



European Union Network for the Implementation  
and Enforcement of Environmental Law

# Impel Project Water Crimes

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*Report number: 2019/11*

*Date of report: 15/06/2020*

## **Introduction to IMPEL**

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 7th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at: [www.impel.eu](http://www.impel.eu)

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<p><b>EXECUTIVE SUMMARY</b></p> <p>Water is a crucial natural resource for the survival of the human and various other species. As a result, water is threatened not only by pollution, but it is becoming more and more attractive to various economic and criminal groups. Water crimes include different kinds of crimes ranging from illegal waste management, water theft, river and marine pollution, manipulation of sampling methods to avoid treatment costs, terrorism and cyber-attacks on water management operations, illegal waste discharges from factories, and unauthorised consumption from the water network. Water crimes are hard to detect, investigate, prosecute and study.</p> <p>Identified research challenges include “the absence of an international classification of water-related crimes”; no working definition of water-related crimes; the scarcity of criminological studies; no mapping of criminal behaviour, motivation or threats; and the complexity of data collection (Water Crimes Project, 2016, p. 6). Despite the huge interest in water, the transparency in the water sector is often limited, opening the door to corruption.</p> <p>Based on this background, the first assignment aimed at increasing knowledge on water crimes, engaging IMPEL Community in a project aimed at collecting and sharing information about the topic, its presence, its perception and management at competent authorities.</p> <p>During the works regarding the IMPEL Water Crimes Project, it emerged that there is interest in developing a preliminary study regarding Soil Crimes too. This kind of crime often are in relationship with water quality and availability, and could be encompassed under the scopes of Water Crimes Project, but sometime could have an autonomous representativeness, as in the case of reported earth theft, or forced land acquisition, often related to waste or other environmental crimes.</p> <p>A section regarding Soil crimes has also been included, in the perspective to feed furthermore detailed studies in support of the improvement of the Soil Thematic Strategy and the development of future Soil Framework Directive</p>	
<p><b>Disclaimer</b></p> <p>This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations or the Commission. Although every effort has been made to ensure the accuracy of the material contained in this document, complete accuracy cannot be guaranteed. The authors do not accept any responsibility whatsoever for loss or damage occasioned, or claimed to have been occasioned, in part or in full, as a consequence of any person acting, or refraining from acting, as a result of a matter contained in this document.</p>	

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## 1 INTRODUCTION

Water is a crucial natural resource for the survival of the human and various other species. As a result, water not only is threatened by pollution, but it is becoming more and more attractive to various economic and criminal groups. Water crimes are an emerging global issue. Water crimes include different kinds of crimes ranging from the pilfering of water from pipelines, illegal waste management, water theft, river and marine pollution, manipulation of sampling methods to avoid treatment costs, fraud and illegal trafficking of water, terrorism and cyber-attacks on water management operations, illegal waste discharges from factories, and unauthorised consumption from the water network. Water crimes are hard to detect, investigate, prosecute and study. It is necessary for law enforcement officers to have knowledge related to water crimes – from natural and social sciences to other knowledge such as biology and chemistry. Further, they must have well-organised coordination and cooperation with other control entities like inspectorates, institutes, etc.

Identified research challenges include “the absence of an international classification of water-related crimes”; no working definition of water-related crimes; the scarcity of criminological studies; no mapping of criminal behaviour, motivation or threats; the complexity of data collection (Water Crimes Project, 2016, p. 6). Water-related crimes are often recorded under other offences (e.g. fraud, corruption, trafficking, falsification of documents, organised crime etc.) due to the lack of a systematic analytical approach leading to an agreed (working) definition and international classification of water-related crimes.

Despite the huge interest in water, the transparency in the water sector is often limited, opening the door to corruption. The World Bank (2016) estimates that criminal and / or corruption in the water sector causes between 20 and 40 percent of lost revenues.

Water is a natural resource that is vital for life, social and economic activities as well as the functioning of the ecosystem. It is a strategic resource for the future of the entire world. Therefore, we must be even more aware of water crimes because such acts have a considerable effect on the quality and quantity of water.

## 1.1 *The Project*

Based on this background, the first assignment aimed at increasing knowledge on water crimes, engaging IMPEL Community in a project finalized at collecting and sharing information about the topic, its presence, its perception and management at competent authorities.

The previous Project on Water Crimes (report 2018/11), showed that:

- Pollution is considered the most frequent offence.
- Competence in matters of water crime other than pollution and, in part, from theft, are minimal.
- Cyber attacks and terrorism are almost unknown threats in the water sector, though they exist.
- Crimes against water can seriously damage the soil and the animal species.

According to what we know about water crimes and the potential drivers of increases in such crimes, there is an important need for research in this area.

During the works regarding the previous IMPEL Water Crimes Project, it emerged that there is interest in developing a preliminary study regarding Soil Crimes. These kinds of crime often are in relationship with water quality and availability, and could be encompassed under the scopes of Water Crimes Project, but sometime could have an autonomous dignity, as in the case of reported earth theft, or forced land acquisition, often related to waste or other environmental crimes.

The project aims to develop an inventory of water violations and the way in which they are prosecuted by the law.

A section regarding Soil crimes has also been included, in the perspective to feed furthermore detailed studies in support of the improvement of the Soil Thematic Strategy and the development of future Soil Framework Directive.

To increase the information two different kinds of survey have been realized; one for the IMPEL community and another one for prosecutors. This last had the focus on judicial aspects and had been sent to prosecutors, in order to obtain information that are lacking inside IMPEL community.

## 1.2 Participants

The questionnaire was published at the end of 2019 and closed in February 2020; there were 23 answers on the “environmental” version and 12 on the “prosecutor” version

In detail about the environmental questionnaire we had 23 answers among 13 nations, the majority came from Italy, but in general there is a good overview of all Europe.

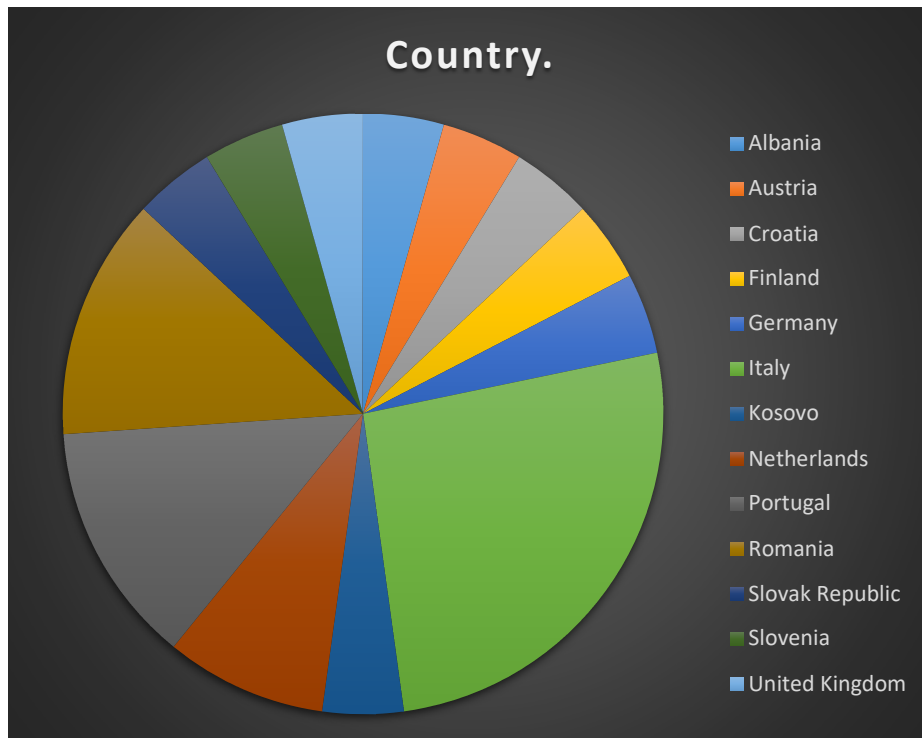


Figure 1 – Country belongings

Almost half of the participants work in national organisations, so the answers is relevant at national level.



Figure 2 – Level of the organisation

Another interesting aspect is that the organizations of the participants were not only Environmental Agencies but there was a variety of organizations, this gives us a more data representativeness.

