

Evaluation on the Environmental Crime Directive

Technical Appendix

1. Evaluation question

This information report *assesses whether the EU Directive 2008/99/EC, or Environmental Crime Directive (ECD) on environmental crime is relevant and effective, and what is the added value of involving civil society. It also analyses civil society organisations' (CSOs) views across the EU concerning the implementation of the Directive.*

2. Data collection

The members of the EESC study group collected the points of view of civil society organisations through a questionnaire and five fact-finding missions.

- The **questionnaire** asked civil society organisations how they perceive the practical implementation of the ECD. The questionnaire was created on the EU Survey online portal, using a combination of question formats (filter questions, closed, open-ended, grid and most-significant-change method). The consultation via the questionnaire was open during the period July – September 2019.
- The **fact-finding missions** included semi-structured interviews with local civil society organisations (and other stakeholders in some cases), generally following the structure of the questionnaire.

Secondary data collection drew on the EESC's past work on the subject, such as EESC opinions, reports of conferences, missions and public hearings.

3. Sampling

3.1 Fact-finding missions

The selection of fact-finding mission countries was made by the study group and based on the criteria adopted by the EESC Bureau on 22 January 2019. The selection of Member States to be visited was also coordinated with the European Commission.

The countries were selected on the basis of:

- *political spread* e.g. high/low level of implementation, application success rates, most/least affected by the legislative proposal/programme, etc.;
- *geographical spread* e.g. by setting up five groups of Member States and choosing one from each group.

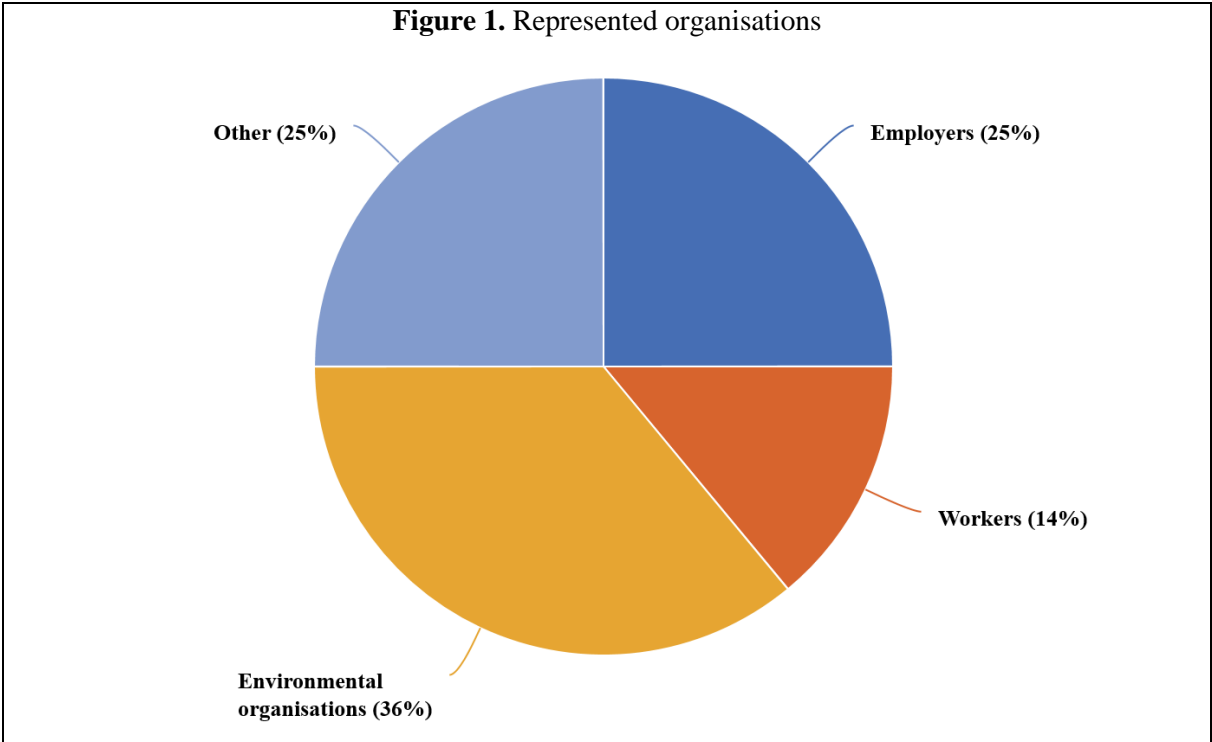
The sample of EU Member States chosen for this information report were: **France (9 July 2019), Portugal (15 July 2019), Czech Republic (23 July 2019), Finland (24 July 2019) and Hungary (9 September 2019).**

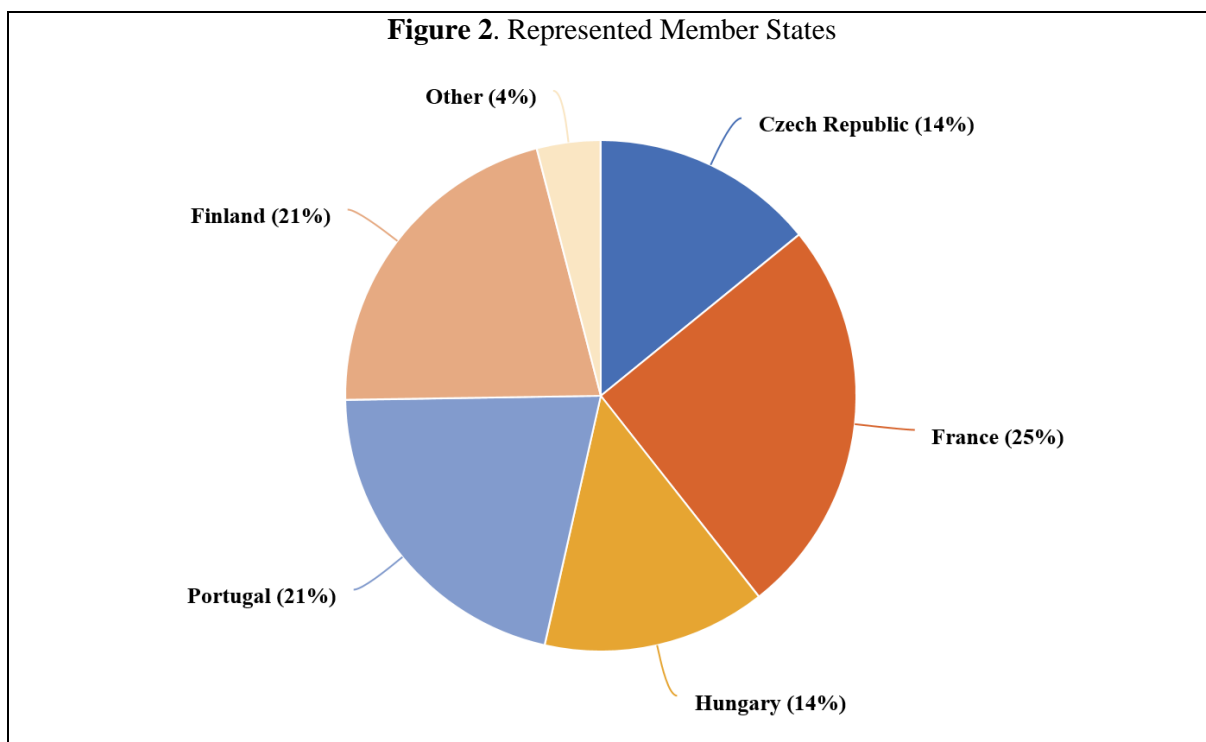
3.2 Questionnaire

The aim of the questionnaire is to complement the findings of the fact-finding missions. Composed of 16 questions, it was sent to organisations from the Member States selected for the fact-finding missions (not only to the organisations participating in the mission meetings, but also to other relevant organisations).

3.3 Respondent breakdown

During the five fact-finding missions, the EESC delegations consulted **40 civil society organisations and a number of representatives of public authorities.** In addition, **28 civil society organisations and public authorities** responded to the questionnaire, which included **10** representatives of environmental organisations (**36%**), **7** representatives of employers (**25%**), **4** representatives of workers (**14%**), and **7** respondents stating "other" (**25%**). **25%** of the questionnaire respondents come from France, **21%** from Portugal, **14%** from the Czech Republic, **22%** from Finland, and **14%** from Hungary. One reply (less than **4%**) **was received** from "other" Member States (Croatia).





