



Council of the
European Union

Brussels, 28 January 2019
(OR. en)

14059/1/18
REV 1

ENFOPOL 544
COPEN 382
ENV 740

REPORT

Subject: Evaluation report on the eight round of mutual evaluations "The practical implementation and operation of European policies on preventing and combating Environmental Crime"
- Report on Cyprus

**EVALUATION REPORT ON THE
EIGHT ROUND OF MUTUAL EVALUATIONS**

**'The practical implementation and operation of European policies on
preventing and combating environmental crime'**

REPORT ON CYPRUS

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	7
2. INTRODUCTION	13
3. GENERAL MATTERS AND STRUCTURES	16
3.1. National strategy or similar strategic documents against waste crime	16
3.2. National programmes/projects with regard to waste crime	17
3.3. Statistics	18
3.3.1. <i>Main trends with regard to waste crime</i>	18
3.3.2. <i>Number of registered cases of waste crime</i>	18
3.4. Domestic budget allocated to prevent and fight against waste crime and support from EU funding	20
3.5. Prevention of waste crime	20
3.6. Conclusions	21
4. NATIONAL STRUCTURES	22
4.1. Judiciary (prosecution and courts)	22
4.1.1. <i>Internal structure</i>	22
4.1.2. <i>Capacity for and obstacles to prosecution and sanctioning of waste crime</i>	25
4.2. Law enforcement authorities	26
4.2.1. <i>The structure of and cooperation between investigative authorities involved in preventing and combating waste crime</i>	26
4.2.2. <i>Investigative Techniques/Tools</i>	26
4.2.3. <i>Capacity for and obstacles to successful investigation of waste crime</i>	27
4.3. Other authorities/institutions	28
4.4. Cooperation and exchange of information among national authorities	33
4.4.1. <i>Cooperation and coordination</i>	33
4.4.2. <i>Access to information and focal points on intelligence</i>	34
4.5. Training	35
4.6. Conclusions	36

5. LEGAL ASPECTS	39
5.1. Substantive criminal law	39
5.1.1. <i>Description of national legislation pertaining to waste crime</i>	39
5.1.2. <i>Other rules or judiciary instructions</i>	43
5.1.3. <i>Determination of the seriousness of waste crime</i>	43
5.1.4. <i>Links to other serious criminal offences</i>	44
5.1.5. <i>The role of the NGOs</i>	45
5.2. Procedural, jurisdictional and administrative issues	45
5.2.1. <i>Difficulties encountered with regard to the admissibility of evidence</i>	45
5.2.2. <i>Measures other than criminal or administrative sanctions</i>	45
5.2.3. <i>Treatment of seized objects</i>	46
5.3. Environmental restoration	46
5.4. Jurisdiction	47
5.4.1. <i>Principles applicable to the investigation of waste crime</i>	47
5.4.2. <i>Rules in the event of conflicts of jurisdiction</i>	49
5.5. Conclusions	49
6. COOPERATION	51
6.1. International cooperation	51
6.1.1. <i>Forms of cooperation in cross-border cases</i>	51
6.1.2. <i>Channels for the exchange of information and the use of EU databases</i>	51
6.1.3. <i>Difficulties faced in judicial cooperation relating to waste crime</i>	51
6.1.4. <i>Operational performance of JITs in waste crime</i>	51
6.2. Cooperation with EU agencies and networks	52
6.2.1. <i>Cooperation with Europol and Eurojust</i>	52
6.2.2. <i>Experience resulting from the use of various environmental networks</i>	53
6.3. Cooperation between Cyprus and Interpol	53
6.4. Cooperation with the private sector	53
6.4.1. <i>The involvement of the private sector/ Public Private Partnership (PPP)</i>	53
6.4.2. <i>Liability in the case of non-compliance with an obligation to pass on information to the competent authorities</i>	55
6.4.3. <i>Experience of cooperation with the private sector</i>	55
6.5. Conclusions	56

7. Illegal Trafficking of Waste	57
7.1. National structure	57
7.1.1. <i>Authorities involved in preventing and combating illegal shipments of waste</i>	57
7.1.2. <i>Detection of illegal shipments of waste</i>	58
7.1.3. <i>Specificity of illegal shipments of waste</i>	60
7.1.4. <i>Measures concerning the shipment of waste</i>	62
7.2. Inspections	64
7.2.1. <i>Methodology of inspections and follow-up</i>	64
7.2.2. <i>Specific inspections with regard to Waste Electrical and Electronic Equipment (WEEE) and End-of-Life Vehicles (ELV)</i>	66
7.2.3. <i>First inspection plan</i>	67
7.2.4. <i>Challenges with regard to the taking back of illegal waste shipments</i>	68
7.3. Conclusions	68
8. Management of Hazardous Waste	71
8.1. The classification of hazardous waste and the challenges in its management	71
8.2. The system of inspections and the authorities involved	72
8.3. Measures for the protection of the environment and human health and treatment of hazardous waste	73
8.4. Trends in illegal hazardous waste management	75
8.5. Conclusions	75
9. Illegal production or handling of dangerous materials	77
9.1. The concept of dangerous materials	77
9.2. Types of illegal activities related to illegal production and handling of dangerous materials and current trends in that field	79
9.3. Procedural aspects	80
9.3.1. <i>The means of collecting evidence and of handling dangerous materials</i>	80
9.3.2. <i>The cooperation with European and international partners</i>	81
9.3.3. <i>Techniques of investigation</i>	81
9.3.4. <i>Main obstacles to successful investigation and prosecution</i>	81
9.3.5. <i>Training</i>	82
9.4. Conclusions	82

10. FINAL REMARKS AND RECOMMENDATIONS	84
10.1. Suggestions from Cyprus	84
10.2. Recommendations	84
10.2.1. <i>Recommendations to Cyprus</i>	84
10.2.2. <i>Recommendations to the European Union and its institutions, and to other Member States</i>	87
10.2.3. <i>Recommendations to Eurojust/Europol</i>	87
ANNEX A: Programme for the on-site visit and persons interviewed/met.....	88
ANNEX B: Persons interviewed/met	90
ANNEX C: List of abbreviations/glossary of terms	94

1. EXECUTIVE SUMMARY

The visit took place in an open and constructive atmosphere thanks to excellent preparation by the Cypriot authorities. All the scheduled meetings with the main actors responsible for preventing and combating environmental crime and implementing and operating European policies were very fruitful. The evaluation team was given many exhaustive presentations containing all the relevant information that had not been included in the answers to the questionnaire. However, if this information had been provided beforehand it would have helped the experts get a clearer overview of the system.

Unfortunately there was no meeting involving judges, nor was it possible to organise one on the spot.

Cyprus is a small MS with little capacity to fully treat waste produced in Cyprus, so inevitably most of the waste produced is exported without being treated, or with partial treatment. For the same reason, very little waste is imported into Cyprus.

The Cypriot authorities have not identified environmental crime as a national issue, possibly because of the low number of cases so far detected. As a consequence, there is no overall general plan or strategic document against environmental crime and the planning and strategic approach is left to several authorities, with the risk of a lack of uniformity in the ways in which infringements are prevented, detected and punished.

The lack of such a document seems especially important as competence in the field of environmental crime is split amongst individual ministries (e.g. the Ministry of Transport & Public Works regulates the treatment of end-of-life vehicles; the Ministry of the Interior regulates the Wild Birds Directive and related Natura 2000 sites; the Ministry of Labour, Welfare and Social Insurance regulates air pollution control, Chemicals/Reach and SEVESO) and within the Ministry of Agriculture, Rural Development and the Environment. This may cause a risk of lack of agreement and coordination as well as loss of competence and capacity, as the protection of the environment has been assigned to several ministries and departments.

The many different competent authorities, and the lack of a strategic document or adequate statistics make it difficult to establish trends or to draw up target-oriented action plans.

The Department of Environment is responsible for inspecting facilities, and can ask for police support; once a crime is detected, investigations can be implemented by both the police and the Department of Environment in cooperation.

The police is in general responsible for investigating all crime, including waste crime. It has the competence to carry out on-road inspections and can ask for support from the Department of Environment, if needed, to determine the nature of waste.

The Department of Customs and Excise is the competent authority for inspections and shipment monitoring of all shipments into/out of the Republic of Cyprus at the points of entry and exit of the Republic of Cyprus. However, the main responsibility for the inspection of waste shipments (for the purposes of enforcement of Regulation (EC) No 1013/2006) is held by the Department of Environment, assisted by the Department of Customs and Excise.

No joint task forces have been formally established and no formal agreement has been reached between the various authorities, the only exception being a memorandum of understanding between the police and customs. However, these institutional players have ways of cooperating informally at operational level. In fact, all of the authorities mentioned can seek reciprocal support. For example, whenever Department of Environment officials detect a crime, they can investigate it and ask for support from the police.

At the same time, the police can also ask the Department of Environment to intervene during their on-road inspections. If technical support is needed for monitoring and carrying out controls on waste shipments (especially in the case of suspicious consignments), the Department of Customs and Excise supplies the Department of Environment with comprehensive, time-critical legal information and / or support to facilitate the inspection of consignments believed to contain waste. The Department of Environment also intervenes whenever requested by customs.

This approach seems to be well suited to the situation in Cyprus, and also reduces red tape and avoids the sluggishness of more bureaucratic organisations.

However, a system depending on interpersonal relationships and the personal qualities of the stakeholders may turn out to be fragile in certain unexpected circumstances and, in any event, raises the issue of the transmission of know-how.

As a result of an enquiry made by the Cypriot prosecution office (in order to fill in the questionnaire), the evaluation team were provided with some statistical data, and these showed that the overall number of environmental crime cases is low.

The cases that reach the Attorney-General's Office for the instigation of criminal proceedings against a person (whether legal or natural) are cases which are sent in their vast majority by the Department of Environment, and the vast majority of them occurs because of non-payment of fines issued on-the-spot by inspectors. This implies that the police do not take a proactive attitude to detecting environmental crimes.

In general, it was also noted that there is a lack of specialisation among staff tackling waste crime in all the relevant institutions. No specialised body has been established within the police or customs.

Despite two or three police officers being appointed as contact points for environmental issues, there is no specialisation regarding environmental crime within the police service, and neither of the named contact points are trained in environmental law.

There are no specialised prosecutors or judges in Cyprus for dealing with environmental crime. In addition, due to the shortage of prosecutors, cases that are considered to involve minor crimes are outsourced by contract to private lawyers, who often do not have the necessary expertise and sometimes do not provide feedback on the outcome of cases to the authorities.

No training on waste crime is provided to judges and prosecutors. Environmental authorities do 'self-training', and at the same time provide some training for police and customs officers on tracking illegal shipments of waste. However, staff from the Department of Environment need more training themselves, particularly in legal matters and the preparation of investigation case files. In fact, despite having cross-cutting competence, they do not have legal knowledge or sufficient legal support.

The internal organisation of the DoE and the allocation of inspectors does not seem to suit the needs of the service. For the last six years, allocation according to the Department's needs has been done through the appointment of inspectors from the private sector. However the appointment of private inspectors, has been done using short-term contracts which do not cover a full year period, it may generate conflicts of interest, and also does not guarantee enough technical expertise, or the retention of that expertise/knowledge.

The number and level of controls on the waste management chain do not seem sufficient, and a strategic approach on the basis of a predefined risk assessment, involving all the relevant authorities such as the Department of Environment, the police, the customs authorities and the municipalities, is lacking. A Waste Shipments Inspection Plan (WSIP) has been prepared since 2017 and according to this, more checks are conducted each year than the number scheduled.

The private sector is involved in the prevention of and fight against waste crime through the provision that everyone in control of and/or producing waste must ensure the proper disposal of the waste themselves or delegate it to an authorised person dealing with the processing of waste. They are required to ensure, through arrangements with public organisations or with a private company dealing with the collection of waste, the retrieval and disposal of the aforementioned waste in accordance with the provisions of the Waste Law. The initial producer is never exempted from responsibility for full retrieval and disposal of such waste.

Regarding the management of hazardous waste, the Cypriot authorities have not identified any possible trends with regard to illegal hazardous waste management, and they have not prosecuted any serious waste crimes in this regard to date. Any carrier, transporter or broker/dealer handling hazardous waste is obliged to register to the archive of waste managers of the Department of Environment, and the Department undertakes inspections at facilities involved in the production and/or holding of hazardous waste. Besides the Department of Environment, other departments/ministries also have a role to play in relation to the management of hazardous waste - the Ministry of Transport & Public Works regulates the treatment of end-of-life vehicles, and the Ministry of Labour, Welfare and Social Insurance regulates Chemicals/Reach and SEVESO.

Regarding the control of dangerous substances, the Department of Labour Inspection is the competent authority in Cyprus for the enforcement of key national and European legislation relating to chemicals, ionising radiation, nuclear safety and health and safety in the workplace.

The national legislation in Cyprus does include definitions for *hazardous substances and mixtures*, and *ionising radiation*, in accordance with European legislation. The Cypriot authorities have not observed any criminal activities in relation to ionising radiation to date, and no other information was provided with regard to the potential incidence of any criminal activities involving the production or handling of dangerous materials.

Regarding international cooperation, the institutions concerned seem to be familiar with the international tools for cooperation, mainly thanks to their involvement in international operations and networks. However, they do not have much practical experience of cases, due to the very low number of cases they have been involved in.

The evaluators highly appreciated the commitment of many of the Cypriot staff tackling waste crime, as well as their awareness of the weakness of the system. However, they consider that the necessary improvement can be achieved only through involvement of the main actors at political and strategic level.

2. INTRODUCTION

Following the adoption of Joint Action 97/827/JHA of 5 December 1997¹, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established. In line with Article 2 of the Joint Action, the Working Party on General Matters including Evaluations (GENVAL) decided on 5 May 2017 that the eighth round of mutual evaluations should be dedicated to practical implementation and operation of European policies on preventing and combating environmental crime.

The choice of environmental crime as the subject for the eighth mutual evaluation round was welcomed by Member States. However, due to the broad range of offences which are covered by the term environmental crime, it was agreed that the evaluation would focus on those offences which Member States felt warranted particular attention.

To this end, the evaluation round covers three specific areas: waste crime, illegal production or handling of dangerous materials and hazardous waste. It should provide a comprehensive examination of the legal and operational aspects of tackling environmental crime, cross-border cooperation and cooperation with relevant EU agencies.

