

**The ENPE/EUFJE LIFE+ project:  
progress report of the working  
group on Sanctioning,  
prosecution and judicial practice**

**ENPE**



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prosecution and judicial practice  
Sofia 16-17 November 2018, EUFJE Annual  
Conference, "Training and Specialization in  
Environmental Law"

LIFE14 GIE/UK/000043



1. The 4<sup>th</sup> Working Group (WG) of a  
LIFE+ project (August 2015-August  
2020) on capacity building in  
environmental prosecution and  
sanctioning

[ [https://www.environmentalprosecutors.eu/eu-life-  
project](https://www.environmentalprosecutors.eu/eu-life-project) ]



## 1.1. WG 4: a slightly different WG

$\frac{3}{4}$  are subject-focused     $\frac{1}{4}$  looks at overarching practice

WG 1 Wildlife  
WG 2 Waste  
WG 3 Chemicals (Air)

WG 4 Sanctioning:  
prosecution and judicial  
practice

- Issues hindering efficient and effective prosecution and adjudication
- ENPE

- Sanctioning
- ENPE & EUFJE

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## 1.2. Team and issues to discuss

### *Team*

Belgium – P/J  
Croatia – J  
Czech Republic – P  
France – J & J  
Germany – P & P  
Latvia – P  
The Netherlands – J(P)  
Spain – P

### *Issues to discuss*

*“Proportionate, effective & dissuasive” sanctioning*

- 1/ Administrative >< criminal sanctioning - *What best when?*
- 2/ How prosecutors *seek to apply* sanctions, how judges *apply* sanctions in criminal *and* administrative contexts
- 3/ Ongoing *practical implications* Eco-crime Directive. Extent to which *differences in sanctioning practices* undermine enforcement and other EU policies (cohesion common market)

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## 1.3. Outputs to deliver and in progress

### Contents

### [Training materials]

December 2017: interim findings and report

December 2018: idem

December 2019: final findings and report

Challenges regarding the development and 'canning' of training materials

Strategy development: all 4 WG together

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## 1.3. (...)

- First interim report: available on the EUFJE website, *sub* Documents

[https://www.eufje.org/index.php?option=com\\_content&view=article&id=10&Itemid=121&lang=en](https://www.eufje.org/index.php?option=com_content&view=article&id=10&Itemid=121&lang=en)

- Topics:
  - Problems, trends and good practices in prosecution and sanctioning
  - Proportionality in prosecution and sanctioning



## 2. Ongoing work

2.1. Good practices in the prosecution and the adjudication work – Focus on *international cooperation*

2.2. Good practices in the prosecution and adjudication work – Focus on *environmental specialization with prosecutors and courts/judges*

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### 2.1. Working method

- Questionnaire > input > first analysis > discussion and additional input > second analysis > discussion and additional input > third analysis > key observations and recommendations
- A quintessentially collaborative process

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## 2.2. First findings, preliminary views

- International cooperation
  - Most needed is an accurate/correct answer/response in a short delay
  - Today, there is a clear-cut difference in facility and efficiency between transnational cooperation within the EU and transnational cooperation with non EU states
  - At EU-level, the toolkit made available by the EU-legislator suffices; no additional tools are needed
    - Central role of the European investigation order (to implement in EU-Member States by 22 May 2017)

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## 2.2 (...)

- Environmental specialization with prosecutors and judges
  - Specialisation is needed throughout the enforcement chain, from monitoring to judging
  - When discussing the topic, a clear distinction ought to be made between what should ideally exist and what is, in reality, the best solution to strife for
    - And why
  - Specialisation rises an issue of numbers of files and thus of geographical scale
  - Specialisation should be available for each and all environmental offences (no distinction, in the legal system, between 'less' and 'more' serious offences)

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