It is very interesting notice the different functions / organizations of the participants; in details, the participants are:

General Inspection of Agriculture, Sea, Environment and Spatial Planning - Portugal	Environment Inspector - Inspeção-Geral da Agricultura, do Mar, Do Ambiente e do Ordenamento do Território
Police Berlin (State Police), Landeskriminalamt (Criminal State Police) Unit 336 - Germany	Unit Commander Environmental Offences
Centre for Economic Development, Transport and the Environment - Finland	Environmental inspector
Italian Province *	Local
Romania*	Local
Croatia*	National
CCDRA - Portugal	vice president of Algarve Regional Coordination and Development Commission (Pt)
State Inspectorate of Environment, Forestry, Water -Albania	State Inspectorate of Environment is responsible for all inspection functions in the relevant field.
Netherlands*	Regional
Slovak Environmental Inspectorate-Slovacchia	IMPEL NCO
Municipality of Mornago (VA) Italy	Police officer
Inspectorate for environment and spatial planning - Slovenia	environmental inspector
Austria*	Regional
Environment Agency - Legal Services (Enforcement and Prosecutions) - UK	Non-departmental government public body. Principal duties to take an integrated approach to environmental protection and enhancement in England, including major responsibilities for the management and regulation of the water environment.
Italian Municipality*	Local
Prosecutor s Office attached to the High Court of Cassation and Justice - Romania	Drawing up study notes on controversial issues in judicial practice, including environmental issues, coordination of the national Network of prosecutors specialized in investigating offenses against environment.
Portuguese Environment Agency - Portugal	Senior Officer at Water Resources Department
Ufficio d'ambito di Como - Italy	Water resources management (drinking water and waste water)
National Administration of Romanian Waters - Romania	Management of water sources in Romania, control of compliance with the legislation in the field of groundwater and surface water



Attorney General's Office Supreme Court - Procura generale Cassazione - Italy	Network Coordinator General Public Prosecutor's Offices in environmental matters. Deputy General Public Prosecutor in criminal matters
Waterboard Vallei & Veluwe - Netherlands	Water inspector for industrial purposes
Environmental Protection Regional Agency of Lombardia - Italy	Manager of Complex Organisational Sector "Production Activities"
Ministry of Environment and Spatial Planning - Kosovo	Water Protection Inspector

\* In the questionnaire these organizations asked not to be mentioned, so we report only the nation and the operational level.

From the "prosecutors" we received 12 answers, but only one was outside Italy. It's clearly a weakness in the finding the right destination of, so it will be necessary to think a different strategy to involve the European Judicial System.

### *1.3 Acknowledgment*

This report has been written only for the collaboration of all the people that spent part of their time to answer the questionnaire.

Due to the exceptional situation determined by COVID-19 it was not possible to have a final meeting.

In any case, the authors want to thank all the people that have collaborated and the report belong to all of us.

For the reason that some answerers asked not to be mentioned, it was chosen not to write the names.

## 2 THE SURVEY

### *2.1 Environmental questionnaire*

The new questionnaire has its origin from the 2018 answers and tries to deepen the aspects that the 2018 report highlighted.

In section 1 there are the data on the respondent (nation, name, organization and its functions) and on its organization (national, regional or local), as well as the requested level of privacy.

In section 2 after question of the fields of competence of their organizations (pollution, corruption, theft, fraud, organized crime, terrorism, cyber attacks) and the personal experience, we tried to focus on the access to justice on the environmental governance with a series of questions if there are specialised courts, relevant national cases and which is the trend in the incidence and severity of penalties against environmental crimes, the presence of standardized procedure for assessing environmental damage, the utilization of satellite systems to detect environmental crimes.

The next part is how they managed water and soil crimes in detail; so the first questions are on water abstraction, the known types of crimes and their description, then the kind of specific legal provisions (penal/criminal, administrative, civil, nothing, other) and which are the key actors about soil crimes.

Section 3 refers to the knowledge of data or statistics about the different water and soil crimes for the different types.

The section 4 is about case studies, if known.

In annex 1 the questionnaire.

### *2.2 Prosecutors questionnaire*

This version has some differences from the “environmental” one, since we tried to focus on the judicial aspects, so many question are similar; mainly it’s only shorter and without some environmental parts.

In annex 2 the questionnaire.

### 3 THE RESULTS

#### 3.1 Access to Justice – Environmental Governance

The first question of this part was if there is a specialised environmental court, or section of the national courts which is specialised in environmental cases.

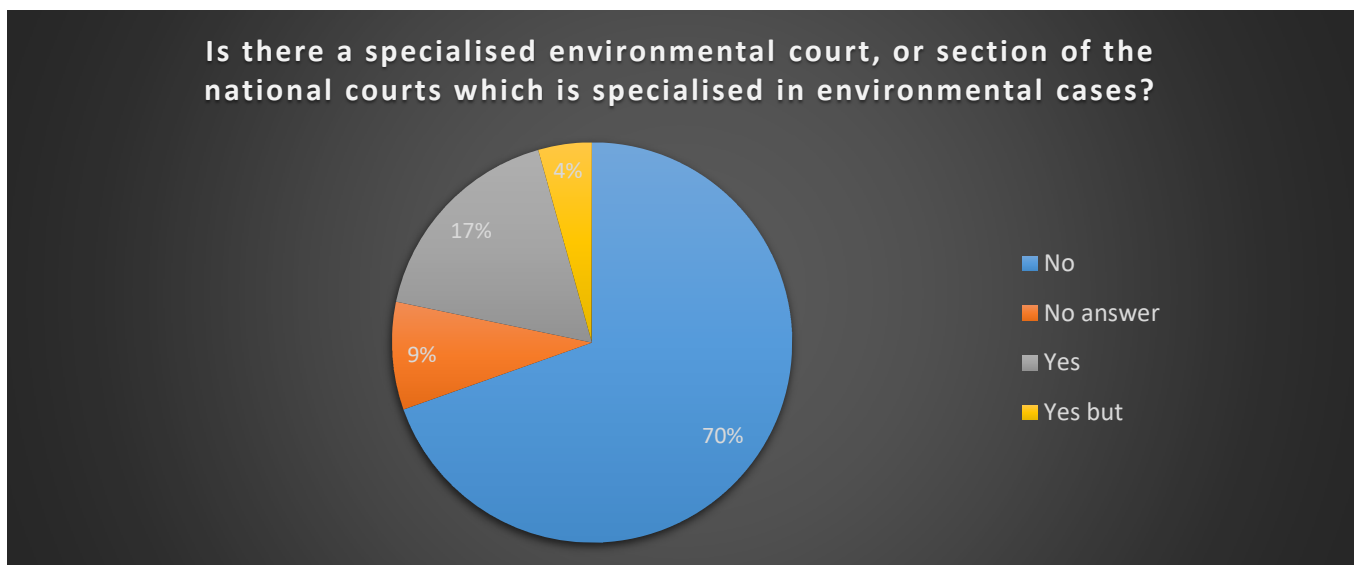


Figure 3 – Specialised environmental court

As we can notice in the majority of the nations there isn't; there may be specific group of prosecutors which follow environmental cases, this is not governed by laws, but a choice of some courts (usually in big cities). Some particular cases are in Italy where there is the "Superior Water Court" but it has competence only for "property", borders, adductions, ...; or in UK where there is the First-tier Tribunal (General Regulatory Chamber), which hears appeals against the imposition of civil sanctions for environmental offences. It hears less than five environmental cases a year.

The second question is if there are relevant national court cases and the answer is quite coherent with the previous answer.

It's interesting the number of environmental crime case in Finland which is 400-500.

In UK the national courts (which are not specialised environmental courts) hear a number of environmental crime cases a year, of which some will relate to water and soil crime. These cases will invariably be brought under the Environmental Permitting (England and Wales) Regulations 2016 (regulations 12 and 38), which make it an offence, amongst other things, to pollute. They

prosecute organisations and individuals. Courts sentence cases in accordance with the Sentencing Council Definitive Guideline on Sentencing of Environmental Offences (available on the Sentencing Council website). There is a separate guideline for organisations and for individuals. Penalties for organisations are based on turnover. Financial penalties for individuals are based on relevant weekly income if the custody threshold is not met.

In Italy the Supreme Court as the Court of last instance decides the trial, issuing principles of law that have general validity. The General Public Prosecutor's Office of the Supreme Court will disseminate them in the circuit of the Public Prosecutors' Offices in order to ensure uniformity of prosecution.