4. Primary data: findings and analysis

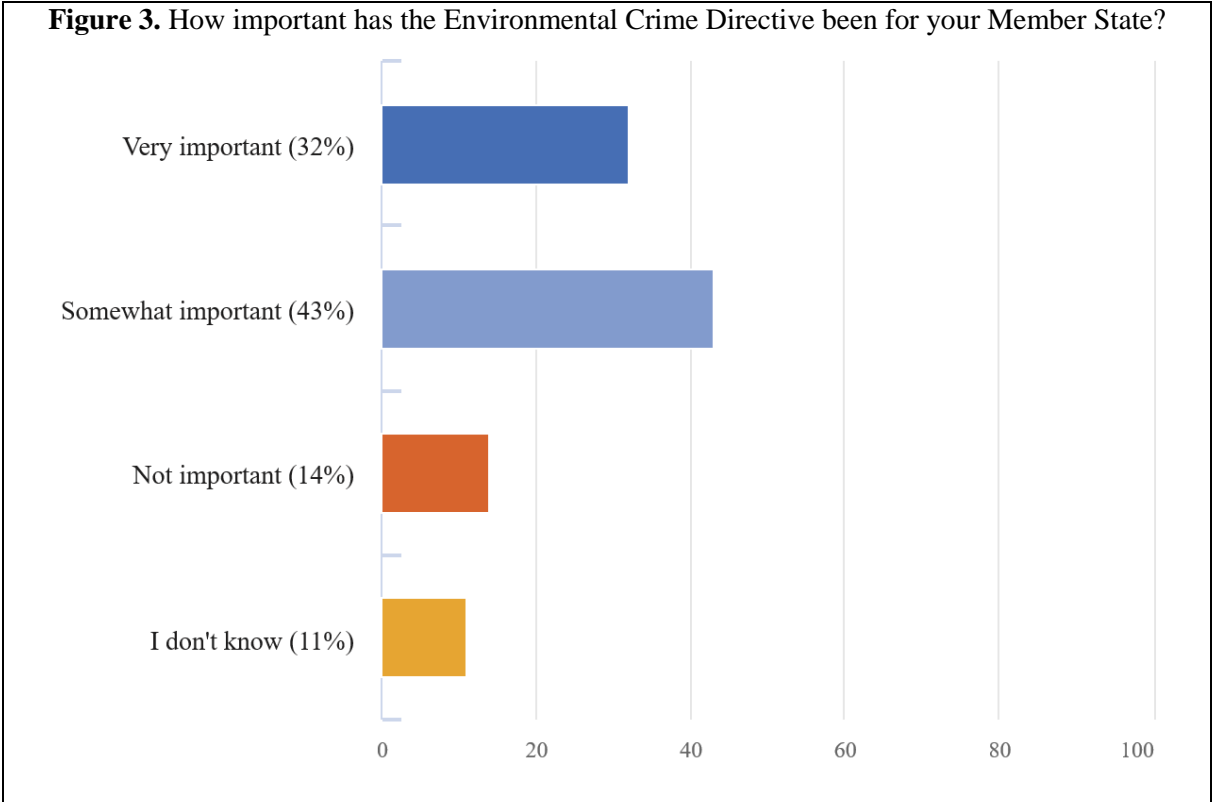
4.1 Relevance

According to the European Commission Better Regulation toolbox, the criteria of relevance *"looks at the relationship between the needs and problems in society and the objectives of the intervention and hence touches on aspects of design. Relevance analysis also requires a consideration of how the objectives of an EU intervention (...) correspond to wider EU policy goals and priorities."*¹

4.1.1 Importance of the Environmental Crime Directive

The Environmental Crime Directive has not had the same impact in the five different Member States visited. Therefore, civil society organisations were asked how important the Directive has been for their Member State. Results (see graph below) show that a majority of respondents considered the Environmental Crime Directive as being **very important (32%)** or **somewhat important (43%)** for their Member State. On the other hand, **14% considered it not important** and **11% did not know**.

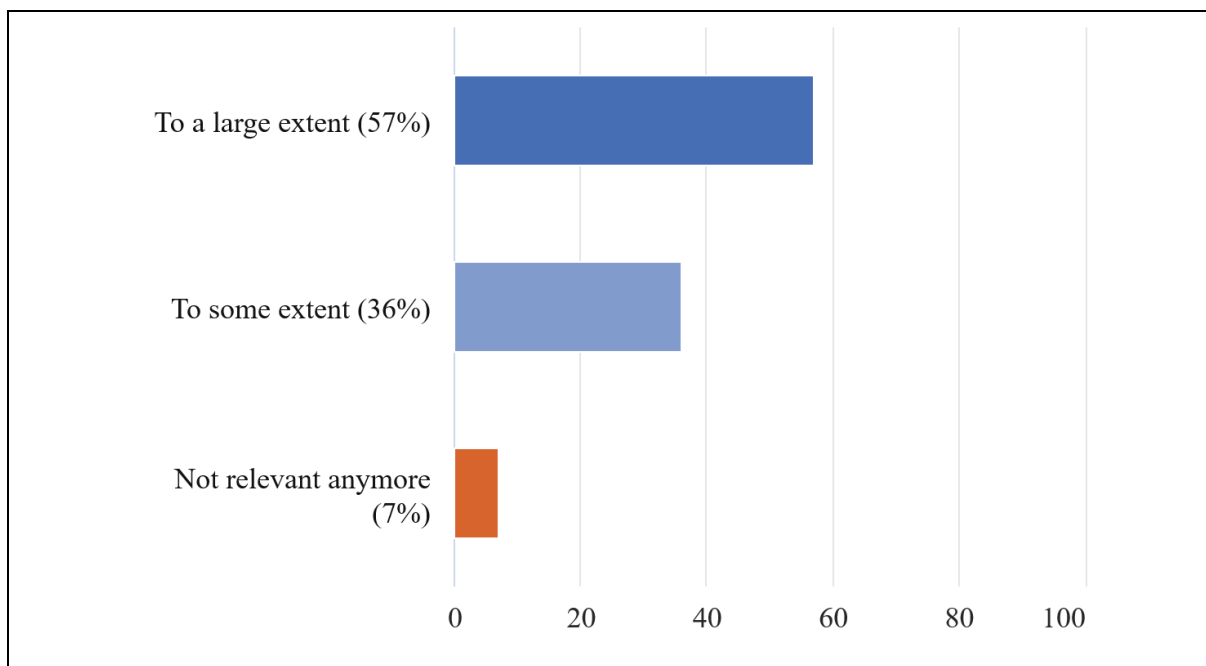
¹ https://ec.europa.eu/info/sites/info/files/file_import/better-regulation-toolbox-47_en_0.pdf



4.1.2 Relevance of the Environmental Crime Directive

Adopted in 2008, the Environmental Crime Directive was drafted more than a decade ago, within a context that might not be the same any longer. It therefore appeared necessary to evaluate the current relevance of the Directive. According to the consultation (see graph below), the respondents believe that the Directive is **still relevant to a large extent (57%)**, and **36%** of them felt that it is **still relevant to some extent**. Only a small minority of respondents (**7%**) rated the Directive as **no longer relevant**.

Figure 4. To what extent is the Environmental Crime Directive still relevant?



During meetings in the Member States, the consulted participants underlined the **positive impact** of the Directive over the last ten years². Public authorities dealing with environmental crime also stressed that the adoption of the Directive was a **great support for their work**, despite some **deficiencies in terms of practical implementation**³. In addition, French employers stressed that the Directive was still relevant, as it allows for a **minimum harmonisation**, independently of the national sanctions that individual Member State decide to implement. In Finland, all participants agreed that the Directive has been **relevant and useful**. In particular, representatives of both trade unions and environmental organisations highlighted that the Directive has helped **raise awareness of environmental crime** in Finland.

