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NOTE

From: General Secretariat of the Council
To: Delegations

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Subject: Operational Action Plan 2023: Environmental crime

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (27.04.2023)



Delegations will find attached the Operational Action Plan 2023 on *Environmental crime* developed under the responsibility of the IT driver. The draft OAP was shared with National EMPACT Coordinators (NEC) and brought to the NEC meeting for discussion on 25-26 October 2022 and COSI Support Group (COSI SG) on 14 November 2022.

In line with the agreed OAPs template set out in 10595/22, the participation in operational actions was set out in document 14407/4/22 REV 4¹.

Pursuant to the COSI SG meeting in November 2022, delegations submitted some further changes that were introduced into the Operational Action Plan. In February 2023, the Spanish authorities requested an additional amendment of two operational actions, following a proposal of an action leader in consultation and agreement with the driver of this priority (OAP).²

¹ This document is revised several times during the year, based on the needs.

² The changes compared to the previous version are marked in ~~strike through~~ or **bold and underlined**. In this case, document p. 24, 25 and 28. OAs 2.3 and 4.1



Environmental Crime Operational Action Plan

1. Aim

This Operational Action Plan (OAP) has been created within the EMPACT framework and corresponds to the following priority:

Environmental Crime

The aim of this priority is “to disrupt criminal networks involved in all forms of environmental crime, with a specific focus on waste and wildlife trafficking, as well as on criminal networks and individual criminal entrepreneurs with a capability to infiltrate legal business structures at high level or to set up own companies in order to facilitate their crimes”.

This OAP outlines a list of all the operational actions that will be carried out during the year 2023 as means to implement the following strategic goals:

- CHSG 1 - Criminal intelligence picture
- CHSG 2 - Investigations and judicial response, with a specific focus on high-risk criminal networks (HRCN) and key individuals
- CHSG 3 - Coordinated controls and operations targeting the online and offline trade in illicit goods & services
- CHSG 4 - Criminal finances, money laundering and asset recovery

- CHSG 5 - Document fraud
- CHSG 6 - Capacity building through training, networking and innovation
- CHSG 7 - Prevention and harm reduction, assistance to victims, awareness raising
- CHSG 8 - External dimension: cooperation with non-EU partners

2. Context

2.1. EU Intelligence contributions:

Definition of criminal activity/crime area:

Environmental crime is a lucrative criminal business with a critical impact on the entire ecosystem, including on human health. Waste and pollution crime entails the ‘illegal transportation, processing, disposal, recycling or recovery of various waste materials’, and the illegal production, importation, exportation, sale or use of ozone-depleting substances (ODS) and hydrofluorocarbons (HFC).

Wildlife crime refers to poaching, collecting, trading (supplying, selling or trafficking), importing, exporting, processing, possessing, obtaining and consumption of wild fauna, including illegal, unreported and unregulated fishing (IUU) and flora, and trafficking of timber and other forest products, in contravention of national or international law.

Key threats:

- Some EU Member States are increasingly becoming destinations for trafficked waste originating from Europe.
- Decommissioned solar panels are being illegally transported from Europe to Africa and Asia and this illegal activity is set to further intensify in the near future.
- Criminals will increasingly seek to infiltrate and exploit the recycling and renewable energy industries, which are set to grow substantially and will attract both private sector investment as well as public funding.

- EU endemic and non-CITES listed species are increasingly targeted by wildlife traffickers. Traffickers may further concentrate their activities on non-CITES listed species to circumvent current international legislative frameworks, which mostly cover endangered wildlife.
- European glass eels, reptiles and birds are the priorities concerning wildlife crime in the EU.
- Criminal involvement linked to forest fires is an emerging trend.

Key developments:

- Environmental criminals largely use legal business structures to perpetrate their activities. For waste crimes, often multiple companies are owned by the same individuals or by straw persons, and are often located in different jurisdictions. The annual turnover of some criminal groups active in this activity amounts to millions of euros.
- Criminals make use of technical, legal and financial expertise to identify legislative weaknesses, modify business models and shift trafficking routes whenever needed.
- Document fraud is key for the perpetration of such criminal activity. Goods are transferred accompanied by falsified shipping documents and permits fabricated by criminals.
- The COVID-19 pandemic has increased the risks of criminal infiltration of sanitary waste management businesses.
- The illegal trafficking of eels originating from Europe to Asian markets is a multi-billion euro industry. This criminal activity is carried out by well-structured criminal networks operating across continents.

