



The European Union's Instrument for Pre-Accession Assistance (IPA)

Regional Environmental Network for Accession (RENA)

Workshop Report

*Environmental Crime/Environmental Liability
WG 1 – Activity 1.2 RISIP*

Zagreb, Croatia (30 – 31 May 2011)



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First Regional Training under Activity 1.2 RISP
Environmental Crime/Environmental Liability
30 – 31 May 2011, Zagreb, Croatia

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Report prepared by:
Ivana Mijatović Černoš, ST expert/Croatia National Coordinator



Regional Environmental Network for Accession

This project is funded by the European Union.
RENA Secretariat: Hulla & Co. Human Dynamics KG; Lothringer Strasse 16, 1030 Vienna (Wien), Austria
Tel: +43 1 402 50 21 12; Fax: +43 1 402 50 20 20; email: rena.secretariat@renanetwork.org
Website: www.renanetwork.org

1. Introduction

1.1 Background

RENA comprises three Candidate Countries and five potential Candidate Countries¹, of which two may be granted Candidate Country status in 2011-2012. As the formal structures for legal approximation vary considerably, much still remains to be done. However, in order to avoid overlap with the existing structures and initiatives in the countries RENA WG 1 focuses on newly adopted EU legislation, i.e., legislation adopted after 2008. Furthermore, the WG 1 Coordinators identified the following EU legislation for transfer of knowledge were IPPC, Directive on industrial emissions, INSPIRE, environmental crime, climate change legislation, SEA, nature legislation, public participation in multilateral environmental agreements, access to justice and monitoring.

The specific objectives of the Regional Implementation Support Platform (RISP) are to provide a forum for consideration of issues related to the implementation of the environmental and climate *acquis* and to identify activities and provide support to beneficiaries as a group or individually in the implementation of the *acquis*. At the Steering Committee meeting of 9 September 2010, the beneficiaries decided that it would be more sensible to integrate implementation and transposition and combine the WG 1 and RISP meetings to cover both the direction of WG 1 activities, and specific training on issues of the EU law and policy.

Therefore, the 1st WG meeting on 4 March 2011 decided that training on the Directive 2008/99/EC on the protection of the environment through criminal law and the Directive 2004/35/EC on environmental liability would be carried out as a regional workshop in May/June 2011.

1.2 Directive 2008/99/EC on the protection of the environment through criminal law

Environmental crime covers acts that breach environmental legislation and cause significant harm or risk to the environment and human health. The most known areas of environmental crime are the illegal emission or discharge of substances into air, water or soil, the illegal trade in wildlife, illegal trade in ozone-depleting substances and the illegal shipment or dumping of waste. Environmental crimes cause significant damage to the environment in Europe and the world. At the same time they provide for very high profits for perpetrators and relatively low risks of detection. Very often, environmental crimes have a cross border aspect. Environmental crime is a serious and growing problem that needs to be tackled at European level.

The directive requires the Member States to provide for criminal sanctions for the most serious environmental offences because only this type of measures seems adequate, and dissuasive enough, to achieve proper implementation of environmental law. Additionally, the available information shows that there are large differences between the criminal sanctions provided for environmental offences in the Member States. The existing criminal sanctions are not sufficiently stringent to ensure a high level of environmental protection throughout the Community.

The directive prescribes minimum requirements to be implemented in national criminal laws:

- The directive lays down a list of environmental offences that must be considered criminal offences by all Member States, if committed intentionally or with serious negligence. The directive does not create a list of new illegal acts because existing law already provides for these prohibitions. The Member States, by transposing this directive will only have to attach to these existing prohibitions some criminal sanctions.
- Inciting, aiding and abetting the commission of these offences must be punishable as a criminal offence as well.

¹ Albania, Bosnia and Herzegovina, Croatia, FYR of Macedonia, Kosovo under UNSCR 1244/99, Montenegro, Serbia, and Turkey.

- Member States must ensure that legal persons can be held liable for offences committed for their benefit. This responsibility can be of criminal or other nature.
- Member States must ensure that the commission of the offences is subject to effective, proportionate and dissuasive criminal sanctions. For legal persons the sanctions can be of a non-criminal nature.
- The directive only sets a minimum standard of environmental protection through criminal law to be adopted by the Member States. The Member States are free to maintain or introduce more stringent protective measures.

The directive does not lay down measures concerning the procedural part of criminal law nor does it touch upon the powers of prosecutors and judges.

1.3 Directive 2004/35/EC on Environmental Liability

Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage establishes a framework based on the "polluter pays" principle, according to which the polluter pays when environmental damage occurs. As the directive deals with the "pure ecological damage", it is based on the powers and duties of public authorities ("administrative approach") as distinct from a civil liability system which is more appropriate for "traditional damage" (damage to property, economic loss, personal injury).

The Commission had to report by April 2010 on the effectiveness of the Directive in terms of actual remediation of environmental damages and on the availability at reasonable costs and on conditions of insurance and other types of financial security. On 12th October 2010, the Commission adopted a report on the directive's effectiveness in terms of remediation and on the availability of financial security to remedy environmental damage.