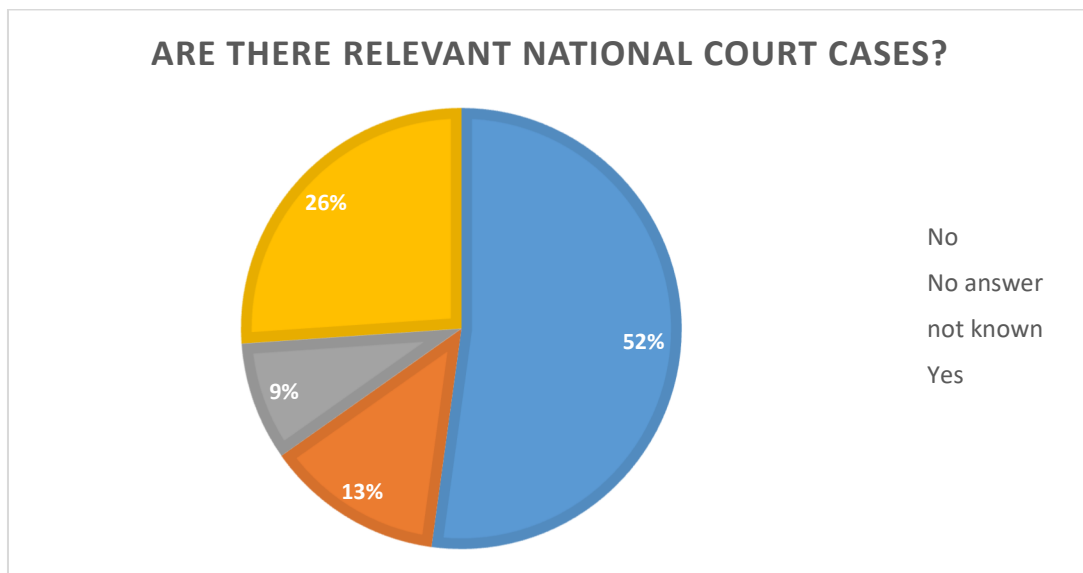
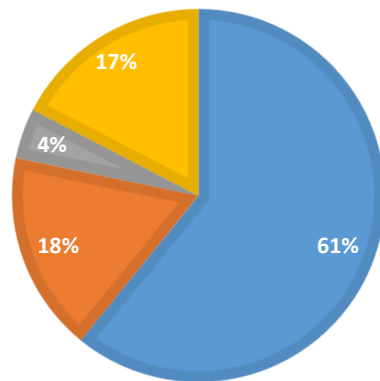


Figure 4 – Relevant national court cases

Probably the light discrepancy is due that the answer is about national court cases.

The third one is if we observe any trend in the incidence and severity of penalties against environmental crimes.

**DO YOU OBSERVE ANY TREND IN THE INCIDENCE AND SEVERITY OF PENALTIES AGAINST ENVIRONMENTAL CRIMES?**



No                      No answer  
not known              Yes

Figure 5 - Incidence and severity of penalties

As we can observe only a very few experts observe a trend, in spite of the increasing sensibility of people to the environmental problem it doesn't seem that the political system think useful or necessary more severity.

In UK in relation to fines against water companies, these appear to be increasing to reflect the size of the organisations as well as the offence category, since the coming into force of the Definitive Guideline on 1 July 2014. However, the courts are still fining on a case by case basis and for this reason fines vary. The Definitive Guideline applies to both the lower and higher criminal courts (Magistrates' Courts, Crown Courts and above).

In Italy we had conflicting answers since some answered that there is a trend to increase penalties and others that violators in most cases know the penalties and therefore consider the benefit of the transgression compared to the sanction. The penalty is not a sufficient deterrent, except in cases of minor violations.

In Albania in 2019 some amendments to the Penal Code introduce an increase in penalties.

About the question if there are standardised procedures for assessing environmental damage for the purpose of assessing it in court we observe that 1/3 of the answers was positive.

In UK in applying the Definitive Guideline the courts should determine the offence category using culpability and harm factors. Harm is separated into four categories which are on a sliding scale. Category 1 is the most serious harm and category 4 is the least harm. The categories consider actual

harm, risk of harm and other matters such as amenity impact, cost of clean-up and impact on lawful activities and the regulatory regime.

In Italy the Environmental Code (Law 152/2006) defines procedures and competences to define the environmental damage, the same procedures had been written by the System of the Environmental Agencies.

In the Netherlands they have the national enforcement strategy. Based on this strategy the severity of the crime is assessed and brought to court accordingly and/or punished by a fine. The court can always judge harsher or less harsh.

In Portugal there are no guidelines on judgments and / or guidelines on severity factors to assist judges in defining sanctions. Substantial damages are defined in article 279 (6) of the Criminal Code as follows:

The term “substantial damage” is used only in the pollution crime:

Are substantial damages those who:

- (a) impair, in a significant or lasting manner, the physical integrity and well-being of persons in the enjoyment of nature;
- (b) prevent, in a significant or durable way, the use of an environmental component;
- (c) disseminate a micro-organism or substance harmful to the body or health of persons;
- (d) have a significant impact on the conservation of species or their habitats; or
- (e) significantly impair the quality or condition of an environmental component.

Nevertheless, there is a legal regime liability for environmental damage - Decree-Law No. 147/2008 of 29 July.

There is also a Guide for the Assessment of Imminent Threat and Environmental Damage Environmental Responsibility issued by the Portuguese Environment Agency (APA. IP).

Quite similar answer about the question if satellite systems are used to detect environmental crimes.

It's interesting the SAVAGER Project of Arpa Lombardia, which is a monitoring system searching for environmental anomalies; earth is observed by satellite, drones and airplane.

They are two interesting aspects that we'll be developed in the conclusions.

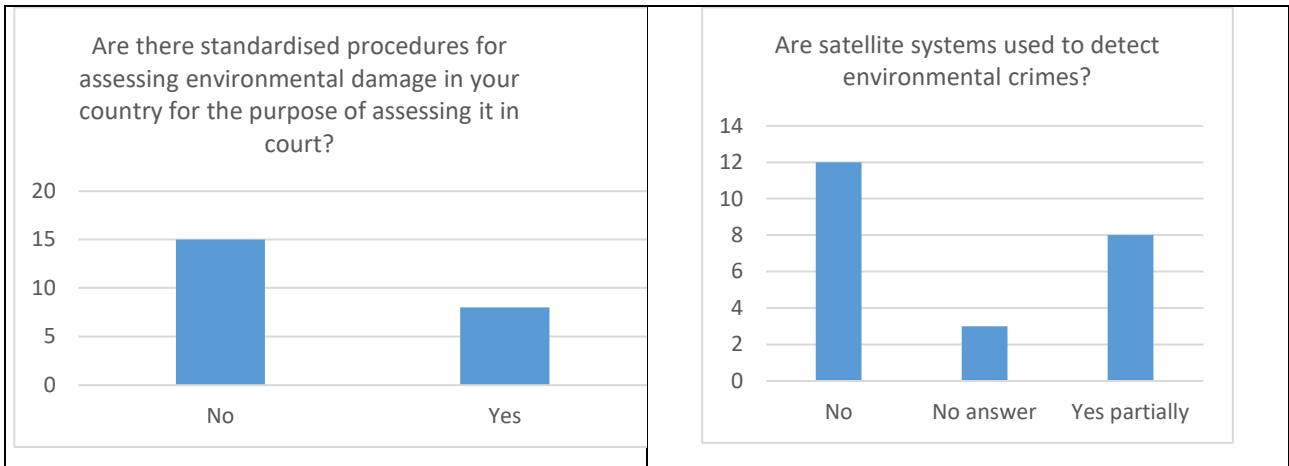


Figure 6 – Standardised procedures and satellite systems

### 3.2 Managing Water Crimes

The first two questions of this section are if illegal water abstractions for agricultural use are a problem and if water abstractions are metered, monitored and reported.

We observe that for early 1/3 of the answers illegal water abstractions are a problem, this is a confirmation that this is a relevant problem, while on the other side the metering and monitoring of water abstraction is observed for the majority (obviously of the legal abstractions ...).

