

New policy recommendations to facilitate EU action against environmental crime

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The EU-funded EFFACE project has delivered a series of comprehensive recommendations on how the EU can better detect incidents of environmental crime and suitably punish those responsible.

Although there are differing opinions on the exact definition of [environmental crime](#), the project, which hosted its final conference in Brussels from 17 to 18 February 2016, worked on the basis that environmental crime effectively damages the environment and often also has a negative impact on people living in the affected areas. Environmental crime can also be linked to organised crime or corruption, and as such, incidents can take on many forms.

The EFFACE researchers undertook 12 detailed case studies that

focused on various sectors affected by environmental crime, both within the EU and in third countries. These included a focus on mining, fisheries, wildlife conservation, waste, pollution and the illegal cultivation of narcotics.

Through the case studies, the project provided detailed recommendations on how the EU can better identify, prosecute and punish individuals or organisations that commit acts of environmental crime.

The importance of reliable data

One of the key conclusions that was repeatedly emphasised throughout the conference was the need to improve data gathering and analysis methods.

The project looked at the issue of data from a variety of angles, including within EU Member States, at EU-level, internationally, and through the scope of different types of crime. The overall picture was of a fragmented data landscape, where some EU Member States may possess good data on environmental crime, but such data is not compared, collated or shared with other Member States or at EU-level.

EFFACE has recommended that there should be an obligation imposed on EU Member States to provide relevant data on the precise number of violations, prosecutions and imposed sanctions for breaches of European environmental law.

This would not only help Member States adequately target real violations but also guide action and channel support from the EU-level to where it is most needed. 'Smart environmental crime enforcement relies on data to direct resources to where they are most needed: what, where and when to make inspections,' commented Andrew Farmer from the Institute for

European Environmental Policy (IEEP), who presented the project's findings.

The project also recommended more technological innovations to improve data collection, such as using satellites to track incidents of illegal fishing and fossil fuel-related pollution, or the use of DNA tagging to combat poaching and wildlife destruction.

A stronger legal and administrative framework

EFFACE also provided detailed recommendations on how the EU can reinforce its legal and regulatory frameworks to be more effective in tackling environmental crime.

First amongst its core proposals regarding the EU, the project argues that rules on the confiscation and forfeiture of the proceeds of environmental crime should be adopted at EU-level - in essence, those who commit environmental crime should not be allowed to profit from it. Finally, there should be EU minimum criteria for inspections and monitoring that all Member States should follow.

At Member State level, there should be effective sanctions, including civil and administrative sanctions that also include fines. When relevant, perpetrators of environmental crime should also be made to repair the damage they've caused.

The need for a wider and more comprehensive toolbox for combating environmental crime, through administrative, civil and - when necessary - criminal means was succinctly summarised by Michael Faure, Chair of the Flemish High Enforcement Council for the Environment:

'Enforcement policy should be just like a good Belgian café – there should be many different penalties on draught to choose from.'

Next steps

Although the EFFACE project will be shortly ending, its project team has highlighted a number of topics that are suitable for further research and consideration.

This includes whether or not harmonised sanctions against perpetrators of environmental crime should be adopted into EU law and further research on how effective these are likely to be.

Finally, the external dimension to the EU's efforts against environmental crime should also be studied in more detail. EFFACE argues that the EU should take seriously incidents of environmental crime beyond its borders but acknowledged that there is still a serious debate to undertake on how far the EU should go in this regard, and what this would mean in practice with regards to its external policy priorities.

More information: For more information please see the EFFACE project website: efface.eu/

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