The long delay in transposing the directive in several Member States means that little practical experience is available yet on its implementation. Authorities often did not have rules compliant with the directive in place on time. Operators were often unaware of the specific legal obligations. Insurers and other institutions offering financial security were not sufficiently familiar with the requirements their products had to meet to be directive-compliant. Thus the available information does not yet allow for concrete conclusions to be drawn about the effectiveness of the Directive in remedying environmental damage.

However, the Commission, taking also on board the recent catastrophic events in the Gulf of Mexico (Deepwater Horizon oil spill) and in Hungary (red mud spill at Ajka) which resulted in severe and costly damages to the environment, is committed to re-examine the option of mandatory financial security even before the review of the Directive planned for 2014.

The directive's main objective is to prevent and remedy environmental damage, defined as damage to protected species and habitats (nature), damage to water, and damage to soil. The liable party is in principle the operator, i.e. the natural or legal person who carries out an occupational activity. The operator who carries out certain dangerous activities as listed in the directive, is strictly liable (without fault) for the environmental damage caused by the dangerous activity. Certain exceptions and defences are allowed, for example *force majeure*, armed conflict, third party intervention, or by legislation of the Member States, for example permit defence, state of the art defence. All operators carrying out occupational activities are liable for fault-based damage they cause to nature as defined by the directive.

Operators have to take the necessary preventive action in case of immediate threat of environmental damage. They are equally under the obligation to remedy the environmental damage once it has occurred ("polluter pays"). In specific cases where the operators fail to do so or are not identifiable, the competent authority may step in and carry out the necessary preventive or remedial measures. Remediation has to consist basically in the restoration of the damaged natural resources (nature, water,

soil) either in kind towards "baseline condition" or by recreation of similar resources if return to baseline condition is not possible any more.

The directive leaves significant discretion to the Member States which may not only decide on the use of optional defences but also on other optional choices (scope regarding damage to nature, as regards the "operator"-definition, the type of multi-party causation, the forms and measures regarding financial security etc.), and may moreover take or maintain stricter measures than prescribed by the Directive (Article 193 TFEU, Article 16(1) directive). This characterises the directive as framework directive.

Civil society plays an important part when it comes to necessary preventive and remedial action: Affected natural or legal persons including environmental NGOs have the right to request the competent authority for action if they deem it necessary. If the entitled persons consider that the competent authority, which has to inform them about the decision to accede or to refuse the request for action, has failed to take the appropriate decision, they even have the right to appeal before a court or other independent public body to review the decision.

2. The Workshop

2.1 Overview

On **30-31 May 2011** a regional RENA workshop on **Environmental Crime and Environmental Liability** was held at the Ministry of Environmental Protection, Physical Planning and Construction, in Zagreb, Croatia. The workshop focused on the transposition, implementation and enforcement of the Directives 2008/99/EC and the Directive 2004/35/EC.

This is the first in a series of six regional workshops which will serve discussion between policymakers of RENA beneficiary countries, European Commission services and the member states. The following workshops are planned¹:

- 2nd Regional training on CLP/REACH, October 2011, Istanbul
- 3rd Regional training on INSPIRE/2nd WG 1 Annual Meeting, December 2011, Podgorica

The 30-31 May meetings' purpose was to transfer knowledge on directives requirements and implementation in the Member States, to obtain information on RENA countries' transposition and implementation and to identify the most problematic issues. The target group for the meeting were the Working Group Coordinators of the RENA countries, responsible officials, environmental inspectors, environmental lawyers working on these issues in the ministries and authorities. The meeting was facilitated by a team of RENA experts, including Mr Fritz Kroiss, Austrian Environment Agency.

The RENA facilitators were:

Cynthia Whitehead, RENA WG 1 Coordinator, Key Expert 2
Fritz Kroiss, RENA expert
Karl Frauenberger, RENA Expert
Mihail Dimovski, Themis Network representative, REC
Ike van der Putte, RENA Team Leader, Key Expert 1, WG 4 ECENA Coordinator

The list of participants is attached in Annex 1. The agenda of the workshop is attached in Annex 2. Annex 3 contains Workshop Sheets, Annex 4 contains the formal evaluation.

All presentations and supporting documentation are available for download from the RENA website at www.renanetwork.org.

2.2 Proceedings 30 May 2011

Ms Biserka Puc, WG 1 Coordinator and the Head of Department at the Croatian Ministry of Environmental Protection, Physical Planning and Construction (MEPPPC) welcomed the participants, experts and the representative of the EC and wished everyone a good training. Croatia was happy to host this event, which she hoped would provide insight knowledge and enable exchange of experience among participants. **Ms Cynthia Whitehead**, WG 1 Coordinator reviewed the RENA project and introduced **Mr Fritz Kroiss**, expert from the Austrian Environment Agency and key speaker, who explained the objectives of the workshop.

