

European Network of Prosecutors for the Environment

Réseau des Procureurs Européens pour l'environnement



ENPE newsletter - Issue 20

18 October 2023

Message from ENPE President Anne Brosnan

Dear Colleagues,

It was good to see so many of you in Italy and to know that others were viewing proceedings on line. It is said that “All roads lead to Rome” and it was a great venue for us to come together to discuss important issues around environmental enforcement. We convened with over 200 colleagues from IMPEL, EUFJE and EnviCrimeNet for the third live Four Networks Conference at the Carabinieri Officers School in

Aurelia, Rome. [photo W Fawcett]



It was a packed and fascinating programme with great speakers and break-out sessions. Our thanks go to **Gen. D. Claudio Domizi**, Commander of the Carabinieri Officers' School who welcomed us to the conference. We appreciated the attendance of **Mr Massimiliano Conti**, Deputy Chief of staff for the Minister of Environment - representing the Minister of Environment and Energy Security, Italy; and **Lieutenant General Andrea Rispoli**, Commander of the Carabinieri for the Protection of the Environment, Forestry and Agro-foodstuffs, representing the Commander General of the Carabinieri Corps; both of whom gave

inspiring presentations about developments in enforcement against environmental crime.

We would like to thank **General Domizi** and our co-chair **Lt. Col. Massimo Planera** and colleagues for the excellent organisation and generous hosting in Aurelia. In particular, it was a wonderful opportunity for delegates to be entertained by the **Carabinieri Officer School's Orchestra** who





performed exclusively for us. The venue and the lovely evening will be remembered for many years to come. Many of us have photographs and recordings.

We also held our ENPE General Assembly in the conference margins which was well attended both in person and online, and where we presented our annual Gaia awards (read on to see who won...)

We could not fail to be touched by the warmth and generosity of our welcome in Rome. We were hosted beyond our expectations and would like to share with you a picture of the ENPE cake made especially for the occasion. which was delightful both to see and to sample. Our waistlines will need to be tackled alongside more pressing matters.

This 20th newsletter is another very full edition, with information as to how our ENPE members and representatives continue to support training events in Europe and further afield. We are also pleased to report on successes of other projects supported by ENPE where innovative work is being deployed to tackle environmental crime and support natural recovery. As ever, we have included some very impressive results from prosecutions arising from our members activities. Wishing you an informative and hopefully, inspiring, read!

Anne Brosnan ENPE President and Shaun Robinson ENPE Project Manager.

[The ENPE cake, pictured right]



[photos kindly provided by the Carabinieri Officer Training School]

Four Networks conference Carabinieri Officers' School, Rome, Italy 28-29 September 2023



The four environmental crime networks – EnviCrimeNet, IMPEL, ENPE and EUFJE held their third joint Four Networks conference at the Carabinieri Officers School in Rome on the 28-29 September 2023. ENPE was very well represented with our President Anne Brosnan chairing the conference and several of our members and member representatives chairing sessions and delivering presentations at the event.

The conference was entitled **“Co-operation in strengthening environmental enforcement”** with a focus on innovative methods to assist prosecutions, how to make environmental crime less profitable and how to measure enforcement success. We were treated to case studies and presentations from colleagues from Belgium, Italy, Australia and North America, where learning and experience was shared and discussed by delegates. In addition, ENPE members and representatives chaired three breakout sessions focussed on the topics *Making environmental crime unprofitable*, *Ensuring administrative and criminal law complement each other* and a session focussed on *Prosecuting Environmental Crime in the Ukraine* as a result of the Russian conflict they are suffering, which included solutions in identifying, rectifying and building a case to prosecute those responsible. ENPE Vice-President, Rob de Rijck is pictured above introducing an Ukrainian presentation in his breakout session. [photo S Robinson]



The Network Chairs agreed a Conference Statement, in which it was agreed that going forward we need to ***increase the probability of detecting and successfully prosecuting illicit actions, (and) to be more successful we need to focus on prevention rather than just reaction, and thus legislation, regulation and resources must promote, ensure and support the actions of the relevant authorities to this end.*** The full statement please is available here: [Final statement - 4 Networks Conference | Impel](#)

It was also very clear from the feedback from our breakout sessions that:

- We need new techniques to prevent and detect environmental offences;
- We need administrative and criminal law enforcement to complement each other;
- We need to make environmental crime unprofitable;
- We need to assess, remediate and compensate for the damage incurred;
- We need to measure enforcement results.

The delegates were privileged to have been given an exclusive performance by the Carabinieri Officer School's orchestra, an institution known around the world, who played a variety of pieces, including some very well-known works composed by Enrico Morricone, amongst others. It was a wonderful experience for everyone and very much appreciated by the congress audience.