4.1.3 Protection of the environment

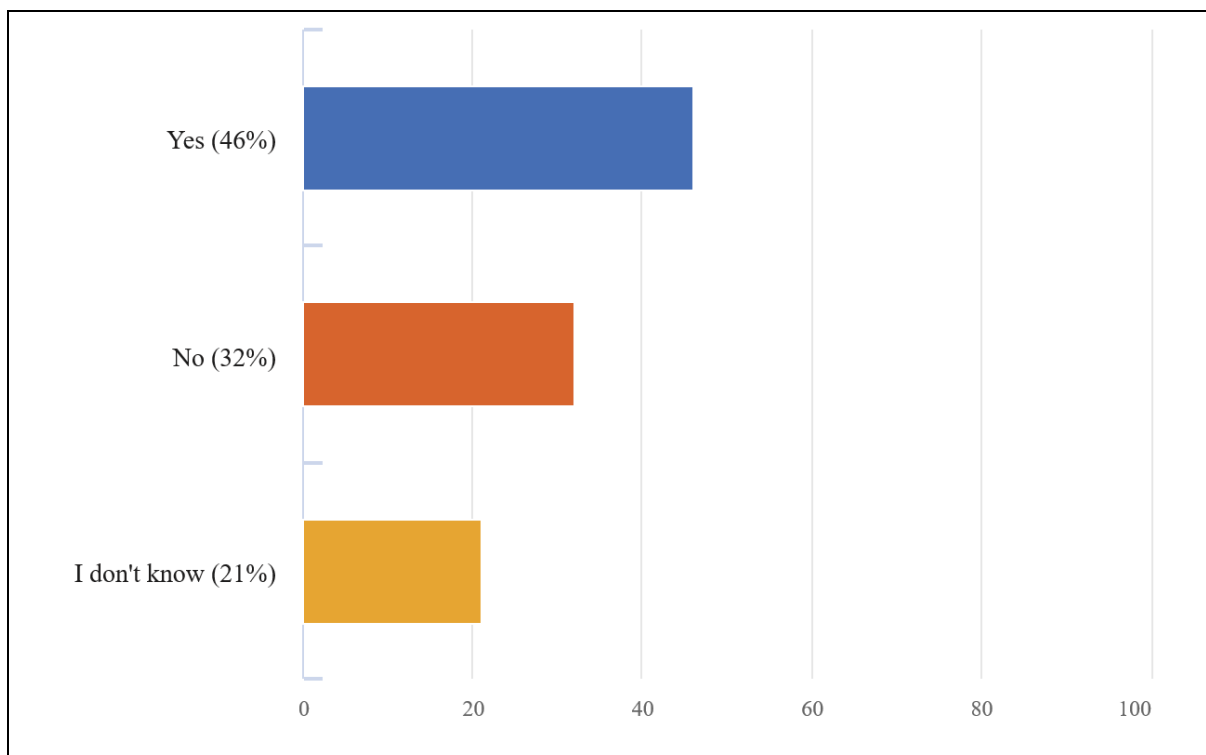
According to the European Commission, "*the Environmental Crime Directive has as an objective to contribute to a more effective protection of the environment and full application of the existing Union environmental legislation through criminal law (...)*"⁴ As a matter of fact, the Directive requires the Member States to provide for criminal sanctions for the most serious environmental offences. The information available (see graph below) shows that nearly half of the respondents (**46%**) feel that the Directive resulted in **more effective protection of the environment** in their Member State. Around one third (**32%**) of the respondents think the opposite, while nearly one quarter (**21%**) replied that they do not know if this is indeed the case.

Figure 5. Has the Environmental Crime Directive resulted in more effective protection of the environment in your Member State?

² Czech Republic, Finland, France – environmental organisations

³ Finland – public authorities

⁴ European Commission – Evaluation of the Environmental Crime Directive Roadmap



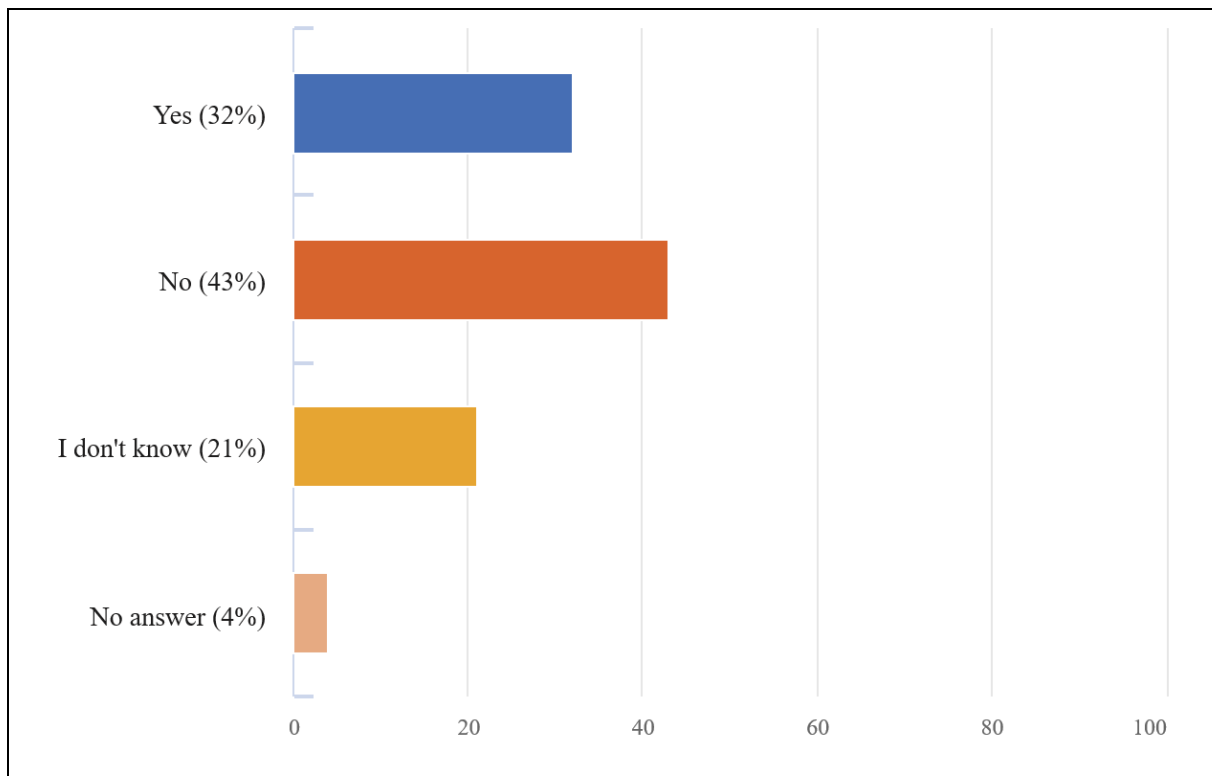
4.1.4 Updating the objectives and revising parts of the Environmental Crime Directive

The objectives of the Environmental Crime Directive are multiple. Apart from aiming to protect better the environment through criminal law, the Directive also aims *"to ensure a level playing field in the Member States by approximating the criminal offenses, and to ensure deterrent sanctions and overall effective sanctioning systems in all Member States."* In order to achieve this objective, the Directive *"establishes a common set of offenses that Member States must criminalize", "approximates the scope of liable perpetrators", "requires that Member States extend criminal liability", and "approximates criminal sanctions by requiring all Member States to ensure effective, proportionate and dissuasive criminal penalties for environmental crimes."*⁵

When asked whether the objectives of the Environmental Crime Directive need to be updated, participants consulted via the questionnaire were divided (see graph below): **32%** of the respondents considered that there is a **need to update the objectives**, while **43%** maintained that there is **no need to revise the objectives** and **21%** of the respondents replied that they did not know.

Figure 6. Do the objectives of the Environmental Crime Directive need to be updated?