Mr Kroiss presented the history and main principles of the **Directive 2008/99/EC on the protection of environment through criminal law and transposition in Austria**. He emphasised that transposition of EU directives into national legislation does not always ensure the proper implementation. There are weaknesses in environmental law enforcement in many member states, particularly in cases of illegal land-filling and outstanding permits for industrial installations. Many of these are concerned with shortcomings inside the administration dealing with law enforcement such as the lack of knowledge and awareness, lack of administrative capacity, weak national and regional enforcement policies and practise, under-investment and delayed investment in necessary pollution abatement infrastructure. Sometimes, violations of law are connected with large profits and organised crime. Also, environmental crimes are seen as low priority. Statistically, these crimes primarily involve disposing of waste illegally and smuggling and selling of protected species.

For this reason, the Council of Europe has adopted the International Convention on the Protection of the Environment through Criminal Law in 1988, but it never came into force. As regards the above mentioned 2008 EU Directive prescribes offences that must be considered as criminal offences and refers to the existing EU environmental legislation for the enforcement (Annexes A and B). The Directive only sets a minimum standard of environmental protection and leaves the member states to prescribe procedures and define minimum fines/sanctions, the later being seen as the weak point.

Mr Kroiss also provided a short overview of the environmental crime provisions in Austria. For more information is available at: www.umweltbundesamt.at and www.justiz.gv.at.

Mr Octavian Stamate, European Commission, DG Environment, introduced **Directive 2008/99/EC** and the status of transposition and implementation in national criminal law and main problems in the implementation. The Directive is still in early stages of implementation, but greatest challenges related to major issues of:

- Vague notions
- Penalties

It is not yet known how is this going to be defined and implemented to achieve the desired results. As already mentioned, the Commission does not provide strong normative for two reasons; directive is binding only as far as results are concerned and there are substantial differences in legal systems of the member states. In this respect the jurisprudence of the European Court is also important. Mr Stamate also mentioned that penalties should be, according to the Directive: effective, proportionate and dissuasive. The list of offences prescribed by the Directive must be seen as a minimum list and must be committed intentionally or by serious negligence. Mr Stamate also talked about the liability of legal persons and the implications of the Lisbon Treaty. The member states must make necessary measures to confirm their criminal law with the Directive before 26 December 2010 and inform the Commission about them. More information can be found at: <http://ec.europa.eu/environment/crime/index/htm>.

Ms Cynthia Whitehead gave an overview of **principles and general aspects of Environmental Crime** in Europe and the world. She mentioned the pollution prevention and precautionary principles are two starting points. Environmental crimes are mainly connected with illegal discharges, import and export. Also international environmental agreement (ozone depleting substances, wildlife, GHG gases, etc.), hazardous chemicals, waste were mentioned in this context. Ms Whitehead stressed that the problems need to be resolved upstream in the regulatory cycle and not mainly by penalties. She mentioned that there is a lack of comparable information on environmental crimes in the region. The presentation stimulated a lively debate on smuggling of protected species, particularly birds, penalties and dissuasive methods.

Mr Mihail Dimovski of the Themis network (REC) talked about **enforcement of environmental law**. He stressed that environmental crimes are a serious and growing international problem but that there are problems with perception of such crimes. Namely, they are seen as victimless crimes, so the response of the governments is sometimes weak. They also require a huge level of expertise and due to the nature of crimes the reporting is weak so the data is missing. Prosecutors are usually not well prepared or have very little time to prepare, while there is very little expertise to assess the seriousness of the crime. These crimes are often connected with other forms of organised crime (money laundering, drugs trafficking, etc.). The violations rarely end up court and are sanctioned. The UK and Belgium estimate 1-5% of all environmental crimes end up being prosecuted. As already mentioned, reporting on environmental crimes is problematic and majority of environmental crimes are treated as misdemeanours. Furthermore, pre-trial investigations are long while environmental damage assessment procedure is slow. So in this regard, the role of expert witness is crucial.

In the discussion that followed on the court cases, **Ms Safak** shared Turkey's experience in environmental criminal law enforcement. The Criminal Code enables fines or prison sentences to be imposed in cases of environmental crimes but they have no data on number of people ending up in prison. Also, case of red sludge of aluminium factory in Hungary was brought up as a case of issue of criminal responsibility.

Mr Karl Frauenberger from Criminal Intelligence Service in Austria gave a presentation on **detection of breach of compliance and the role of intelligence in investigation** as well as an overview of **case studies in Austria**. In his experience, cases of environmental negligence decreased over the years while cases of illegal waste disposal increased. He explains this with better education on these issues, change in society that attaches more importance to the environmental issues and the improved enforcement issues.

Mr Lovel Petrović, former member of the Legal Department of MEPPPC introduced the **environmental crimes and penalties in Croatian legislation**. The 1998 Criminal Code that enables prosecution of environmental crimes is currently being amended to comply with the EU acquis. This will enable a wider prosecution of crimes and introduce new system of higher and more effective fines. According to statistic of the State Attorney's Office and Ministry of Interior top environmental crimes in Croatia are, illegal fishing, illegal hunting, illegal construction and illegal exploitation of mineral resources.