[Photo courtesy of Carabinieri Officer School, Rome]



ENPE Gaia Awards 2023

This was the second year of our ENPE Gaia Awards, with winners chosen by ENPE's judging panel and presented to those involved in contributions to the fight against environmental crime. Our panel assessed and scored a number of high-quality applications with the awards presented at our General Assembly Meeting on 28 September 2023, as part of the 4 Networks event. The winners get to keep a bronze hand-made statuette in the form of the Greek Goddess 'Gaia' (Mother Earth) in recognition of their important work, and for 2023 these were:

- for "*Overall Contribution in the fight against environmental crime*", (jointly), **Prof Luc Lavrysen** and **Judge Jan Van den Berghe**, both of EUFJE, pictured right, for their significant impact in championing



and developing environmental crime specialisms in the adjudication of environmental crimes across Europe and beyond, and for their foresight and assistance in helping us as “Fathers of the Network” in setting up ENPE as an association of prosecutors back in 2012;

- for *Case of the Year*”, **David Smith**, of the Irish Environmental Protection Agency, for a landmark waste prosecution case in County Kildare, Ireland resulting in a custodial sentence of a waste operator, whose award was accepted by his colleague **Ann Kavanagh**, pictured receiving the award below left; and
- for *“Innovation and Excellence in combatting environmental crime”*, **Dr Paolo Gubinelli**, Public Prosecutor Office attached to the Court of First Instance of Ancona, pictured below right, for his impressive body of environmental crime prosecution work, including the establishment of a specialist unit within his office. [photo P Gubinelli]



We heartily congratulate all our winners and are grateful for the valuable



contributions they are making in our collective fight against environmental crime.

Nominations for 2024 will open again in January so do feel free to nominate your colleagues and yourselves for important work in this area. Please contact Shaun Robinson at shaun.robinson@environment-agency.gov.uk for more details.

[photos provided by J Van den Bergeh; P Gubinelli & A Ashley]

ENPE AGM, Carabinieri Officer's School, Rome & via MS Teams, 28 September 2023.

ENPE President Anne Brosnan chaired the 2023 ENPE AGM which took place at the end of breakout Session 2 in the afternoon of 28 September at the Carabinieri Officer's School in Aurelia, Rome. The General Secretary Lars Magnusson, Treasurer Aisling Kelly and President's reports were all shared and presented, including an update of ENPE members & observers (now numbering 59 in total representing 35 countries including 24 EU Member States), the main financial transactions undertaken during the year, the budgetary position and the key achievements of the year. ENPE Articles of Association and internal Rules of Procedure had been updated and were approved, following a vote put to members, by show of hands. It was agreed to keep the fees at €0 for 2024, again following a vote put to members.

We were very pleased to see so many of our members & observers attending in person and look forward to a similar turn out next year. Thanks to Shaun Robinson, ENPE Project Manager, for making arrangements for our AGM.

ENPE Outreach

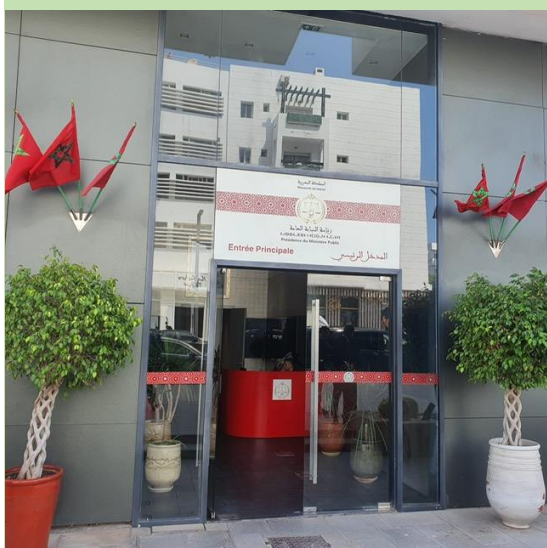
ENPE members deliver training in environmental protection as part of twinning project in Rabat, Kingdom of Morocco

ENPE Board members Dr Antonio Vercher, Prosecutor of the Coordinating Chamber of the Environment for the State Attorney General's Office of Spain, and Mr David Smith, of the Irish Environmental Protection Agency, together with Ms Katerina Weissova, a public prosecutor at the High Public Prosecutor's Office and ENPE permanent representative of the ENPE Czech Republic member organization, were invited to participate in a twinning visit to deliver training in environmental prosecution in Rabat, Kingdom of



Morocco.

