

**Name of the public institution**

Sub-group « Environmental criminality » of the group « Environment and Justice » of the Inter-ministerial Conference on Environment extended to Justice and Home affairs

**Composition :**

- Service for criminal policy, Federal Department of Justice ;
- Directorate-general 'Environment, International Affairs, Federal Department of the Environment ;
- Service 'Environment', Directorate-general of the Judicial Police, Federal Police ;
- Agence Bruxelles – Propreté (ABP) - (Brussels agency for cleanliness) ;
- Institut bruxellois de gestion de l'environnement (IBGE – BIM) – Brussels Institute for the Management of the Environment ;
- Afdeling Europa en Milieu, Departement Leefmilieu en Infrastructuur, Ministerie van de Vlaamse Gemeenschap (AMINAL) – Section Europe and Environment, Environment and Infrastructure department, Ministry of the Flemish Community ;
- Vlaamse Milieumaatschappij (VMM) - Flemish Environment Agency ;
- Openbare Vlaamse Afvalstoffen Maatschappij (OVAM) – Public Waste Agency of Flanders ;
- Management Unit of the North Sea Mathematical Models (UGMM - BMM) ;
- Division générale des Ressources naturelles et de l'Environnement (DGRNE) – Directorate-General of the Natural resources and the Environment of the Walloon Region;
- Division de la police de l'environnement (DPE) – Environment Police Directorate ;
- If need be, representatives of the staff of the various federal and regional ministers concerned.

**Name of the project**

Databank on environmental offences and sanctions.

**Acronym**

EcoCrim.

**Description of the project and its context in the institution**

*Description of the project*

The final purpose of this support request within the framework of Agora is the creation of a computerized databank about all the environmental offences and sanctions, at first limited to waste.

*Context*

The purpose of the sub-group « Environmental criminality » has to be the management of the most pressing issues which are present all over the country and the development of a policy for the prevention of organized environmental criminality.

Within the framework of these activities it was decided to work on the development of an inventory of the environmental offences and sanctions which are present in the regulations of the different competent authorities. The purpose of such an inventory is to make a comparative table of the approaches (criminal or administrative) used by the various competent authorities and, when needed, to make the necessary changes in accordance with a coherent and concerted criminal policy. In view of the area to be covered, it has been decided to realise the exercise for the theme of waste at first.

This inventory takes the methodological requirements into account in order to ensure its exhaustiveness and its real usefulness for any potential user. This inventory will thus be built as a computerized database which the different actors (inspection and police services, magistrates, rulers ...) will be able to consult easily. It is necessary to have a good comprehension of the norms and instances before making legislations coherent, integrating the priorities of the inspection and prosecution services and thinking about the types of sanctions or measures or about the degree of seriousness of the behaviour in question.

Such an inventory deals with two important phenomena of the Integral security Note of March 30<sup>th</sup> and 31<sup>st</sup>: the trafficking in waste and nuisances and local criminality:

1. The *trafficking in waste* is typical of the large-scale environmental criminality and can only be struggled through the development of a coherent and concerted criminal policy based on the adoption of relevant strategies amongst which the creation of an inventory of the waste categories. Indeed, this inventory will give the opportunity to negotiate purposes with the concerned actors, to undertake preventive actions in function of the sector or to make the producers aware when their products become waste.
2. *Environmental nuisances* contribute to the feeling of insecurity and can have different aspects. Pursuant to article 119bis, §2 of the new local law, these environmental nuisances can be penalized by an administrative sanction which area of application has been extended following the adoption of the law of June 17<sup>th</sup>, 2004 which modifies the new local law (*Moniteur Belge*, July 23<sup>rd</sup>, 2004). As municipalities are empowered to consider nuisances as offences and to penalize them administratively, subject to the respect of certain conditions, the creation of an inventory of the environmental offences and the related sanctions will facilitate the task of the police services and local authorities which are competent to impose an administrative sanction. It will be therefore necessary to consider the possibility to integrate in the database the environmental offences and the sanctions which are present in the local authority regulations.