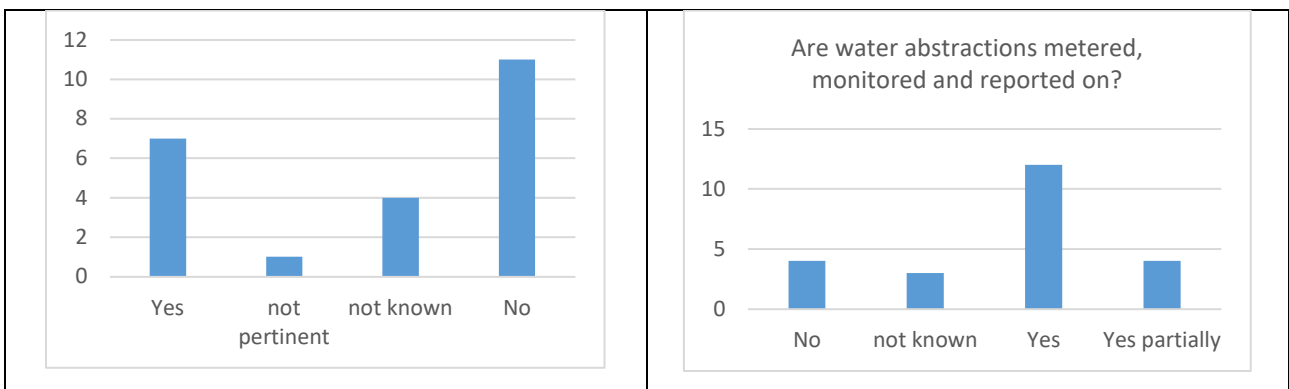


Figure 7 – Water abstractions

### 3.3 Managing Soil Crimes

Then there are a number of questions about the legal provision for soil crimes due to the use of polluted soil coming from contaminated sites, polluted material in operations of backfilling of caves or landfilling, theft of soil and false decontamination of soil

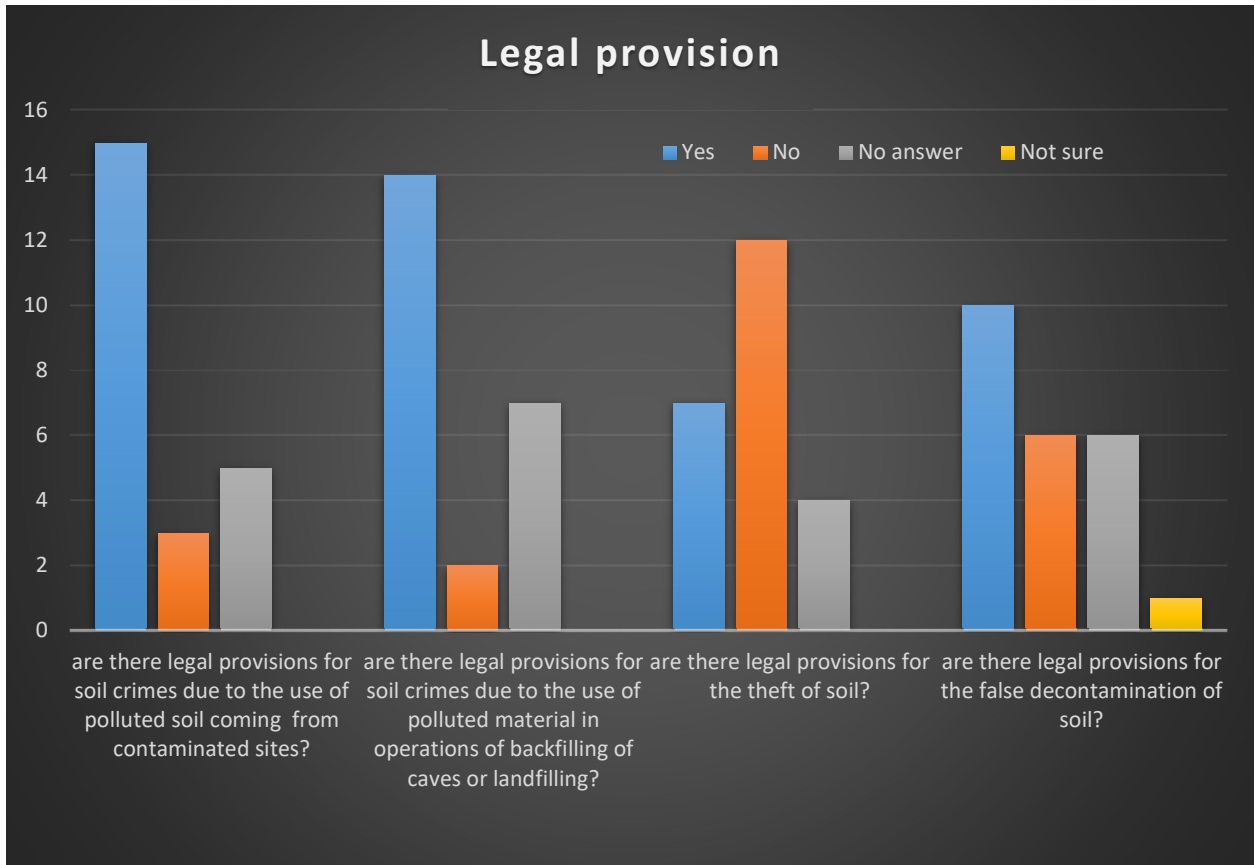


Figure 8 – Legal provision soil crimes

For the first two questions only a small percentage is negative, but for the theft of soil in the majority of the nations there is no legal provision, while for the false decontamination of soil isn't possible to understand the situation for false decontamination of soil.

### 3.4 Data

About this series of questions, we had very few answers.

In Italy the Environmental Report – SNPA Edition 2018 (in Italian), which is the annual report of the System of the Environmental Regional Agencies, and the report “use and quality of water resources in Italy” (utilizzo e qualità della risorsa idrica in Italia) of the National Institute of Statistic (ISTAT) give some information.



In UK a series of information can be found on the site of the government which publish the report of the Environmental Agency, the Environment Agency Prosecutions Report, Water and sewerage companies in England: environmental performance report.

In Berlin the Police Crime Statistics produce a statistical compilation of all criminal matters known to the police (in German).

In Netherland the Report “The State of Our Water” (in Dutch) concerns the implementation of the water policy in 2017. This concerns the National Water Plan, the Water Management Agreement 2011, the Policy Document on Drinking Water, the Water Framework Directive, the Flood Risk Directive and the Marine Strategy Framework Directive; another report, always in Dutch, is “Reporting on the implementation of the water policy in 2018

In the Slovak Republic there is the report of the Slovak Hydro Meteorological Institute, Bratislava Processing of surface water quality monitoring data for 2017.

In Croatia the Croatian Waters, The Water Protection Service prepares a report on water pollution and treatment.

### *3.5 Case Studies*

About case studies we had two descriptions, one on water and one on soil.

The first was a relevant pollution of surface water due to more than 2000 m<sup>3</sup> oil wasted in a public pipeline, as a criminal sabotage act in a petrol company; the public wastewater plant, Lambro river and Po river were seriously damaged by oils.

The second one was a soil crime discovered near an airport, foundry sands had been used as a backfilling in the parking. These sands were classified as dangerous waste and owners of the area were prosecuted.

### *3.6 Prosecutors Questionnaire*

We had 12 questionnaires but only one was not from Italy, in particular from Finland.

For this reason, the information is absolutely inadequate to have the situation in Europe, but it is very important to obtain this kind of data.

We were not able to reach the right people / organisation and a possible solution may be to look for a tighter collaboration with ENPE so that ENPE will strongly involve its members.

## 4 CONCLUSIONS

There were many answers to show the interest in a subject which is essential in a world that must fight with environmental problems and the quality of water resources is one of them.

The experts, once again, were on pollution so it is strategic to find new contacts in order to have data on cyber and organised crimes.

We had a national point of view significant of a part of Europe since the answers came from national organisations.

The attention on water seems lower compared to air pollution and wastes, except for punctual cases of surface water pollution.

In the majority of nations there aren't specialised courts on water crimes.

Even if there are different European Directives on water, we don't have a uniform laws on water crimes.

Pollution of rivers, lakes and sea are not perceived as a primary problem for the policy, probably even for insufficient studies.

The next step may be to categorise at European level the main rivers, lakes and sea which have been damaged by water crimes as well as the zones with relevant soil critical issues.

Another interest aspect is the utilization of surveillance systems based on the use of Earth observation technologies (satellite, airplane and drone), able to detect anomalies both in water and soil.