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives² (transposition date 12 December 2010), Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law³ (transposition date 26 December 2010), and Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste⁴ (entry into force 12 July 2007), are particularly relevant in this context.

¹ Joint Action of 5 December 1997 (97/827/JHA), OJ L 344, 15.12.1997 pp. 7 - 9.

² OJ L 312, 22.11.2008, p. 3.

³ OJ L 328, 6.12.2008, p. 31.

⁴ OJ L 190, 12.07.2006, p. 1.

Following the decision made by GENVAL, the evaluation round does not cover transnational criminal activities linked to other types of environmental crime, such as illicit wildlife trafficking, the illicit timber trade, the illicit fish trade or air pollution.

Furthermore, the Directive on Waste requires the Member States to draw up national waste prevention programmes by 12 December 2013. The objective of these programmes is to present a coordinated national approach to waste prevention, delineating targets and policies, and aiming to decouple economic growth from the environmental impacts of waste generation. National waste prevention programmes should support Member States in decoupling economic growth from the environmental impacts of waste generation.

Experience from past evaluations shows that Member States will be in different positions as regards implementation of the relevant legal instruments and programmes, and the current process of evaluation could provide useful input for Member States, including those that may not have implemented all aspects of the various instruments.

Moreover, the Council Conclusions on Countering Environmental Crime of 8 December 2016⁵ recognise that combating environmental crime requires a comprehensive multidisciplinary approach at all levels, better cooperation and exchange of information between the competent authorities, including third countries, and the need to enhance dialogue and cooperation with relevant international organisations.

⁵ 15412/16 ENFOPOL 484 ENV 791 ENFOCUSTOM 235.

Taking all the above elements into consideration, the evaluation aims to be broad and interdisciplinary, focusing not only on implementation of various instruments for fighting environmental crime, but also on operational aspects in the Member States. Therefore, apart from the cooperation of the prosecution services with Eurojust, it will also encompass how the police and customs authorities cooperate at the national level with Europol or Interpol and how information from given actors is channelled to the appropriate police and specialised agencies. The evaluation also covers operational practices in the Member States with regard to waste treatment operations and establishments and undertakings which collect and transport waste on a professional basis.

The order of visits to the Member States was adopted by GENVAL on 5 May 2017. Cyprus was the fifteenth Member State to be evaluated during this round of evaluations. In accordance with Article 3 of the Joint Action, a list of experts in the evaluations to be carried out has been drawn up by the Presidency. Member States have nominated experts with substantial practical knowledge in the field pursuant to a written request to delegations made on 28 January 2017 by the Chairman of GENVAL.

The evaluation teams consist of three national experts, supported by two staff from the General Secretariat of the Council and observers. For the eighth round of mutual evaluations, GENVAL agreed with the proposal from the Presidency that the European Commission, Eurojust and Europol should be invited as observers.

The experts charged with undertaking the evaluation of Cyprus were Ms **Katarzyna Naszczyńska** (from Poland), Mr **Karl Frauenberger** (from Austria), and Mr **Caoimhin Nolan** (from Ireland). Ms **Carmen Giuffrida** from the General Secretariat of the Council was also present as an observer.

This report was prepared by the expert team with the assistance of the General Secretariat of the Council, based on findings arising from the evaluation visit that took place in Cyprus between 23 and 25 May 2017, and on Cyprus' replies to the evaluation questionnaire together with detailed answers to follow-up questions.

3. GENERAL MATTERS AND STRUCTURES

3.1. National strategy or similar strategic documents against waste crime

No action plan or similar strategic document against environmental crime has been adopted by the Cypriot authorities.

The lack of such a document seems especially important due to the fragmented nature of competence in the environmental field.

In fact, it has to be pointed out that in Cyprus, environmental competences are not attributed solely to the Ministry of the Environment. On the contrary, they are very fragmented, as described in the following scheme:

Ministry of Health	Drinking Water Directive
Ministry of the Interior	Wild Birds Directive & related Natura sites
Ministry of Commerce, Industry & Tourism	Renewable Energy Sources
Ministry of Transport & Public Works	End-of-Life Vehicles
Ministry of Labour, Welfare & Social Insurance	-Ambient Air Quality -Air Pollution Control – (incl. part of IED) -Chemicals / Reach SEVESO
Ministry of Agriculture, Rural Development and Environment (MARDE)	<ul style="list-style-type: none">• Water Development• Forestry• Geological Survey• Agriculture• Fisheries and Marine Research• Environment

The Department of Environment (inside MARDE) is composed of five sections:

- EIA (& Noise, Horizontal SD)
- Nature Protection/ Biodiversity
- Waste management
- Pollution Control (water & soil)
- Climate Action

The Department of Environment coordinates environmental policy. Its role is essential as, in the absence of a ministry of the environment competent for all issues related to the environment, it plays a coordinating and integrating role both with other parts of MARDE, and between MARDE and other ministries.

Despite its coordinating role and the fact that it is responsible for plans and programmes within its specific competences, it cannot take its own decisions on environmental policy as decision-making in Cyprus is basically centralised within government and there is little role for local authorities. It is the Council of Ministers that has the overall responsibility for the formulation of environmental policy at national level, taking into account the EU acquis.

3.2. National programmes/projects with regard to waste crime

No specific national programmes or projects with regard to waste crime have been implemented in Cyprus. Nevertheless, Cyprus always participates in any projects and/or programs organised by INTERPOL or EUROPOL. Furthermore, the DoE conducts inspections according to monthly plans at waste management facilities, producers and transporters of waste, and also conducts checks of exports and imports.

3.3. Statistics

3.3.1. *Main trends with regard to waste crime*

Statistics are lacking in almost all of the institutions. According to the information provided, only the Department of Environment keeps some statistics, but these do not include any feedback from the relevant institutions. However, no statistics were provided by the DoE to the evaluation team.

Due to the lack of statistical data, the main trends in waste crime cannot be identified. However, the Cypriot authorities consider that illegal waste disposal is one of the main trends in waste crime.

The DoE gets complaints from citizens, other departments and private companies on a daily basis. Complaints mainly concern waste management and pollution. The DoE keeps records of these complaints. Investigation of the complaints is conducted by the DoE in cooperation with other departments, depending on the case. After the inspection/investigation, a report is prepared by the DoE and various measures are taken according to the findings. Last year, the DoE received and investigated a total of 533 complaints.

3.3.2. *Number of registered cases of waste crime*

Since no statistics regarding the number or the type of environmental crime have been kept, and no such data was provided in the questionnaire, the evaluation team requested that some statistical data be provided. The prosecution office made an enquiry by searching in the files sent from the Department of Environment.

On the basis of this research, it outlined that:

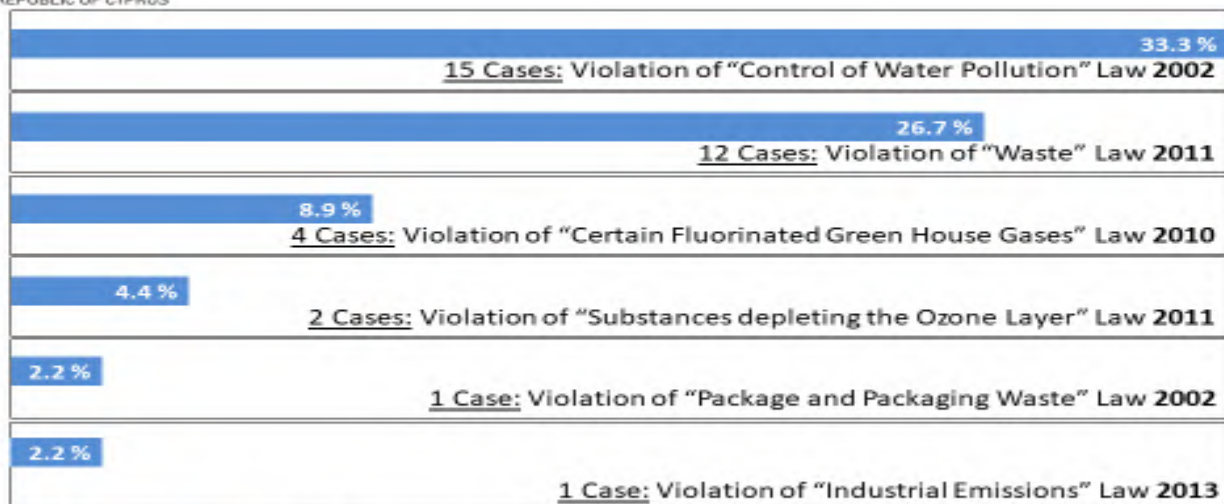
- cases are filed based on the name of the sender and the relevance of the subject
- out of 45 cases that were prosecuted:
 - 42 cases concerned the non-payment of on-the-spot fines

- Three cases concerned a direct instruction for prosecution (e.g. for repeat offences where an on-the-spot fine could not be issued under national law)
- 33.3 % concerned infringement of the Control of Water Pollution Law
- 26.7 % concerned infringement of the Waste Law
- The average on-the-spot fine imposed was approximately € 390.00
- The maximum on-the-spot fine imposed was € 1 500.00
- 11 closed cases: *Nolle prosequi* or withdrawn



REPUBLIC OF CYPRUS

What was the relevant law violated?



11 Closed Cases: **Nolle prosequi** or **Withdrawn**

Instruction of Prosecution

59/62



What kind of fines were imposed?

15 Cases: Violation of "Control of Water Pollution" Law 2002 Fine Range: € 340.00 to € 1,500.00 Average Fine: € 510.67 Maximum Fine: € 1,500.00
12 Cases: Violation of "Waste" Law 2011 Fine Range: € 100.00 to € 1,000.00 Average Fine: € 486.33 Maximum Fine: € 1,000.00
4 Cases: Violation of "Certain Fluorinated Green House Gases" Law 2010 Fine Range: € 100.00 to € 340.00 Average Fine: € 185.00 Maximum Fine: € 340.00
2 Cases: Violation of "Substances depleting the Ozone Layer" Law 2011 Fine Range: € 200.00 and € 340.00 (2 fines)
1 Case: Violation of "Package and Packaging Waste" Law 2002 Fine Range: € 500.00 (1 fine)
1 Case: Violation of "Industrial Emissions" Law 2013 Fine / Imprisonment: Trial under process
11 Closed Cases: Nolle prosequi or Withdrawn either due to fine payment or unsuccessful course of indictment

3.4. Domestic budget allocated to prevent and fight against waste crime and support from EU funding

There are no dedicated national budget allocations for the prevention of and fight against waste crime. Except for participating in projects funded by the EU, Cyprus has not benefited from EU funding to prevent and fight waste crime.

3.5. Prevention of waste crime

No special policy measure is used in Cyprus to address the prevention of waste crime besides the inspections implemented by the relevant authorities. Cyprus does operate extended producer responsibility initiatives for a number of waste types (e.g. packaging, WEEE, batteries, tyres, construction and demolition waste), and these serve to help reduce the incidence of waste crime.

3.6. Conclusions

- In Cyprus, there is no strategy to detect and tackle environmental and waste crime, either as a common strategy or in any of the administrations involved.
- Competence in the field of environmental crime is highly fragmented, being split between individual ministries and within MARDE.
- It was also noted that individual facilities are subject to compliance with multiple permits for environmental matters (e.g. planning, waste, water discharges, air discharges), and these require multiple inspections/assessments of the same facility. This may cause a risk of lack of agreement and coordination, as well as loss of competence and capacity. It makes it more challenging to gather and share data for trend analysis, and no department or authority appears to have a lead role in compiling data/statistics relating to waste crime.
- A lack of statistics has been detected in all the relevant authorities. Only the Department of Environment keeps some statistics, but these do not include any feedback from the relevant institutions. Despite the legal office of the Attorney-General informing the evaluation team that there have been only a few cases to date and therefore little data, it has to be pointed out that, even in such circumstances, statistics are essential for determining the *status quo* and defining the appropriate strategy.

4. NATIONAL STRUCTURES

4.1. Judiciary (prosecution and courts)

4.1.1. Internal structure

Cyprus has a common law legal system, which was preserved to a large extent after the country's independence (1960).

The judges and prosecutors have separate careers, and both are independent of government.

Jurisdiction is shared between the District Court (one judge) and the Assize Court (three judges).

The Supreme Court has jurisdiction for appeals.

Trials can be 'summary' or 'on information'.

Summary trials, according to Courts law n. 14/1960 art 22, can be heard by the District Court for all offences punishable with a prison term not exceeding five years and/or a fine not exceeding € 85 430.00. The District Court can also try offences beyond the above limits summarily, provided the consent of the Attorney-General is obtained. However, in such cases the sentence passed cannot exceed the sentence which could be passed by trying the case summarily, that is five years' imprisonment or a fine of € 85 430.00.

Trial on information takes place before the Assize Courts. The charge is filed in writing exclusively by or on behalf of the Attorney-General in the Assize Court.

The role of the public prosecutor is attributed to the Attorney-General. He has investigative powers, as he can order the initiation of investigations and intervene during the conduct of investigations (in the pre-trial phase), as well as request further investigations (during the trial).

The office of the Attorney-General is divided into ten sections. The European law section is responsible for transposing EU Directives, and the breakdown of Counsels from different sections involved with them is subject to change.

The criminal law section is entrusted with the prosecution of cases. No special unit with specific competence in environmental matters exists either in the courts or in the prosecution office. It currently comprises the head of section, four senior counsel, three counsel of the Republic A, three counsel of the Republic, four public prosecutors A and 27 public prosecutors. The public prosecutors are located in five district offices in different parts of the country.

Outside private lawyers can be assigned by the Attorney-General to prosecute minor offences. However, no specific experience in environmental matters is required prior to being appointed. According to the information provided in the questionnaire, the lawyer assigned by the Attorney-General has to keep the office up-to-date with the results of the prosecution and the sentence/fine that was imposed by the court; the lawyers are in close contact with the office, asking for directions from the criminal law section of the office when needed. Nevertheless, they often do not fulfil this part of their obligations. In addition, based on their experience, the DoE expressed the opinion that these lawyers often lack basic experience and ask for assistance from the Department of Environment. At the same time, both the DoE and the prosecution office informed the evaluation team that these lawyers often do not provide the competent institution with the required feedback on the cases.

According to the information provided, the cases that reach the Attorney-General's Office for the instigation of criminal proceedings against a person (whether legal or natural) are cases which are sent in their vast majority by the Department of Environment, and the vast majority of them occurs because of non-payment of fines issued on-the-spot by inspectors.