⁵ European Commission – Evaluation of the Environmental Crime Directive Roadmap



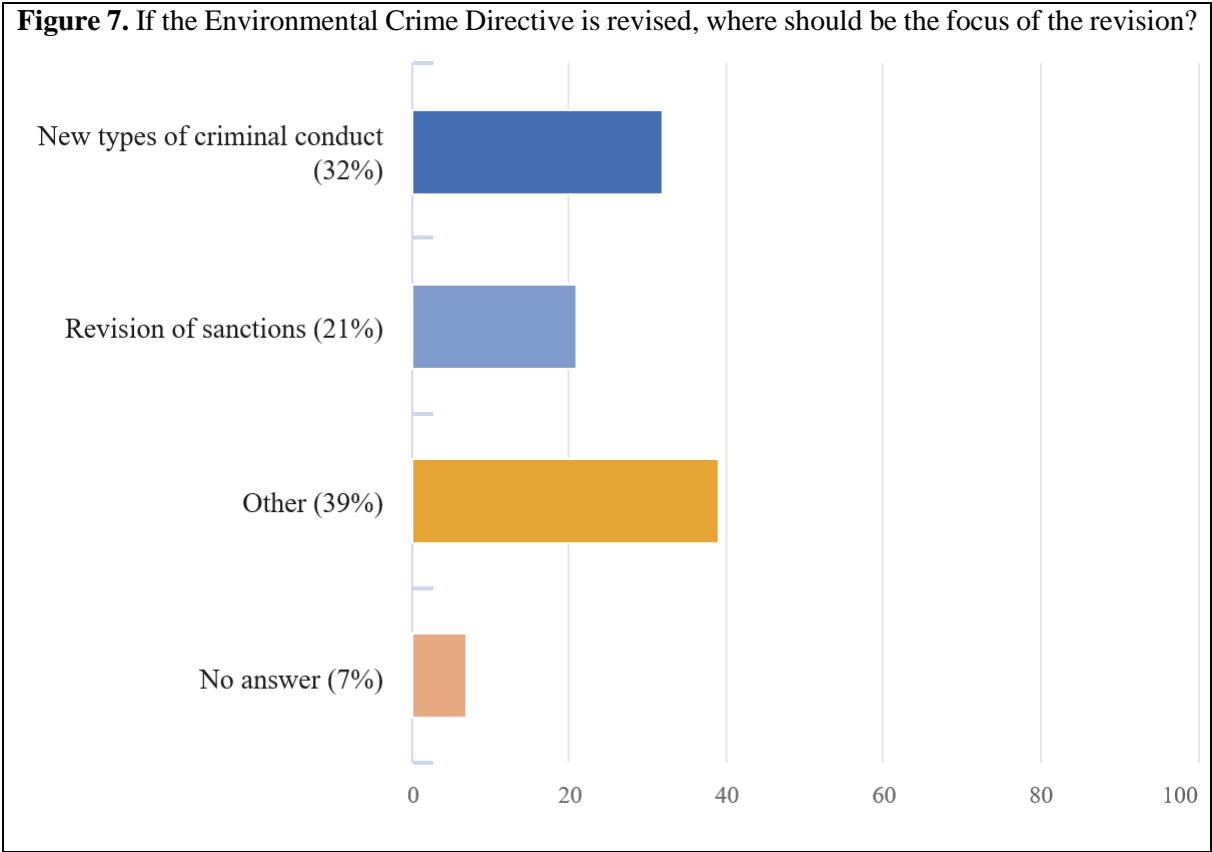
Consultations in the visited Member States revealed that most participants did not feel an urgent need to revise the Directive and considered the current context appropriate. For example, in France, employers agreed that the Directive did not need to be revised as it provides for extensive protection of the environment through criminal law, while representatives of public authorities suggested that **the Directive could be updated based on the last EU treaties that allow the application of sanctions.**

However, participants put forward some suggestions in case the Directive would be updated in the near future. In the Czech Republic, trade union representatives considered that **the Directive (especially its annexes) should be simplified.** In addition, they suggested that **the Directive should take into account farmers,** who are sometimes blamed for environmental crimes for which they are not responsible. Czech employers' representatives highlighted the need to ensure that if an individual employee causes environmental damage, the responsibility for such damage should be borne by this employee and not the company, if it is proven that the company had introduced the necessary measures to prevent the damage. Representatives of environmental organisations maintained that the priority should be **to improve the practical implementation of the current Directive, rather than trying to update the legal text.** In Finland, participants suggested that the issues of **criminal proceeds and environmental damage should be addressed in the Directive, if the latter is revised.** In addition, the courts should be able **to adopt a decision imposing on the liable person to restore the environment** to its original state, i.e. the state before the damage was caused. In Hungary, public authorities and environmental organisations suggested that **more EU harmonised legislation** would be welcome. The interlocutors also stated that **key distinctions should be made between non-compliance and crime,** both in the Directive and in national legislation.

In case of a decision to revise of the Directive, respondents to the questionnaire were asked to specify the focus of such revision. According to **32%** of the respondents (see graph below), **the focus of a possible revision should be on new types of criminal conduct.** Respondents highlighted particularly

environmental cyber-criminality. For **21%** of the respondents, a possible revision of the Directive should focus on **revising the sanctions**. Employers in Czech Republic recommended that the range of environmental crimes **should not be unreasonably expanded**, and could perhaps be based on an analysis of the frequency of such behaviours on the one hand, and the benefits of the punishment on the other hand. They also suggested that the Directive should take into account the existence of other instruments, which are also of a preventative character. Finally, French respondents suggested to adopt a **scale of minimum sanctions for natural and legal persons**.

Figure 7. If the Environmental Crime Directive is revised, where should be the focus of the revision?



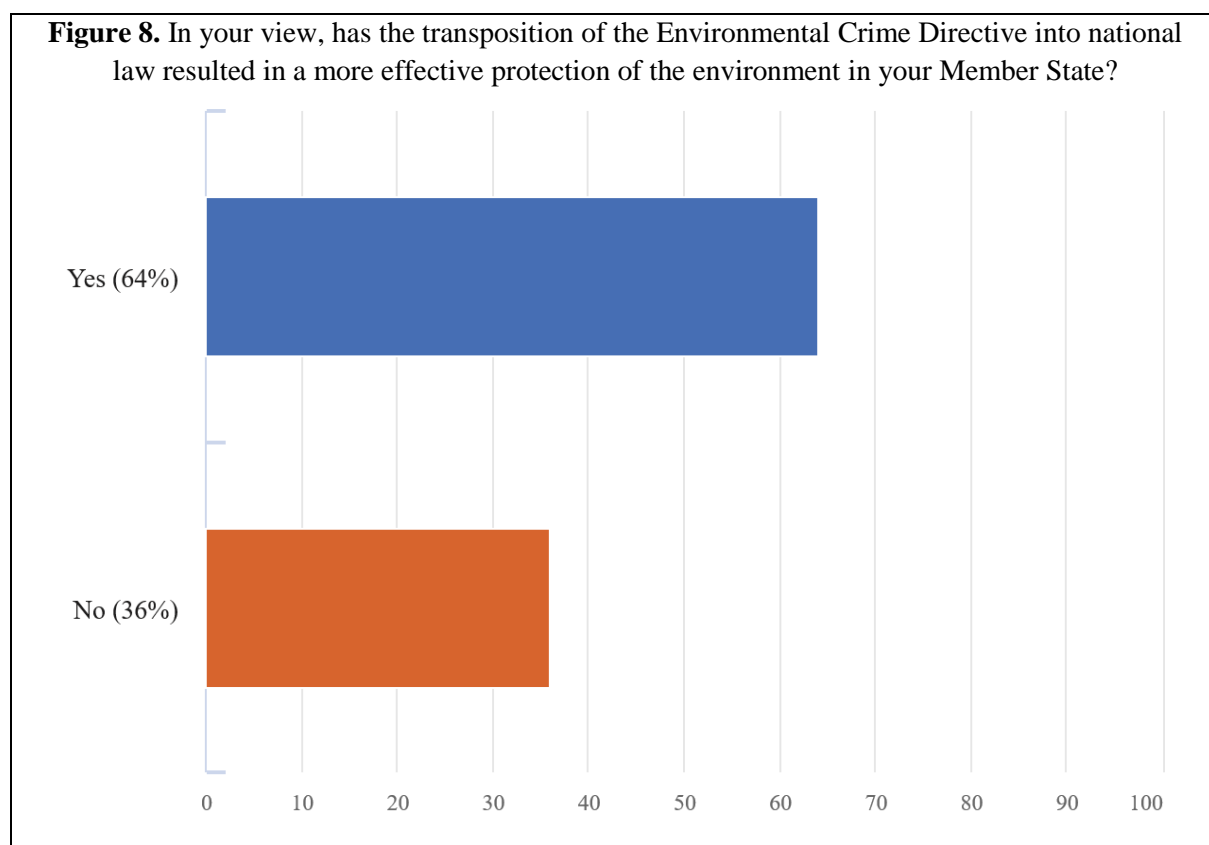
The **weak implementation of the Directive** is a serious matter in several Member States. Respondents from Portugal highlighted that **courts are not used to adjudicate stringent penalties for environmental crimes, or even to categorise an environmental offense as a crime**. Similarly, Finnish environmental organisations pointed out that the implementation of the Directive has been deficient in Finland. Indeed, in Finland there are no police units specialised in environmental crimes, which in practice means that, if an environmental offence is reported to the police, the latter must contact the environmental authorities of the State or the municipality, even if the environmental problem may partly be caused by their negligent behaviour. The lack of a centralised environmental crime unit may also be considered an obstacle for investigating international environmental crime incidents.