### **Tasks to accomplish**

#### a. By the scientific team

The scientific support needed will be the development of a databank and a methodology which allows the communication of the most relevant information to all the interested instances, thanks to the combination of various pieces of information integrated in the databank. For this reason, the scientific support will help to:

- For the domain of waste, list the criminalizations and their references to regulations (European, Belgian or regional law) as well as the nature and the total amount of the sentences and measures, taking requirements into account ;
- Examine the possibility of extending the research to local environmental offences and sanctions with regard to waste and formulate propositions ;
- Create, on the basis of the above-mentioned inventory, a database which is easily accessible for everyone (through keywords for example). its format will have to be approved by the sub-group;
- Create a methodology which allows the update of the data registered in the database in order to guarantee its usefulness.

#### b. By the public institution

##### 1) *Prior to the project*

- Access to the necessary legislative data
- Access to the work already done by the sub-group

##### 2) *During the project*

- support to the scientific team by the sub-group 'environmental criminality' which will intervene in order to help and direct the researchers in determining the equivalent precision level to clearly identify the crime or define the used terms (is the significance of a term identical in the various legislations? – e.g. : waste)
- steering the scientific team

### 3) *After the project*

- Reception of the database created by the scientific team
- Dissemination of information
- Maintenance of the database thanks to the methodology developed by the researchers for this purpose.

#### **Expected final product**

##### a) From the scientific team

- A computerized database containing an inventory of the environmental offences and sanctions, restricted to the waste sector. This database should be easily accessible for all concerned actors;
- A methodology allowing the update and the adaptation of the data registered in the database according to the evolution of the needs without contacting a specific external person.

##### b) For the public institution

-A database built on the methodology developed by the researchers.

#### **Valorisation of the final product**

##### a) for the public institution: integration of the final product in the public institution's functioning

This database shall be integrated into the proper running of the sub-group 'environmental criminality' and will be a precious tool within the scope of the execution of the missions of the sub-group.

##### b) For the 'public': access conditions and modalities for the scientific users and the general public:

The result of this approach shall be highlighted by different elements:

- This database will be intended for any person in charge of the implementation of the environmental legislation, that is to say the police services, administrations and inspection services, the public prosecutor's department; indeed, the information gathered and structured should allow the concerned services to work successfully;
- It will constitute a starting point for the political cabinets, in view of the federal and regional differences concerning the offences, their definitions and constituting elements, and their sanctions.
- It will also constitute a knowledge tool in the elaboration and definition of a criminal policy both for the public prosecutor's department and administrations (cf. administrative sanctions).
- It will also be a basis for the writing of trans-community cooperation protocols aiming at coherence between environmental legislations.
- It will reach the purpose of the cooperation protocol of 27 March 2003 concluded by the federal parliament and the three most important jurisdictions of the country, which plans the creation of a "Banque Carrefour de la Législation" (databank of legislation) in order to allow the public to know the legislation voted at all levels.

#### **Timing, planning of activities and allocated budget**

##### a) Timing of the activities:

1 September 2005 – 30 November 2006

b) Planning of the activities: phasing of the tasks:

1) *For the scientific team:*

- Step 1 : make an inventory of the environmental offences and sanctions concerning waste
- Step 2 : make a computerized database containing this inventory  
Total steps 1 and 2 : 12 months
- Step 3 : create the ad hoc methodology to be able to update the database
- Step 4 : plan contacts with the relevant services of the Federal Department of Justice in order to see to the reception of the database
- Step 5 : highlighting of the database by organizing an informative session (1/2 day) and writing an explanatory note of the running of the database.  
Total steps 3, 4 and 5 : 3 months

2) *For the public institution:*

Putting the needed information at disposal, monitoring and regular dialogue

**Particular conditions**

a) Suggestions for the composition of the steering committee

The activities are subjected to the strict and regular dialogue on the sub-group's initiative.

b) Confidentiality clause (if applicable)

The access and the use of the database as well as the supply of data will be subjected to an agreement between the partners. This protocol contains a guaranteed access for scientific use, a guarantee of the publicity of the policy evaluation and the controlled regulations.

c) Other

The State is the only owner of the whole gathered information and of the developed methodology.