For example, under the Waste Law 2011, an inspector has the authority to issue on-the-spot fines up to €4 000.00 to any person who is reasonably believed to have committed or be committing an offence in contravention of the provisions of the Waste Law 2011. In the event of non-payment of the fine, the case file is forwarded to the Attorney-General by the Ministry of Agriculture, Rural Development and Environment for the prosecution of the offender. The vast majority of the cases which have been prosecuted since now, are cases which were sent to the Attorney General's Office because of the nonpayment of a fine. There were some cases though, that after they had been sent by the Department of the Environment to the Attorney General's Office, instructions were given for the prosecution related not only to the non-payment of the fine, but also for the actual breach of the environmental law provisions.

This shows the offence to be of relatively minor importance to the judicial system, and where such cases are concluded, substantial fines are not being imposed. The evaluation team considers that this approach offers little deterrent to the commission of waste crime offences.

Some government departments have the power, based on specific statutory provisions, to prosecute summary offences within their particular sphere of activity. For example, the Labour Inspection Department conducts prosecutions in relation to emission offences provided for by the legislation on industrial emissions 2013.

4.1.2. Capacity for and obstacles to prosecution and sanctioning of waste crime

Based on the information acquired on the spot, the majority of the cases that reach the Attorney-General's Office for the instigation of criminal proceedings against a person (whether legal or natural) occur because of non-payment of on-the-spot fines issued by inspectors. As these cases are considered as minor offences, and due to the workload at the Attorney-General's Office, they are all assigned to external private lawyers. No significant case investigated by the prosecution office was presented to the evaluation team. It is therefore very difficult to assess the capacity of the office. However, taking into account the limited experience of the Cypriot authorities in prosecuting waste crime cases, and the lack of training in the field, it is possible to infer that the prosecutors' knowledge of the matter is mainly theoretical. Furthermore, the practice of only prosecuting for non-payment of on-the-spot fines offers little deterrent to the commission of offences. No measures to strengthen the capacity to prosecute and sanction waste crimes have been taken so far. However, the Attorney-General informed the evaluation team that there were plans to increase the total number of prosecutors in order to deal with more cases in the office.

The evaluation team received the information that, after the meeting with the expert team, the Attorney-General took immediate measures to improve the procedure regarding the prosecution of environmental crimes in two ways:

1. a specific Counsel of the Republic, who has been dealing with environmental law issues (e.g. a representative of the Office at the ENPE working group) has been assigned the task to scrutinize all cases sent by the Department of the Environment and to evaluate their importance and severity; then the cases including suggestions are sent to Head of the criminal law section who will issue instructions on the assignment of the cases.
2. The important cases will be prosecuted by public prosecutors from the Attorney-General's Office.

4.2. Law enforcement authorities

4.2.1. *The structure of and cooperation between investigative authorities involved in preventing and combating waste crime*

The police are responsible for investigating waste crimes. However, no specialised body has been established.

It has to be highlighted that the police are only competent for on-road inspections. Conversely, they are not competent for inspecting facilities. This issue is attributed exclusively to the Department of Environment, so that, whenever they detect a crime, they can investigate it and ask for support from the police. At the same time, the police can also ask the Department of Environment to intervene during their on-road inspections. Thus, despite the fact that no joint task forces have been formally established, in reality they are available informally when needed.

The only formal document on cooperation among the institutions is a memorandum of understanding signed between the police and customs authorities. Conversely, no MoU has been signed between the Department of Environment and either the police or customs. However, the Department of Environment reports that there is good cooperation with both the police and customs.

In the spirit of good cooperation, the Department of Environment, the police and the customs authorities also organise annual campaigns for tackling environmental crime.

4.2.2. *Investigative Techniques/Tools*

Ordinary means of investigation are usually used for waste crime.

Special investigative techniques can also be used, depending on the penalty provided by the relevant law.

4.2.3. Capacity for and obstacles to successful investigation of waste crime

According to the information provided, despite the DoE being the main authority dealing with waste crime, it does not have the power to use a full range of investigative measures.

To investigate waste crime, the capabilities and equipment of police forensic units, financial units and cyber crime units can in theory be used wherever possible under general criminal law.

A general lack of experience, mainly due to the small volume of serious waste crime cases dealt with, has been reported by the Cypriot authorities and ascertained by the evaluation team.

A further obstacle to investigating domestic and cross-border cases of waste crime relates to the lack of legal expertise of the DoE's inspectors. This can cause practical problems in the course of criminal cases instigated by the DoE, e.g. in cases where special knowledge is needed in relation to the collection of evidence – this can dramatically influence the outcome of the criminal proceedings in court, including a final dismissal of one case due to some procedural errors regarding the collection of evidence. In such cases, cooperation with the criminal police is needed, because they are specialised in investigation techniques and are more familiar with evidence gathering/handling requirements.

The Department of Environment has limited full-time staff available to conduct inspections and has outsourced much of this work to the private sector on short-term contracts. This is problematic in the long term, as local knowledge and the technical competency of the contract staff are constantly having to be rebuilt. Furthermore, this requires the full-time staff to provide training and supervision for the contractors, which further eats into the limited time available for full-time staff to carry out inspections themselves.

Problems have also been reported in relation to a lack of communication/cooperation with authorities in third countries and to traceability, especially in cases where waste is exported as green-listed waste.

4.3. Other authorities/institutions

The **Council of Ministers** has the overall responsibility for the formulation of environmental policy at national level, taking into account the EU acquis.

The **Department of Environment**, which falls under the auspices of the Ministry of Agriculture, Rural Development and Environment, is responsible for the inspection of facilities and for waste shipments too.

It also intervenes when requested by the police, as regards on-road inspections.

Inside the Department of Environment, the Pollution and Control Sector inspection team is responsible for implementation and enforcement of laws and regulations relating to water and soil pollution control, waste management, waste producer responsibilities, ozone depleting substances and Industrial Emissions Directive in regards to water and soil issues. IED inspections are also performed by the Department of Labour Inspection on air pollution.

The monitoring of water, soil and air quality is performed by other departments. Also, environmental terms contained in planning and/or construction permits are inspected by another sector of the DoE.

The Department of Environment has the responsibility for issuing collective/individual schemes approvals/permits, and for ensuring that the collective/individual schemes operate properly (e.g. ensuring minimum cost for citizens, public information etc.).

Any establishment or undertaking intending to carry out waste treatment must obtain a permit prepared by the DoE and issued by the Ministry. Sometimes the waste management permit has to be combined with other environmental permits (e.g. industrial emissions permit, waste discharge permit, etc.).

In addition, establishments or undertakings which collect or transport waste on a professional basis, dealers or brokers, and establishments or undertakings which treat their own non-hazardous waste at the place of production must register with the Waste Management Registry.

The DoE has to ensure that the waste producer or holder complies with the provisions of the law regarding waste storage and the assignment of responsibility for waste management to registered waste collectors or licensed facilities. It also has to guarantee the traceability of hazardous waste from production to final destination.

The main areas for environmental inspections are:

- Compliance with the terms of:
 - (a) waste discharge permits
 - (b) waste management permits
 - (c) everything except the air pollution control part of IED permits
- Compliance with the laws and regulations related to: (i) industrial emissions, (ii) water and soil pollution control, (iii) waste management, (iv) waste producer responsibilities, (v) ozone depleting substances.
- Monitoring of emissions to water and soil.
- Controls on waste management (storage, transfer, treatment, disposal, export/import).
- Complaints handling.

The DoE carries out checks and inspections to ensure that waste producers:

- Keep records of the quantity, the nature and origin of the waste, and where possible, the destination, the frequency of collection, mode of transport and treatment method;
- Send the above information to the competent authority;
- Give the authority written proof of the completion of hazardous waste management operations.

As the main authority dealing with the inspection of facilities, the DoE is able to detect and investigate administrative and criminal offences. To this end, it makes use of inspectors appointed under the:

- Waste Law of 2011 (Law 185(I)/2011).
- Pollution Control Law of 2002 (Law 106(I)/2002).
- Industrial Emissions Law of 2013 (Law of 184(I)/2013).

More specifically, under Article 50 of the Waste Law of 2011, where an inspector appointed by the Minister of Agriculture, Rural Development and Environment reasonably believes that any person has committed a waste crime (e.g. in contravention of the provisions of the aforementioned law and/or regulations issued by the Minister or Ministerial Council), they have the authority to proceed with an out-of-court settlement by issuing a notice to pay a certain amount.

Generally, due to the length of time it takes to conclude legal proceedings, the DoE inspectors apply softer but more immediate measures/sanctions (e.g. by imposing on-the-spot fines) in order to end the case during the inspection phase, rather than initiating court proceedings.

The number of full-time inspectors currently working at the Department of Environment does not seem to be adequate to inspect all of the waste management facilities existing in Cyprus (i.e. 88 facilities). Hence, since 2012, the DoE has employed contract staff from the private sector (mainly unemployed scientists and engineers) to carry out environmental inspections /controls.

These inspectors work for part of the year, along with the full-time DoE inspectors, and under the supervision of the four district head inspectors (based in Nicosia, Larnaca/Famagusta, Paphos and Limassol).

The DoE staff perform controls, monitoring and inspections according to plans, prepare inspection reports and also handle complaints.

According to the information provided during the evaluation visit, in 2012-2015, the services of six to eight persons were available to the Department for seven to eight months, whereas in 2016 and 2017, 15 persons were available for five to seven months. Additionally, in 2016 and 2017, four people were responsible for monitoring compliance with environmental statements under Environmental Impact Assessment (EIA) Law.

However, these annual contracts cannot be considered as a long-term solution to the problem of the shortage of human resources in the DoE. In fact, the appointment of private-sector personnel for short periods causes discontinuity in the inspection work and prevents the appointment or retention of proper expertise. In addition, it raises trust issues, carrying a possible risk of corruption.

Problems have also been detected with the internal organisation of the Department due to the lack of personnel. It has to be pointed out that the DoE inspectors involved in carrying out inspections also have other responsibilities, so essentially, they are not available to conduct inspections on a full-time basis. Such responsibilities include the preparation of national reports, the preparation of tenders, EIA, providing training for other authorities, drafting new permits, and assisting in drafting new legislation. In this context, carrying out environmental inspections is not always prioritised.

It has also been observed that the allocation of inspectors does not appear to suit the needs of the service.

Other problems highlighted by the Department of Environment officials were the lack of relevant tools (e.g. mobile phones, tablets, security equipment, etc.) and the difficulty of changing the mentality of waste operators (e.g. non-compliance tends to be high).

The **Department of Customs and Excise** is the competent authority for inspections and shipment monitoring of all shipments into/out of the Republic of Cyprus at the points of entry and exit of the Republic of Cyprus. However, as already said, the main responsibility for the inspection of waste shipments (for the purposes of enforcement of Regulation (EC) No 1013/2006) is held by the Department of Environment, assisted by the Department of Customs and Excise.

Customs appears to be satisfactorily performing its task of controlling cross-border goods traffic. The electronic system used allows specific warnings to be generated by means of defined parameters. Where this occurs, the documents or the cargo are examined in more detail. If necessary, the Department of Environment will be contacted for support.

If technical support is needed for monitoring and carrying out controls (especially in the case of suspicious consignments), the Department of Customs and Excise supplies the Department of Environment with comprehensive, time-critical legal information and / or support to facilitate the inspection of consignments believed to contain waste.

The recently adopted Regulation (EU) 2016/1246, which sets up a preliminary correlation table between the customs codes of the Combined Nomenclature and waste codes, will serve as a tool to assist in curbing illegal exports of waste out of the EU.

The **Department of Labour Inspection** is the competent authority for the safeguarding of adequate levels of safety and health at work.

The aforementioned aims are accomplished by means of a suitable legislative framework, the implementation of an effective inspection system, the regular use of public awareness programmes, the training and education of the Department's personnel, and cooperation with the social partners

(http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument).

The **Radiation Inspection and Control Service** aims to ensure adequate levels of protection for workers, the public, patients and the environment from the risks arising due to exposure to ionising radiation, in various economic activities, such as in medicine, industry, construction, agriculture and research, or due to the release or dispersion of radioactive materials or radioactive contamination in the environment

(http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/pagem1_en/pagem1_en?OpenDocument).

4.4. Cooperation and exchange of information among national authorities

4.4.1. Cooperation and coordination

The exchange of information and coordination between all authorities involved is not formally defined, the only exception being a memorandum of understanding between the customs authorities and the police.

There are no regular strategic meetings held between the DoE and police representatives. Meetings are organised on a case-by-case basis.

The DoE claimed that although there has been an improvement in recent times, there is still not sufficient cooperation/support from other governmental departments (police, legal support, laboratories, district officers, planning and housing) and from local authorities.

As regards cooperation between the police and the DoE, despite the latter always being able to ask for support, the DoE mentioned that the role of police officers in the course of criminal investigations conducted by DoE inspectors is usually confined to safety issues. In fact, the inspectors are accompanied by police officers in order to guarantee them secure working conditions at the inspection site.

The DoE also reported problems with cooperation with the legal service at the Attorney-General's Office. The Department stated that all requests for legal assistance/advice can only be made in writing, and that such requests typically do not receive a timely response, or there may not be any response at all. In addition, they often do not get feedback from the prosecution system regarding criminal proceedings conducted by the lawyers assigned them.

According to article 113.1 of the Constitutions , the Attorney-General is the legal adviser of the Republic and of the President of the Republic and of the Council of Ministers and of the Ministers (Article 113.1 of the Constitution).

Anyway that does not imply that each Minister is not allowed to employ its own legal advisor or to procure private legal services upon permission of the Attorney General.

4.4.2. Access to information and focal points on intelligence

The Department of Environment keeps several databases and files concerning shipments of waste, permitted waste treatment facilities and carriers. These databases are not directly accessible to the police or the Attorney-General's Office. However, all necessary information is provided on a case-by-case basis.

Both in the Department of Environment and the police, there are staff appointed as contact points for environmental crime. Within the Cyprus Police, three police officers are assigned as focal points.

The role of these three officers is, in addition to other roles, exchanging information internationally via Europol's SIENNA system or Interpol.

There do not appear to be any focal points designated in the Department of Labour Inspection or the Department of Electrical and Mechanical Services to facilitate intelligence sharing with the Department of Environment on environmental crime issues.

4.5. Training

The prosecution office and the police do not organise any training on environmental crime for their own staff.