4.2 Effectiveness

According to the European Commission Better Regulation toolbox, the criteria of effectiveness "considers how successful EU action has been in achieving or progressing towards its objectives."⁶

4.2.1 Transposition of the Environmental Crime Directive

Questionnaire results (see graph below) show that **64%** of respondents considered that the transposition of the Directive into national law resulted in a more effective protection of the environment in their Member State, while **36%** believe the contrary.



Nonetheless, the interviews with participants showed that the transposition of the Directive has been quite uneven in the represented countries.

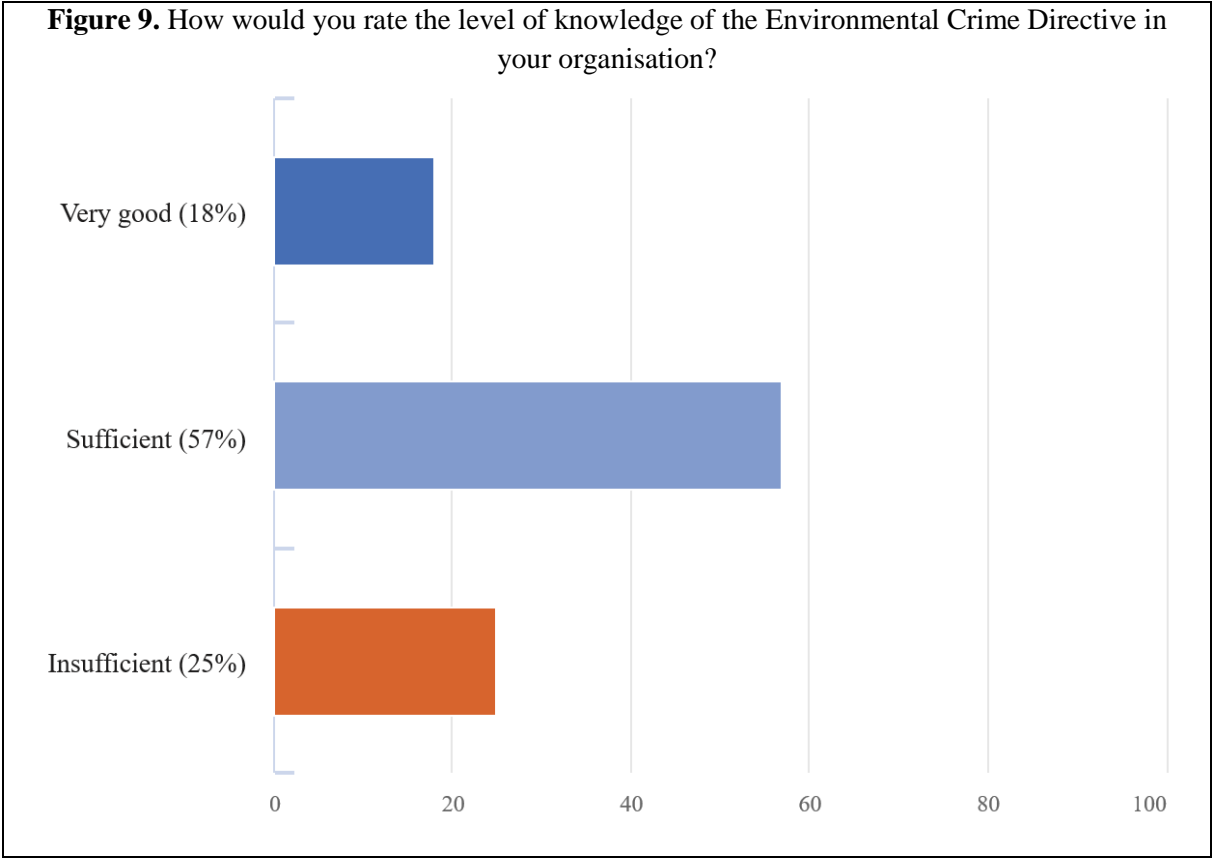
On the one hand, all Czech interlocutors were **generally satisfied with the transposition of the Directive**, where some elements introduced by the Directive had been already part of the national legal system before the transposition. Czech representatives of environmental organisations and public authorities underlined that it is more important to **focus on how to improve the implementation of the Directive at national level**, rather than to discuss its transposition. Employers' representatives stressed the need to avoid an excess of transposition at national level, as this could result in imbalances among Member States. Portuguese authorities transposed the Directive via two laws in 2011 and 2015, meaning that the implementation of the Directive was delayed by almost five years. All Finnish participants generally agreed that **the Directive was successfully transposed in Finland**, and that the relevant

⁶ https://ec.europa.eu/info/sites/info/files/file_import/better-regulation-toolbox-47_en_0.pdf

changes to Finnish criminal legislation were completed in 2010. Public authorities stressed that transposition of the Directive was quite easy, with a good cooperation between the ministries, NGOs and other stakeholders. All other participants agreed that cooperation was good with public authorities in this context.

On the other hand, **the French government decided not to transpose the Directive, as it considered that the French judiciary system was already fulfilling the requirements of the Directive.** However, not all participants agreed with this statement. Indeed, some participants have pointed at a certain **lack of criminal justice protection and sanctions**, in particular in the area of air pollution. One of the participants, an environmental crime lawyer, considered that the simplification of the French environmental legislation was aimed at deregulation.

4.2.2 Familiarity with the Environmental Crime Directive



The level of knowledge of the Directive was **generally rated as sufficient** by **57%** of the consulted organisations (see graph above). However, answers from participants consulted during missions slightly depart from the questionnaire's main trend. For instance, Czech participants believed that the Directive was **not very well known among national organisations**. Social partners have not produced specific surveys or evidence analysing the level of awareness of the Directive among their members, though it was mentioned that national organisations are usually more familiar with the national rules derived from the Directive, and large companies have usually more knowledge on the Directive than small companies. In Portugal, participants highlighted that **the Directive was not well known**, and that there have not been many environmental crime cases recorded. French employers' organisations admitted that they have **little knowledge of the Directive**, as their activities are mostly focused on improving working and

living conditions of workers. Nonetheless, they are still trying to tackle environmental crime and implement environmental criminal justice from the perspective of worker protection. In Finland, the **level of knowledge of the Directive is relatively high among specialised trade unions, while environmental organisations are generally very familiar with the Directive.** The same evidently applies to the Finnish public authorities, especially the Ministry of Environment, the Ministry of Justice, and the Public Prosecutor's Office, who are very much familiar with the national law resulting from the transposition of the Directive.

4.2.3 Application of effective, proportionate and dissuasive criminal sanctions

Responses to whether the Directive enables Member States to apply effective, proportionate and dissuasive criminal sanctions have been various. Czech trade unions' and employers' representatives considered that **administrative procedures in place have been effective.** On the other hand, representatives of environmental organisations were less positive and expressed their concern about the extended feeling of impunity among perpetrators. Environmental organisations' representatives believed that it is necessary to **better adapt sanctions to the severity of the crime.** They considered administrative **sanctions not to be sufficiently effective to fight and prevent committing crimes,** and suggested to introduce **more proportionality in prosecution and sentencing through gravity factors.** Public authorities' representatives also recognised that the current sanction system is not sufficiently clear and that certain aspects could be improved. In particular, national law should **define better what constitutes an environmental offence.**

In France, the view of employers' representatives on the subject was different from the views of other participants. Representatives of employers stated that **French legislation is effective, proportionate and dissuasive,** but also believed that no matter how dissuasive legislation is, some perpetrators of environmental crimes will never be dissuaded. Employers' representatives also explained that industries are suffering a lot of social pressure regarding pollution, and are constantly exposed to criminal sanctions. They are therefore in favour of **decriminalisation of penalties for minor offences.** On the other hand, a French environmental lawyer felt that **the Directive did not provide for effective, proportionate and dissuasive sanctions.** The view of public authorities was in the middle ground between the previous two standpoints. They stated that in France the environmental criminal system is very effective in the field of water and sea pollution. France also has in place the "*compensation for environmental damage principle*" which contributes to more dissuasion. However, public authorities explained that French legislation should be updated with **more proportionate sanctions and a system of evaluation of legislation.**

All actors in Finland agreed that the Directive is a **good legislative tool,** whose provisions have been correctly transposed in Finnish law. However, their **practical implementation is lagging significantly behind.** Trade union representatives stressed that in most cases, courts impose only low penalties or fines, where perpetrators of criminal offences are only very rarely imprisoned. In addition, the risk of getting caught is very low. Moreover, the number of verdicts is generally very low, where only 25% of perpetrators receive a prison sentence, and even that applies to major criminal offences. Even if perpetrators receive a prison sentence, the length of imprisonment is only 2 to 3 months. The police are responsible for an initial investigation, followed by the work of a prosecutor, followed by a court ruling. However, the gap is huge: only 4% of all alleged crimes are prosecuted. It appears that **environmental crime is not taken sufficiently seriously,** given that the number of convictions is very low, and

punishment is very lenient. There are around 70 cases a year that end up in court. Since the rate of prosecution is very low, the sanctions do not really function as deterrents, and are therefore not very effective. For example, someone that caused damage worth millions, received a punishment of only 7 month imprisonment.