Mr Fritz Kroiss facilitated the discussion during which the representative of **BiH**, Mr Ozren Laganin, from the Republic of Srpska entity, informed that they started developing environmental legislation in 2002. The industrial and agriculture activities are developed so variety of installations will be subject to environmental permitting. Inspectorate is in charge of enforcement of environmental laws (Law on Inspection 2011, Law on Environmental Enforcement 2005). There is also a network of inspectors (at the entity and municipality level total of 63). There is a need to harmonise legislation between the entities in B-H. This particularly relates to oil spills (oil refinery in Bosanski Brod). There are very few environmental crimes reported and prosecuted, they are mostly misdemeanours.

The fYR of Macedonia, on the other hand, is in the process of harmonising the Criminal Law with the criminal offences from the Environmental Law. They have three categories of environmental offences and only the third category offences go to criminal court, while administrative court deals with misdemeanours (these mostly concern illegal disposal of waste). In their opinion, the Environmental Law is well drafted but there are problems in the implementation (due to lack of investments, lack of administrative capacity, etc.)

In **Montenegro**, the Criminal Court deals with environmental crime; damage against environment, killing of animals, dangerous substances, damage to flora and fauna, illegal logging, etc. With regard to penalties there are fines or prison sentences up to a year envisaged in the law. Other issues are covered by the Law on Nature.

Mr Kroiss concluded that there are obviously some issues covered by the domestic laws in the region, such as illegal logging, that are not problematic in the EU but need to be tackled.

2.3 Proceedings 31 May 2011

Ms Cynthia Whitehead and **Mr Fritz Kroiss** welcomed the participants on the second day of the training.

Mr Dimovski spoke on the **role of expert witness in court proceedings**. Due to vague notions, lack of data and the belief in the so-called victimless crime, the role of expert witness is vital in court proceedings as he/she provides expertise to assist the court in understanding often very complex environmental damage and impacts. Furthermore, the expert witness has an obligation to the court and not to the client. However, the courts should develop their own expertise which will enable them to properly interpret witness accounts. Some countries have developed Code of Conduct to guide expert witnesses.

In the discussion that followed, representatives of the Croatian Attorney's Office stated that the new Criminal Law will enable environmental inspectors to assist the judge in investigative proceedings (similar to police officers) but how will this be implemented remains to be seen. The Judicial Academy will be in charge of organising training for such instances.

Mr Fritz Kroiss explained **misdemeanour practice in Austria** where a bipartite enforcement system is in place. There are proceedings before the Criminal Court and there are Administrative Enforcement and Misdemeanour proceedings. The Criminal Courts deals with cases that have high environmental impact, high degree of personal fault, high criminal energy and significant economic damage while the Misdemeanour Authority deals with cases of lower environmental impact, less serious negligence and without a far-reaching damage. Most frequent misdemeanour cases in Austria involve violation of the Water Act, the Industrial Activities Act and the Building Act. As a rule, when police is involved in investigation due to the nature of the crime, the cases end up at the Criminal Court, while if the environmental inspectors are involved the cases usually appear in front of the Misdemeanour Court.

Ms Anita Patekar Pokrovac, Head of Department and Environmental Inspector presented the role of **misdemeanour offences in Croatian Environmental practice**. She also stated that the IPA 2008 Twinning Project on the Enforcement of the new Environmental Protection Act harmonised with EU legislation in cases of criminal offences against the environment will assist the Ministry in this regard. More information on the project can be seen at www.ecocop.hr. If environmental regulations are violated, environmental inspectors are obliged to immediately:

- Issue a misdemeanour order in accordance with special act
- File criminal charges to the criminal body

- Undertake other measures or actions for which they are authorised pursuant to Environmental Protection Act and other regulation

The misdemeanours are defined in the Misdemeanour Act (2008) and sectoral laws, as the Environmental Protection Act, while other criminal acts are prescribed by the Criminal Code. The Misdemeanour Act prescribes types of legal sanctions: penalties (fines and prison), warning measures (reprimand and conditional conviction), protective measures and education measures (not very effective). However, environmental inspectors do not have discretion to decide whether to bring criminal or misdemeanour charges. The statistic on non-compliance and number of court proceedings can be viewed in **Ms Patekar Pokrovac** presentation at www.renanetwork.org.

Ms Patekar Pokrovac also talked about the weakness of the judicial system and weakness outside the administration. It is also expected that the Chamber of Court Experts and Witness will be established by the end of 2011 (the Association of Expert Witness already exist). She stated that although the Law prescribes quite high fines for misdemeanour offences the courts are quite reluctant to award them.

Mr Kroiss inquired about the court practice in Serbia. **Ms Kuzmanović** explained that these increased from 2007 to 2010 by tenfold and ascribes this to the training on misdemeanour cases. She also explained that revoking licenses to operate can be done but only in situation of the most serious offences. **Mr Željko Makvić** from the Inspectorate of the Croatian Ministry of Regional Development, Forestry and Water Management, with 24 years of experience in water inspection explained that there are problems with courts as judges have no knowledge on environmental issues while polluters are usually powerful and rich companies. Their solution so far has been issuing of administrative measures the execution of which cannot be delayed. The each new one brings the higher fine so companies try to avoid that and usually react to the first administrative measure issued. So, he sees an increasing level of environmental compliance of the companies.

