

# **(Preliminary) results of the EFFACE research project**

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# The project

- ④ .... EU-funded research project “European Union Action to Fight Environmental Crime” (EFFACE)
- ④ Objective: Provide recommendations to EU on how to better combat environmental crime
- ④ Interdisciplinary: law, economics, political science, criminology
- ④ 11 partner institutions (ca. 25 researchers); 40 months; ends March 2016

# Components

- ⊕ **Assessment of actors, instruments & institutions** (country-related reports, reports on instruments of EU legislation/international law - mainly with legal focus; some assessment of their effectiveness through interviews, analysis of police statistics etc.)
- ⊕ **Analysis of costs and impacts** of environmental crime with EU focus: compilation and aggregation of existing data on specific type of environmental crime
- ⊕ **Case studies** on different types of environmental crime, including a variety of methods (interviews, analysis of court cases/police records, observation, workshops etc)
- ⊕ **SWOT** analysis of EU efforts to combat environmental crime
- ⊕ So far **seven workshops** (+ one conference) with academic experts and practitioners

# Common research questions

- 🌐 How effective are measures related to criminal law and why?

*NB: effectiveness = capacity of measures to reduce environmental crime*

- 🌐 What other measures could be effective?
- 🌐 What recommendations can we derive for EU action?

# Factors likely to negatively affect effectiveness

- ⊕ Lack of specialisation of enforcement bodies (police/prosecutors/judges) in many Member States
- ⊕ Lack of coordination between different authorities
- ⊕ Lenient sentences
- ⊕ Difficulties in transboundary cooperation
- ⊕ Environmental crime no priority among police forces („victimless crime“)
- ⊕ Regulatory framework sometimes perceived as difficult to enforce and/or with some loopholes

# Options for EU Action limited by

- ⌚ ... competences (e.g. EU *not* responsible for enforcement of legislation)
- ⌚ ... principles of subsidiarity and proportionality
- ⌚ ... views of Member States

# Opportunities for EU action

- ⊕ Keep environmental crime high on political agenda, e.g. through mentioning it in strategic documents (e.g. EAP, Europol SOCTA), providing funding
  - ⊕ Improve reporting and data gathering and exchange within EU
  - ⊕ Fund and support enforcement networks
  - ⊕ Fund measures of police and judicial cooperation (such as joint investigation teams)
  - ⊕ Provide capacity-building for enforcement officials and judges (including in local language)
  - ⊕ Help build database on sentences in environmental crime cases
  - ⊕ Build on good practices of some Member States, support cross-country policy learning
  - ⊕ Provide funding for environmental NGOs active on environmental crime
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- **Focus on observed weaknesses/problems with enforcement, hope that addressing these will enhance effectiveness**
  - **Focus on (but not limited to) deterrence model**

# Opportunities for EU action?

- 🌐 Revise environmental crime directive concerning sanctions (minimum sanctions, type of sanctions) on basis of Art. 83 TFEU?
- 🌐 Harmonise rules on inspections?
- 🌐 Further harmonisation of legislative framework at EU level (e.g. harmonise terminology of environmental liability directive and environmental crime directive)?
- 🌐 Measures to enhance access to justice of NGOs/victims in cases of environmental crime?
- 🌐 More stringent requirements on criminal liability of companies or civil liability for environmental crime committed by subsidiaries abroad?



# How to stay tuned and contribute

- 🌐 Take a look at our website ([www.efface.eu](http://www.efface.eu))
- 🌐 Follow us on twitter: Environmental Crime @EnvCrime
- 🌐 Expert workshop in London 22 October 2015 to discuss preliminary conclusions
- 🌐 Final conference 17/18 February 2016 in Brussels