

4 NETWORKS DAY



EU FORUM OF JUDGES FOR THE ENVIRONMENT
UE FORUM DES JUGES POUR L'ENVIRONNEMENT

Together in the fight against environmental crime

Date: 21 May 2021

Time: 09:00 - 12:30 | 13:30 - 16:15 CET

Location: online, hosted by LIFE+ SATEC





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4 Networks Day EU GREEN WEEK 2021 PARTNER EVENT

BRIEF DESCRIPTION

International cooperation and alignment are very important when it comes to enforcement of EU environmental law. To improve the collaboration and alignment of enforcement, it is essential that enforcers have structural, personal and frequent contact moments where they can strengthen their network, exchange experiences and best practices, discuss ongoing cases and align their enforcement activities together.

The overall goal of the 4 Networks day is to bring all relevant parties together to debate joint efforts to fight environmental crime: Together in the fight against environmental crime.



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WORKSHOP ABSTRACTS

4 Networks Day - *Together in the Fight Against Environmental Crime*

1. **BIOVAL project (developing a tool for evaluation of damage to species): state of play of the project and discussion (led by EUFJE)**

BIOVAL is a joint project of EUFJE, IMPEL, ENPE and KU Leuven. It aims at creating a non-binding, practical instrument to value ecological damages in court.

The major advantages of using such a valuation instrument in administrative, civil or criminal procedures would be the greater legal certainty and the shorter case duration. It may also lead to more equal treatment of similar cases assessed in different contexts (different regions, different courts, different procedures...). Initially, the scope of the BIOVAL project will be limited to the valuation of wild fauna / vertebrates.

In a first stage, we searched for and examining existing price list systems in EU member states. In Spring 2020, an online survey was launched.

To collect as much information as possible and to start up discussions, we submitted 3 cases to our judges, prosecutors, inspectors, academics, ngo's regarding the wolf, the starling and the red kite.

In August and September 2020, we analyzed the information obtained so far, focusing on the red kite (*milvus milvus*), which is often the victim of poisoning and habitat destruction. This exercise was conducted to get a feel with the values, how are these chosen and which problems exist?

As a result of this "Red kite exercise", in a nutshell, we found legislation and values for the red kite in not less than 10 (mainly Eastern) European countries who have price lists or similar instruments. Values range from 150 euro in Bulgaria to 17.200 euro in Latvia.

IMPEL is now looking for a consultant (scientific institute) to develop a first proposal of a method or criteria to calculate damage to ecosystems and protected species to use during prosecution and court proceedings.

The study report will serve as a start note for a series of webinars / workshops we intend to organize in autumn 2021 for in dept discussions aiming at biologists, ecologists, economists, lawyers.

During the 4 Networks Day on 21 May 2021 (1.30-3PM) we would like to briefly present the state of play of the BIOVAL project (30 minutes) to interested IMPEL, ENPE, EUFJE and EnviCrimeNet members. After this short presentation we would like to organize a discussion (1 hour) and collect your views and experiences.

Moderator: Jan Van den Berghe, EUFJE, vice-president of the Court of First Instance of East-Flanders in Belgium

Rapporteur: Farah Bouquelle, EUFJE secretariat, assistant Centre for Environmental and Energy Law, University of Ghent



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2. Shipment of Waste Enforcement Actions (SWEAP) project (led by IMPEL)

This workshop will cover the introduction of novel reporting tools for European competent authorities responsible for inspection waste shipments. The Shipment of Waste Enforcement Actions Project has introduced an “inspection app” which should help prevent illegal shipments, facilitate evidence collection and reporting enforcement action. This workshop will explore the way the app works and the adaptations that may be needed to ensure that it is “fit for purpose” for officers in terms of the information they need to provide prosecutors and for intelligence gathering.

Moderator: Katie Olley, Scottish Environment Protection Agency, United Kingdom & Allison Townley Northern Ireland Environment Agency

Rapporteur: Nancy Isarin, Networking and Communication for SWEAP

3. Illegal plastic waste shipment (led by IMPEL)

The presentation for this workshop will focus on the updates to the Basel Convention and the current challenges in enforcing these changes. In the brainstorming session we will chair a discussion on how best to address the issue of illegal plastic waste shipments and to propose future work packages for addressing the issue through IMPEL’s Plastic Waste Shipments project.