Mr Stamate presented a report on the transposition and implementation of the **Environmental Liability Directive 2004/35/EC**. The directive follows an administrative and not a civil liability approach and it covers environmental damage to nature, water and soil, and does not cover traditional damage (personal injury, damage to property and economic loss). The focus of the directive is on the restoration in kind: restore, rehabilitate or replace damaged natural resources and/or impaired service, or to provide an equivalent alternative to those resources or services. There are three types of remediation: primary, complementary or compensatory remediation. The member states must designate competent authority with duties to establish who caused the damage, to assess the significance and to determine the remedial measures. The competent authority has powers to require from operator to carry out the necessary preventive or remedial measures. Additionally, the operator has to bear the cost for preventive and remedial actions and furthermore they need to have financial security to cover their potential liabilities. The damage can be incurred to protected species and natural habitats under the Birds Directive 79/409 and the Habitats Directive 92/43, water under the Water Framework Directive 2000/60) and land. The directive also provides means for affected or interested natural or legal persons an access to a court.

The directive only came into effect in 2007, so there is limited information on effectiveness and the cost related to its implementation. The transposition has been very slow and the application is still quite limited, while the number of cases remains low possibly due to challenging technical requirements, limited knowledge of the operators, preventive effect of the Directive, also implementation of the existing community laws. More information on this can be found at: <http://ec.europa/environment/legal/liability/index.htm>.

Mr Kroiss gave an overview of the Directive from the point of the member states with recommendations on the key issues to consider in implementing the Directive. In case of Germany the 1990 Law on Environmental Liability also introduced Civil Law Liability covering both environmental and personal damage and defining maximum amounts for liability. However, this Law was narrow in

scope and there were not many cases. The 2007 Law on Environmental Damage was adopted to transpose the requirements of the Liability Directive. The Law leaves the issue of “permit defence” to the provinces to make decision. Speaking about Austria, the federation is responsible for damage to water and soil, but in practice mainly the liability provisions of the Austrian Water Act are used for the purpose of cost recovery for clean up of environmental damage most frequently. Provinces are responsible for damage to protected species and natural habitats. **Mr Kroiss** also provided some recommendations:

- Try to define a simple system that works and can work in case of urgencies
- Issue guidelines to assist competent authority to act quickly; define roles properly
- Secure financial means in the state budget to finance clean up measures (which later should be reimbursed by the polluter if there are sufficient legal grounds)
- Raise awareness among citizens and NGOs and use their help to detect environmental damage

Mr Ike van der Putte, RENA Team Leader and Coordinator of WG 4 ECENA, elaborated on the environmental liability from the perspective of citizens and companies, and described a methodology of apportioning monetary value to the damage done to the environment. **Mr van der Putte** explained the REMEDE (Resource Equivalency Methods for Assessing Environmental Damage in the EU) methodology. This project, had the aim to apply and develop methods for assessing environmental damage in accordance with the requirements of the Environmental Liability Directive and the Environmental Impact Assessment, Habitats and Wild Birds Directives, in order that a standard Toolkit can be applied to all damage cases in the EU. More information about this can be found at www.envliability.eu/index.htm.

Mr. Bojan Lalić talked about the environmental liability enforcement in Croatia. He further elaborated on legislative and institutional aspects. Environmental damage involves damage or destruction of plant and/or animal species and their natural habitats, landscape structures (protected species), waters, sea, soil, earth’s lithosphere. He also explained the basic concepts laid down in the legislative acts and talked about the competent authorities: different Ministries for environmental protection, water management, sea, nature protection, health protection, interior and the National Protection and Rescue Directorate. In determining the damage or imminent threat a procedure prescribes that the operator is determined, the damage is assessed (by an authorised assessor) and the Ministry (MEPPPC or other ministries) issues an order for measures to be taken by the operator or takes necessary measures itself. In case of environmental damage the operator is obliged to inform the competent authority and carry out remedial measures. The operator has an obligation to cover the costs of damage assessments, implementation of remediation measures and further monitoring. If measures are unsuccessful the operator is obliged to carry out compensatory measures.

2.4 Workshop conclusions

The meeting was concluded with a forum discussion facilitated by **Ms Cynthia Whitehead**. From the lively discussions it can be concluded that the major obstacle for implementing the requirements of the Directives on Environmental Crime and Environmental Liability is the lack of knowledge and training on the environmental crimes. In addition it was indicated that environmental crimes are still not seen as having top priority in the Region. However, the majority RENA countries have already established criminal or misdemeanour procedures which enable prosecution of majority of environmental crimes. Additionally, some conclusions were drawn:

- Strong implementation of the environmental laws will enable prosecution of the most serious environmental crimes
- Fines and penalties have to be proportionate, just and dissuasive
- A continuing training must be in place for all involved in the process: judges, environmental inspectors, police officers, etc.
- Role of expert witnesses crucial, the code of conduct should be drafted to enable proper assistance to the courts

The workshop concluded that at present all RENA countries are required to significantly step up their training on environmental crime and liability to be able to properly prosecute environmental crimes in their countries. Participants indicated that they welcome this first RENA RISP workshop to transfer knowledge to the Western Balkans and Turkish experts on the latest developments in relation to environmental crime and liability.