Police officers only receive a lecture on beach and river protection during their basic police training at the Police Academy, and a lecture on the protection of the marine environment during the Maritime Border Programme.

The Department of Environment does 'self-training', and at the same time provides some training for police and customs officers on tracking illegal shipments of waste.

The Cyprus Police do receive some training at international level. Between 2015 and 2017, they participated in one training course (22/2015 'Environmental crime – wildlife trafficking'), offered by the European Union Agency for Law Enforcement Training (CEPOL). In 2018, the Cyprus Police is planning to send one of its officers to CEPOL training course 10/2018, entitled 'Environmental Crime', organised by the Central Office against Environmental and Public Crime of the French Gendarmerie Nationale.

4.6. Conclusions

- Competences for environmental matters are very fragmented. This makes it even more essential to have a strategic approach involving authorities at political level, which is so far lacking.
- There are no specialised prosecutors or judges for environmental crime. In addition, due to the shortage of prosecutors, any cases that are considered to involve minor crimes are outsourced to private lawyers by contract. However, this system does not seem to be satisfactory. There are no specific environmental law requirements for these private lawyers, although environmental crime is a complex matter that requires both environmental and criminal law expertise. In addition, the cooperation with these lawyers is unsatisfactory and feedback regarding the outcome of cases is rarely given. The system of recourse to private lawyers also raises the risk of conflicts of interest. More permanent public prosecutors would lead to increased competence and experience within their own authority. Alternatively, these lawyers should be provided with sufficient expertise and guidelines.
- The public prosecution office does not seem to be much involved in tackling environmental crime. Its awareness of environmental matters needs to be raised. Training should also be provided for prosecutors with this in view.
- It seems that a lack of criminal cases brought to the prosecution office is at the heart of their lack of expertise. The evaluation team is therefore convinced that when more cases are brought forward by investigators, then they will be ready to act, as they seem to have a good knowledge of the law.
- Despite two or three police officers being appointed as contact points for environmental issues, there is no specialisation in environmental crime in the police service and the training of the named contact points is at an initial stage.

- In practice, the police only engage in waste crime investigations when requested by the environmental authorities, or with the support of the environmental authorities. The lack of specialisation is most probably the major cause of this lack of pro-activeness. This is unsatisfactory, insofar as environmental crime can be seen as a so-called 'control crime'. A more proactive approach by the police to the tracing of environmental offences would be appropriate.
- Conversely, it seems that the police have an active role at international level as, via the European Union and the Police Cooperation Directorate, Cyprus regularly participates in Interpol and Europol operations with the support of the DoE.
- The police, within the framework of its competencies, is willing to provide any assistance requested by the competent authorities. However, they seem not to have enough capability and to be proactive enough in detecting waste crimes.
- The Department of Environment seems to be greatly overworked. In addition, it has cross-cutting competence but does not have legal knowledge or sufficient legal support. It is suggested that a legal service be established in the Department. Alternately or concurrently, it is recommended to appoint more Counsels of the Republic in the Attorney General Office in order to be able to provide legal assistance in a timely manner. Establishment of working groups including personnel from the relevant authorities such as Department of environment, Ministry of Justice and Ministry of Interior is recommended when drafting legislation.
- Inspections should be prioritised by appointing and training more staff to carry out these tasks, rather than in some of the other areas managed by the Department.
- The allocation of inspectors should be better geared to the needs of the service .

- The actual activity of checking on companies is neglected, and the situation is further exacerbated by a lack of inspectors. It is noted that there are 88 waste treatment facilities in Cyprus according to the Department of Environment, which have to be controlled accordingly. The Department has remedied this by employing part-time inspectors. The appointment of private personnel as inspectors should be avoided as much as possible in order to prevent a possible conflict of interest with the persons responsible for the facilities to be inspected, and also to ensure the retention of sufficient expertise in the field.
- The Department of Environment trains its own inspectors, but it does not involve the other institutions. The Department's inspectors should be provided with some legal knowledge, and should therefore be given training by the other relevant authorities – particularly the police (e.g. in relation to evidence handling).
- Customs appears to be satisfactorily performing its task of controlling cross-border goods traffic. The electronic system used allows specific warnings to be generated by means of defined parameters.
- The main personal contacts in the field of environmental and waste crime in the police, customs and the Department of Environment seem to be familiar with each other. Up to a point, this informal cooperation can be considered good practice for a small Member State such as Cyprus.
- However, whether this relationship of trust is correspondingly satisfactory for all those involved could not be determined, or is rather doubtful. The views expressed during the evaluation, especially those of the police and the DoE, are different. The police, which has no specialisation in the environmental field, has to deal with all other criminal law offences in addition to environmental and waste offences. In contrast, the DoE is more specialised and at the same time dependent on police participation. This certainly leads to different expectations, which, however, are not necessarily stated openly. The adoption of a formal model of cooperation (e.g. MoU) is suggested.

5. LEGAL ASPECTS

5.1. Substantive criminal law

5.1.1. Description of national legislation pertaining to waste crime

Cyprus transposed Directive 2008/99/EC into its national legislation with the 2012 Law on the Protection of the Environment through Criminal Law (Law 22(I)/2012), which includes several other laws and regulations relevant to waste management.

The relevant legislation is listed below.

Law No 22(I)/2012 – Law on the Protection of the Environment through Criminal Law

Art. 4(1)(b)(c), Art. 4(1)(aa)(bb)(cc), Art. 4(2) , Art. 4(3) and Art. 4(5) provide for the list of offences and penalties.

As regards the penalty, if the crimes are the result of serious negligence, the penalty is one of up to three years' imprisonment and/or a financial penalty of up to EUR 100 000.

If they are the result of an intentional act or omission, the penalty is one of up to seven years' imprisonment and/or a financial penalty of up to EUR 200 000.

If they result in substantial damage to air quality, soil quality or water quality, or to animals or plants (Art. 5), the penalty is one of up to ten years' imprisonment and/or a financial penalty of up to EUR 500 000, irrespective of whether the offences were perpetrated by virtue of serious negligence or intentionally.

Art. 2 defines the concepts of 'waste', 'serious negligence', 'grievous bodily harm', 'damage', 'indirect intention', 'guilty knowledge', 'intentionally', 'Regulation EC/1013/2006', 'Regulation EC/1418/2007', 'legal person' and 'illegally'.

Art. 5 defines substantial damage to air quality, soil quality and water quality, or to animals or plants. This article is important for the purposes of both the competent authority and the police when investigating environmental crime, as it has implications for the collection of the evidence necessary to allow the court to issue a ruling and for the determination of the appropriate penalty.

The Annex provides for breaches within the meaning of the term 'illegally'.

Law 185(I)/2011

Law 185(I)/2011 (which transposes Waste Directive 2008/98/EC) already penalises acts and/or omissions in breach of said law (e.g. Art. 15, 29, 34(1)), in breach of regulations or ministerial orders issued by virtue of said law, and acts and/or omissions in breach of Regulation (EC) No 1013/2006.

Under Law 185(I)/2011, there is no requirement that the act or omission be intentional or the result of serious negligence, nor is there any requirement that the act or omission cause or be likely to cause death or serious injury or substantial damage to the environment.

If found guilty by a court of competent jurisdiction, these criminal offences are punishable by up to three years' imprisonment and/or a financial penalty of up to EUR 500 000.

Depending on the severity of the offence, the competent authority has the power of discretion to settle some (but not all) cases of suspected criminal offences out of court (maximum penalty of EUR 4 000) by issuing a notice to pay a certain amount.

The amount that a person might be required to pay in an out-of-court settlement cannot exceed EUR 4 000 and depends on the severity of the offence. If the aforementioned amount is paid within 14 days, then no further criminal proceedings are undertaken in relation to the offence.

Following the out-of-court settlement with the payment of the amount to the treasury of the Ministry of Agriculture, Rural Development and Environment, and the issuing of a receipt for that payment, that receipt constitutes proof of the facts stated and as a result the defendant is discharged from any further legal proceedings. The out-of-court settlement is not regarded as a conviction. However, in the event of conviction by a criminal court for a similar offence, the court can take the previous facts into account when sentencing the offender.

Administrative sanctions may also be imposed without prejudice to any criminal responsibility. Therefore, in accordance with Article 51 of the Waste Law, a person who causes pollution or who contravenes the provisions of the Waste Law, notwithstanding his or her civil or criminal liability, may be required by the Ministry to pay an administrative fine of up to EUR 500 000. In the event of serious environmental damage, the Ministry, subject to approval by the Ministerial Council, can impose an administrative fine of up to EUR 4 000 000. The Ministry can also order the temporary suspension of operation of the establishment until the appropriate measures are taken to prevent pollution to the environment or any danger to public health. The Ministry may also permanently terminate the operation of the establishment.

The advantage of administrative (financial) sanctions is that they are covered by the presumption of legality.

It is then the person affected who may file an action for judicial review before the Administrative Court and seek its annulment. This allows the competent authority to act swiftly and effectively to resolve any illegality.

In addition, whilst the use of criminal law may be appropriate in terms of dissuasion and prevention, it does not necessarily provide the competent authority with the essential direct instruments to put an immediate end to an illegal act or omission or to immediately impose a financial (administrative) sanction in respect of an illegal act or omission.

If a fine is not paid, the inspection reports are sent to the Attorney-General for prosecution.

Other environmental legislation

Article 3(b) of Directive 2008/99/EC is also referred to in other legislation (Nature Protection Laws, the Industrial Emissions Law (Water – Soil - Atmosphere – Integrated Pollution Prevention and Control), the Control of Atmospheric Pollution Law and secondary legislation, the Control of Water Pollution Law, etc.) referring to 'causes or is likely to cause substantial damage to the quality of air, the quality of soil or the quality of water, or to animals or plants'.

More specifically:

The Industrial Emissions Law

Offences and penalties are listed in Art. 20 and 87.

If found guilty by a court of competent jurisdiction, these criminal offences are punishable by up to three years' imprisonment and/or a financial penalty of up to EUR 500 000.

The court may issue *interim* orders and the DoE may issue out-of-court settlement notices in respect of some suspected criminal offences (maximum penalty of EUR 4 000) and administrative notices (notice for improvement – notice of prohibition).

No administrative (financial) sanctions are provided for by this law.

The Control of Atmospheric Pollution Law and secondary legislation

Offences and penalties are listed in Art. 15 and 26.

If found guilty by a court of competent jurisdiction, these criminal offences are punishable by up to one year's imprisonment and/or a financial penalty of up to CYP 20 000 (roughly EUR 11 705).

The court may issue *interim* orders and the DoE may issue out-of-court settlement notices in respect of some suspected criminal offences (maximum penalty of EUR 4 000) and administrative notices (notice for improvement – notice of prohibition).

No administrative (financial) sanctions are provided for by this law.

The Control of Water Pollution Law

Offences and penalties are listed in Art. 29.

If found guilty by a court of competent jurisdiction, these criminal offences are punishable by up to three years' imprisonment and/or a financial penalty of up to EUR 500 000.

The court may issue interim orders and the DoE may issue out-of-court settlement notices in respect of some suspected criminal offences (maximum penalty of EUR 4 000) and administrative notices (notice for improvement – notice of prohibition).

No administrative (financial) sanctions or administrative notices (notice for improvement – notice of prohibition) are provided for by this law.

5.1.2. Other rules or judiciary instructions

There are no binding or non-binding rules or judiciary instructions relevant to the area of waste crime other than those referred to in the previous paragraph.

5.1.3. Determination of the seriousness of waste crime

General criteria to determine the seriousness of waste crime are the distinction between (a) misdemeanours and (b) felonies and the amount of penalty provided for each type of illegal behaviour.

As regards the first criteria, according to the Cyprus Criminal Code, offences are divided into two categories - (a) misdemeanours and (b) felonies. A felony means an offence which is declared by law to be a felony, or, if not declared to be a misdemeanour, is punishable, without proof of previous conviction, by three or more years' imprisonment. A misdemeanour means any offence which is not a felony.

As regards the second criterion, Article 4 of the Law on the Protection of the Environment through Criminal Law (L. 22(I)/2012) provides for offences against the environment and lays down the penalties for each such offence. The penalties vary for each offence, ranging from financial penalties to ten years' imprisonment. Due to the fact that Cyprus has a common law system, case-law lays down binding guidelines on the amount of penalty to impose. However, since there is currently no case-law in the field of waste crime, there are no sentencing guidelines and/or guidance on gravity factors to assist judges in determining sanctions between a minimum and a maximum.

'Substantial damage' is defined in Article 5 of the 2012 Law on the Protection of the Environment through Criminal Law (Law 22(I)/2012) as follows:

- i) such damage is irreversible,
- ii) it is partially reversible, but only after the establishment of human rehabilitation measures, which require a lengthy period and a significant financial cost in order to have an effect,
- iii) it is partially reversible, but irreversible damage is so severe that it leads to permanent disruption of the wider ecosystem, and/or
- iv) it is judged by the court to be meaningful.

5.1.4. Links to other serious criminal offences

Thus far in Cyprus, very few major waste crime cases have been investigated, and there is no evidence that cases concerning waste crime are related to serious criminal offences such as organised crime, corporate offences or corruption.

5.1.5. The role of the NGOs

NGOs can report a crime, as can any other citizen. According to the Cypriot legal system, only the public prosecutor and the defendant can be parties to criminal proceedings. Proceedings are public, and anyone who has any special or general interest can attend only as an observer. In that context, NGOs cannot play any particular role in criminal proceedings apart from observing the proceedings on account of their specific interest.

5.2. Procedural, jurisdictional and administrative issues

5.2.1. Difficulties encountered with regard to the admissibility of evidence

The main difficulties that have been encountered with regard to the admissibility of evidence are related to the lack of legal knowledge among the staff of the Department of Environment. As a consequence of this lack of knowledge, they have sometimes been unable to secure evidence for court proceedings.

The low number of serious cases investigated is likely to be related to the size of the country, the lack of heavy industries and the small number of hazardous waste management installations. However, the low number of cases implies that the prosecution office does not have strong potential to acquire experience in this field.

5.2.2. Measures other than criminal or administrative sanctions

Other measures besides criminal sanctions and administrative fines can be imposed.

During inspections, the inspectors may serve notices such as notices for improvement, notices of prohibition, notices for conformity, notices for suspension and notices for withdrawal (batteries and accumulators). These are regarded as administrative acts.

The waste management permit can also be revoked.