By guaranteeing a capillary mapping of the territory, this kind of investigation may create a constantly updated knowledge framework.

Starting from the satellite images may be identified the areas to be investigated with the help of drones equipped with specific sensors to measures anomalies.

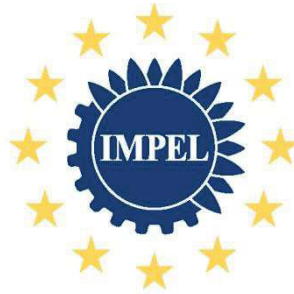
A deepening of the new survey methods in Europe may be interesting to identify a common approach to be evaluated for the adoption of uniform strategies in Europe.



European Union Network for the Implementation  
and Enforcement of Environmental Law

# Annex 1

## Environmental questionnaire



European Union Network for  
the Implementation and Enforcement  
of Environmental Law

## Questionnaire

# **WATER/SOIL CRIMES IN EUROPE**

Protecting the water and soil sector  
from criminal offences

November 2019

Draft 1.3/2019

## Summary

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## INTRODUCTION

The researchers have developed a survey for IMPEL members aimed to provide innovative and additional information on water crimes/water related crimes (knowledge/perception/victimisation), their risks, and the outlook in the next future with an extension to soil crimes.

The survey follows the 2018 survey and it is necessary to upgrade and enforce the collected information to contribute to the development of an EU Water Crimes Threat Assessment, and to members' capacity to design a Water Security Strategy in Europe.

Please complete the survey, it will take around 30 minutes.

Answers will not be shared or published unless in aggregated or anonymous form.

DISCLAIMER: Answers represent your personal opinion/knowledge. Please respond carefully to all the questions. Thank you in advance for your time and collaboration.

In the annex related to the case study, the type of offences derived from the classification of UNODC ICCS.

## DEFINITIONS

**WATER:** surface and ground freshwater, as defined in the EC Water Framework Directive 2000/60/EC and the Drinking Water Directive 98/83/EC. The definition includes also water services.

**WATER SECTOR:** consists of all means and activities devoted to creating net 'added value' from the water resources available on a given territory. The water sector operates in a complex interplay between water resources and the socio-economic and environmental system in a given country (UN-Water Task Force on Indicators, Monitoring and Reporting, Final Report)

**CRIME:** the criminal acts in national and international laws related to punishable contravention or violation of the limits on human behaviour or demands, as defined by national criminal legislation, or "the offences that are included within this range of events, however, are established by each country's legal system and the codification of crimes (criminal code, penal code, etc.)", as defined in the UNODC ICCS. The working definition of CRIME for this project can include also other acts, not included in the national/international legislations, that can potentially harm or damage the water. In this case, the acts not specified in any legislation require a specific description.

**WATER/SOIL CRIME** is defined here as any punishable contravention or violation of the limits on human behaviour as imposed by national criminal legislation, against surface, and ground water, or against water services or against soil. WATER CRIME definition include also as any intentional act that can potentially harm or damage the water.

**WATER/SOIL RELATED CRIME** includes any punishable contravention or violation of the limits on human behaviour as imposed by national criminal legislation, which uses surface, and ground water, or water services or soil, as a mean for committing other crimes

The seven offences identified as relevant for the water sector:

**CORRUPTION**, either grand corruption, that involves political decision-makers, and petty corruption, that people can experience daily referred to modest sums of money. According to the ICCS Classification the corruption is defined as "Unlawful acts as defined in the United Nations Convention against Corruption and other national and international legal instruments against corruption" (ICCS cod. 0703).

**POLLUTION**, as offences against the natural environmental and, specially, directly against water quality and soil. According to the ICCS Classification the environmental crimes are defined as "Acts that result in the pollution of the natural environment". In particular, cod. 10012 includes "Acts that result in water pollution or degradation" and cod. 10013 includes "Acts that result in soil pollution or degradation" (ICCS cod. 1001, cod. 10012 and cod. 10013).

**THEFT**, carried out by the consumers of the water supply system to provide an economic advantage through a physical alteration of the water supply system or of soil. According to the ICCS Classification the theft is defined as "Unlawfully taking or obtaining of property with the intent to permanently withhold it from a person or organization without consent and without the use of force, threat of force or violence, coercion or deception" (ICCS cod. 0502).

**FRAUD**, composed by fiscal artifices aimed to adulterate the water consumption registration and to reach an illicit gain. According to the ICCS Classification the fraud is defined as "Obtaining money or other benefit, or evading a liability through deceit or dishonest" (ICCS cod. 0701).

**ORGANIZED CRIME**, as the activity of criminal organisations that have taken the control over management of the water or of soil within a territory. According to the ICCS Classification the crime of organized crime is defined as "Participating in the activities of an organized criminal group" (ICCS cod. 0905).

**TERRORISM**, intended like the existence of terrorist plans aimed to attack the water or soil sectors. According to the ICCS Classification the crime of terrorism is defined as "Participating in the activities of a terrorist group or other individual or group acts related to terrorist offences" (ICCS cod. 0906).

**CYBER ATTACKS** that occur with the intrusion in the cyber system, manipulation of information or networks, data destruction, etc. According to the ICCS Classification the cyber-attacks is defined as "Unauthorized access to, interception of, interference with, or misuse of computer data or computer systems" (ICCS cod. 0903).

**SOIL DAMAGE**, any land contamination that creates a significant risk of human health being adversely affected as a result of the direct or indirect introduction, in, on or under land, of substances, preparations, organisms or micro-organisms

## QUESTIONS

### SECTION 1 - INFORMATION ON RESPONDENT

Name: .....

Organisation: .....

Main functions/responsibility/competence: .....

Contact (email): .....

Your country: .....

What is the operational level of your organisation?

- National
- Regional
- Local

Does your organisation agree to be named in the list of organisations to have taken part in this questionnaire that will be included in the report?

- Yes
- No

Does your organisation agree that any specific information or examples that you have given is cited in the report?

- Yes, named
- Yes, anonymously
- No



## SECTION 2 – KNOWLEDGE

### Organisation

Is your organisation responsible for activity on water crimes in the following areas?

<input type="checkbox"/> Yes	If yes, please mark relevant check boxes (If your answer is 'Other' please specify) <input type="checkbox"/> Pollution <input type="checkbox"/> Corruption <input type="checkbox"/> Theft <input type="checkbox"/> Fraud <input type="checkbox"/> Organized Crime <input type="checkbox"/> Terrorism <input type="checkbox"/> Cyber attacks <input type="checkbox"/> Other: .....
<input type="checkbox"/> No	

Is your organisation responsible for activity on soil crimes in the following areas?

<input type="checkbox"/> Yes	If yes, please mark relevant check boxes (If your answer is 'Other' please specify) <input type="checkbox"/> Pollution <input type="checkbox"/> Corruption <input type="checkbox"/> Theft <input type="checkbox"/> Fraud <input type="checkbox"/> Organized Crime <input type="checkbox"/> Terrorism <input type="checkbox"/> Cyber attacks <input type="checkbox"/> Other: .....
<input type="checkbox"/> No	

## Access to Justice – Environmental Governance

Is there a specialised environmental court, or section of the national courts which is specialised in environmental cases? If so, what is its broad sphere of competence, and how many cases does it hear each year?

<input type="checkbox"/> Yes	If yes, please describe:
<input type="checkbox"/> No	

Are there relevant national court cases?

<input type="checkbox"/> Yes	If yes, please summarise briefly the issues raised, and provide clear references to the relevant cases.
<input type="checkbox"/> No	

Do you observe any trend in the incidence and severity of penalties against environmental crimes?

<input type="checkbox"/> Yes	If yes, please describe:
<input type="checkbox"/> No	

Are there standardised procedures for assessing environmental damage in your country for the purpose of assessing it in court?

<input type="checkbox"/> Yes	If yes, please describe:
<input type="checkbox"/> No	

Satellite systems are used to detect environmental crimes?

<input type="checkbox"/> Yes	If yes, please describe:
<input type="checkbox"/> No	

## Managing Water Crimes

Are illegal water abstractions for agricultural use a problem in your country?

- No  
 Yes

Are water abstractions metered, monitored and reported on?

- No  
 Yes

Could you describe some cases of water crimes that have occurred in your country (pollution, fraud...)?

please describe:

## Managing Soil Crimes

In your country, are there legal provisions for soil crimes due to the use of polluted soil coming from contaminated sites?