This knowledge transfer workshop of May 2011 will be followed by a knowledge transfer workshop in October 2011 on CLP/REACH in Istanbul.

3. Evaluation of the meeting

The results of the evaluation of the event on 30 – 31 May 2011 are shown hereunder (reference is made to **Annex 4**). 17 out of 22 participants filled the evaluation form. The Evaluation showed that the expectations of the participants as regards the contents of the workshop were met:

- ✓ **100% of the participants** indicated that the **objectives** of the workshop **were met** (rated between good and excellent).
- ✓ **88% of the participants** indicated that the **content** of the workshop was **well suited** to their level of understanding and experience (rated between good and excellent); **82% indicated** that the **workshop was relevant** and informative (rated between good and excellent)
- ✓ **100% of the participants** indicated that the workshop **facilitators were well prepared and knowledgeable** on the subject matter. In addition **100% indicated** that attending the workshop was **time well spent** (rated between good and excellent)
- ✓ In total we have received one negative feedback on the duration of the workshop.
- ✓ One participant suggested that the presentation on Directive on Environmental Liability could have been longer and that discussions could have been longer.

Aspect of Workshop	Excellent	Good	Average	Acceptable	Poor	Unacceptable
1 The workshop achieved the objectives set	23%	77%				
2 The quality of the workshop material given to me was of a high standard	47%	41%	12%			
3 The content of the workshop was well suited to my level of understanding and experience	35%	53%	12%			
4 The practical work was relevant and informative	41%	41%	6%			
5 The workshop was interactive	59%	41%				
6. The mix between theory and practise allowed sufficient opportunity to implement acquired	41%	41%	6%			

Aspect of Workshop	Excellent	Good	Average	Acceptable	Poor	Unacceptable
knowledge and skills						
7 Trainers were well prepared and knowledgeable on the subject matter	77%	23%				
8 The duration of this workshop was neither too long nor too short	24%	53%	11%	6%		
9 The logistical arrangements (venue, refreshments, equipment) were satisfactory	53%	35%	11%			
10 Attending this workshop was time well spent	41%	59%				

Annex 1: List of Participants
**RENA 1st Regional Training under Activity 1.2 RISP –
Environmental Crime and Environmental Liability**

Name	Institution	Tel/Fax	E-mail
Ozren Laganin, BiH	Ministry of Physical Planning, Civil Engineering and Ecology	+51 339 506 +51 339 719	o.laganin@mgr.vladars.net
Katica Bezuh, Croatia	Ministry of Culture, Nature Protection Directorate	+385 1 4866 191 +385 1 4866 137	Katica.bezuh@min-kulture.hr
Hrvoje Filipić, Croatia	Ministry of Interior, Criminal Police Directorate	+385 1 3788 123, +385 1 3788 422	hfilipic@mup.hr
Igor Jakupić, Croatia	Customs Directorate	+385 1 6211 357 +385 1 6211 009	Igor.jakupic@carina.hr
Josip Hren, Croatia	Ministry of Culture, Nature Protection Directorate	+385 1 4866 119 +385 1 4866 100	Josip.hren@min-kulture.hr
Dubravka Turkalj Dragosavac, Croatia	State Attorney's Office of the RC	+385 1 6003 166	dturkalj@gmail.com
Daria-Iva Štedul, Croatia	Ministry of Justice	+385 1 3710 768	Daria-iva.stedul@pravosudje.hr
Kaća Selenić, Croatia	Ministry of Health and Social Welfare	+385 1 4698 302 +385 1 4607 632 (fax)	Kaca.selenic@mzss.hr
Sanja Matijević Croatia	Ministry of Environmental Protection, Physical Planning and Construction	+385 1 3782 158	Sanja.matijevic@mzopu.hr
Željko Makvić, Croatia	Ministry of Regional Development, Forestry and Water Management, Inspectorate	+385 1 6307 333, +385 98 2721 905 +385 1 6151 821 (fax)	mak@voda.hr
Romana Knežević, Croatia	Ministry of Regional Development, Forestry and Water Management,	+385 1 6307 348 +3851 6151 821 (fax)	kromana@voda.hr
Biserka Puc, Croatia	Ministry of Environmental Protection, Physical	+385 1 3782 118	Biserka.puc@mzopu.hr

