



MAKE A STRONG CHAIN FOR THE ENVIRONMENT

Specialisation in environmental law is absolutely crucial throughout the enforcement chain and should be organised in a structural way and anchored in law.

JOINT PRESS RELEASE of the EU networks of environmental regulators (IMPEL), police (EnviCrimeNet), environmental prosecutors (ENPE) and environmental judges (EUFJE)

The 8th round of mutual evaluations (GENVAL) was devoted to the practical implementation and operation of the European policies on prevention and combating environmental crime. In the course of 2017 and 2019 the EU member states were evaluated in this regard.

At the Justice session of the EU Council on 3 December 2019 the Council took note of the final report and of the importance of enhancing the fight against environmental crime.

The main conclusions of the report are the following:

- There is a general lack of priority at political level to prevent and fight effectively against environmental crime in the majority of Member States, and, in most Member States, no comprehensive national strategy setting out relevant priorities and involving all relevant authorities exists.
- In most Member States, statistics in the area of environmental crime are insufficient and fragmented and this leads to a lack of information and analysis of the entire flow of cases from the administrative authorities, the police, the prosecutor's offices and the courts. Consequently it is not possible to have an overview of the extent of these criminal phenomena and adapt national measures and actions accordingly.

- The complexity of the challenges posed by environmental crime, and the technical nature of such crime require a high level of legal knowledge, technical expertise and a high level of specialization in all the competent authorities involved in countering these forms of crime. In most Member States, on the one hand, no specialized judicial structures have been established to deal with environmental crime, and, on the other hand, no specialized prosecutor or judge is assigned specifically to deal with criminal cases in this area.
- Regular and extensive continuous training, including joint training for law enforcement and judicial authorities, is also essential to acquire such specialization and expertise.
- A lack of human resources results in a low number of checks and of specific investigations. The detection rate for environmental crime is consequently quite low and in certain cases the prosecution of cases of these crimes, is statistically irrelevant.

The report states that a higher level of prioritization is recommended at political and strategic level, in order to ensure that there is an efficient monitoring and enforcement system in this area.

We, the networks, confirm our experience that in some Member States there is no environmental enforcement **because of an unintended circular effect**: the public do not complain because the police do not invest resources in environmental cases. The police do not invest because the judges do not take environmental cases sufficiently seriously. Judges state there are not enough environmental cases to allow them to become specialised. In other Member States, prosecutors avoid bringing environmental cases to court because of the lack of specialisation of the judges. And because there are not enough environmental prosecutions, there is no demand from the judiciary for training in environmental law.

This circular effect and the complexity of environmental law partly explains a gap between the efforts to secure compliance deployed at the EU level and the poor environmental enforcement outcomes "on the ground".

Specialisation in environmental law is absolutely crucial throughout the enforcement chain.

Police forces, prosecutors and judges working on the cases should all be specialised. Specialisation of the courts in environmental law is crucial, as they are the final link of the enforcement chain. A chain is no stronger than its weakest link.

Specialisation is not an end, but a means to an end. There is no "one size fits all" design for environmental courts; they should reflect the national character, culture and legal system.

However, we strongly believe, based on experience, that specialisation of the courts, more amalgamation, more comprehensive jurisdiction and a multidisciplinary approach do contribute to outcomes that are better for the citizens, society and the environment. **That specialisation should be organised in a structural way and anchored in law.**

Without a strong enforcement chain, **environmental laws remain dead letter laws**, public confidence and awareness are low, while the environment keeps degrading at a rapid and possibly irreversible pace.

Therefore, the EU networks of environmental regulators (IMPEL), police (EnviCrimeNet), environmental prosecutors (ENPE) and environmental judges (EUFJE) call on the EU institutions and the Member States to work hard to support the effective enforcement of environmental rules and on better protection of the environment.

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