Both pending trial and after the court ruling (conviction), the court may order the defendant to carry out specified measures for the restoration or mitigation of any damage/harm and order that the costs be borne by the defendant.

Confiscation of proceeds may be ordered. Any act or omission which constitutes a criminal offence according to Article 4(1)(b)(c) Law No 22(I)/2012 also constitutes a predicate offence for the purposes of Law 188(I)/2007. This ensures that no person found guilty of a criminal offence may retain any financial gain resulting from said illegal activity. This is both preventive (a disincentive) and punitive. This means that proceeds from illegal activities are to be confiscated by the State.

5.2.3. Treatment of seized objects

If an illegal shipment is detected at the point of entry/exit (port), the waste is seized by the customs authorities on the orders of the competent authority under Regulation 1013/2006/EC (Department of Environment) until the investigation is completed (Article 35(6)). The costs of temporary storage during the investigation are borne by the exporter (notifier).

If illegal activity is detected in relation to the handling of radioactive materials, inspectors from the Radiation Inspection and Control Service (RICS) of the Department of Labour Inspection have the power to seize materials. The inspectors are trained in the handling of radioactive materials, and temporary storage solutions are in place.

5.3. Environmental restoration

According to the 2007 Law on the Prevention and Recovery of Environmental Damage (Law 189(I)/2007), the offender is responsible for restoring the environment and repairing any damage. If he fails to restore the environment, the Department of Environment will proceed to do so, and then claim the costs back from the person responsible through the courts.

5.4. Jurisdiction

5.4.1. Principles applicable to the investigation of waste crime

As there is no specific legislation regarding jurisdiction for the prosecution of waste crime, the general rules apply.

Sections 23 and 24 of the Courts of Justice Law 14/60 provide for the jurisdiction of the District Court in criminal cases. Normally a District Court has jurisdiction over offences committed within a specific district by any person, and in the Sovereign Base Areas for offences committed against a Cypriot, by a Cypriot or relating to a Cypriot.

In cases where the offence is committed on or within a mile of the border, or partly in one district and partly in another, the offence may be tried by any of the District Courts involved.

As far as the offences that may be tried within the jurisdiction of the District Court are concerned, a Senior District Judge and a District Judge have jurisdiction to summarily try all offences punishable by imprisonment for a term not exceeding five years or a fine not exceeding 50000 pounds (or the equivalent in euro) or both.

The Attorney-General may consent to the trial of a felony by summary proceedings in a District Court.

The Assize Courts which operate under Law 14/60: under section 20 of the aforementioned Law, the Assize Courts have jurisdiction to try all offences against the Criminal Code or any other law committed:

- within the Republic,
- within the Sovereign Base Area by a Cypriot, against a Cypriot or in relation to a Cypriot,
- in any country of the world by a civil servant citizen of the Republic,
- on any Cypriot ship or aircraft, or
- in any other place and circumstances that the law may provide for.

CAP 154 Section 5(1) of the Criminal Code covers offences committed abroad by citizens of the Republic which are punishable by two years' imprisonment and which are also offences in the country in which they were committed. In substance, the Assize Courts hear felonies and the more serious crimes, except those for which the Attorney-General has given his consent for a summary trial as described above, under Section 24(2) of the Courts of Justice Law.

Regarding cross-border cases, there is a possibility of the Cypriot courts having jurisdiction according to the common law rules on extraterritorial jurisdiction.

In general, in cross-border cases involving Cyprus and other jurisdictions (including non-EU countries), an offence must have a 'substantial connection with this jurisdiction' in order for courts in Cyprus to have jurisdiction. It follows that, where a substantial number of the activities constituting a crime take place within Cyprus, the courts of Cyprus have jurisdiction unless it can reasonably be argued that the conduct in question ought to be dealt with by the courts of another country (*R v Smith (Wallace Duncan) (No.4)* [2004] 3 WLR 229, per Lord Chief Justice Woolf).

In cross-border cases involving Cyprus and other jurisdictions, there are a number of factors to be considered and weighed up when reaching a decision as to where to prosecute. Prosecutors consider the following factors:

1. whether the prosecution can be divided into separate cases in two or more jurisdictions,
2. the location and interests of the victim or victims,
3. the location and interests of witnesses,
4. the location and interests of the accused,
5. time constraints.

5.4.2. Rules in the event of conflicts of jurisdiction

The only existing mechanism to resolve conflicts of jurisdiction with other Member States that specifically address cases of cross-border waste crime is that provided for by Council Framework Decision 2009/948/JHA of 30 November 2009. In addition, according to what was reported in the questionnaire, the environmental authorities, via European Networks such as IMPEL-TFS, promote good cooperation and try to resolve conflicts of jurisdiction between them in the most efficient way.

5.5. Conclusions

- EU Directive 2008/99/EC has been implemented in Cyprus by various laws for which responsibility also rests with several authorities. This requires a high degree of cooperation and coordination, which seems to be in need of improvement.
- Depending on the law that is violated, the crimes are punishable by imprisonment of up to one year, up to three years and up to three years and/or a financial penalty of up to CYP 20 000 (roughly EUR 11 705) and up to EUR 500 000.
- Due to the fact that Cyprus is a common law system, case-law gives binding guidelines on the level of penalty to impose. However, since there is currently no case-law in the field of waste crime, there are no sentencing guidelines nor any guidance on gravity factors to assist judges in determining sanctions between a minimum and a maximum.
- Depending on the severity of the offence, the competent authority has the power of discretion to settle some (but not all) cases of suspected criminal offences out of court (maximum penalty of EUR 4 000) by issuing a notice to pay a certain amount. The out-of-court penalty is often chosen in order to avoid time-delay problems relating to the length of the judicial proceedings.

- Administrative sanctions may also be imposed, except in the case of violation of the Control of Water Pollution Law, without prejudice to any criminal responsibility. The advantage of administrative (financial) sanctions is that they are covered by the presumption of legality.
- Thus far in Cyprus, very few major waste crime cases have been investigated and there is no evidence that cases involving waste crime are related to serious criminal offences such as organised crime, corporate offences or corruption.
- Although NGOs can report a crime, they cannot play any specific role in the criminal proceedings apart from observing such proceedings on account of their specific interest.

6. COOPERATION

6.1. International cooperation

6.1.1. Forms of cooperation in cross-border cases

The various Cypriot authorities which are involved in the inspection of waste shipments have worked together on specific international operations such as DEMETER, TECUM and AUGIAS. The Department of Environment participates in IMPEL-TFS operations.

Europol and Interpol channels are used by national law enforcement authorities, in particular the police, and the cooperation with those institutions is highly appreciated. No specific examples of cooperation have been reported.

6.1.2. Channels for the exchange of information and the use of EU databases

Cypriot LEAs make use of safe police channels for communication, cooperation and the exchange of information. However, the Cypriot authorities pointed out that sensitive information can be safely exchanged only between police authorities, and sometimes it is a very slow procedure. In some cases, communication is conducted between environmental authorities via networks such as IMPEL. The police also has access to the Europol Information System (EIS).

6.1.3. Difficulties faced in judicial cooperation relating to waste crime

The number of cases involving criminal matters relating to waste crime is very low, and therefore cross-border judicial cooperation - if it exists at all - is limited.

6.1.4. Operational performance of JITs in waste crime

The evaluation team understands that Cyprus has not participated in any JITs involving cases of cross-border waste crime.

6.2. Cooperation with EU agencies and networks

6.2.1. Cooperation with Europol and Eurojust

Cyprus regularly participates in waste crime-related operations organised by EUROPOL and INTERPOL (Action Days on Metal Theft, 30 Days of Action on Tackling Illegal Disposal of and Illicit Trade in Hazardous Waste, Project AUGIAS, etc.).

For this purpose, and also for the regular exchange of information on investigations, the Cypriot Europol National Unit in The Hague is used.

As regards EUROJUST, Cyprus has opened one operational environmental crime case as the requesting country in the period from 1 January 2004 until now. The case is already closed. The case was referred to EUROJUST for the facilitation of cooperation between the competent authorities, particularly MLA, in an investigation concerning the alleged trafficking (processing of meat in the food industry) of protected animal species (wild sheep).

As the requested country, Cyprus was involved in four operational environmental crime cases in the same period. Two of the cases are currently ongoing and the other two are closed. All the cases are multilateral, i.e. Cyprus is one of multiple requested countries. The ongoing cases deal with emissions offences; the closed cases dealt with the trafficking of protected plant species and environmental (sea) pollution.

The cases were referred to EUROJUST for facilitation of cooperation, including the execution of MLA requests and the coordination and exchange of information on the ongoing investigations and prosecutions, including with third States and OLAF (the European Anti-Fraud Office).

In addition, the national authorities take into consideration the SOCTA documents and other information as regards waste crime in order to create relevant profiles in the risk analysis systems.

6.2.2. Experience resulting from the use of various environmental networks

The Department of Environment has been participating in the IMPEL Network and in IMPEL's Enforcement Projects and Inspectors Exchange Programmes for many years. It considers this participation fruitful.

Experience with EnviCrimeNet, ENPE and EUFJE, on the other hand, is reported to be very limited.

6.3. Cooperation between Cyprus and Interpol

Cooperation with INTERPOL, within the framework of joint international operations, is considered satisfactory. However, this judgement relates to general experience of cooperation, because experience of cooperation in specific relation to waste crime is almost non-existent. The police use the INTERPOL databases for checks on requests received by the National Central Bureau of INTERPOL Nicosia. Depending on the result, further action is taken.

6.4. Cooperation with the private sector

6.4.1. The involvement of the private sector/ Public Private Partnership (PPP)

Everyone involved in the control and/or production of waste is required to ensure the disposal of waste themselves, or to delegate it to a person dealing with the processing of waste. They are required to ensure, through arrangements with public organisations or with a private company dealing with the collection of waste, that the aforementioned waste is retrieved and disposed of in accordance with the provisions of the Waste Law. Even so, following the transfer of waste by the initial producer to any of the aforementioned organisations or private companies or persons, this does not exempt the initial producer from its responsibility to ensure the full retrieval and disposal of such waste.

The Ministerial Council may issue regulations that provide for cases where the initial producer continues to bear responsibility for the processing of waste, or where the initial producer shares responsibility for the waste with the person in charge of such waste, as well as circumstances where responsibility for the waste is transferred.

In this context, the DoE has issued regulations governing producer responsibility for the following waste streams:

1. packaging waste,
2. waste electrical and electronic equipment (WEEE),
3. batteries and accumulators,
4. waste tyres,
5. construction and demolition waste.

The 2011 Waste Law also lays down provisions governing the safe collection, transfer and temporary storage of waste.

In accordance with Article 29 of the Waste Law, every person licensed to dispose of waste is under an obligation to adhere to the provisions of their licence, to observe the operation of the establishment and to inform the Minister of the results of such observation within certain time limits provided for by the licence, as well as to allow and assist the authorised inspector in terms of inspecting the establishment and collecting samples and data relating to the operation of the establishment.

Other responsibilities incumbent on producers of waste, and persons dealing with the processing and/or disposal of waste, include the keeping of a chronological record of waste with regard to its quantity, nature and origin and, where applicable, its destination, the frequency of its collection, the method used for its transfer and the manner in which it is processed. Such information should be forwarded to the Minister once a year together with any documents proving that the waste has been processed.

Only the Department of Labour Inspection has used public awareness campaigns to encourage more positive behaviour and better compliance with legal requirements amongst its stakeholders, while no examples were provided of any public awareness campaigns being run by the Department of Environment, for example, in relation to waste crime. The Department of Environment itself highlighted a tendency for certain waste operators to be non-compliant, and commented that illegal waste disposal was one of the main trends in waste crime in Cyprus. The evaluation team consider that running a number of public awareness campaigns relating to waste crime may be beneficial in terms of promoting better compliance on the part of the regulated operators, and/or the reporting of possible offences by the public, and this would therefore improve capacity for the prevention and detection of certain types of waste crime. Public awareness campaigns could be particularly useful in terms of involving the private sector more closely in the fight against environmental crime.

6.4.2. Liability in the case of non-compliance with an obligation to pass on information to the competent authorities

No natural or legal person can be held responsible for failing to report waste crimes.

6.4.3. Experience of cooperation with the private sector

No specific example of practical experience of cooperation with the private sector has been reported.

6.5. Conclusions

- The various Cypriot authorities which are involved in the inspection of waste shipments have worked together on specific international operations such as DEMETER, TECUM and AUGIAS.
- The police is firmly anchored in the two international police agencies, Interpol and Europol. Both agencies are used appropriately and Cyprus regularly participates in operations managed by those organisations, and Interpol and Europol databases are used for the exchange of information.
- Experience with ENPE and other networks such as EnviCrimeNet and EUFJE is reported to be very limited.
- Private operators responsible for the control and/or production of waste are required to either ensure the disposal of waste themselves or delegate it to a person dealing with the processing of waste.
- No specific examples of wider active cooperation between the Department of Environment and the private sector were highlighted. In particular, the Department of Environment does not appear to have used public awareness campaigns to any significant extent to help raise awareness of, or combat, environmental crime.
- The Department of Labour Inspection has used public awareness campaigns to encourage more positive behaviour and better compliance with legal requirements amongst its stakeholders.

7. ILLEGAL TRAFFICKING OF WASTE

7.1. National structure

7.1.1. Authorities involved in preventing and combating illegal shipments of waste

While the Department of Customs and Excise is the competent authority for the inspection and monitoring of all shipments into and out of the Republic of Cyprus, primary responsibility for the inspection of waste shipments (for the purposes of the enforcement of Regulation 1013/2006) is held by the Department of Environment. Waste shipment inspections are mainly conducted by officers from the Department of Environment's Waste Management and Pollution Control Sector. The Department of Customs and Excise provides assistance to the Department of Environment officers in inspecting waste shipments at the points of entry into and exit from Cyprus, and the police provides assistance on the ground, or at roadside checks. Customs officers conduct spot checks on documents at the point of entry or exit.

The customs authorities are responsible for all shipments through the UN Buffer Zone and British bases towards the Turkish-occupied area of the island based on their responsibility to check and control any movement of products/materials through the Buffer Zone.

The Department of Environment has provided training to the customs authorities and police in relation to waste shipments.

While a memorandum of understanding is in place between the customs authorities and the police, no such memorandum is in place between the Department of Environment and the customs authorities, or between the Department of Environment and the police. However, despite the absence of a memorandum of understanding between the Department of Environment and the other two authorities, it was reported by the Cypriot authorities that there was very good cooperation between the various authorities.