<input type="checkbox"/> Yes	If yes, what is the legislation? include links to the legal text (in English where possible) <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> Is it: <ul style="list-style-type: none"> <li><input type="checkbox"/> Penal/criminal law</li> <li><input type="checkbox"/> Administrative law</li> <li><input type="checkbox"/> Civil law</li> </ul>
<input type="checkbox"/> No	

In your country, are there legal provisions for soil crimes due to the use of polluted material in operations of backfilling of caves or landfilling?

<input type="checkbox"/> Yes	If yes, what is the legislation? include links to the legal text (in English where possible) <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> Is it: <ul style="list-style-type: none"> <li><input type="checkbox"/> Penal/criminal law</li> </ul>
<input type="checkbox"/> No	

	<input type="checkbox"/> Administrative law <input type="checkbox"/> Civil law
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In your country, are there legal provisions for the theft of soil?

<input type="checkbox"/> Yes	If yes, what is the legislation? include links to the legal text (in English where possible) <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> Is it: <input type="checkbox"/> Penal/criminal law <input type="checkbox"/> Administrative law <input type="checkbox"/> Civil law
<input type="checkbox"/> No	

In your country, are there legal provisions for the false decontamination of soil?

<input type="checkbox"/> Yes	If yes, what is the legislation? include links to the legal text (in English where possible) <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> Is it: <input type="checkbox"/> Penal/criminal law <input type="checkbox"/> Administrative law <input type="checkbox"/> Civil law
<input type="checkbox"/> No	

### SECTION 3 – DATA AND CASE STUDIES

Can you provide information about the perpetration of water corruption in your country?

<input type="checkbox"/> Yes	If yes, please provide the references of the data or statistics (and eventual link)
<input type="checkbox"/> No	

Can you provide information about the perpetration of water pollution in your country?

<input type="checkbox"/> Yes	If yes, please provide the references of the data or statistics (and eventual link)
<input type="checkbox"/> No	

Can you provide information about the perpetration of water theft in your country?

<input type="checkbox"/> Yes	If yes, please provide the references of the data or statistics (and eventual link)
<input type="checkbox"/> No	

Can you provide information about the perpetration of water fraud in your country?

<input type="checkbox"/> Yes	If yes, please provide the references of the data or statistics (and eventual link)
<input type="checkbox"/> No	

Can you provide information about the perpetration of water terrorism in your country?

<input type="checkbox"/> Yes	If yes, please provide the references of the data or statistics (and eventual link)
<input type="checkbox"/> No	

Can you provide information about the perpetration of water cyber attacks in your country?

<input type="checkbox"/> Yes	If yes, please provide the references of the data or statistics (and eventual link)
<input type="checkbox"/> No	

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Can you provide data or statistics about the perpetration of soil theft in your country?

<input type="checkbox"/> Yes	If yes, please provide the references of the data or statistics (and eventual link)
<input type="checkbox"/> No	

Can you provide data or statistics about the perpetration of soil pollution in your country?

<input type="checkbox"/> Yes	If yes, please provide the references of the data or statistics (and eventual link)
<input type="checkbox"/> No	

## CASE STUDIES

Please fill the annex for the description of case studies as many times as necessary.

ANNEX

<b>Water case study: Title</b>		
Water crime	<input type="checkbox"/> Water pollution <input type="checkbox"/> Water pollution <input type="checkbox"/> Water fraud <input type="checkbox"/> Water fraud <input type="checkbox"/> Water organised crime <input type="checkbox"/> Water terrorism <input type="checkbox"/> Water cyber-attack	
Brief description of the case		
Type of water involved in the offence	Surface water ("means inland waters, except groundwater; transitional waters and coastal waters, except in respect of chemical status for which it shall also include territorial waters")	
	Groundwater ("all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil")	
	Water intended for human consumption (meaning as under Directive 80/778/EEC, as amended by Directive 98/83/EC.) formerly Drinking water	
	Water services (all services which provide, for households, public institutions or any economic activity: (a) abstraction, impoundment, storage, treatment and distribution of surface water or groundwater; (b) waste-water collection and treatment facilities which subsequently discharge into surface water.	
	Other	
Intended use of water involved	Direct human Consumption	
	Industrial	
	Agricultural	
	Recreational	
	None	
	Other. <i>Please describe...</i>	
Water service stage involved	Abstraction	
	Impoundment	
	Storage	
	Treatment	
	Distribution	
	Waste-water collection	
	Waste-water treatment	
	Discharge into surface water	
	None (No water service involved)	
	Other. <i>Please describe...</i>	
Legal basis for the offence	Penal/criminal law	

	Administrative law	
	Civil law	
Type of offence	Offences against the natural environment (cat. 10)	
	Offences through water (or against water users e.g. for poisoning)	
	Offences involving fraud, deception or corruption (cat.7)	
	Offences against property only (cat 5.)	
	Other. <i>Please describe...</i>	
Perpetrator information	Individual	
	Criminal group	
	Organised crime group (national or transnational)	
	Enterprise	
	Other legal person	
	State/institution	
	Unknown	
	Other. <i>Please describe...</i>	
Motive of crime	Illicit gain	
	Hate crime	
	Gender-based	
	Interpersonal conflict	
	Political agenda	
	Need	
	Terrorism ideology included	
	Not applicable	
	Unknown	
	Other. <i>Please describe...</i>	
Form of event	Planned	
	Attempted	
	Completed	
	Not applicable	
	Unknown	
	Other. <i>Please describe...</i>	
Consequences of crime	Harm/damage to water (water pollution)	
	Harm/damage to the natural environment or animals (water abuse)	
	Harm/damage to human beings (water accessibility)	
	Harm/damage to infrastructures(water availability)	
	Harm/damage to the public economy (water fraud)	
	Unknown	
	Other. <i>Please describe...</i>	

<b>Soil case study: Title</b>		
Soil crime	<input type="checkbox"/> Soil pollution <input type="checkbox"/> Soil pollution <input type="checkbox"/> Soil fraud <input type="checkbox"/> Soil fraud <input type="checkbox"/> Soil organised crime <input type="checkbox"/> Soil terrorism <input type="checkbox"/> Soil cyber-attack	
Brief description of the case		
Type of soil involved in the offence		
	Urban, rural, .....	
Intended use of soil involved	Residential	
	Industrial	
	Agricultural	
	Recreational	
	None	
	Other. <i>Please describe...</i>	
Legal basis for the offence	Penal/criminal law	
	Administrative law	
	Civil law	
Type of offence	Offences against the natural environment (cat. 10)	
	Offences through soil	
	Offences involving fraud, deception or corruption (cat.7)	
	Offences against property only (cat 5.)	
	Other. <i>Please describe...</i>	
Perpetrator information	Individual	
	Criminal group	
	Organised crime group (national or transnational)	
	Enterprise	
	Other legal person	



	State/institution	
	Unknown	
	Other. <i>Please describe...</i>	
Motive of crime	Illicit gain	
	Hate crime	
	Gender-based	
	Interpersonal conflict	
	Political agenda	
	Need	
	Terrorism ideology included	
	Not applicable	
	Unknown	
	Other. <i>Please describe...</i>	
Form of event	Planned	
	Attempted	
	Completed	
	Not applicable	
	Unknown	
	Other. <i>Please describe...</i>	
Consequences of crime	Harm/damage to soil (soil pollution)	
	Harm/damage to the natural environment or animals	
	Harm/damage to human beings	
	Harm/damage to infrastructures	
	Harm/damage to the public economy	
	Unknown	
	Other. <i>Please describe...</i>	



European Union Network for the Implementation  
and Enforcement of Environmental Law

# Annex 2

## Prosecutors questionnaire

# Questionnaire about Water / Soil Crimes in Europe - for Prosecutors

Protecting the water and soil sector from criminal offences.

\*Campo obbligatorio

1. Indirizzo email \*

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▶ Please complete this survey until 07 of February 2020.

If possible, please answer in English when asked for descriptions or specific examples.

## INTRODUCTION

The researchers have developed a survey for IMPEL members aimed to provide innovative and additional information on water crimes/water related crimes (knowledge/perception/victimization), their risks, and the outlook in the next future with an extension to soil crimes.

This document is especially dedicated to prosecutors and the system of Justice, so it's different from the technical one built to have environmental information.

