



# PENAL ENFORCEMENT OF ENVIRONMENTAL CRIME

*A Belgian approach*

TAIEX/ECRAN

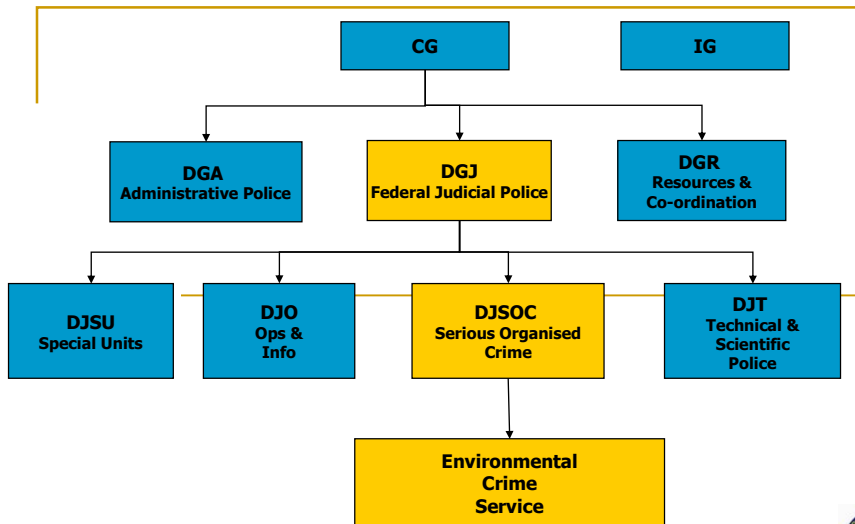
*Antwerp, March 8th 2016*



## 1. The Environmental Crime service



## 1. Structure of the Belgian Federal Police



## Serious Environmental Crime



- i.e. Organised and Recurring;
- Fraudulent and Intended to make Considerable Profits;
- Supra-local / International;
- Very Harmful to the Environment and/or Public Health





## Phenomena

- **Waste Trafficking;**
- **Trafficking in Protected Flora and Fauna;**
- **ECO Fraud;**  
     **Trafficking in Radioactive Materials (alleged or not) ?;**
- **Animal Welfare;**  
     **Trafficking in Firework ?**



## Duties

- Making strategic analyses to conceptualise the phenomena;
- Giving advice and ensuring the co-ordination for the benefit of the investigators;
- Developing expert data bases;
- Providing specific expertise and support to the police services;
- Ensuring information control and exploitation;
- Consolidating the “environmental network”;
- Providing specific training for members of the “environmental network”;
- Promoting an integrated police method to tackle the phenomena;
- Initiating and let carry out proactive and reactive investigations
- Concluding “skeleton agreements” (Police/Environmental Authorities)
- Representing the police in panels that deal with environmental protection (INTERPOL, EUROPOL, EU, ...).





## 2. The WASTE-project



### The Waste Project



#### OBJECTIVES (1):

To give insight into the real waste streams in Belgium through specific information gathering by:

- planned, short controls of waste transports in association with the competent environmental administrations
- punctual checks on “suspicious” waste transports during patrols.

Feedback: WASTE ECO-form

A detailed form titled "WASTE ECO-form" with multiple sections for data entry, including fields for date, time, location, and waste type.

# The Waste Project



## OBJECTIVES (2):

Detect high-risk groups and behaviour in the field of waste-disposal through operational analysis.

### Handling Waste-crime by:

- To use traditional police detection and investigation techniques;
- To catch and convict the perpetrators;
- To confiscate the illegally acquired benefits;
- To stop the possible threat to the population and the environment.