7.1.2. Detection of illegal shipments of waste

The Department of Environment uses three main approaches to detect illegal shipments of waste: random surveillance/inspections in accordance with an inspection plan, complaints and intelligence.

The Department of Environment drafts a waste shipment inspection plan in accordance with Article 50(2a) of the Regulation, including random surveillance/inspections to be conducted at sites and points of entry or exit. Although the current inspection plan identifies the minimum number of annual inspections to be carried out as 162, the inspection plan indicates that only one person is available to organise and conduct the waste shipment inspections. If any complaints are received, they are investigated by the Department of Environment.

Customs officers also carry out daily checks on waste shipments being exported, in accordance with intelligence supplied by the Department of Environment.

This information, along with the information sent to them by the DoE, is entered into their electronic shipments declaration system. Customs officers can receive alerts on a daily basis, depending on the information entered into the electronic system, and then inform the Department of Environment in order to decide on any subsequent action.

The Department of Environment provides the customs authorities with 'keywords', which the customs authorities can then use in their electronic shipments declaration system to identify specific shipments of interest for an inspection to be conducted. The Department can ask the customs authorities to stop a shipment or to carry out an X-ray examination, or it may decide to carry out an inspection itself – either at the point of entry or exit or at the waste generation site. The customs authorities have a dedicated Intelligence and Risk Analysis Section to centrally monitor the risks associated with all shipments, including waste.

Due to resource constraints, the Department of Environment has only one dedicated full-time officer who is also the Focal Point for this matter assigned to the enforcement of waste shipment regulations.

The customs officers have 24/7 access to the Department of Environment's 'Focal Point' to address any queries or concerns. However, this Focal Point consists of one specific individual within the Department, and such out-of-hours access is on a voluntary basis. No contingency arrangements appear to be in place to cater for the periodic unavailability of the person who acts as the Focal Point within the Department. This person appears to be the only full-time Department official responsible for implementing Regulation 1013/2006, and also has other general environment-related work responsibilities. Consequently, there is only limited capacity as regards the detection of offences. The reliance on one key person for the implementation of Regulation 1013/2006 also presents the risk of a loss of competence in the event that that person ceases to be involved in this area of work.

Since 2012, the Department has also used privately contracted services to perform certain inspections. The Cypriot authorities report that there is a lack of special (i.e. trained) personnel within the customs authorities and the police to perform the inspection function, and together with the use of private contractors, the evaluation team consider that this is likely to lead to inconsistencies in the methodology of inspections.

The Department of Environment relies heavily on the role of the customs authorities and the police to perform inspections and documentation checks at entry points to/exit points from the area controlled by the Republic of Cyprus. One of the main obstacles to the detection of illegal waste shipments identified by the Cypriot authorities is the lack of specialised (i.e. trained) staff within the customs authorities and the police. The evaluation team notes that Department of Environment staff currently provide periodic training to the customs authorities and the police. However, in view of the limited time and staff resources available to the Department, such training is unlikely to be sufficient to enable the highest level of offence detection to be achieved overall across the three authorities. In addition, the staff of the Department of Environment themselves require training. In reality, they undertake only self-training, and are particularly in need of more specialised training in relation to legal matters (including the gathering of evidence and the preparation of case files for the prosecution office).

During the evaluation mission, the evaluation team visited a customs checkpoint in Nicosia to observe day-to-day inspection practices there, including inspections relating to the movement of waste. The evaluation team also visited the customs offices at the port of Limassol in order to learn about the electronic shipments declaration system, and how the interaction between the two authorities occurs on a practical level there. The evaluation team observed that there was a good understanding between the two authorities at operational level in those two locations.

7.1.3. Specificity of illegal shipments of waste

There are only five legal points of entry into/exit from the Republic of Cyprus (three ports and two airports) but in practice, more than 95% of waste is moved through the port of Limassol and the rest through the port of Vassiliko, so very good cooperation has been developed between the Department of Environment and the customs authorities in terms of controlling these movements. It should be pointed out that Cyprus is a small Member State with a limited ability to fully treat waste produced in Cyprus, so inevitably most of the waste produced is exported in the form in which it is collected or after being only partly treated.

For the same reason, a very small amount of waste is imported into Cyprus, and mainly concerns:

1. alternative fuels burnt in cement kilns,
2. oil-containing sludge treated by means of thermal desorption,
3. pharmaceutical waste treated by means of wet air oxidation,
4. dried sewage sludge.

With regard to waste exports, Cyprus deals with approximately 100 pre-notified waste shipments per annum, and approximately 700 non-notified waste shipments (e.g. green list shipments). With regard to waste imports, Cyprus deals with around 50 shipments per annum.

The Cypriot authorities did not highlight any particular trends with regard to the type or form of illegal waste shipments, and they consider that there is no evidence that organised crime groups or individual perpetrators are involved in serious environmental crime. The evaluation team noted that there was a general absence of data or statistics provided during the evaluation visit with regard to the amount/type of serious waste crime within the jurisdiction, so it was difficult to see if there were any patterns. However, some information with regard to the number of violations of waste shipment requirements (for the period from 2010 to 2016) was provided in the waste shipment inspection plan, and most of those violations were reported to have related to incorrect declarations in Annex VII, or the absence of documents (contract and/or Annex VII). The inspection plan indicates that some illegal shipments of waste had occurred due to a prohibited final destination, and/or waste not being accepted at the final destination, and these cases mainly concerned WEEE, ELVs, metal, paper and plastic waste. With regard to the shipment of green list waste, it was reported that the incidence of non-conformities with documentation requirements had now been reduced to <5%.

7.1.4. Measures concerning the shipment of waste

The Department of Environment enforces the following measures to ensure that the shipment of waste between Member States, as well as to and from Member States to third countries, is managed in an environmentally sound manner:

- controls at the points of entry into/exit from the Republic of Cyprus to ensure that any shipments of waste are conducted according to the Waste Shipments Regulation (1013/2006) and the Basel Convention,
- a ban on all movements of waste towards the Turkish-occupied area in the north of the island.

Where violations of the Waste Shipments Regulation (1013/2006) occur, the waste shipment inspection plan for Cyprus highlights the following measures that can be taken:

- detention of the shipment,
- issuing of a warning letter,
- issuing of a penalty fine of up to EUR 4 000,
- preventing waste shipments from taking place, and/or confiscation of illegally shipped waste,
- issuing of an administrative fine,
- withdrawal of consent to ship waste,
- prosecution of offender, and/or reporting of case to the police/criminal investigators.

The DoE relies heavily on the contribution of the customs authorities. Very good cooperation between the two departments has been developed since the involvement of the customs authorities in waste shipment control via operation DEMETER.

Customs officers are in 24/7 communication with the Focal Point to be advised on the results of checks they make; at the DoE's request they stop shipments, submit containers to X-ray examination and assist the DoE with physical checks; in their electronic shipments declaration system they make use of system information provided by the DoE to detect illegal shipments.

As regards intelligence, the DoE uses incoming information from various sources (e.g. complaints, inspections, etc.) to detect any illegal shipments. Information is then forwarded to the customs authorities in the form of keywords (e.g. the names of companies, type of waste, destinations, etc.) in order to detect and stop illegal shipments at the points of exit or entry.

In addition, since the entry into force of Regulation 1013/2006/EC in 2007, it has conducted training courses for frontline customs officers in order to instruct them on how to carry out effective controls, especially on shipments of waste exported under Annex VII.

According to the Department of Environment, such cooperation has produced good results. In fact, when cooperation began at the time of the entry into force of Regulation 1013/2006/EC, most shipments of green waste for recovery displayed non-conformities. Nowadays, non-conformities with regard to documentation have been reduced to the percentage of < 5%.

The Department of Environment also highlighted cooperation with the police. However, it did not provide details of any specific means of cooperation with the police and merely highlighted that, after the involvement of the police in waste shipment control with operation AUGIAS, Cyprus has participated in EUROPOL's Metal Theft Tackling Operation, in INTERPOL's 30 days of action operation and in the TECUM operation.

Apart from the absence of a memorandum of understanding between the Department of Environment and the other two authorities (i.e. the customs authorities and the police), the waste shipment inspection plan for Cyprus highlights the following particular challenges in relation to waste shipments:

- minimising illegal movements of waste from the area controlled by the Republic of Cyprus to the Turkish-occupied area in the north of the island,
- clearly establishing the route of green waste shipments destined for recovery in other countries,
- clearly establishing the adequacy of treatment provided at waste recovery facilities in other countries handling green waste shipments,
- punishing offences with more severe penalties in order to deter organised crime.

7.2. Inspections

7.2.1. Methodology of inspections and follow-up

The Cypriot authorities report that the following methods are used to perform inspections:

- document examination,
- X-ray examination of containers,
- physical checks on containers,
- use of keywords (based on intelligence and/or risk assessment) in the customs authorities' electronic declaration system to identify shipments of interest.

The Department of Customs and Excise has a range of technical equipment available to it to assist in the inspection of shipments. This includes various X-ray units, hand-held units and radiation detectors.

Where violations of the Waste Shipments Regulation (1013/2006) occur, the waste shipment inspection plan for Cyprus highlights the following measures that can be taken:

- detention of the shipment,
- issuing of a warning letter,
- issuing of a penalty fine of up to EUR 4 000,
- preventing waste shipments from taking place, and/or confiscation of illegally shipped waste,
- issuing of an administrative fine,
- withdrawal of consent to ship waste,
- prosecution of offender, and/or reporting of case to the police/criminal investigators,
- seizure of the cargo by the customs authorities until the investigation is completed and a decision taken by the Department of Environment. The cargo is then sent back to the exporter and further measures are taken depending on the severity of the offence. No cases have been prosecuted thus far under the Waste Laws of 2011 to 2016, with possible infringements punishable by up to three years' imprisonment and/or penalties of up to EUR 500 000. However, in cases where serious negligence or deliberate action has resulted in substantial harm to the environment, according to the Law for the Protection of the Environment through Criminal Law (Law 22(I)/2012), infringements are punishable by up to ten years' imprisonment and/or penalties of up to EUR 500 000.

7.2.2. Specific inspections with regard to Waste Electrical and Electronic Equipment (WEEE) and End-of-Life Vehicles (ELV)

Historical information concerning illegal exports of WEEE (declared as non-hazardous wastes) had been analysed in the past to identify companies involved in illegal shipments, the description of the material being used (instead of WEEE) and the usual final destinations. This analysis then identified 'keywords' which the Department of Environment passed on to the customs authorities to be used in their electronic declaration system in order to detect any illegal shipments of WEEE.

One case was highlighted with regard to the proposed shipment of televisions from Cyprus to Nigeria, which became the subject of an inspection by officials from the Department of Environment. The televisions were found to be in working order, and were therefore not regarded as waste, so no infringement of the waste shipment regulation could be established. This highlighted the possibility of identifying shipments of concern (e.g. with regard to WEEE).

One collection management scheme is in place for WEEE in Cyprus as an extended producer responsibility initiative.

The Department of Electrical and Mechanical Services (Ministry of Transport, Communications and Works) is the competent authority for the regulation of the treatment of end-of-life vehicles (ELVs) in Cyprus. The evaluation team understand that this role relates solely to the regulation of the treatment facilities themselves, and that the Department of Environment remains the competent authority for regulating the shipment of ELVs into and out of the country. There are 13 Authorised Treatment Facilities (ATFs) in the country, and one ELV shredding facility. The ATFs are obliged, according to the terms of their licence, to submit relevant data to the Department of Environment, and those data are then forwarded to the Department of Electrical and Mechanical Services (DEMS). DEMS certifies all shipments of spare parts (arising from ELVs) prior to export, to ensure that the spare parts are not the result of the illegal treatment of ELVs. In cases where spare parts are being exported, the customs authorities then check the documentation at the time of export (to ensure that the shipment has been certified by DEMS). DEMS officials usually carry out an inspection at the ATFs once a year.

The Department of Electrical and Mechanical Services investigates all complaints regarding unauthorised treatment facilities. Approximately five complaints are received each year. Most are received from the local municipal authority and relate to the build-up of vehicles/ELVs on a particular site. DEMS reported that it had closed down some unauthorised treatment facilities, and that some cases had gone to court. The largest fine issued in relation to one such case was EUR 1 800.

In some cases, the Department of Environment proceeds to carry out further checks at the points of exit (ports).

7.2.3. First inspection plan

The first inspection plan was adopted on 20 January 2017.

7.2.4. Challenges with regard to the taking back of illegal waste shipments

Cyprus has had little experience with waste repatriations to date, but one case was highlighted with regard to the repatriation to Cyprus of waste destined for China. In that case, the Cypriot authorities received good cooperation from the shipping company concerned.

In general terms, the Cypriot authorities commented that it is difficult to engage in proper communication with the relevant competent authorities in third countries to coordinate the taking back of waste, and that the identification of the person responsible for taking back the waste is unclear due to special terms in the economic agreements between the notifier, the consignee and sometimes the shipping company (carrier).

7.3. Conclusions

- Primary responsibility for controlling waste shipments, for the purpose of identifying possible illegal shipments, lies with the Department of Environment. The inspectors of this service inspect the waste-producing companies and those involved in waste transport, and inspections are conducted at source facilities, on the road, and at entry/exit points. The inspectors are assisted by the police and the customs authorities as necessary during inspections. The customs authorities monitor and control the waste streams at the border points, such as at the port of Limassol. A MoU exists between the customs authorities and the police for this distribution of tasks, but no MoU is in place between the Department of Environment and the other two authorities, and cooperation between the Department and the two authorities is essentially on the basis of personal contacts.

- The detection of illegal waste shipments is, in practice, the responsibility of the Department of Environment with significant cooperation from the customs authorities. The Department uses the annual inspection plan, information and advice from the customs authorities, and complaints from the general public/other departments/companies to target their detection efforts. The customs authorities use an electronic system in which risk factors can be used to detect suspicious waste shipments, which are then subjected to further checks. There is very good cooperation between the Department of Environment and customs officials on a local level.
- Although no adequate statistics could be provided on illegal waste shipments, the inspection plan for Cyprus indicates that unauthorised destinations or non-accepted shipments of waste appeared to be the main causes of illegal waste shipments. These mainly concerned WEEE, ELV, metal, paper and plastic waste.
- If illegal waste shipments are identified, the following measures are available to the Cypriot authorities:
 - detention of the shipment,
 - issuing of a warning letter,
 - issuing of a penalty fine of up to EUR 4 000,
 - preventing waste shipment from taking place, and/or confiscation of illegally shipped waste,
 - issuing of an administrative fine,
 - withdrawal of consent to ship waste,
 - prosecution of offender, and/or reporting case to the police/criminal investigators.