Moderator/Rapporteur: Brian Heffernan and Brian White, Dublin City Council, Ireland

4. Wildlife crime, including case study (led by ENPE)

The ENPE session on Wildlife Crime will be a real practitioner session run in conjunction with our colleagues from the LIFE SWiPE Project (LIFE19 GIE/BG/000846). SWiPE, which stands for Successful Wildlife Crime Prosecution in Europe, is an EU LIFE programme-funded multi-beneficiary €3m 3-year project, led by the WorldWide Fund for Nature (WWF), Danube-Carpathian Programme (Bulgaria). The project started in September 2020 and will conclude in August 2023. The overall project objective is to discourage and ultimately reduce Wildlife Crime by improving compliance with EU Environmental Law, increasing the number of successfully prosecuted offences.

The presenters, including representatives from the SWiPE project, will be discussing two case studies in which they have been involved, which have been successful before the criminal courts. The first case study concerns the poaching of chamois in Romania. We will hear about the creation of Romanian Gendarmerie Anti-poaching Units and how their work is addressing poaching with a focus on a case of international poachers being caught in Romania. The second case study reports on the successful prosecution and imprisonment of a game keeper and two hunting reserve managers following the widespread poisoning of over a hundred raptors, including endangered species in the province of Navarra, Spain.

Case 1 - Wildlife poaching case: Chamois in Romania

In 2018, the Romanian Gendarmerie and other law enforcement agencies arrested and charged 4 persons with the poaching of chamois for trophy hunting. This incident followed a partnership between conservation NGO’s, Fauna & Flora International, Zarand Association and the Romanian Gendarmerie to create, equip and train Gendarmerie Anti-poaching Units. Funding was obtained through the EC LIFE funding programme to equip anti-poaching units and conservation NGO’s provided training in patrolling, wildlife management and monitoring and evaluation.



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Over a 5-year period, the anti-poaching units sanctioned 379 wildlife crimes issuing €37,285 in fines. Wildlife crimes included poaching of wildlife, including fish, the use of snares, non-conformance with firearms legislation and illegal harvest of timber. On the 12th October 2018 the Gendarmerie were informed of a suspicious vehicle operating within a hunting concession. Within an hour of the receiving the information the Gendarmerie had cordoned off the area and working with the Hunting Administration they had stopped the foreign registered vehicle and apprehended 4 persons in possession of unlicensed firearms and a shot and butchered chamois. 2 of the individuals were Romanian nationals and 2 were non-Romanian, being registered as Austrian citizens. On securing the site and determining the significance of the crime, the Gendarmerie requested the police to attend and support processing of evidence collection. The case file was passed onto the Prosecutors Office as a case of poaching under law 406/2006. It is highly likely that the chamois was poached as a trophy. Chamois are designated as a species of Community interest in Romania (OUG.57/2017 in Annex 5A) and are listed as a game species for hunting. The case is ongoing and the issues around prosecuting crime on multiple offences will be discussed alongside the chain of compliance and the feedback provided to Gendarmerie as the authority that detected the crime.

Case 2 – Raptor poisoning in Navarra Province, Spain

The longest jail terms in Spanish history for wildlife poisoning were imposed following the death of 138 raptors and 4 crows by three men in the province of Navarra, Spain. Wildlife poisoning is illegal and is considered a wildlife crime in Spain. Each of those convicted, including a gamekeeper and two presidents of hunting reserves, was sentenced to two years and eight months in prison by a court in Pamplona for the Wildlife Crime offences. This is the longest ever jail term imposed for wildlife crime poisoning offences in Spain. Additionally, the three were ordered to pay €67,538.65 to Comunidad Foral de Navarra and take measures to remediate the damage caused. In reaching the verdict, the court recognised the planned nature of the offences, involving the management of the hunting reserves. Some notable aspects of this case included:

- The important role played by NGOs, appearing in the case from the beginning with expert lawyers (as private prosecution) and following the case through the years;
- The collaborative efforts of the Guarderio Forestal and the Policia Foral de Navarra in collecting and presenting the key facts and incriminating evidence;
- The means used to gather this evidence (wiretapping, & dog units) particularly since these are not commonly used in wildlife crime cases.