In Hungary, representatives of environmental organisations mentioned that the legal framework is only in theory acceptable, since the practical implementation of the legislation is very unsatisfactory and needs to be much more effective. They also suggested that only higher conviction rates can change the general behaviour of the public.

4.2.4 Environmental crime education and specialisation of judiciary actors

The specialisation and education of judiciary actors on environmental crime was a recurrent topic during fact-finding missions. For example, participants in Finland highlighted that there are no police units specialised in environmental crime in their Member State, and that there are only a handful of appropriately qualified prosecutors. Interlocutors in all meetings generally agreed that specialisation of police forces would be welcome in Finland. Indeed, environmental organisations pointed out that it would be useful to have a **police force specialised in environmental crime in every EU Member State. Specialist prosecutors would be also very useful.** Another solution would be to provide prosecutors with appropriate training. The police are generally **not familiar with the Directive and do not have the required technical knowledge.** This applies even more to local police units operating in smaller localities. For example, when a police report is received, it is almost impossible to follow up on it, because of lack of relevant information. Among the problematic issues is the lack of qualified human resources. Similarly, in Hungary, during consultation with representatives of environmental organisations and public authorities, it was mentioned that there was a need to raise the awareness among judges and public prosecutors of issues relating to environmental crimes and preventative measures.

Furthermore, Czech interlocutors considered it **difficult to collect sufficient evidence for a criminal court case,** because the police lacks resources to collect and analyse evidence. For this, there is a **need for expert and specialised laboratories.** In addition, environmental crime is not among the key priorities of the police. Environmental organisations recognised that the police are increasingly more committed to addressing the issue, but they **lack resources and expert knowledge.** When apprehended and if convicted, the perpetrator is generally punished with an administrative sanction, rather than with a criminal sanction. Environmental organisations highlighted the **feeling of impunity** among perpetrators of these offences.

4.2.5 Specialised bodies for environmental crimes

Following the issue of education and specialisation of judiciary actors, many participants advocated for specialised bodies dedicated to environmental crime. For example, in the Czech Republic there is no specialised body in the police or in the judiciary system dealing with environment crime. Participants gave different opinions on the benefits/drawbacks of having a more specialised system. Environmental organisations supported the **need to introduce specialised police units/teams and courts.** Currently, environmental crime is only one of many tasks of the police and is not among their top priorities. Generally, they believe that this is not because of a lack of willingness, but simply because the police

does not have the resources to deal with everything. Specialised tribunals would take this matter more seriously and with more knowledge, expertise and commitment than generalist judges. The creation of specialised bodies would **contribute to raising awareness about environmental crime**. This could also address the feeling of impunity among criminals. Other participants were not so convinced by the specific benefits of creating specialised bodies. Employers and trade unions representatives mentioned that this would be difficult because the Czech Republic does not have a culture/tradition of specialised courts (for example, trade union representatives highlighted that there are no special courts dealing with social/employment matters as this is the case in other Member States).

Moreover, Hungarian employers mentioned that there was a need for investigative units specialised in environmental crime, consisting of well-trained prosecutors, judges and police. Also, in addition to the creation of specialised investigative units and courts, the need for increasing financial resources and allocation of human resources was also highlighted.

4.2.6 Cross-border environmental crime and cross-border cooperation

During country missions, many participants brought up the topic of **cross-border environmental crime**, highlighting the need for more cooperation between Member States' authorities. Some Member States are already working together, such as France, which collaborates intensively with Hungary, the Czech Republic, Portugal and Finland.

Czech public authorities' representatives mentioned that a potentially revised Directive should focus more on how to improve coordination and communication between Member States authorities. They felt that organised crime abuses the EU's freedom of movement. Indeed, large criminal networks normally operate in several countries. On the other hand, **national public authorities face barriers to cooperation to fight these criminal groups**. It was mentioned that these barriers are in many occasions linked to communication issues due to the different legal systems in individual countries. Employers' representatives supported this idea of **improving the approach towards trans-border and cross-border environmental crime**. Similarly, in Hungary, environmental organisations and public authorities stressed that in the field of cross-border cooperation there was a real need for cross-border information exchange.

In Portugal, employers' representatives suggested **more cooperation between Member States**. According to them, as no boundary exists for environmental crime, **all Member States should detain the same procedures, and business should have the same responsibility in all countries they operate** (as the business environment in EU countries can be very different). Environmental connection between countries should be taken into account as well (such as rivers going through several countries for example), and participants suggested to improve cross-border relations in this respect.

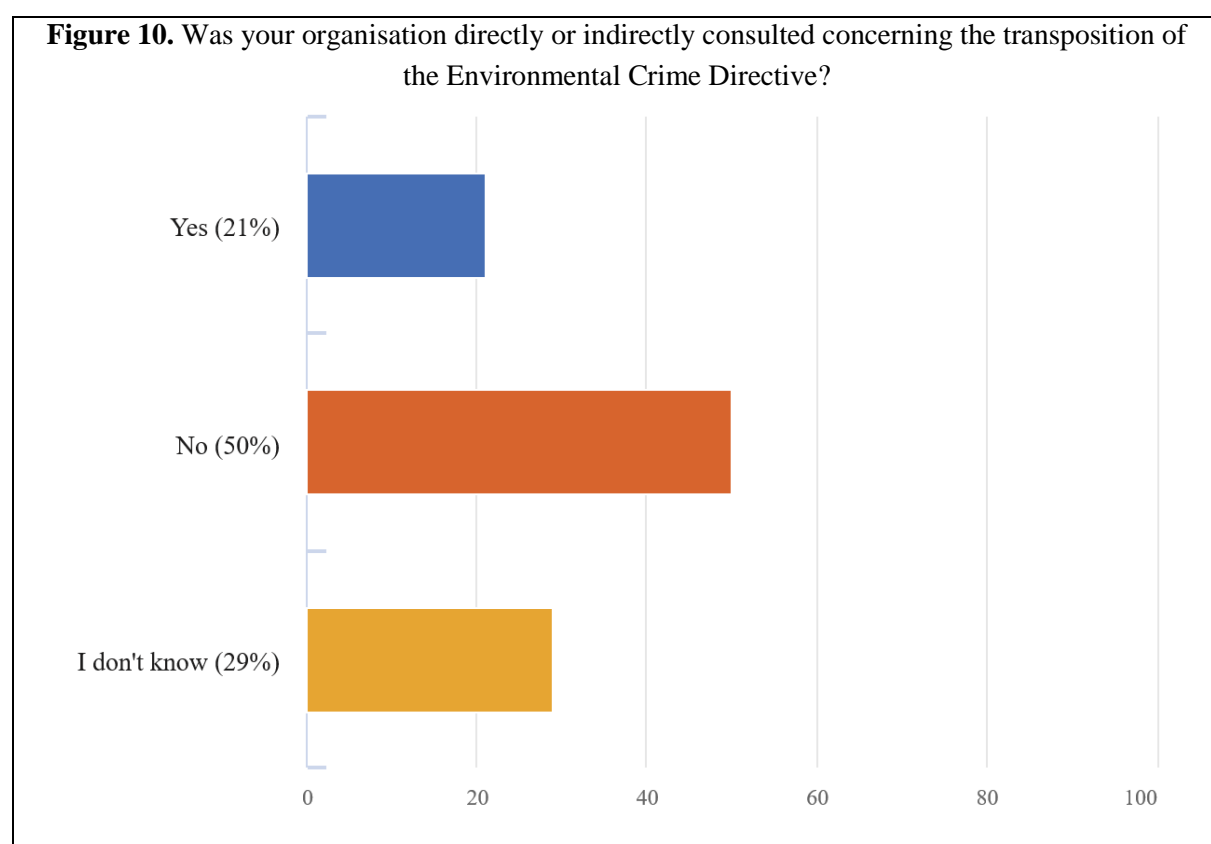
In Finland, international cases are within the competence of the Finnish Environmental Institute, but there are not many cases of cross-border environmental crime. In particular, Finland has good cooperation with Swedish authorities, while its cooperation with Russian authorities is not very effective. In the case of international or cross-border environmental crime, participants suggested to have a **higher level of harmonisation within the EU, especially in cases of cross-border evaluations**.