	Planning and Construction		
Lovel Petrović, Croatia	Ministry of Maritime Affairs, Transport and Infrastructure	+385 91 545 6162	Lovel.petrovic@gmail.com
Krunoslav Komesar, Croatia	Croatian Society of Expert Witnesses	+385 91 6658 240	kruno@konzalting.com
Damir Pavelić, Croatia	Ministry of Environmental Protection, Physical Planning and Construction	+385 1 3782 454	Damir.pavelic@mzopu.hr
Jasmina Kostelac Bjegović, Croatia	RENA Short term expert	+385 98 393 482	Jasmine.bjegovic@eurolex.hr
Kiril Kalkaşliev, FYRoM	Ministry of Environment and Physical Planning	+389 76 446 917	k.kalkasliev@moepp.gov.mk
Izabela Mladenova Cvetkovska, FYRoM	Ministry of Environment and Physical Planning	+389 2 3251 572	i.mladenova-cvetkovska@moepp.gov.mk
Arber Këpuska Kosovo under UNSCR 1244/99	Ministry of Environment and Spatial Planning	+377 44-644-411, +377 38-518-466	Arber.kepuska@ks.gov.net
Zymer Mrasori, Kosovo under UNSCR 1244/99	Ministry of Environment and Spatial Planning	+377 44 323 333	Zymer.mrasori@ks.gov.net
Brankica Cmiljanović, Montenegro	Ministry of Sustainable Development and Tourism	+382 67 500 228	Brankica.cmiljanovic@mrt.gov.me
Svetlana Parežanin, Serbia	Ministry of Environment, Mining and Spatial Planning	+381 64 8166 326	Svetlana.parezanin@ekoplan.gov.rs
Snežana Kuzmanović, Serbia	Ministry of Environment, Mining and Spatial Planning	+381 64 8166 236	Snezana.kuzmanovic@ekoplan.gov.rs
Sevgi Safak, Turkey	Ministry of Environment and Forestry	+90 312 2075 148	ssafak@cob.gov.tr
Aleksandra Bujaroska, FYRoM	Environmental Forum representative, CA FRONT 21/42 Skopje	+389 78 433 713	Aleksandra.bujaroska@front.org.mk
<u>Speakers</u>			
Octavian Stamate	European Commission – DG ENV E1, Speaker		Octavian.stamate@ec.europa.eu

Cynthia Whitehead	RENA WG 1 Coordinator, Speaker	+32 495 503 937	cynthiawhitehead@sustainablelaw.net
Mihail Dimovski	Regional Environment Center, Speaker	+3626 504 052	mdimovski@rec.org
Karl Frauenberger	Criminal Intelligence Service, Austria, Speaker	+43 1 24 836 857 93	Karl.frauenberger@bmi.gv.at
Bojan Lalić	Ministry of Environmental Protection, Physical Planning and Construction	+385 1 3782 193	Bojan.lalic@mzopu.hr
Anita Pokrovac Patekar	Ministry of Environmental Protection, Physical Planning and Construction	+385 1 3712 797 +385 1 3712 713	Anita.pokrovac.patekar@mzopu.hr
Fritz Kroiss	Environment Agency Austria, Speaker/Facilitator		Fritz.Kroiss@umweltbundesamt.at
Ike van der Putte	RENA Team Leader		ike.van.der.putte@rps.nl
<u>RENA Secretariat</u>			
Ivana Mijatović Cernoš	RENA ST expert	+385 91 45 55 580	imijatovic@yahoo.com
Ruža Radović	RENA Secretariat	+436765000382	Ruza.radovic@humandynamics.org

Annex 2: Agenda

AGENDA

Environmental Crime/Environmental Liability

Regional Environmental Network for Accession

First Regional Training under Activity 1.2 RISP

Place: Ministry of Environmental Protection, Physical Planning and Construction, Republike

Austrije 14, Zagreb, Croatia

Date/Time: May 30 – 31, 2011

<u>Day 1, May 30</u>	
Directive 2008/99/EC Environmental Crime	
Chair: Fritz Kroiss, Environment Agency Austria	
08:30 – 09:00	<i>Registration, coffee</i>
09:00 – 09:30	Welcome. Introduction. Objectives of the workshop <p style="text-align: right;">Representative of the EC Delegation to Croatia Ms. Biserka Puc, Croatian Ministry of Environmental Protection, Physical Planning and Construction, WG 1 Coordinator, Croatia Cynthia Whitehead, WG 1 Coordinator, Key expert, RENA</p>
09:30 – 10:15	History and main principles of the Directive 2008/99/EC on the protection of the environment through criminal law and Transposition in Austria <p style="text-align: right;">Fritz Kroiss, Environment Agency Austria</p>
10:15 – 11:00	Minimum requirements to be implemented in national criminal law, main problems in the implementation and recommendations <p style="text-align: right;">Octavian Stamate, DG Environment, European Commission</p>
11:00– 11:30	<i>Coffee break</i>
11:30 – 12:15	Principles and general aspects of Environmental Crime <p style="text-align: right;">Cynthia Whitehead, RENA</p>