Moderator/Rapporteur: Dr Iain Trewby, Fauna & Flora International, SWiPE (Case 1) & Ms Laura Ruiz, WWF Spain (Case 2)

5. F-gasses and biodiesel fraud (led by EnviCrimeNet)

We all care for the environment. Concerning climate change, we realize more and more that urgent action is needed. The Paris Climate Agreement set new sets of legislation in motion to reduce CO2 emissions. Based on recent criminal and administrative cases from the Special Intelligence and investigation service on environmental crime in the Netherlands and the EMPACT projects on this topics, this sessions will give you insights in the complex EU-based legal system, the challenges for criminal an administrative investigators and the enormous negative impact only a couple of cases can have on our climate goals.

Moderator: Eva Cornelissen, EnviCrimeNet, The Netherlands

Rapporteur: Karin Schuit



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Biographies speakers 4 Networks Day 21 May 2021

Moderator

Anne Brosnan (ENPE) is the Chief Prosecutor of the Environment Agency, in England, United Kingdom.

The Environment Agency is non-departmental Government body charged with the regulation of environmental legislation in England, UK.

Anne is qualified to practice as a solicitor in both England and Australia where she has worked at the Department of Environment and Conservation, in Sydney. She has a Masters degree in Environmental Quality Management. Anne established the Agency's Serious Casework Group in 2007 and was instrumental in the introduction of the English environmental civil sanctions regime in 2010. Anne is President of the European Network of Prosecutors for the Environment (ENPE) and a member of the INTERPOL Pollution Crime Working Group's (PCWG) Board.

Jean-Philippe Lecouffe, Deputy Executive director of EUROPOL, Operations Department, joined the French National Gendarmerie in 1988 and has since held positions of increasing responsibility within this institution, reaching the rank of Lieutenant General shortly before joining Europol. During the course of his career, Mr Lecouffe has led a number of operational units in the field in France and its overseas territories.

In between, Jean-Philippe Lecouffe has held a number of advisor positions, both at the Gendarmerie's central headquarters and at ministerial level. In 2001, he served as an advisor on corporate matters at the Cabinet of the Gendarmerie's General Director. He then served as an advisor to two French Ministers of Defence, in 2002 and 2012 respectively. Between 2010 and 2012, he was deployed to Afghanistan where he served as security attaché at the French Embassy in Kabul under challenging circumstances.

In 2017, Mr Lecouffe was appointed Head of the National Criminal Investigation Directorate of the Gendarmerie. He there oversaw over 30 000 criminal investigators and led the French investigation into the encrypted communication network 'Encrochat' which resulted in the arrest of over 1 800 suspects worldwide.

Jean-Philippe Lecouffe was appointed by the Council of the EU to his current post as Europol's Deputy Executive Director of Operations. He took up his functions in May 2021.

His first visit to Europol dates back to in 1999 when the European Police Office had just been created. He has since visited Europol on numerous occasions and has closely worked with its specialists and analysts on organised crime investigations involving the Gendarmerie.

Mr Lecouffe graduated from both the French Military Academy of Saint-Cyr and the *École de guerre* and Institut national des hautes études de la sécurité et de la justice (INHESJ).

Chairs of the 4 Networks

Kristina Rabe (IMPEL)

After studies of law and political science in Kiel and Geneva and internships in prosecution, courts and administrations in Germany, Kristina Rabe added a stage at the European Commission and Master Studies on European Law at the EUJ in Florence. Next was a service contract with the European Commission (DG Env). She then entered public service at the German Federal Ministry for the Environment, Nature Protection and Nuclear Safety. Her responsibility has covered EMAS, the post – Rio process, radiation protection, Impact assessment, cross-sectoral aspects of environmental criminal law and cross-cutting questions on implementation. Since 2006 she has been the German National IMPEL Coordinator, in November 2019, she was elected IMPEL Chair. She also is a member of the EU Environmental

Compliance and Governance Forum and supports the Commission's Environmental Compliance Action Plan through participation in several informal expert groups.

Luc Lavrysen (EUFJE) holds an Master in Law degree of Ghent University, Belgium (1979). In 1997 he became Doctor in Law at Ghent University. In 1985 he became Legal Secretary at the Court of Arbitration (now the Belgian Constitutional Court). In 2000-2001 he was State Councilor. In 2001 he became a Judge at the Constitutional Court and has been elected Dutch speaking President of that Court in September 2020.

