

European Network of Prosecutors for the Environment

Réseau des Procureurs Européens pour l'environnement



ENPE newsletter

March 2016

Welcome from our President

I have the pleasure of welcoming you to the first ever edition of the ENPE newsletter.

This important network was conceived in 2012 with an over-arching aim of tackling inconsistency across Europe in environmental law enforcement.



As a truly pan-European initiative we are delighted that ENPE, with the EU Forum of Judges for the Environment (EUFJE), is now receiving financial support from the EU Life Programme. We will use this funding to develop the network over the next five years into a valuable resource to support the day to day work of environmental prosecutors.

I also want to take this opportunity to thank our many partners for the work that has gone into this so far and look forward to a wonderful partnership over the coming years. We look forward to keeping you up to date on all ENPE activities, events and publications.

We have much to do, and are all looking forward to the journey.

The continued development of the network also depends on the support and engagement of all the readers of this newsletter, whether practicing environmental prosecutors or simply those with a concern in tackling environmental crime. I hope you all enjoy our first newsletter, but please do get in touch if you want to find out more, have items you would like to share, or simply to let us know what you think!

Jonathan Robinson
ENPE President

Future editions

We very much value your input. If you have any items, whether prosecution case updates, lessons learnt, legal developments or anything else likely to be of interest to environmental prosecutors, and which you would like us to disseminate on your behalf, please let us know. You can contact the ENPE secretariat via: shaun.robinson@environment-agency.gov.uk.

About ENPE

ENPE is an active network of environmental prosecutors open to membership from organisations involved in the criminal prosecution of environmental law.

We are pan-European multi-partner network. Our purpose is to promote the enforcement of environmental criminal law in Europe. We aim to support the day to day work of environmental prosecutors, to enable them to better tackle environmental crime. This is through training, knowledge-sharing, co-operation and instilling best practices across Europe.

Over the next 5 years ENPE has an ambitious work programme to achieve this, focusing on 4 key areas:

- wildlife crime
- waste crime
- chemical pollution
- prosecution and sanctioning practices

See our website for more information: www.environmentalprosecutors.eu

Contact us

Shaun Robinson, ENPE
secretariat support

shaun.robinson@environment-agency.gov.uk

Mobile: +44 (0)7771 940690

Telephone: +44 (0)203 025 2880



LIFE14 GIE/UK/000043

ENPE has received funding received funding from the EU LIFE Programme

ENPE & EU Life



We are pleased to announce that the EU LIFE project agreements that secure EU funding for ENPE and that establish the framework for our cooperation to develop ENPE over the next 5 years are now official.

Final signing took place on 18 January 2016 in Brussels between ENPE's EU LIFE partners from the United Kingdom, Ireland, Belgium, the Netherlands, and Sweden.



EU Environmental Enforcement Networks Conference

ENPE is one of four organisations hosting this conference on 12-13 May 2016 at the Dom Church in Utrecht, Netherlands.

The conference theme is:

“Strengthening environmental compliance: Challenges and Solutions”

Internationally recognised guest speakers will present on this theme and lead break-out sessions in the magnificent surroundings of Utrecht’s world-famous Dome Church.

This conference will highlight current challenges, and present practical solutions and best practice from Europe and the rest of the world on this theme. This conference is the first time four EU environmental networks have joined forces to share knowledge and expertise in targeting all aspects of the environmental compliance chain.

Registration

The registration procedure is now open. Click [here](#) to go the conference website.

Contact

For queries contact the IMPEL secretariat at: info@impel.eu

ENPE attends joint UN/EU workshop in Indonesia on illegal forest fires

Fires in Indonesia’s lowland peat forests are a major environmental crime. The deliberately set fires of late 2015 created poor air quality across the region, damaged wildlife and habitats and, at its peak, contributed more CO₂ to the atmosphere than the entire US economy.

Tackling them represents a significant prosecution challenge for the Indonesian government.



At the invitation of a joint UN/EU programme, an expert ENPE delegation visited Indonesia in February 2016 to help local prosecutors address gaps in evidence collection, investigation and prosecution practices. By drawing on the expertise available through ENPE’s membership, Indonesia hopes to bring to justice the companies responsible for this major environmental disaster that plagued Northern Indonesia and neighbouring countries last year.

EU Action Plan against wildlife trafficking

The European Commission has launched its Action Plan to crack down on wildlife trafficking.

This is an ambitious blueprint to tackle what has become one of the most profitable criminal activities worldwide. ENPE is pleased to have contributed towards the Action Plan and looks forward to working closely with partners to help deliver a number of its recommendations and work packages.



Further details of the Action Plan can be found on the Commission website [here](#).

For more information on ENPE’s wildlife working group, contact Lars Magnusson: lars.magnusson@aklagare.se.

Landmark Irish prosecution €20 million fine

In October 2015 the Dublin Circuit Court fined a landfill operator €20 million for nuisance odours and pollution offences. This ground-breaking prosecution on behalf of the Irish Environmental Protection Agency helps send an important deterrent message to environmental criminals.



It is also part of what may be a growing (though not universal) trend in increased fines for environmental offences across the EU. In the United Kingdom, recently revised sentencing guidelines for judges have led to the English Environment Agency securing a number of 6 and 7 figure fines in quick succession. Most recently, in January 2016, a privatised water company was fined £1 million (approximately €1.4 million) for water pollution offences.

ENPE is currently engaged in an analysis of real-world sentencing for environmental crime across the EU and we hope to report back further soon.

For more information on Environmental Protection Agency prosecution, contact Lorna Dempsey: l.dempsey@epa.ie.

Wildlife crime and the Aarhus Convention in Belgium

In a groundbreaking judgment, touching upon criminal environmental law, human rights and the Aarhus convention, the Belgian Constitutional Court found that a national law concerning civil damages for environmental crime was only constitutional where it provided for NGOs to recover damages that were more than symbolic.



This arose from a prosecution before the Belgian Criminal Court, concerning illegal hunting practices. A bird protection organisation acted as a civil party, claiming compensation for material and moral damages. Since wild birds belong to no-one, the court was faced with the possibility that it could not award civil damages beyond €1. Such an outcome, it was argued, was unconstitutional.

The Belgian Constitutional Court considered the Constitution, as well as Article 1 Protocol 1 ECHR, and the rights to access to justice enshrined in the Aarhus Convention. It concluded that the Belgian Civil Code could only be considered constitutional if it permitted an environmental NGO to recover more than merely symbolic moral compensation for damage done to the environment.

This represents a significant extension to the principle in Belgian law that environmental criminals can be made to pay society at large for the damage they do to the environment. As the Belgian Constitutional Court recognised, quantifying the damages due for the loss in the country's natural capital is a difficult task; however, one that the Criminal Court must now tackle.

Full details of the case can be found on the website of the Belgian Constitutional Court (in [Flemish](#), [French](#) or [German](#)). A case summary in English will shortly be available on the UNECE website [here](#).

Unsubscribe: We have sent you this newsletter as you have previously indicated an interest in ENPE. If you would prefer not to receive updates from us in future, please let us know by email (shaun.robinson@environment-agency.gov.uk) and we will remove you from our mailing list.