The survey follows the 2018 survey and it is necessary to upgrade and enforce the collected information to contribute to the development of an EU Water Crimes Threat Assessment, and to members' capacity to design a Water Security Strategy in Europe.

Please complete the survey, it will take around 30 minutes.

🔒 Answers will not be shared or published unless in aggregated or anonymous form.

▶ **DISCLAIMER:** Answers represent your personal opinion/knowledge. Please respond carefully to all the questions. Thank you in advance for your time and collaboration.

In the annex related to the case study, the type of offences derived from the classification of UNODC ICCS.

## QUESTIONNAIRE IN PDF

📄 If you would like to see the entire questionnaire BEFORE SUBMITTING YOUR ANSWERS IN THIS FORM, click in the following link: <https://drive.google.com/open?id=12HjB2wmnyhUc4t55N7QRVba1p5VkbWU1>

## DEFINITIONS

📄 Please see the definitions by clicking in the following link:

🌐 <https://drive.google.com/open?id=1HII0JC90jnLQAYKGFLlwPOPfMvp7vekB>

## CONFIDENTIALITY

The usefulness of this survey depends on respondents being open and honest in their responses. We will therefore fully respect the confidentiality of respondents. We seek information, illustrative cases and examples that can be shared, but will not identify specific countries or organisations in our report unless we are explicitly allowed to do so.

### SECTION 1: DETAILS OF THE RESPONDENT

2. 1.1: Name \*

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3. 1.2: Organisation \*

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4. 1.3: Main functions / responsibility / competence? \*

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## 5. 1.4: Please select your country. \*

*Contrassegna solo un ovale.*

- Albania
- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Kosovo
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- North Macedonia
- Norway
- Poland
- Portugal
- Romania
- Serbia
- Slovak Republic
- Slovenia
- Spain

- Sweden
- Switzerland
- Turkey
- United Kingdom

6. 1.5: What is the operational level of your organisation? \*

*Contrassegna solo un ovale.*

- National
- Regional
- Local

7. 1.6: Does your organisation agree to be named in the list of organisations to have taken part in this questionnaire that will be included in the report? \*

*Contrassegna solo un ovale.*

- Yes
- No

8. 1.7: Does your organisation agree that any specific information or examples that you have given is cited in the report? \*

*Contrassegna solo un ovale.*

- Yes, named
- Yes, anonymously
- No

## SECTION 2: KNOWLEDGE

### 2.1: ORGANISATION

9. 2.1.1: Is your organisation responsible for activity on WATER CRIMES in the following areas? \*

*Seleziona tutte le voci applicabili.*

- Pollution
- Corruption
- Theft
- Fraud
- Organized crime
- Terrorism
- Cyber attacks
- Other ....
- No

10. 2.1.2: Is your organisation responsible for activity on SOIL CRIMES in the following areas? \*

*Seleziona tutte le voci applicabili.*

- Pollution
- Corruption
- Theft
- Fraud
- Organized crime
- No

Altro:  \_\_\_\_\_

## 11. What is your experience (self assessment) on Water Crimes? \*

*Contrassegna solo un ovale per riga.*

	None	Low	Medium	High
Corruption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pollution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Theft	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fraud	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Organised crime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Terrorism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cyber-attack	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## 12. What is your experience (self assessment) on Soil Crimes? \*

*Contrassegna solo un ovale per riga.*

	None	Low	Medium	High
Corruption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pollution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Theft	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fraud	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Organised crime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## 13. Your organisation on environmental crimes does it work in collaboration with Environmental Agencies or with other specialise Police Forces? \*

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## 2.2: ACCESS TO JUSTICE - ENVIRONMENTAL GOVERNANCE

14. 2.2.1: Are there specific corruption issues in your country relevant to environmental governance? (If applicable, please describe).

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15. 2.2.2: Is there a specialised environmental court, or section of the national courts which is specialised in environmental cases? If so, what is its broad sphere of competence, and how many cases does it hear each year? (If applicable, please describe).

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16. 2.2.3: Are there relevant national court cases? If your answer is yes, please summarise briefly the issues raised, and provide clear references to the relevant cases.

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17. 2.2.4: Do you observe any trend in the incidence and severity of penalties against environmental crimes? If your answer is yes, please describe.

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### 2.3: MANAGING CRIMES

18. 2.3.1: How many types of water crimes can you describe / do you know?

*Seleziona tutte le voci applicabili.*

- Pollution
- Corruption
- Organised crime
- Theft
- Fraud
- Terrorism
- Cyber attack

Altro:  \_\_\_\_\_

19. 2.3.2: Could you describe some cases of water crimes that have occurred in your country (pollution, fraud...)?

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## 20. 2.3.3: How many types of soil crimes can you describe / do you know?

*Seleziona tutte le voci applicabili.*

- Pollution
- Corruption
- Organised crime
- Theft
- Fraud

Altro:  \_\_\_\_\_

## 21. 2.3.4: Could you please describe some cases of soil crimes that have occurred in your country (e.g. pollution, fraud, etc.)?

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## 22. 2.3.5: In your country, are there specific legal provisions for water corruption? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

- Penal/criminal law
- Administrative law
- Civil law
- No

Altro:  \_\_\_\_\_

23. 2.3.6: In your country, which are the key actors (public/private) for the prosecution/managing of water corruption? (please provide name, competence, task of the key actors)

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24. 2.3.7: In your country, are there specific legal provisions for soil corruption? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

- Penal/criminal law  
 Administrative law  
 Civil law  
 No

Altro:  \_\_\_\_\_

25. 2.3.8: In your country, which are the key actors (public/private) for the prosecution/managing of soil corruption? (please provide name, competence, task of the key actors)

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26. 2.3.9: In your country, are there specific legal provisions for water pollution? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

- Penal/criminal law  
 Administrative law  
 Civil law  
 No

Altro:  \_\_\_\_\_

27. 2.3.10: In your country, which are the key actors (public/private) for the prosecution/managing of water pollution? (please provide name, competence, task of the key actors)

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28. 2.3.11: In your country, are there specific legal provisions for soil pollution? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

- Penal/criminal law  
 Administrative law  
 Civil law  
 No

Altro:  \_\_\_\_\_

29. 2.3.12: In your country, which are the key actors (public/private) for the prosecution/managing of soil pollution? (please provide name, competence, task of the key actors)

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30. 2.3.13: In your country, are there specific legal provisions for water theft? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

- Penal/criminal law  
 Administrative law  
 Civil law  
 No

Altro:  \_\_\_\_\_

31. 2.3.14: In your country, which are the key actors (public/private) for the prosecution/managing of water theft? (please provide name, competence, task of the key actors)

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32. 2.3.15: In your country, are there specific legal provisions for soil theft? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

- Penal/criminal law  
 Administrative law  
 Civil law  
 No

Altro:  \_\_\_\_\_

33. 2.3.16: In your country, which are the key actors (public/private) for the prosecution/managing of soil theft? (please provide name, competence, task of the key actors)

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34. 2.3.17: In your country, are there specific legal provisions for water fraud? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

- Penal/criminal law  
 Administrative law  
 Civil law  
 No

Altro:  \_\_\_\_\_

35. 2.3.18: In your country, which are the key actors (public/private) for the prosecution/managing of water fraud? (please provide name, competence, task of the key actors)

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36. 2.3.19: In your country, are there specific legal provisions for soil fraud? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

Penal/criminal law

Administrative law

Civil law

No

Altro:  \_\_\_\_\_

37. 2.3.20: In your country, which are the key actors (public/private) for the prosecution/managing of soil fraud? (please provide name, competence, task of the key actors)

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38. 2.3.21: In your country, are there specific legal provisions for water organised crime? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

- Penal/criminal law  
 Administrative law  
 Civil law  
 No

Altro:  \_\_\_\_\_

39. 2.3.22: In your country, which are the key actors (public/private) for the prosecution/managing of water organised crime? (please provide name, competence, task of the key actors)

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40. 2.3.23: In your country, are there specific legal provisions for soil organised crime? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

- Penal/criminal law  
 Administrative law  
 Civil law  
 No

Altro:  \_\_\_\_\_

41. 2.3.24: In your country, which are the key actors (public/private) for the prosecution/managing of soil organised crime? (please provide name, competence, task of the key actors)

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42. 2.3.25: In your country, are there specific legal provisions for water terrorism? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

Penal/criminal law

Administrative law

Civil law

No

Altro:  \_\_\_\_\_

43. 2.3.26: In your country, which are the key actors (public/private) for the prosecution/managing of water terrorism? (please provide name, competence, task of the key actors)

