor details with Board

- ERA WLC & Illegal logging training 24-26 April 2024 (Barcelona)
- LIFE-SWEAP final conference, 2-3 May 2024 (The Hague)
- ERA WLC & Illegal logging training 14-16 June 2024 (Naples)
- SR updated on the ENPE & UCC conference 10-11 October 2024 (Cork, Ireland)
- AB updated on the AELERT Global Summit 05-08 November 2024 (Brisbane, Au)
- RdR updated on the SWEAP wash-up/ final event, in The Hague in May (2-3) he would attend on behalf of ENPE

NEW ACTION – RdR to share SWEAP link with Katerina Weisssova & Howard MCCann

9.0 AOB & Close (16.00 hrs)

DS asked about Ukraine situation? AB explained that we had been informed that our support was not needed. We are still open to assist as and when needed.

SR updated on the Corporate travel arrangement with Figame. It was agreed that non rail & air travel (i.e. car travel) and subsistence claims would only be supported exceptionally.

NEW ACTION – SR to clarify in covering email to all members when updating them.

RdR asked about ENPE insurance? SR confirmed all insurance was in place.