12:15 – 12:30	Questions and answers, discussion
12:30 – 13:30	<i>Lunch</i>
13:30 – 14:15	Environmental Protection Through Criminal Law Effective Criminal Enforcement of Environmental Law Mihail Dimovski, Themis Network, Regional Environmental Centre (REC)
14:15 – 15:00	Detection of breach of compliance – the role of intelligence in investigation Karl Frauenberger, Criminal Intelligence Service Austria
15:00– 15:30	<i>Coffee break</i>
15:30 – 16:15	Case studies from Austria Karl Frauenberger, Criminal Intelligence Service Austria
16:15 – 17:00	The role of criminal law in Croatian environmental enforcement practice, Round-table discussion of experience in RENA countries Lovel Petrovic, former member of the Legal Department of the Croatian Ministry of Environmental Protection, Physical Planning and Construction
17:00 – 17:30	Wrap up

<u>Day 2, May 31, 2011</u>	
Chair: Cynthia Whitehead, WG 1 Coordinator	
09:00 – 09:30	The role of Expert Witness in Court Proceedings Mihail Dimovski, Themis Network, Regional Environmental Center (REC)
09:30 – 10:00	Environmental misdemeanour practice in Austria Fritz Kroiss, Environment Agency Austria
10.00 – 10.30	Discussion
10:30 – 11:00	<i>Coffee break</i>
11:00 – 11:30	The role of Misdemeanour offences in Croatian Enforcement Practice, followed by a round table discussion (how is the practice in the other RENA countries?) Anita Pokrovac Patekar, Croatian Ministry of Environmental Protection, Physical Planning and Construction
11:30 – 12:00	Questions and answers, discussion
12:00 – 13:00	<i>Lunch</i>
<u>2nd Day, May 31</u>	
Directive 2004/35/EC Environmental Liability	
13:00 – 13:30	The Environmental Liability Directive – Overview and State of Play Recommendations on the key issues to consider in implementing the Environmental Liability Directive Octavian Stamate, DG Environment, European Commission
13:30 – 14.00	The Environmental Liability Directive – Overview and State of Play from the perspective of the member states Recommendations on the key issues to consider in implementing the Environmental Liability Directive Fritz Kroiss, Environment Agency Austria
14:00 - 14:30	Environmental liability from the perspective of the private citizen and companies Ike van der Putte, RENA

14:30 – 15:00	<i>Coffee break</i>
15:00 – 15.50	<p>Environmental Liability enforcement in Croatia – institutional aspects and experiences</p> <p>Round-table discussion of experience in RENA countries</p> <p style="text-align: right;">Bojan Lalic, Croatian Ministry of Environmental Protection, Physical Planning and Construction</p>
15:50 – 16.00	Conclusions

Annex 3

Sheets

(Under separate cover)

Presentations to be found on www.renanetwork.org

Annex 4

Evaluation

POST-WORKSHOP EVALUATION

FULL TITLE OF THE TRAINING: Environmental Crime/Environmental Liability – First Regional Training under Activity 1.2 RISP

LOCATION OF THE TRAINING: Ministry of Environmental Protection, Physical Planning and Construction, Republike Austrije 14, Zagreb, Croatia

DATES: 30- 31 May 2011.

1. Statistical Information

1.1 Name and Surname of Participants (evaluators)

As per participants' list.

2. Your Expectations

Please indicate to what extent specific expectations were met, or not met:

My Expectations	My expectations were met		
	Fully	Partially	Not at all
1. Information on the EU Directives on Crime and Liability	13	2	
2. Exchange of experience	3	3	
3. Case studies/good practice	4	2	
4. Implementation issues	1	1	

3. Workshop and Presentation

Please rate the following statements in respect of this training module:

Aspect of Workshop	Excellent	Good	Average	Acceptable	Poor	Unacceptable
1 The workshop achieved the objectives set	3	14				
2 The quality of the workshop material given to me was of a high standard	8	7	2			
3 The content of the workshop was well suited to my level of understanding and experience	6	9	2			
4 The practical work was relevant and informative	7	7	1			
5 The workshop was interactive	10	7				
6. The mix between theory and practise allowed sufficient opportunity to implement acquired knowledge and skills	7	7	1			
Aspect of Workshop	Excellent	Good	Average	Acceptable	Poor	Unacceptable

7 Trainers were well prepared and knowledgeable on the subject matter	13	4				
8 The duration of this workshop was neither too long nor too short	4	9	2	1		
9 The logistical arrangements (venue, refreshments, equipment) were satisfactory	9	6	2			
10 Attending this workshop was time well spent	7	10				

4. Comments and suggestions

I have the following comment and/or suggestions in addition to questions already answered:

Specific Training Sessions: On Environmental Liability Directive (2), directive could have been longer (1), Role of Misdemeanour offences in Croatia (1)

Trainers: Excellent (1), Fritz Kroiss particularly (1), Anita Pokrovac (1)

Training level and content: High level (1), Excellent content (2),

Other:

Recommendation that all the beneficiary countries have a presentation on the main topic for comparison and discussion (1) A little more time should be allocated for discussions (1)