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44. 2.3.27: In your country, are there specific legal provisions for water cyber attacks? (If yes, please specify which kind of provision)

*Seleziona tutte le voci applicabili.*

Penal/criminal law

Administrative law

Civil law

No

Altro:  \_\_\_\_\_

45. 2.3.28: In your country, which are the key actors (public/private) for the prosecution/managing of water cyber attacks? (please provide name, competence, task of the key actors)

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### SECTION 3: DATA AND CASE STUDIES

46. 3.1: Can you provide data or statistics about the perpetration of water corruption in your country? If yes, please provide the references of the data or statistics (and eventual link)

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47. 3.2: Can you provide data or statistics about the perpetration of water pollution in your country? If yes, please provide the references of the data or statistics (and eventual link)

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48. 3.3: Can you provide data or statistics about the perpetration of water theft in your country? If yes, please provide the references of the data or statistics (and eventual link)

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49. 3.4: Can you provide data or statistics about the perpetration of water fraud in your country? If yes, please provide the references of the data or statistics (and eventual link)

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50. 3.5: Can you provide data or statistics about the perpetration of water organised crime in your country? If yes, please provide the references of the data or statistics (and eventual link)

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51. 3.6: Can you provide data or statistics about the perpetration of water terrorism in your country? If yes, please provide the references of the data or statistics (and eventual link)

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52. 3.7: Can you provide data or statistics about the perpetration of water cyber attacks in your country? If yes, please provide the references of the data or statistics (and eventual link)

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53. 3.8: Can you provide data or statistics about the perpetration of soil corruption in your country? If yes, please provide the references of the data or statistics (and eventual link)

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54. 3.9: Can you provide data or statistics about the perpetration of soil pollution in your country? If yes, please provide the references of the data or statistics (and eventual link)

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55. 3.10: Can you provide data or statistics about the perpetration of soil theft in your country? If yes, please provide the references of the data or statistics (and eventual link)

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56. 3.11: Can you provide data or statistics about the perpetration of soil fraud in your country? If yes, please provide the references of the data or statistics (and eventual link)

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57. 3.12: Can you provide data or statistics about the perpetration of soil organised crime in your country? If yes, please provide the references of the data or statistics (and eventual link)

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#### SECTION 4: CASE STUDIES

▶ Please fill the annex forms for the description of case studies as many times as necessary and send them by email to:

✉ Claudia Carpino ([carpino.claudia@minambiente.it](mailto:carpino.claudia@minambiente.it))

✉ Giuseppe Sgorbati ([g.sgorbati@arpalombardia.it](mailto:g.sgorbati@arpalombardia.it))

#### 4.1: Please click the link bellow to download and fill the form about WATER CRIMES:

<https://drive.google.com/open?id=1BhXbFEvpCaXAL0zdMXwVdmd-c1uGNP3M>

#### 4.2: Please click the link bellow to download and fill the form about SOIL CRIMES:

<https://drive.google.com/open?id=1gSP6YYwX6QJMNyO4q-Fwz6J0Rx9jztkl>

✎ Please don't forget to send the filled forms with the case studies by email to: ✉ Claudia Carpino ([carpino.claudia@minambiente.it](mailto:carpino.claudia@minambiente.it)) and to ✉ Giuseppe Sgorbati ([g.sgorbati@arpalombardia.it](mailto:g.sgorbati@arpalombardia.it)).

🙏 Thank you for you valuable contribution / cooperation! 😊

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European Union Network for the Implementation  
and Enforcement of Environmental Law

# Annex 3

## Case studies

## ANNEX I – WATER CASE STUDY

<i>Water case study: Title</i>		
Water crime	<p>X Water pollution</p> <p>Water pollution</p> <p>Water fraud</p> <p>Water fraud</p> <p>Water organised crime</p> <p>Water terrorism</p> <p>Water cyber-attack</p>	
Brief description of the case	<p>On 2010 more than 2000 m3 oil were wasted in a public pipeline in Villasanta (MB - Italy), as a criminal sabotage act in a petrol company (Lombarda Petroli).</p> <p>The public wastewater plant, Lambro river and Po river were seriously damaged by oils.</p> <p>2 persons were prosecuted.</p>	
Type of water involved in the offence	Surface water ("means inland waters, except groundwater; transitional waters and coastal waters, except in respect of chemical status for which it shall also include territorial waters")	X
	Groundwater ("all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil")	
	Water intended for human consumption (meaning as under Directive 80/778/EEC, as amended by Directive 98/83/EC.) formerly Drinking water	
	Water services (all services which provide, for households, public institutions or any economic activity: (a) abstraction, impoundment, storage, treatment and distribution of surface water or groundwater; (b) waste-water collection and treatment facilities which subsequently discharge into surface water.	
	Other	
Intended use of water involved	Direct human Consumption	
	Industrial	x
	Agricultural	x
	Recreational	
	None	
	Other. <i>Please describe...</i>	
Water service stage involved	Abstraction	
	Impoundment	
	Storage	
	Treatment	
	Distribution	

	Waste-water collection	x
	Waste-water treatment	x
	Discharge into surface water	x
	None (No water service involved)	
	Other. <i>Please describe...</i>	
Legal basis for the offence	Penal/criminal law	x
	Administrative law	
	Civil law	
Type of offence	Offences against the natural environment (cat. 10)	x
	Offences through water (or against water users e.g. for poisoning)	
	Offences involving fraud, deception or corruption (cat.7)	
	Offences against property only (cat 5.)	
	Other. <i>Please describe...</i>	
Perpetrator information	Individual	
	Criminal group	x
	Organised crime group (national or transnational)	
	Enterprise	
	Other legal person	
	State/institution	
	Unknown	
	Other. <i>Please describe...</i>	
Motive of crime	Illicit gain	x
	Hate crime	
	Gender-based	
	Interpersonal conflict	
	Political agenda	
	Need	
	Terrorism ideology included	
	Not applicable	
	Unknown	
	Other. <i>Please describe...</i>	
Form of event	Planned	

	Attempted	
	Completed	x
	Not applicable	
	Unknown	
	Other. <i>Please describe...</i>	
Consequences of crime	Harm/damage to water (water pollution)	x
	Harm/damage to the natural environment or animals (water abuse)	x
	Harm/damage to human beings (water accessibility)	
	Harm/damage to infrastructures(water availability)	x
	Harm/damage to the public economy (water fraud)	
	Unknown	
	Other. <i>Please describe...</i>	

## ANNEX II – SOIL CASE STUDY

<i>Soil case study: Title</i>		
Soil crime	X Soil pollution Soil pollution Soil fraud Soil fraud Soil organised crime Soil terrorism Soil cyber-attack	
Brief description of the case	In 2015 a soil crime was discovered in a parking near Malpensa Airport.  Foundry sands had been used as a backfilling in the parking. These sands were classified as dangerous waste. Owners of the area were prosecuted.	
Type of soil involved in the offence		
	Urban, rural, .....	
Intended use of soil involved	Residential	
	Industrial	x
	Agricultural	
	Recreational	
	None	
	Other. <i>Please describe...</i>	
Legal basis for the offence	Penal/criminal law	x
	Administrative law	x
	Civil law	x
Type of offence	Offences against the natural environment (cat. 10)	x
	Offences through soil	x
	Offences involving fraud, deception or corruption (cat.7)	
	Offences against property only (cat 5.)	
	Other. <i>Please describe...</i>	
	Individual	

Perpetrator information	Criminal group	x
	Organised crime group (national or transnational)	
	Enterprise	x
	Other legal person	
	State/institution	
	Unknown	
	Other. <i>Please describe...</i>	
Motive of crime	Illicit gain	x
	Hate crime	
	Gender-based	
	Interpersonal conflict	
	Political agenda	
	Need	
	Terrorism ideology included	
	Not applicable	
	Unknown	
	Other. <i>Please describe...</i>	
Form of event	Planned	
	Attempted	
	Completed	x
	Not applicable	
	Unknown	
	Other. <i>Please describe...</i>	
Consequences of crime	Harm/damage to soil (soil pollution)	x
	Harm/damage to the natural environment or animals	x
	Harm/damage to human beings	
	Harm/damage to infrastructures	
	Harm/damage to the public economy	
	Unknown	
	Other. <i>Please describe...</i>	