Since February 1998 he is a part-time (20 %) professor in environmental law, charged with courses in environmental law at various faculties. He was secretary of the Centre for Sustainability and member of the board of the Centre for Environmental Science & Technology (CES&T). He was chief editor of an Environmental Law Review *Tijdschrift voor Milieurecht*. He was member of the Federal Council for Sustainable Development and of the Scientific Committee of the Institute for Judicial Training (IGO/IFJ). He is a member of the *Environmental Law Network International*, the *Avosetta* group of Environmental Law Professors and the *IUCN World Commission on Environmental Law*. He is President of the *European Forum of Judges for the Environment*, he is involved in the *UNEP Judges Programs* and is a member of *INECE's Global Council*.

Miguel Angel Godoy Toledo (EnviCrimeNet)

Miguel Angel Godoy is a major of the Guardia Civil with 25 years of experience in which he has undertaken many different missions, including in the field of public security, personal protection of persons of the Spanish Royal House. Later on, he focused on economic crime investigation units. He currently works in the Department of Strategy and International Police Cooperation within the Environmental Protection Service (SEPRONA).

He is the chair of EnviCrimeNet, was co-driver of the EMPACT Envicrime (in the period 2018-2019) and Action Leader of the Operational Action 4.2 Network with Latin-America from 2018 to the present. He is also Executive Secretary of the Jaguar Network, a EU-Latin-American Network of Criminal investigation Units specialised in Environmental Crimes. He is the Technical Director of LIFE+ SATEC Project.

Rob De Rijck (ENPE) Rijck has been a public prosecutor from 1992. He has specialized in environmental criminal law since 2002. In this field, his special interests are in two subjects, i.e. international waste transports and the role of criminal law in the field of the environment. Presently, he is the national coordinating prosecutor in the Netherlands for environmental criminal law enforcement. He is one of the Vice-Presidents of the European Network of Prosecutors for the Environment ENPE and chairs the ENPE Working Group on Waste. He published a number of articles, and, though only occasionally, still appears in court

Keynote speakers

Peter Csonka (DG Justice, EC) specialised in international and European criminal law, Peter Csonka started his career as a prosecutor before joining the Council of Europe and later the International Monetary Fund. He now works for the European Commission as the Head of

General Criminal Law in DG Justice. His main achievements include the setting up of the European Public Prosecutor's Office (EPPO). Peter Csonka is a visiting professor at the "Europa Institute" in Saarbrücken and lectures at the University of Luxembourg.

Lieutenant Colonel Fabio De Rosa of the Italian Carabinieri Corps, is the Vice Chair of EnviCrimeNet for 2021. He graduated from the Italian Military Academy in Modena first and later on from the Carabinieri Officers School in Rome. De Rosa's command assignments include Platoon and Company Commander of the Carabinieri 7th Regiment, where he also served abroad for peacekeeping missions in Kosovo, Bosnia and Iraq. He was Company Commander in Abano Terme, Veneto, and in Acireale, Sicily, where he performed general police duties, including investigations against organised criminal groups - mafia style. Since 2013 he has been serving in the Carabinieri Environmental Protection Command where he is currently the Commander of the Operational Department, the Central Unit responsible of the investigations and operations against the organized crime groups at national as well as at international level.

He is currently Project Director of the ISF – Project OPFA WASTE aimed at tackling transnational waste trafficking.

He has a degree in Law and in Internal and External Security Science.

Workshops led by IMPEL

Brian White is Manager of the National Trans-Frontier Shipments Office (NTFSO), Ireland. In 2007 the Dublin City Council was designated as the single national competent authority for the administration and enforcement of the European Waste Shipment Regulations (WSR) in Ireland and established the NTFSO for the administration and enforcement of responsibilities under the WSR. The NTFSO also has responsibility for the shipments of hazardous waste exclusively within Ireland since 2011. Brian also has responsibility for managing the Waste Enforcement Division in Dublin City Council and is the Coordinator for the East Midlands Waste Enforcement Regional Lead Authority comprising 11 local authorities in the east of Ireland. Brian has worked in several Departments in Dublin City Council throughout his career including the Housing, Corporate Services, Human Resources, and Environment and Transportation Departments.