This exchange was under the framework of the European project "Support for the Presidency of the Public Prosecutor's Office", managed by FIAPP and in which the Spanish Public Prosecutor's Office participates. The training was part of a "Proposal of recommendations for the reinforcement of the General Prosecutor Office's capacities in environmental protection in line with European standards" a project which seeks to share and build capacity around best practice in environmental prosecution with colleagues in the Kingdom of Morocco. The training took place in Rabat (Morocco) from the 5-6 June 2023 and our ENPE member representatives



were very appreciative of the opportunity to share their varied experience in such a hospitable and interesting country. [photos courtesy of A Vercher & D Smith].

ENPE members contributing to ERA Waste & Water Pollution training

Our members have continued to support the European Academy of Law (ERA), in delivering training events on EU Waste Legislation and Combatting Waste Crime and EU Water Pollution Law at training events across Europe.

From 14-16 June 2023, our ENPE Permanent Representative from Cyprus, Lina Chatziathanasiou delivered training on behalf of ENPE at the ERA event in Thessaloniki, Greece and from June 26-28 2023, in Bucharest, in collaboration with ERA and the National (Romanian) Institute of Magistracy, ENPE members



We are, together with our colleagues at ERA, very grateful to our Romanian, Cypriot and all other members and member representatives who are contributing to this training programme. There will no doubt be

News from the European Commission



Thanks again to the DG Environment team for their ongoing support and contributions to our events.

ENPE at UNODC's first Regional Waste Seminar, Bangkok, Thailand



Diana Helila, ENPE Permanent Representative for Estonia, attended the first UNWASTE Joint Regional Meeting in Southeast Asia, titled “Tackling Waste Trafficking in Bangkok” on the 14-16 June 2023. This event was organised by UNODC (United Nations Office on Drugs and Crime) and UNEP (United Nations Environment Programme) with an aim to better understand waste flows between Europe and Southeast Asia, with an additional focus on the COVID-19 pandemic's impact on medical and hazardous waste

movements. It was also to facilitate intra- and inter-regional dialogues at the policy level to promote partnership between the EU and Southeast Asian countries in support of a circular economy approach.

There were over 90 delegates in attendance from Japan, Indonesia, China, Vietnam, Thailand, Malaysia and also from Italy, the Netherlands, Estonia and Poland. The UNODC gave an overview of the main topics and



methodology of the legal frameworks of ASEAN Member States to address waste trafficking, and the World Customs Organisation (WCO) representative discussed customs operations which usually involve risk analysis, targeting detaining and controlling suspicious consignments and trades, data and intelligence sharing as well as inter-agency cooperation, and bilateral or multilateral customs cooperation. The WCO also conducts pre-operational activities where they invite experts from

the secretariat of conventions, customs experts, and environmental experts to provide the latest information about the plans and modus operandi on those commodities. [photos provided by D Helila]

In addition the SWEAP (Shipment of Waste Enforcement Actions Project) was introduced – an initiative that supports and provides customs training not only for customers, but also for prosecutors and judges, and one that ENPE has worked with in the past. To conclude, the UNODC referenced their guide: [COMBATING WASTE TRAFFICKING – A GUIDE TO GOOD LEGISLATIVE PRACTICES \(unodc.org\)](https://www.unodc.org/documents/trafficking/2019/01/COMBATING_WASTE_TRAFFICKING_-_A_GUIDE_TO_GOOD_LEGISLATIVE_PRACTICES_unodc.org) available for download and onward sharing as needed.

ENPE-supported projects: the LIFE20 Northern Bald Ibis project

The LIFE20 Northern Bald Ibis Project is a multi-partner, co-financed EU-funded project representing a continuation of a programme of reintroduction that started back in 2014 to protect and preserve the endangered Northern Bald Ibis in Europe, a unique and beautiful migratory bird (pictured right) which became extinct in its original homeland of the mountains of central Europe.

ENPE was pleased to partner the project in its first phase (2014-19) through organising a joint conference to raise



awareness and improve the protection against illegal poaching involving other similar projects and organisations hosted in Crete in 2018. Since then, the second phase – The LIFE 2 Northern Bald Ibis Project is now well underway with recent human-led migrations of these rare birds using skilled pilots leading the flying birds to their migratory destinations by micro-light from the Alps all the way down to their wintering areas of Andalucia.