- In any case, with regard to waste shipments, the Cypriot authorities have set themselves the following objectives in accordance with the inspection plan:
 - minimising illegal movements of waste from the area controlled by the Republic of Cyprus to the Turkish-occupied area in the north of the island,
 - with a view to the 700 annual green-listed waste shipments for recovery, a clearer route should be established for such waste, and it should be ensured that the waste is recycled in the countries of destination. Otherwise, complicated take-back procedures will occur in respect of such waste to Cyprus.
- The Department of Environment currently has one full-time inspector assigned to the enforcement of waste shipments, and many of its inspections are currently being carried out by outsourced private contractors. This acts as a significant restriction on maintaining sufficient technical capacity to conduct inspections, and therefore reduces the ability of the Cypriot authorities to detect possible offences.
- It is recommended that an MoU or other similar mechanism be put in place between the Department of Environment and the police/customs authorities in order to clarify their roles and responsibilities, and also to allow for engagement on a more strategic level.
- It is recommended that more specialised training be provided on a routine basis to all relevant staff involved in waste shipment inspections in the various authorities (i.e. the Department of Environment, the customs authorities and the police).

8. MANAGEMENT OF HAZARDOUS WASTE

8.1. The classification of hazardous waste and the challenges in its management

The Cypriot authorities did not highlight any specific issues or problems with the misclassification of hazardous waste. The Department of Environment handles any misclassification issues that might arise with the trans-frontier shipment of waste or any disposal treatment method proposed. The Department exchanges information with other competent networks (such as IMPEL) as necessary before deciding on the legality of any proposed shipment/disposal method for waste.

All persons involved in the management of hazardous waste are obliged to keep records of the waste that they deal with, and the Department conducts inspections of the various parties that produce such records to ensure traceability and environmentally sound management of the waste.

Cyprus has two collection management schemes relevant to hazardous waste streams, in the form of extended producer responsibility initiatives – one for WEEE, and one for batteries and accumulators. These schemes are enforced by the Department of Environment. Under these schemes, any waste producer/holder must ensure that proper waste storage practices are observed, and that management of the waste is only dealt with by authorised collectors and treatment facilities. Furthermore, there must be traceability from production to final destination and control of hazardous waste. Where the enforcement authorities (Department of Environment) find out that these records are not kept regularly, the responsible person can be prosecuted, and may incur a fine of up to €500 000 and/or imprisonment for up to three years.

One of the challenges highlighted by the Cypriot authorities in dealing with hazardous waste crime cases was how to prove the magnitude of risk to the environment/human health, and how to address this both in the short term (present and near future), and in the medium/long term.

8.2. The system of inspections and the authorities involved

The Department of Environment (Ministry of Agriculture, Rural Development & Environment) is the competent authority within Cyprus for implementation/enforcement of national waste laws – e.g. Waste Law 185(1)/2011. Prior to 2016, there were two competent authorities involved. Other departments/ministries also have a role to play in relation to the management of hazardous waste, depending on the circumstances. For example, the Ministry of Transport & Public Works regulates the treatment of end-of-life vehicles, and the Ministry of Labour, Welfare and Social Insurance regulates Chemicals/Reach and SEVESO. A number of departments/ministries are therefore involved in inspections that might relate to the management of hazardous waste.

The Department of Environment undertakes checks and inspections to ensure that waste producers keep proper waste records, and that these waste records are submitted to the relevant competent authority. The Department undertakes a programme of inspections at permitted facilities to ensure that they are operated in compliance with the conditions of the permit. Sometimes programmed or unannounced inspection campaigns are conducted on an individual producer, or a group of waste producers (e.g. car mechanics), to verify that they are delivering their hazardous waste to authorised facilities. The Department carries out unannounced inspections following receipt of complaints and/or intelligence.

To summarise, the system of inspections is based on the following:

- i) Programmed inspections of facilities dealing with waste to verify that they operate in an environmentally sound way.
- ii) Programmed and/or unannounced inspection campaigns involving waste producers individually or groups of waste producers (e.g. car mechanics) to verify that they hand over hazardous waste to permitted waste management facilities.
- iii) Unannounced inspections based on complaints and/or intelligence.

Any facility involved in treating waste must obtain a permit from the Department of Environment, while waste collectors, dealers/brokers and establishments who treat their own (non-hazardous) waste must register with the Department of Environment. Some facilities have multiple permits issued under separate pieces of national legislation – for example a waste permit, an Industrial Emissions Directive permit, and a water discharge permit. Furthermore, environmental terms are also set out in planning and/or construction permits which must be obtained prior to a facility beginning construction. The Department of Environment is itself organised into five distinct sections, and while the main environmental issues are subject to regulation by the inspection team of the Pollution and Control Sector, another sector in the Department deals specifically with inspecting/enforcing the planning and construction permits. The involvement of multiple authorities in carrying out inspections, dealing with multiple permits, can lead to disjointed detection and follow-up at waste treatment facilities, and therefore result in a regulatory gap. The Cypriot authorities are currently involved in a project with the Scottish Environmental Protection Agency to examine the inspection and regulatory approach being used in Cyprus, so recommendations that would improve the environmental inspection regime may arise from this project.

8.3. Measures for the protection of the environment and human health and treatment of hazardous waste

The Waste Law (185(I)/2011) provides for measures to ensure that the production, collection and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing protection for the environment and human health.

More specifically:

- Article 15 provides that the waste producer must store hazardous waste in an environmentally sound way and hand it over to permitted waste management facilities;

- Article 24 provides that whoever deals with the storage and/or treatment of hazardous waste must have a waste management permit from the Department of Environment before commencing operations;
- Article 33 provides that any carrier, transporter, broker or dealer handling hazardous waste must be registered in the waste managers archive of the Department of Environment.

In order to ensure that all the above are operating in conditions which protect the environment and human health, the Department of Environment carries out inspections.

Where the Department detects any irregularities, it can take one or more of the following measures:

- i) On-the-spot fines up to € 4 000.
- ii) Criminal prosecution involving a fine of up to € 500 000 and/or imprisonment for up to 3 years.
- iii) Administrative fines up to €4 000.000 in the case of serious environmental damage.
- iv) Prohibition notices.
- v) Permanent shutdown and permit recall.

All persons involved in the management of hazardous waste (e.g. from producers to final treatment facilities) are obliged to keep records of the waste that they deal with, and to submit these records to the Department of Environment on an annual basis. Should any of these records be found to be false, perpetrators can be prosecuted and face significant sanctions (e.g. a fine of up to €500 000 and/or imprisonment up to 3 years). The Department conducts inspections of the various parties that produce such records to ensure traceability and environmentally sound management of the waste.

8.4. Trends in illegal hazardous waste management

The Cypriot authorities did not make any observations on possible trends in illegal hazardous waste management. No serious waste crimes (e.g. that would fall under the scope of Directive 2008/99/EC) have been dealt with to date by the Cypriot authorities, although one case involving the management of hazardous healthcare waste is currently being considered by the authorities.

8.5. Conclusions

- There are two collection management schemes relevant to hazardous waste streams in Cyprus. One is for WEEE and one for batteries and accumulators. These schemes are enforced by the Department of Environment.
- Any waste producer/holder must ensure that proper waste storage practices are observed, and that management of the waste is only dealt with by authorised collectors and treatment facilities. Furthermore, there must be traceability from production to final destination and control of hazardous waste. Records must be kept and submitted to the Department of Environment. The Department undertakes inspections at facilities involved in the production and/or holding of hazardous waste.
- Any carrier, transporter or broker/dealer handling hazardous waste is obliged to register with the Department of Environment.

- Besides the Department of Environment, which is the competent authority within Cyprus for implementation/enforcement of national waste laws, other departments/ministries also have a role to play in relation to the management of hazardous waste, depending on the circumstances. The Ministry of Transport & Public Works regulates the treatment of end-of-life vehicles, and the Department of Labour Inspection of the Ministry of Labour, Welfare and Social Insurance regulates Chemicals/Reach and SEVESO. The police and customs have the same competencies to cooperate with government ministries/departments in the area of hazardous waste as they do for non-hazardous waste.
- If irregularities are identified, the following measures can be taken or initiated by the respective competent authorities:
 - Administrative fines up to €4 000 000 in case of serious environmental damage.
 - On-the-spot fines up to €4 000.
 - Prohibition notices.
 - Permanent shutdown and permit recall.
 - Criminal prosecution with fines of up to € 500 000 and/or imprisonment for up to three years.
- The Cypriot authorities did not identify any possible trends with regard to illegal hazardous waste management, and they have not prosecuted any serious waste crimes in this regard to date.

9. ILLEGAL PRODUCTION OR HANDLING OF DANGEROUS MATERIALS

9.1. The concept of dangerous materials

In relation to chemical substances, the Cypriot authorities indicated that definitions relating to hazardous substances and mixtures are provided for in national legislation, based on the definition given in Article 3 of the CLP Regulation (Regulation (EC) No 1272/2008). Article 3 of Regulation (EC) No 1272/2008 states that '*a substance or a mixture fulfilling the criteria relating to physical hazards, health hazards or environmental hazards, laid down in Parts 2 to 5 of Annex I [of the CLP Regulation] is hazardous and shall be classified in relation to the respective hazard classes provided for in that Annex.*' The Department of Labour Inspection is the competent authority in Cyprus for the enforcement of Regulation (EC) No 1272/2008 (CLP Regulation) and Regulation (EC) No 1907/2006 (REACH Regulation). In cases where CLP criteria for the classification of a substance or a mixture as hazardous are not fulfilled, the European Chemicals Agency Inventory Database is used to obtain any further information available.

The Cypriot authorities indicated that national legislation prohibits/restricts the production and use of very hazardous chemical substances and mixtures in accordance with the REACH Regulation (Regulation (EC) No 1907/2006).

In relation to ionising radiation, the meaning of this term (as well as related terms, including waste) is defined in national law under *The Protection from Ionising Radiation and Nuclear Safety Laws of 2002-2017*. This legislation is in accordance with the EURATOM Treaty and related European legislation. The Department of Labour Inspection is the competent authority in Cyprus for regulating ionising radiation and nuclear safety. The national legislation specifies which materials are considered as sources of ionising radiation, and which require licensing. All practices involving ionising radiation have to be justified and licensed. Any non-justified practices cannot be licensed by national legislation and are illegal - this is in accordance with the EURATOM Treaty and related European legislation.

The Department of Labour Inspection is the competent authority for health and safety issues in the workplace. A number of European Directives relevant to the protection of workers from the risks associated with dangerous substances have been adopted in national legislation, and the Department of Labour Inspection enforces these. The relevant Directives include the following:

- Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work;
- Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work;
- Directive 2000/54/EC on the protection of workers from risks related to exposure to biological agents at work.

Under the Cypriot national health and safety legislation, there are no specific provisions for acts related to the production or handling of dangerous materials to be prohibited or restricted. However, the legislation does empower the Department and its inspectors to issue a prohibition notice to the employer if they identify a dangerous situation in a workplace.

9.2. Types of illegal activities related to illegal production and handling of dangerous materials and current trends in that field

Any unlicensed practices involving ionising radiation are illegal. The Cypriot authorities have not observed any criminal activities on this issue to date. If illegal activity is detected, it will be investigated by the Department of Labour Inspection, and all necessary evidence gathered and all necessary action taken.

As far as the Chemicals Legislation is concerned, any non-compliances found by the Department of Labour Inspection are treated accordingly. Legal actions are taken and companies are prosecuted for placing on the market chemical substances, mixtures or articles which are proven to contain hazardous chemicals for which specific restrictions apply (Annex XVII of REACH Regulation). In addition, companies are also prosecuted for the placing on the market of hazardous chemical products which are not compliant with the CLP Regulation in relation to their classification, labelling and packaging obligations. No information was provided by the Cypriot Authorities with regard to the number of prosecutions taken, or the incidence of criminal activity, involving the production or supply of hazards materials (e.g. contrary to the Chemicals legislation).

9.3. Procedural aspects

9.3.1. *The means of collecting evidence and of handling dangerous materials*

The Cypriot authorities provided information with respect to ionising radiation. The inspectors of the Radiation Inspection and Control Service (RICS) of the Department of Labour Inspection, which is the competent authority for enforcing the ionising radiation legislation, have the power to collect all the necessary evidence and perform any measurements needed. The inspectors are trained in handling radioactive materials, and temporary storage solutions are available. There are agreements in place with local and international laboratories for the analysis of any radioactive materials, and analysis would be performed in coordination with the police. The recording/documenting of any cases of illegal production/handling of ionising radiation would be done by the police, and the evidence collected would be the same as for other criminal cases that the police handle.

In relation to the Chemicals Legislation, the Department of Labour Inspection (as the Competent Authority for the European Regulations REACH and CLP) monitors and controls the dangerous chemical products which are manufactured, imported, exported, used and placed on the Cyprus market. Targeted inspections are carried out at undertakings where various chemical substances and/or mixtures are produced, stored or imported, such as at retail and wholesale stores of chemical products, industries producing and storing of chemical products, suppliers / distributors of other chemicals of consumer or professional use. In addition, targeted campaigns are undertaken which includes the sampling and laboratory analysis of consumer and industrial products placed on the Cyprus market to further investigate if they contain restricted chemicals.

9.3.2. The cooperation with European and international partners

Cyprus is party to various international agreements relating to ionising radiation and information is shared through the relevant International Atomic Energy Agency (IAEA) and European channels. The Radiation Inspection and Control Service (RICS) of the Department of Labour Inspection is the official contact point of Cyprus for the IAEA's Incident and Trafficking Database (ITDB). RICS cooperates with EUROPOL via the EUROPOL National Unit. The Cypriot authorities also have the option of using INTERPOL to transmit information which may be useful, and the INTERPOL Nicosia National Central Office is always available to carry out appropriate actions (e.g. the publication of an orange notice) in order to inform other Member States and collect relevant information.

The Department of Labour Inspection is also in close collaboration with the European Chemicals Agency (ECHA), whose role is to help the regulatory authorities in Europe to harmonise the enforcement of the Chemicals Legislation. ECHA's mission is also to help companies to comply with the legislation, to advance the safe use of chemicals, to provide information on chemicals and to further address chemicals of concern.