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- Criminal groups involved in wildlife trafficking across several continents are composed of EU and non-EU nationals. The nationality of suspects largely depends on their role. Poachers and collectors almost always come from the country of origin of the trafficked specimens, while mules often have links to the countries of destination.
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Additional elements to the intelligence picture from Driver & OAP participants:

This part is optional. Text can be added by the Driver and OAP participants, if they see this would be relevant

Taking advantage of the activities carried out in EMPACT 2018-2021 framework regarding jointed effort between European countries and Latin America, it is more than important keep the effort in this region once the Jaguar Network is consolidated. It is a clear example of synergy effect between EMPACT and other EU initiative such us (in this particular case) EL PAcCTO Programme.

2.2. Potential overlaps/synergies with other OAPs

The priority crime area which this OAP addresses, could potentially have an overlap/synergy with the following OAPs/priorities:

- OAP *OPC* (Operational Action (OA) 2.1, 2.2 from this OAP);
- OAPs HRCN and CFMLAR (OAs 3.1 from this OAP);
- Fraud, economic and financial crimes priority and document fraud (OA 5.1 from this OAP).

This potential overlaps/synergies with other OAPs will be subject to the Driver's attention. The coordination with other OAPs will be facilitated by the EMPACT Support Team.

3. Structure

The OAP is essentially a coordination overview presenting the general outline of OAs, rather than the specific detail of each OA and does not include sensitive nor classified information. These details will be found in the related OA planned implementation document based on the Planning and reporting template³.

An overview of the OAs within this OAP, that should be updated whenever relevant, can be seen below.

³ 5002/1/20 REV 1 section II. Planned implementation

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4. Management, Coordination & Support

4.1. OAP Management

Overall management responsibility for this OAP lies with the Driver, supported by the Co-Driver(s) of the OAP as identified by COSI and set out in the list of relevant actors.

Each OA of this OAP has a designated Action Leader duly tasked and empowered for this role, assisted if required by a Co-Action Leader.

Management responsibility for each operational action is outlined in the list of operational actions.

The management of the OAP shall be in line with the EMPACT Terms of Reference⁴.

4.2. OAP support

In order to allow the Driver to focus on OAP management, EUROPOL shall provide the support to the OAP in line with the EMPACT Terms of Reference.

Furthermore, the Coordinator(s) of CHSGs, in line with the tasks and responsibilities set out in the EMPACT Terms of Reference, will support the various Drivers/Co-Drivers with all issues related to the successful implementation of CHSGs, together with the Action Leaders and the OAP group.

4.3. Information management

The EUROPOL Analysis Projects shall be the primary means by which operational data emanating from the operational actions within this plan shall be processed. Other EUROPOL tools may also be used where appropriate.

It is recommended that all operational information exchange within the OAP shall be done using the Secure Information Exchange Network Application (SIENA), which provides a quick, secure and auditable means of communication between all competent authorities and EUROPOL. Proper access to SIENA should be ensured as necessary for the implementation of OAs.

⁴ 8436/1/21 REV 1 (will be updated following the final version of ToR)

5. Methodology

5.1. OAP drafting process

The OAP drafting process has recently been modified to adapt to changing circumstances and a continuous increase in the number of participants. The details on the OAP drafting process for EMPACT 2022+, including the engagement of the Partners in the drafting and implementation, the release of the OAP to the Partners as well as the specific steps of the OAP development can be found in the EMPACT Terms of Reference⁵.

The scope of the OAs included in the OAP corresponds to the EU SOCTA 2021 and additional intelligence contribution gathered by the OAP groups.

When available, the actions should also include administrative measures. Wherever possible, due use will be made of opportunities and processes for a wider inter-agency approach.

The OAP will be validated by COSI SG/COSI.

5.2. Implementation

The OAP will be implemented via the set of OAs and timescales contained in the OAP. The Driver, assisted by the Co-Driver, will be the authority to execute or delegate the management/leadership of a specific OA to the Action Leader, who then has the responsibility for initiating and reporting on each action to the Driver.

Member States are invited to integrate the relevant OAs developed in the OAP at the appropriate level into their national planning and to allocate resources to support a common EU approach. Similarly, the agencies and relevant EU networks, should commit the actions developed into their annual work programmes pursuant to the Council conclusions on the permanent continuation of the of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+ and the EMPACT Terms of Reference.

More specific details about the implementation can be included here as required

⁵ 8436/1/21 REV 1 (will be updated following the final version of ToR)

5.3. Monitoring and reporting

The reporting is composed of three steps: 1. Light reporting on the progress of the OAP, 2. Comprehensive reporting on the results of the OAP and 3. Annual fact sheets on the results of OAP.

Monitoring and reporting shall be done in line with and using the template set out in the reporting mechanism⁶.

⁶ 5002/1/20 REV 1 - Reporting mechanism

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