4.3. Inclusion of civil society and added value

According to the European Commission Better Regulation toolbox, EU-added value "*looks for changes which it can reasonably be argued are due to the EU intervention, over and above what could reasonably have been expected from national actions by the Member States*".⁷

4.3.1 Consultation of civil society in transposition

Consultation of civil society is an important topic assessed in this information report. As is evident in the graph below, half of the questionnaire's respondents stated that they were not directly or indirectly consulted regarding the transposition of the Directive (**50%**), while **21%** declared that they were consulted. Less than one third (**29%**) replied that they do not know whether their organisations were consulted.

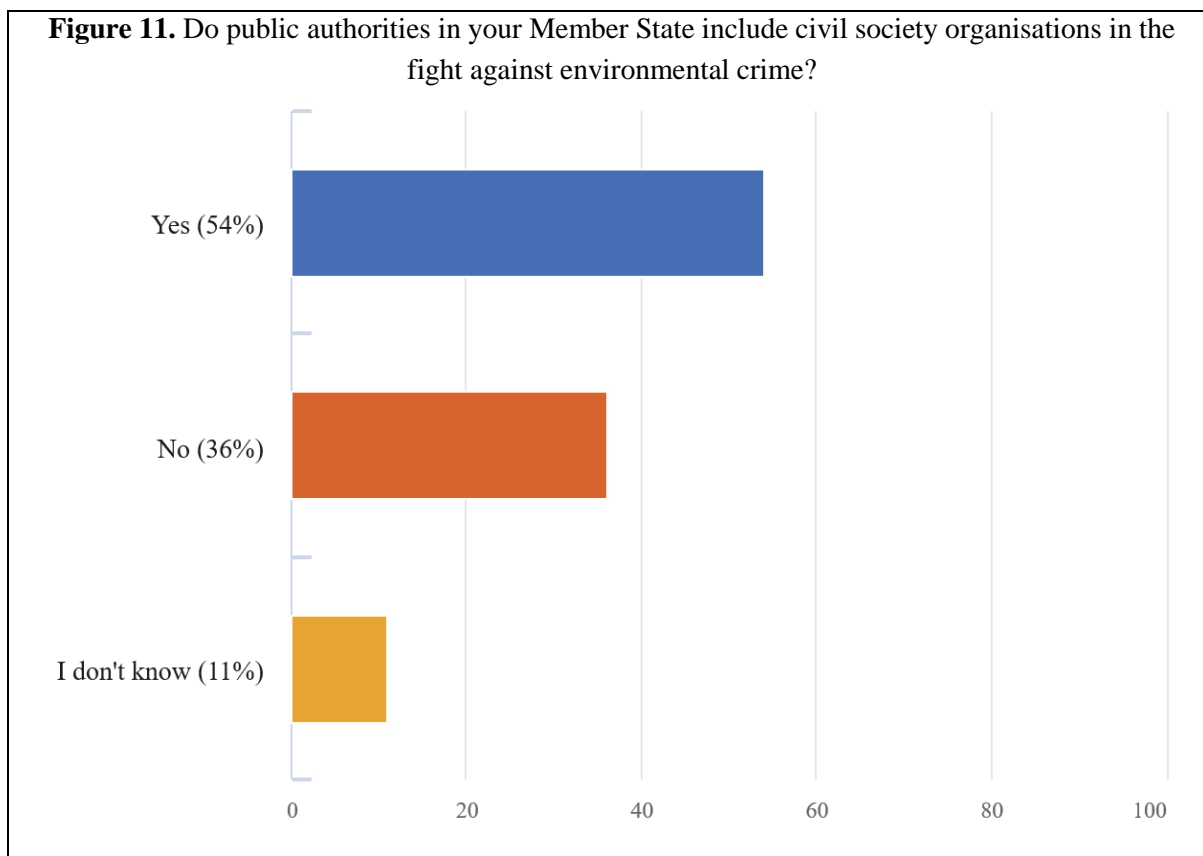


The results of the questionnaire match the opinions gathered during fact-finding missions. In Portugal and in Hungary, social partners declared that they were **never involved in any public hearing** regarding the transposition of the Directive. On the contrary, most participants in Finland agreed that transposition of the Directive was smooth, with a **good cooperation between the ministries, non-governmental organisations (NGOs) and other stakeholders**. Most participants agreed that civil society organisations are generally consulted by the government on these matters. In France, civil society organisations were not consulted only because the Directive was not transposed. However, there is a **permanent dialogue between public authorities and civil society organisations**, in particular thanks to the French Biodiversity Agency (AFB) which is in continuous contact with all stakeholders.

⁷ https://ec.europa.eu/info/sites/info/files/file_import/better-regulation-toolbox-47_en_0.pdf

4.3.2 Involvement and improvement of civil society in the fight against environmental crime

Similarly, civil society organisations were also consulted on whether they were involved in the fight against environmental crime. The results (see graph below) show that most of the respondents (**54%**) were indeed involved, while **36%** were not. **11%** of the respondents do not have an answer to this question.



Consulted civil society organisations highlighted that public authorities in charge of implementing the Directive did **not systematically involve them in the fight against environmental crime**. Therefore, participants put forwards some suggestions aimed at improving cooperation between public authorities and civil society organisations.

In the Czech Republic, most participants agreed that civil society organisations (CSOs) are generally consulted by the government. Nonetheless, participants suggested a few ideas for improving the involvement of civil society in the fight against environmental crime. A Czech employers' representative mentioned that a **systematic and regular consultation process** could be introduced, based on the current stakeholder involvement processes existing at EU level. Environmental organisations suggested that **public authorities should reinforce collaboration with civil society organisations, and support them more in carrying out their mission of pursuing better protection the environment**. Additionally, they should establish **more collaboration with hunter associations** (which are not always very committed to fighting certain environmental crimes). Finally, public authorities need to **better promote the Directive** and to ensure that all actors comply with it.

In Portugal, participants stressed that cooperation with civil society organisations is largely neglected, **especially at municipal level**. Municipal authorities mostly side with the government and do not meaningfully carry out public consultations. In addition, **civil society organisations are still regarded as "a necessary evil"** and they are not being invited to discuss proactively and participate in the public debate on important issues. Thus, giving voice to civil society is a particularly important subject in Portugal.

5. Secondary data: Literature review of EESC work

In [NAT/748](#), on the **LIFE Programme for the Environment and Climate Action (2018)**, the EESC stated that nature and the environment in the EU are undergoing a major crisis, and that the level of funding of the LIFE programme is insufficient in the context of the contemporary environmental crisis.

- The EESC emphasized that there needs to be much more consistency between all EU policies, as it already repeatedly criticised this inconsistency, which has a negative impact on nature and the environment.
- The EESC stated that in recent decades, the mainstreaming approach favoured by the Commission has proved to be unsuited to the funding of biodiversity protection.

In [NAT/744](#), on the **implementation of EU environmental legislation in the areas of air quality, water and waste (2018)**, the EESC underlines that in some cases, environmental investments, awareness raising of the public or strong enforcement chains are needed, and even if environmental inspectors already exist, Europe and its Member States also need specialized judges and prosecutors.

- The EESC also urges the EU to involve civil society in the ongoing monitoring and evaluating of the implementation of environmental legislation.
- The EESC states that the majority of citizens think that the EU and national governments are not doing enough to protect the environment and that the Council, Parliament and Commission should consequently work together more closely with the EESC's help to meet people's expectations.
- The EESC considers that the Commission should not only propose legislation, but also facilitate and support the application of law, and also make existing texts more consistent with each other and bring them more into line with scientific advances and international commitments intended to protect public health and restore the proper functioning of ecosystems.

In [NAT/743](#), on the **alignment of environmental reporting obligations (2018)**, the EESC welcomes the European Commission's proposal for aligning reporting obligations in environmental policy and expects it to result in increased transparency of reports and their drafting, the provision of an empirical basis for gauging the efficacy of environmental policies, simplified procedures and a lesser administrative burden for both the Commission and the Member States.