The methods and commitment demonstrated by the members of the project team are truly extraordinary and we urge you to find out more here: [home en - Waldrapp](#)



Photos L. Pahnke & R Beck from the LIFE Reason for Hope Project
and the Northern Bald Ibis Newsletter



Interesting cases

Belgian CITES case – 2 years imprisonment & fine for illegal trade in endangered tortoises

Judgment from the Court of First Instance of East Flanders on June 28, 2023 on CITES protected tortoises. The defendant was condemned to 2 years imprisonment and a fine of €48.000 euros

‘Both the findings and the defendant's own statement show that he was involved in a large-scale illegal trade in endangered and protected tortoises. The analysis of Facebook conversations shows that the defendant himself talks about illegal transactions and that he is aware of the systems to circumvent CITES obligations. He also explained this to other people and traded with the key players in these systems. Those conversations also revealed that the defendant was in possession of tortoises without the required CITES documents. The defendant did not keep a register, which he admitted, which meant that it was not possible to determine exactly how many illegal transactions he was involved in. The defendant did not have an account in the CITES online application system. He therefore never applied for nor obtained the required documents. He used false names and accounts in the transactions.....He himself preferred wild-caught animals because they were more beautiful than captive-bred specimens. Moreover, he actively looked for ways to illegally import tortoises from Tunisia.’

9. Under Article 5 of the Act of 28 July 1981 approving the Agreement on International Trade in Endangered Species of Wild Fauna and Flora, the offenses under A and C are punishable by a prison sentence of 6 months to 5 years and /or 26 to 50,000 euros.

The offenses under D can be punished under Article 231 of the Criminal Code with a prison sentence of 8 days to 3 months and/or 25 to 300 euros.

10. The defendant caused real damage to nature.

The radiated tortoise (*Astrochelys Radiata*) – an endemic tortoise from Madagascar – is listed on the IUCN Red List as 'Critically Endangered'. This is the level just before 'extincted in the wild'.

The Moorish tortoise (*Testudo graeca*) lives in the Balkans and the Mediterranean and is listed on the IUCN Red List as 'Vulnerable'.

The strong decline of wild tortoises is mainly due to the illegal trade and the disappearance of their habitats.

The global trade in endangered wild plants and animals is an important and lucrative activity estimated at several billion euros per year and reaching a scale and profitability that rivals international drug and arms trafficking.

If this trade is not regulated and controlled, it can threaten the survival of species. That is why the United Nations introduced the CITES treaty in 1975.

The fight to protect biodiversity is a priority at European and global level. Numerous treaties and action plans have been developed for its protection.

Trading or possessing without the required documents complicates or prevents control and ultimately poses a threat to biodiversity. The decline in species diversity is alarming globally and in Europe.

The defendant not only seriously hampered the control of trade and the traceability of the tortoises, he engaged in long-term, systematic and organized criminal activities that threaten the survival of wild tortoises.

During the inspection he even made threats to the CITES inspector.

The defendant acted for profit.

11. The defendant was already convicted on May 19, 2009 by the criminal court in Ghent for disposing of seized goods. It also involved an illegally kept tortoise.

The defendant was sentenced on November 25, 2011 by the criminal court in Marche-en-Famenne for similar CITES crimes, violations of the Animal Welfare Act and false name use to a prison sentence of 6 months, half of which is suspended, and a fine of 1,100 euros, of which also half with postponement. The illegal capital gain of 7,477.50 euros was also confiscated. A third of these were granted with a postponement.

He has not learned any lessons from those convictions. On the contrary, he continued his criminal activities.

12. The penalty must be effective, proportionate and dissuasive. This is also stated in Article 5 of Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law.

The court must show that it considers crimes that harm biodiversity and natural heritage to be a serious form of crime.

A punishment must also be of such a nature that it discourages further violation of the law or encourages a weighing of the risk of being caught and personal benefit. That this advantage is not insignificant is evident from the statement of the defendant when he talks about his well-run business. The fact that he continued after 2 convictions in connection with his illegal practices also shows that the benefit outweighed the chance of being caught and punished.

Moreover, the social cost caused by the accused must also be taken into account in the form of the necessary deployment of people and resources for enforcement. The deployment of inspection services, police and justice represents a major cost to the community.

The prison sentence and fine specified (below) shall be effective, proportionate and dissuasive.'

Investigations into illegal ground water abstractions in Spain - update

Five siblings jailed for illegally extracting water feeding Spanish nature reserve

To follow the article on investigations into illegal groundwater abstractions in Spain included in the last ENPE newsletter (issue 19), five siblings have been jailed for more than three years for illegally extracting water from an aqueduct feeding a UNESCO-listed Spanish nature reserve that is threatened by desertification, a court ruling in Spain showed (article from the Guardian newspaper Agence-France Presse, Madrid 22/09/23).

“The farmers – four men and a woman – were found guilty of crimes against the environment and causing damage through the “systematic and extensive extraction” of water supplying Doñana national park, according to the ruling dated 18 September that was seen by Agence France-Presse on Friday.

One of Europe’s largest fauna-rich wetlands, Doñana is located in the southern Andalusia region.”

For more details, please see the link below:

[Five siblings jailed for illegally extracting water feeding Spanish nature reserve | Spain | The Guardian](#)

Contact

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Co-funded by the
European Union