9.3.3. Techniques of investigation

The Department of Labour Inspection has not had any involvement in using financial or cyber investigation techniques to date. Such techniques could be used for a specific case if they were permissible under general criminal law, depending on the penalty provided for by law.

9.3.4. Main obstacles to successful investigation and prosecution

The main obstacle in relation to these cases is detection.

9.3.5. Training

The Radiation Inspection and Control Service of the Department of Labour Inspection regularly organises or provides training on appropriate response actions related to incidents involving ionising radiation, either in Cyprus or abroad, and cooperates when needed with the IAEA, EUROPOL, etc. RICS also oversees the application of the national emergency preparedness and response system in case of radiological or nuclear emergencies which involves various other government services, such as civil defence, the police, the fire service, etc. The national emergency preparedness and response action plan in case of a nuclear or radiological incident, entitled ELECTRA, was adopted in 2015, and training is provided to all actors in the plan. The plan also covers potential criminal activities relating to ionising radiation.

9.4. Conclusions

- The Department of Labour Inspection is the competent authority in Cyprus for the enforcement of key national and European legislation relating to the control of dangerous materials. The scope of this legislation covers chemicals, ionising radiation, nuclear safety, and health and safety in the workplace.
- The national legislation in Cyprus does include definitions for *hazardous substances and mixtures* and *ionising radiation*, in accordance with European legislation – for example, as given in Article 3 of the CLP Regulation, No 1272/2008.
- The national legislation specifies which materials are considered as sources of ionising radiation, and which require licensing by the Department of Labour Inspection. All practices involving ionising radiation have to be justified and licensed. Any unlicensed practices involving ionising radiation are illegal.

- The Cypriot authorities have not observed any criminal activities in relation to ionising radiation to date, and no other information was provided with regard to the potential incidence of any criminal activities involving the production or handling of dangerous materials. The Cypriot authorities did identify *detection* as being the main obstacle to the successful investigation and prosecution of crimes relating to dangerous materials.
- The inspectors of the Radiation Inspection and Control Service (RICS), of the Department of Labour Inspection, are trained in handling radioactive materials, and systems and procedures are in place for investigating and dealing with illegal activity (e.g. seizing materials, analysis of materials, evidence gathering, cooperation with the police). RICS provides training to other governmental services such as the police under the auspices of the national emergency preparedness and response action plan in case of a nuclear or radiological incident, entitled ELECTRA. The plan also covers potential criminal activities relating to ionising radiation.

10. FINAL REMARKS AND RECOMMENDATIONS

10.1. Suggestions from Cyprus

None

10.2. Recommendations

As regards the practical implementation and operation of the Directives and the Regulation, the expert team involved in the evaluation of Cyprus was able to satisfactorily review the system in Cyprus.

Cyprus should conduct a follow-up on the recommendations given in this report 18 months after the evaluation and report on progress to the Working Party concerned.

The evaluation team thought it fit to make a number of suggestions for the attention of the Cypriot authorities. Furthermore, based on the various good practices, related recommendations to the EU, its institutions and agencies, Europol in particular, are also put forward.

10.2.1. Recommendations to Cyprus

1. A common policy/strategy should be developed to detect and tackle environmental and waste crime. The strategy should have the backing of political decision makers and contain common goals and measures.
2. Environmental management responsibilities should be merged or grouped under relevant departments/sections to improve the efficiency and intelligence-gathering value of inspections.

3. Appropriate statistics should be developed and compiled within each administration to monitor regulatory compliance and the effectiveness of various enforcement interventions. The statistics should be based on reliable collected data and should be relevant to the regulatory role of the administration (e.g. the Attorney-General's Office should keep key statistics relating to the prosecution of offences). Relevant statistical data collected by each administration should be made available to all the other relevant authorities to facilitate intelligence sharing and a coordinated enforcement approach.
4. It is suggested that detailed memoranda of understanding be concluded between all respective authorities in order to clarify respective roles/responsibilities and to facilitate coordinated action at a strategic level.
5. Regular face-to-face meetings should be held on the basis of the MoU, covering all topics: from strategy, collaboration and training to individual case discussions.
6. Efforts should be made by government to allocate more resources to enhance the capacity of the staff in all the relevant institutions involved in combating waste crime.
7. Priority should be given to increasing the number of full-time environmental inspectors to ensure that environmental inspections are carried out by dedicated staff who have built up sufficient local knowledge and have the required technical expertise.
8. A dedicated inspectorate should be established to allow priority to be given to carrying out inspections, which are critical in detecting offences.
9. Environmental inspectors should be appointed, ensuring that the number of inspectors available and their technical competence is appropriate to the service requirements.
10. More public prosecutors should be employed to ensure that serious cases are identified quickly and are dealt with in-house without the use of private lawyers.

11. The number of police officers working in the field should be increased to detect and investigate environmental crimes, and key investigators specialised in environmental crime should be assigned at central level.
12. The police should be encouraged to take a more proactive role in order to detect environmental crimes as early as possible, and to be able to address potential negative impacts on people and the environment. For this purpose, both police officers on patrol and investigating officers are needed.
13. The ability of the relevant authorities to detect, prevent and fight waste crimes should be enhanced through specialised training. On the one hand, these training courses should be internal, and on the other, common training should also be organised in order to exchange knowledge, expertise and experience.
14. It is specifically recommended that Department of Environment officers receive training from the police and the Attorney-General's Office.
15. It is specifically recommended that the Prosecutors, Police and Department of Environment cooperate closely on dealing with environmental crime investigation case files.
16. Legal expertise within the Department of Environment should be increased by:
 - a) establishing a legal service within the Department of Environment; or
 - b) appointing a legal expert within it
17. It is recommended to appoint more Counsels of the Republic in the Attorney General Office in order to be able to provide legal assistance in a timely manner. Establishment of working groups including personnel from the relevant authorities such as Department of environment, Ministry of Justice and Ministry of Interior is recommended when drafting legislation.
18. During the process of drafting legislation related to waste crime it is strongly recommended that the environmental authorities are provided with public or private legal assistance.

19. The appointment of personnel from the private sector to carry out inspections or to prosecute legal cases should in general be avoided in order to prevent possible conflicts of interest, and at the same time to guarantee the retention of the required expertise for dealing with environmental issues.
20. It is recommended that public awareness campaigns be run on combating waste crime. Such campaigns could either be targeted at the regulated community to promote better compliance, or possibly targeted at the general public to encourage the reporting of possible offences. Such campaigns are likely to encourage the involvement of the private sector in reporting and preventing waste crime.

10.2.2. Recommendations to the European Union and its institutions, and to other Member States

1. There should be a study of the different penalties imposed by EU Member States and their consequences on illegal waste streams.
2. It is recommended that laws should be harmonised and that major waste crime be defined as a serious crime in all MS.
3. It is recommended that training on waste crime be enhanced at European level for all officials involved.
4. In order to have a more efficient and effective exchange of information in cases of cross-border illegal waste transport (including exchange of information with third countries), the evaluation team suggests the adoption of an electronic system similar to the RASFF (Rapid Alert System for Food and Feed). See the website https://ec.europa.eu/food/safety/rasff_en.

10.2.3. Recommendations to Eurojust/Europol

None.

ANNEX A: PROGRAMME FOR THE ON-SITE VISIT AND PERSONS**INTERVIEWED/MET****Agenda for GENVAL – 8th round of mutual evaluations****The practical implementation and operation of European policies on preventing and combating environmental crime****23-25 May 2018**

<i>Day 1: Wednesday May 23th</i>		
Time	Title	Presentations by
9:00 – 9:30	<ul style="list-style-type: none"> Welcome and introduction by the DoE Presentation of DoE 	Mr Costas Hadjipanayiotou
9:30 – 10:10	<ul style="list-style-type: none"> Implementation of waste law Waste shipment in Cyprus 	Dr Chrystalla Stylianou Mr Demetris Demetriou
10:10 – 10:30	<ul style="list-style-type: none"> Customs role and responsibilities in the framework of the EU Waste Shipment Regulation (EU WSR) – Procedures for controls on exports, imports and transit -Environmental crime 	Mrs Stalo Konstantinou
10:30 – 10:50	Coffee Break	
10:50 – 12:00	<ul style="list-style-type: none"> Presentation by the Department of Labour Inspection Presentation by the Electrical and Mechanical Services Presentation by the Legal Service 	Mr Demetris Sakkas Mr Panicos Anastasiades Ms Maria Hadjigeorgiou Ms Lina Chatziathanasiou
12:00 – 12:30	Lunch break	
12:30 – 14:00	<ul style="list-style-type: none"> Site visit to the Green Line in Nicosia 	Mr Demetris Demetriou

Day 2: Thursday May 24th		
Time	Title	Presentations by
9:00 – 09:30	<ul style="list-style-type: none"> Meeting at Police Headquarters, accompanied by Dr Chrystalla Stylianou and Mr Demetris Demetriou, officers from the DoE 	Mr. Glykerios Leontiou
10:00-10:30	<ul style="list-style-type: none"> Meeting at the Headquarters of the Legal Service, accompanied by Dr Chrystalla Stylianou and Mr Demetris Demetriou, officers from the DoE 	Mr Costas Clerides, Attorney-General Ms Elena Zachariadou Ms Maria Hadjigeorgiou Ms Eria Papaloizou Ms Lina Chatziathanasiou
11:30 -13:00	<ul style="list-style-type: none"> Site visit to Limassol Port accompanied by Mr Demetris Demetriou 	Mr Demetris Demetriou
13:30 – 15:00	Lunch Break	
Day 3: Friday May 25th		
9:00 – 10:00	Conclusions – Presentation of DRAFT Results	
10:00 – 10:15	Coffee Break	
10:15 – 11:15	Conclusions – Presentation of DRAFT Results	

ANNEX B: PERSONS INTERVIEWED/MET

Venue: Department of Environment, Presentations (23/5/2018)

Person interviewed/met	Organisation represented
Mr Costas Chatzipanayiotou	Director, Department of Environment
Dr Chrystalla Stylianiou	Senior Officer – Department of Environment
Dr Panayiotis Nicolaidis	Superintendent B - Head of Office for Combating Organised Crime – Cyprus Police
Ms Maria Chatzigeorgiou	Legal Service
Ms Lina Chatziathanasiou	Legal Service
Ms Eria Papaloizou	Legal Service
Ms Androula Andronikou	Senior Officer – Customs Office
Ms Stalo Constantinou	Officer – Customs Office
Ms Mari Charalambous	Officer A – Customs Office
Mr Kyriakos Kyriakou	Officer – Customs Office
Mr Demetris Sakkas	Officer – Department of Labour Inspection
Mr Panikos Anastasiades	Officer – Department of Electromechanical Services
Mr Fylaktis Mparris	Department of Electromechanical Services
Mr Demetris Demetriou	Officer – Department of Environment

Venue: Visit to Ayios Dometios Check Point (23/5/2018)

Person interviewed/met	Organisation represented
Mr Costakis Kokkalis	Customs Officer A – Customs Office
Ms Athina Panteli	Customs Officer – Customs Office
Mr Demetris Demetriou	Officer – Department of Environment

Venue: Visit to General Attorney's Office (24/5/2018)

Person interviewed/met	Organisation represented
Mr Costas Clerides	General Attorney – Legal Service
Mrs Olympia Stylianou	General Director of Ministry of Agriculture, Rural Development and Environment
Ms Elena Zachariadou-Georgiadou	Attorney – Legal Service
Ms Maria Chatzigeorgiou	Legal Service
Ms Lina Chatziathanasiou	Legal Service
Ms Eria Papaloizou	Legal Service
Dr Panayiotis Nicolaides	Superintendent B - Head of Office for Combating Organised Crime – Cyprus Police
Dr Chrystalla Stylianou	Senior Officer – Department of Environment
Mr Demetris Demetriou	Officer – Department of Environment

Venue: Visit to EUROPOL's Offices in Cyprus (24/5/2018)

Person interviewed/met	Organisation represented
Mr Glykerios Leontiou	Chief Superintendent – Director of European Union & International Police Corporation Directorate
Ms Maria Charalambous	Inspector – Head of EUROPOL National Unit
Mr Marios Papaevriviades	Chief Inspector – Head of Headquarters CID – Cyprus Police
Mr Constantinos Xanthou	Sergeant –Headquarters CID – Cyprus Police
Mr Constantinos Sarigiannis	Sergeant –Headquarters CID – Cyprus Police
Dr Panayiotis Nicolaides	Superintendent B - Head of Office for Combating Organised Crime – Cyprus Police
Dr Chrystalla Stylianou	Senior Officer – Department of Environment
Mr Demetris Demetriou	Officer – Department of Environment

Venue: Visit to Customs Office at Limassol Port (24/5/2018)

Person interviewed/met	Organisation represented
Mr Charalambos Orthodoxou	Limassol Senior Customs Officer – Customs Office
Mr Loizos Sitanaris	Customs Officer – Customs Office
Ms Elena Cristodoulidou	Customs Officer – Customs Office
Mr Demetris Demetriou	Officer – Department of Environment

Venue: Department of Environment, Final Conclusions (25/5/2018)

Person interviewed/met	Organisation represented
Dr Chrystalla Stylianou	Senior Officer – Department of Environment
Dr Panayiotis Nicolaides	Superintendent B - Head of Office for Combating Organised Crime – Cyprus Police
Ms Maria Chatzigeorgiou	Legal Service
Ms Lina Chatziathanasiou	Legal Service
Ms Eria Papaloizou	Legal Service
Ms Androula Andronikou	Senior Officer – Customs Office
Ms Stalo Constantinou	Officer – Customs Office
Mr Demetris Sakkas	Officer – Department of Labour Inspection
Mr Panikos Anastasiades	Officer – Department of Electromechanical Services
Mr Demetris Demetriou	Officer – Department of Environment

ANNEX C: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

LIST OF ACRONYMS, ABBREVIATIONS AND TERMS	CYPRIT OR ACRONYM IN ORIGINAL LANGUAGE	CYPRIT OR ACRONYM IN ORIGINAL LANGUAGE	ENGLISH
(MARDE)			Ministry of Agriculture, Rural Development And Environment
DoE			Department of Environment
MoU			Memorandum of Understanding
NGOs			Non Governmental organizations
EIS			Europol Information System
(WEEE)			Waste of Electric and Electronic Equipment