### 3. The Exchange of information



## Step by step approach

### Step 1: Internally



- Use existing information tools  
(+ mesure performance within domain of environmental crime)
- Asside: develop new tools to optimalise flow of information  
(Eco-message)



Typologie	Jaar			
	2012	2013	2014	2015
<b>Serious waste Crime</b>	<b>984</b>	<b>1080</b>	<b>957</b>	<b>743</b>
Waste by professionals	630	622	584	484
Waste: transport	255	362	295	187
Waste: permit-authorisation	99	96	78	72
<b>Local waste Crime</b>	<b>6218</b>	<b>5807</b>	<b>5802</b>	<b>5334</b>
Waste by private persons	5136	4840	4849	4499
Air pollution	557	471	524	482
Water pollution	306	333	268	199
Soil pollution	195	151	156	142
Taxes - charges on environment	24	12	5	12
<b>Biodiversity</b>	<b>2521</b>	<b>2400</b>	<b>2359</b>	<b>1974</b>
Environment - flora fauna: CITES	46	21	21	20
Environment - flora fauna: destruction	566	537	495	422
Environment - flora fauna: animal welfare	1453	1398	1447	1223
Environment - flora fauna: conservation of	327	283	272	220
Environment - flora fauna: permit-	129	158	124	89
Environment - flora fauna other	0	3	0	0
<b>Fireworks</b>	<b>47</b>	<b>60</b>	<b>68</b>	<b>31</b>
<b>Urbanism</b>	<b>3116</b>	<b>3075</b>	<b>2519</b>	<b>2122</b>
<b>Traffic in radioactive materials</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>1</b>
<b>Other crime linked to environmental crime</b>	<b>15193</b>	<b>14140</b>	<b>13901</b>	<b>13053</b>
<b>TOTAL</b>	<b>28084</b>	<b>26563</b>	<b>25608</b>	<b>23258</b>

Remark: the figures 2015 are complet till August 31st







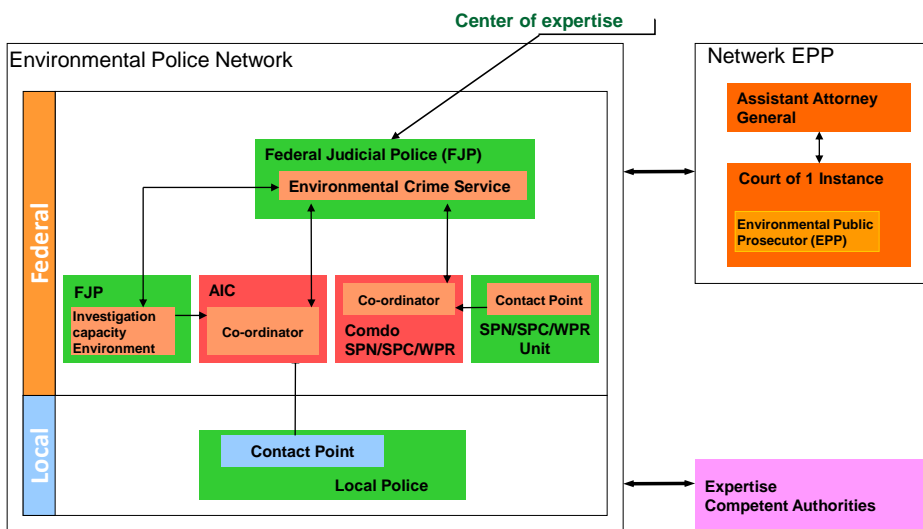
## Step by step approach

### Step 1: Internally

- *Use existing information tools*  
(+ *mesure performance within domain of environmental crime*)
- *Asside: develop new tools to optimalise flow of information (Eco-message)*
- **Create a network (with focal point = center of expertise)**



## Environmental Network (Belgium)





## Step by step approach

### Step 2: Collaboration on national level

- Theoretic approach:  
determine other enforcement bodies  
(contacts, determine mutual tools, information exchange, ...)
- Practical (multidisciplinary) approach:  
determine possibilities in the field



## Multidisciplinary Approach

### Environmental Authorities

- Inspection/Supervision
- Report
  - administrative
  - judicial

in situ  
Local Environmental  
Crime

### Police

- Report
  - judicial
- Investigation

Local Environmental Crime  
Serious Environmental  
Crime



## Step by step approach



### Step 3: Collaboration on international level

- Set-up close collaboration with (neighbour) countries when mutual interest (EU Project AUGIAS)  
  
(specific flux of waste, connected means of transport, common industry,...)
- Becoming active member within international initiatives (IMPEL/TFS, INECE, Interpol, EnviCrimeNet (Europol),...)