- The EESC calls on environmental organisations to be more active in fostering public awareness of the environmental situation in their countries or regions, and also urges the Commission to encourage and finance them in this.

In [NAT/730](#), on **EU actions to improve environmental compliance and governance (2018)**, the EESC stated that the European Commission's action plan to improve compliance with environmental legislation and environmental governance is severely lacking in both ambition and resources, given the current level of environmental degradation.

- The EESC also emphasises that more efforts need to be made to prevent environmental damage from arising in the first place and that a prevention strategy should always be preferred over a cure.

- The EESC mentioned that consistent and strict enforcement of environmental law by Member States and the Commission are essential for this aim, as they serve as a strong deterrent to future damage.
- In this context of environmental compliance, the EESC stresses the essential role of civil society organisations in particular in their capacity as watchdogs for the rule of law, the common good and the protection of the public.

In [NAT/716](#), on **access to justice at national level related to measures implementing EU environmental law (2017)**, the EESC welcomes the Commission issued Interpretative Communication as it was providing a valuable overview of EU Court of Justice case law regarding Access to Justice at a national level in environmental cases.

- The EESC mentions that for the Communication to have real effect, it needs to be complemented by training and education at Member State level across the intended audiences, and in particular for the judiciary, administrative review bodies, and citizens.
- The EESC states that in a global context of harassment and persecution of environmental defenders, the EU should lead in facilitating Access to Justice.

In [NAT/708](#), on the **EU Environmental Implementation Review (2017)** the EESC concludes that EU Environmental Implementation Review (EIR) reveals that poor, fragmented and uneven implementation of the EU environmental legislation is a serious problem in many EU Member States.

- The EESC states that political will, integration of environmental and other policies, and active involvement of civil society in the decision-making and review processes are the key prerequisites for the successful implementation of environmental legislation at Member-State level.
- The EESC points out that effective implementation of environmental protection measures hinges partly on civil society - employers, workers and other representatives of society - being granted an active role, by enabling the general public to monitor the proper implementation of environmental legislation through free access to environmental information, participation in the environmental policy-shaping process and access to justice.

In [NAT/686](#), on an **action plan against wildlife trafficking (2016)** the EESC welcomes the Commission's proposal and its holistic approach.

- It recommends increasing dialogue and cooperation, launching awareness raising campaigns for business and consumers, training of judges to ensure that there is consistency and proportionality in sentencing, and in relation to criminal organisations, enforcing a system of common, effective, proportional and dissuasive controls and sanctions, and providing the resources for the policing efforts.
- It underlines the need for a labelling and traceability system to guarantee that trade in wildlife is lawful and sustainable.
- It regrets the absence in the Commission proposal of any reference to the threat represented by wildlife trafficking to public health and to native animal and plant species.
- The Committee proposes that the Commission should place much greater importance on the impact of e-commerce on wildlife trafficking and implement specific measures.

In [NAT/643](#) on **Wildlife trafficking (2014)**, the EESC recognises the recent upsurge in wildlife trafficking as a new threat and supports the initiative by the Parliament and the Commission to draw up a holistic and coordinated strategy to tackle this crime more effectively.

- The EESC considers that the current legislative framework in the EU Member States is not yet capable of effectively tackling environmental crime, in part due to the laxity of existing penalties.
- The EESC would highlight the need to include wildlife trafficking among crimes that are relevant for the purposes of anti-money laundering and anti-corruption measures, and calls for the introduction of genuinely effective, proportionate and dissuasive sanctions such as maximum imprisonment of not less than four years.
- The EESC considers crucial to raise awareness among all the authorities involved in combating wildlife trafficking and to inform and alert civil society and consumers to the extremely serious environmental damage caused by trafficking.

6. List of organisations consulted

Organisation name	Country	Group	Consultation via
WWF Adria	Croatia	Group III	Questionnaire
Czech Chamber of Commerce	Czech Republic	Group I	Fact-finding mission
ESTO Cheb Ltd	Czech Republic	Group I	Questionnaire
DEZA, a.s.	Czech Republic	Group I	Questionnaire
Confederation of Industry of the Czech Republic	Czech Republic	Group I	Questionnaire
Association of Independent Trade Unions (ASO)	Czech Republic	Group II	Fact-finding mission & questionnaire
BirdLife / Zelený kruh	Czech Republic	Group III	Fact-finding mission
Friends of the Earth CZ / Zelený kruh	Czech Republic	Group III	Fact-finding mission
Czech Environmental Inspectorate	Czech Republic	Public authority	Fact-finding mission
Finnish SMEs	Finland	Group I	Fact-finding mission
Transport Workers' Union (AKT)	Finland	Group II	Fact-finding mission & questionnaire
Union of Professionals in Natural, Environmental and Forestry Sciences	Finland	Group II	Fact-finding mission
BirdLife Suomi	Finland	Group III	Fact-finding mission & questionnaire
Finnish Association for Nature Conservation	Finland	Group III	Fact-finding mission & questionnaire
Tapiola Association for Nature Conservation	Finland	Group III	Questionnaire
Ministry of the Environment	Finland	Public authority	Fact-finding mission & questionnaire
Prosecutor's Office of Salpausselkä	Finland	Public authority	Fact-finding mission
Ministry of Justice, Department for Criminal Policy and Criminal Law	Finland	Public authority	Fact-finding mission
University of Eastern Finland	Finland	Other	Questionnaire
Association Générale des Producteurs de Blé (AGPB)	France	Group I	Questionnaire
Mouvement des Entreprises de France (MEDEF)	France	Group I	Fact-finding mission & questionnaire
Fédération nationale des syndicats d'exploitants agricoles (FNSEA)	France	Group I	Fact-finding mission
Confédération générale du travail (CGT)	France	Group I	Fact-finding mission
France Nature Environnement	France	Group III	Fact-finding mission & questionnaire

Greenpeace France	France	Group III	Questionnaire
Agence Française pour la Biodiversité (AFB)	France	Public authority	Fact-finding mission & questionnaire
Office central de lutte contre les atteintes à l'environnement et à la santé publique	France	Public authority	Fact-finding mission
SCP Faro et Gozlan (lawyers' cabinet specialized in environmental law)	France	Other	Fact-finding mission & questionnaire
Confederation of Hungarian Employers and Industrialists	Hungary	Group I	Fact-finding mission
Hungarian Chamber of Commerce and Industry	Hungary	Group I	Fact-finding mission
Association of Environmental Manufacturers and Services	Hungary	Group I	Fact-finding mission
Hungarian Chemical Industry Association	Hungary	Group I	Questionnaire
LIGA	Hungary	Group I	Fact-finding mission
Hungarian Trade Union Confederation	Hungary	Group II	Fact-finding mission
"Clean Air"	Hungary	Group III	Fact-finding mission
WWF Hungary	Hungary	Group III	Fact-finding mission
Life+	Hungary	Group III	Questionnaire
Ombudsman's Office	Hungary	Public authority	Fact-finding mission
Office of the Prosecutor General of Hungary	Hungary	Public authority	Fact-finding mission
Office of the Commissioner for Fundamental Rights, Deputy Commissioner for the Protection of the Interests of Future Generations	Hungary	Public authority	Questionnaire
Municipality of Tolna County	Hungary	Public authority	Questionnaire
Lawyer's office	Hungary	Other	Fact-finding mission
Portuguese Business Confederation (CIP)	Portugal	Group I	Fact-finding missions & questionnaire
Business Council for Sustainable Development (BCSD)	Portugal	Group I	Fact-finding mission
General Union of Workers (UGT)	Portugal	Group II	Fact-finding mission & questionnaire
General Confederation of Portuguese Workers (CGTP-IN)	Portugal	Group II	Fact-finding mission
Order of Engineers	Portugal	Group III	Fact-finding mission & questionnaire
Sustainable Earth System Association (ZERO)	Portugal	Group III	Fact-finding mission & questionnaire
Associação dos Amigos da Arrábida	Portugal	Group III	Fact-finding missions & questionnaire
SOS Sado	Portugal	Group III	Fact-finding mission
Associação Portuguesa para a Defesa do Consumidor (DECO)	Portugal	Group III	Fact-finding mission
Conselho Nacional das Ordens Profissionais (CNOP)	Portugal	Group III	Fact-finding mission