Brian Heffernan is a Senior Executive Scientist with the National TFS Office (NTFSO) in Dublin City Council. Brian worked as a TFS inspector for eight years in the enforcement unit of the NTFSO. Since 2017, he has provided technical advice to the administration and enforcement units of the NTFSO. He is responsible for the submission of Ireland's waste shipment data and represents the NTFSO on a number of national working groups. He has co-led IMPEL's Plastic Waste Shipments project since 2019 and is also on the management team of IMPEL's SWEAP project.

Katie Olley is a specialist in waste shipments for the Scottish Environment Protection Agency. She is also the current chair of the ENFORCE Network (Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic) and represents Western Europe and Other countries. She is the Project Leader for IMPEL's EU Life-funded Shipments of Waste Enforcement Actions Project. Before becoming a regulator, Katie worked for the Dutch waste industry,

lobbying on European legislation with FEAD (the European Waste Management Association) and CEWEP (the Confederation of European Waste to Energy Plants).

Workshop led by EUFJE

Jan Van den Berghe (EUFJE) worked as a lawyer from 1985-1991 and specialized in environmental cases.

In 1991 he was a nominated Judge in the Court of First Instance in Ghent. He dealt mainly with criminal environmental cases and still does so today.

Since 2002 he has been Vice-President of what is now the Court of First Instance East Flanders and from 2008-2016 he was a member of the Belgian High Council of Justice.

Jan is a founding member of TMR, the Flemish Environmental Law Review, and published on environmental law and he has also been a member of EUFJE (European Forum of Judges for the Environment) from the beginning in 2004. Since 1995 Jan has organized environmental law training for the Belgian Judicial Training Institute (open for judges, prosecutors, inspectors and police).

As a former judge, **Farah Bouquelle (EUFJE)** has been running the EUFJE secretariat since 2018. She holds Master degrees in Environmental & Human Rights Law. Since 2020 she works as a teaching assistant in Environmental Law at the University of Ghent. From 2013 to 2016, Farah was a judge at the Court of First Instance East-Flanders, and before that, from 2009-2013, a judicial trainee at the Prosecutor's Office and then at the Court of First Instance of Kortrijk, West-Flanders. Between 2006 – 2009 Farah worked as an associate at Linklaters LLP in Brussels. She was admitted to the Brussels Bar and practiced town planning, environmental and energy law.

From 2005 – 2006 Farah was a Junior Researcher, Centre for Environmental Law, University of Ghent.

Workshop led by ENPE

Laura Moreno is a Senior Conservation Officer at WWF Spain, accumulates 15 years of experience in Conservation, the last 10 years working alongside the WWF Species Program team, and previously in relevant organizations such as The Royal Botanic Gardens (Kew, in London), Fundación Biodiversidad, and Fundación Edufores (in Madrid). She is an Environmental Scientist, Master in Environmental Management and is currently coordinating the implementation of SWIPE project activities in Spain. She has worked on several conservation projects to preserve threatened species (European mink, Egyptian vulture, Amphibians, etc.), and to fight against some of its threats (invasive alien species, wildlife crime, etc.).

Dr. Iain Trewby is the Country Manager for Romania at Fauna & Flora International.

Growing up in Zambia and Namibia allowed him to witness the negative impacts of poaching, while gaining an understanding of the importance of sustainable harvesting of natural resources for local communities. Working with the Namibian Government in 1995, he collated all confiscated specimens of pangolins in Namibia, building the first database on pangolin poaching in Southern Africa. He gained further understanding of the relationships between

legislation, stakeholders, policy development and the evidence base while working for Governments in wildlife disease management. He now lives in Romania and works to conserve biodiversity with Fauna & Flora International.

Workshop led by EnviCrimeNet

Karin Schuit, Eva Cornelissen and Sijmen Roosma all work in the Netherlands at the Intelligence and Criminal investigation service, which is part of the Human Environment and Transportation Inspectorate. Their criminal investigations focus mainly on organized environmental crime.

Karin is team manager, Eva is coordinator International Affairs and Sijmen is technical expert in Environmental Crime. Eva studied Physical Geography, Karin studied Psychology and Sijmen Chemistry/Environmental Studies. Eva and Karin both followed the Master of Criminal Investigation at the Dutch Police academy. Sijmen has experience in the field of environmental crime for at least 25 years.

Eva and Sijmen will present F-Gasses and Karin Biodiesel Fraud.