ENVIRONMENTAL CRIME  
IT'S GLOBAL THEFT

INTERPOL

Environmental  
Crime  
Programme



ENVIRONMENTAL CRIME  
PROGRAMME





## EnviCrimeNet

European network for Environmental crime



But...

Some legal restrictions

- e.g. Authorities vs. Police

***“What is not prohibited is allowed and ... what is not allowed is prohibited !”***



- A few solutions:
  - take CA on board as experts
  - Depersonalised DB (e.g. EU-TWIX)
  - DB privacy commission registration
  - ...

- Existing channels
  - **Europol** (AWF, SIENNA) ....EnviCrimeNet
  - **INTERPOL** (ECO-form)



## Ecomessage



## 1. Subject

- 1.1 A brief description of the offense
- 1.2 Code name
- 1.3 Legal description of the offense (Reference number, Citation of legislation violated and legally possible penalties)

## 2. Place and method of discovery

- 2.1 Place where the offense was discovered (e.g. the name of a port or city). If on sea or open country side, indicate distance and direction to a known reference point.
- 2.2 Describe how the offense was discovered (e.g., customs control inspection, informant information, etc.)
- 2.3 City, Country where offense was discovered

## 3. Date and time

When the offense was discovered

## 4. Contraband products

- 4.1 **Illegal wastes:** Specify the nature of the wastes and their place of production; or  
**Radioactive substances:** Specify the nature of the radioactive substance; or,  
**Wildlife:** Specify the scientific and common names of the species involved, with a precise description of the specimen (e.g., live, dead, part or derivative, age, sex, etc.)
- 4.2 **Quantity and estimated value:** Specify the units of measure and the type of currency

## 1. Subject

- 1.1 Illegal trade in endangered parrots and their eggs
- 1.2 Operation Cockatoo
- 1.3 Article 3 of Law/Regulation  
(maximum penalty: 3 years prison and/or fine)

## 2. Place and method of discovery

- 2.1 Capital Airport
- 2.2 Discovered by X-Ray and document examination
- 2.3 Camelot, Utopia

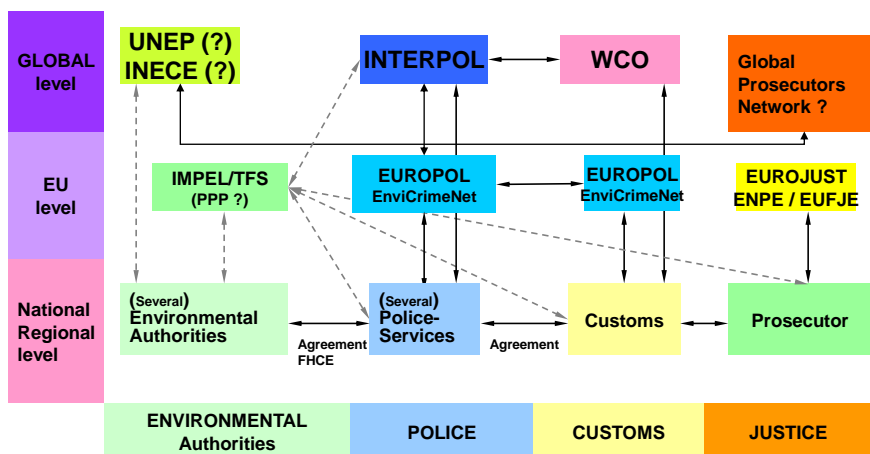
## 3. Date and time

30 April 2004 at 23:00 hours

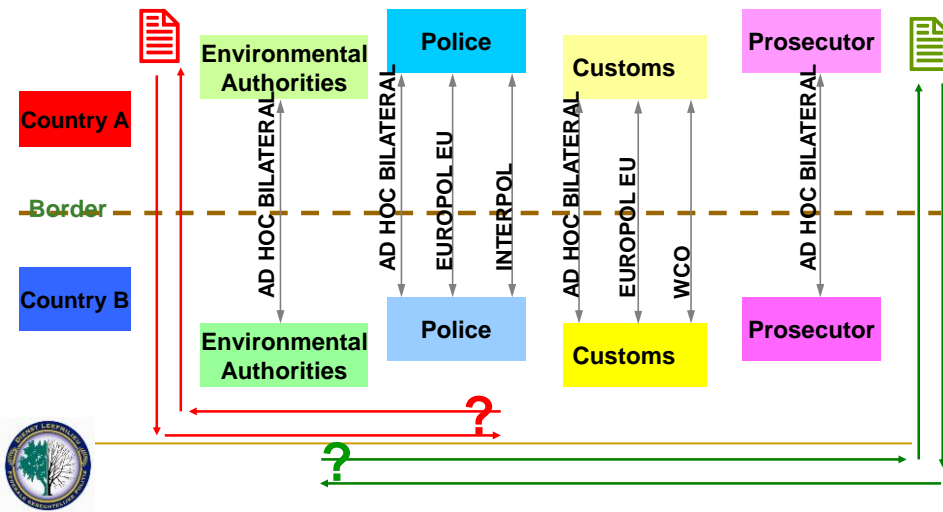
## 4. Contraband products

- 4.1 3 *Cacatua goffini* (CITES App I) (live, age unknown)  
1 *Cacatua moluccensis* (CITES App I) (live, age unknown)  
25 eggs of *Cacatua goffini*, *C. moluccensis*, *C. sanguinea*
- 4.2 Value about US \$50,000

## Projected Infoflux



## International exchange of information - Best practice



### Police

- General competence in police matters
- Competence in the enforcement of environmental legislation
- Approachable 24/24
- Recognizable for the public

#### EXPERTISE IN

- ▶ Police matters
- ▶ Privileged contacts with Public Prosecutors

### Customs

- General competence in customs matters
  - Transfrontier (EU) shipment of goods & waste
- Taxes - Tpt
- Limited competence in environmental legislation

- ▶ Custom matters

### Env. authorities

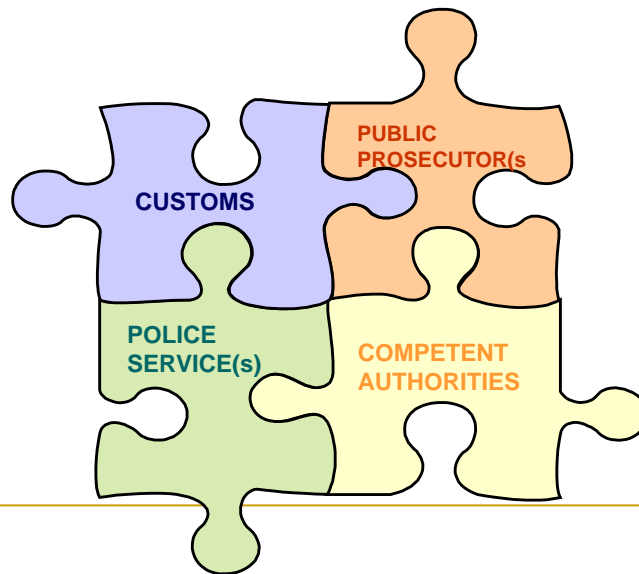
- Specific competence in environmental legislation

- ▶ Environmental issues



And finally... the **Public prosecutor** as the **KEYSTONE** of penal enforcement.

# INFORMATION JIGSAW



## Environmental Networking



**themis**  
NETWORK

Themis: Managing Natural Resources and Combating Environmental Crime



[www.themisnetwork.eu](http://www.themisnetwork.eu) translated in English, Albanian, Macedonian, Montenegrin, Serbian, National languages of Bosnia and Herzegovina





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