



Council of the  
European Union

Brussels, 3 November 2023  
(OR. en)

14556/23

LIMITE

JAI 1377  
COSI 200  
CRIMORG 161  
ENFOCUSTOM 127  
ENV 1181

**NOTE**

---

From: General Secretariat of the Council  
To: Delegations

---

No. prev. doc.: 13749/2/22 REV 1

---

Subject: Operational Action Plan 2024-2025: Environmental crime

---

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (03.01.2024)**



Delegations will find attached the Operational Action Plan 2024-2025 on *Environmental crime* developed under the responsibility of the IT driver. The draft OAP was shared with National EMPACT Coordinators (NEC) and brought to the NEC meeting for discussion on 26-27 October 2023.

In line with the agreed OAPs template set out in 10595/22, the participation in operational actions is set out in document 14540/23.

In accordance with the Council conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022 +<sup>1</sup>, COSI/COSI SG are invited to adopt the Operational Action Plan.

---

<sup>1</sup> 7100/23



## **Environmental Crime Operational Action Plan**

### **1. Aim**

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

#### *Environmental Crime*

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

This OAP outlines a list of all the operational actions that will be carried out during the years 2024-2025 as means to implement the following strategic goals:

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

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

## 2. Context

### 2.1. EU Intelligence contributions:

#### **Definition of criminal activity/crime area:**

Environmental crime is a lucrative criminal business with a critical impact on the entire ecosystem, including on human health. Waste and pollution crime entails the ‘illegal transportation, processing, disposal, recycling or recovery of various waste materials’, and the illegal production, importation, exportation, sale or use of ozone-depleting substances (ODS) and hydrofluorocarbons (HFC). Wildlife crime refers to poaching, collecting, trading (supplying, selling or trafficking), importing, exporting, processing, possessing, obtaining and consumption of wild fauna, including illegal, unreported and unregulated fishing (IUU) and flora, and trafficking of timber and other forest products, in contravention of national or international law.

#### **Key threats:**

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

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

**Key developments:**

- Environmental criminals largely use legal business structures to perpetrate their activities. For waste crimes, often multiple companies are owned by the same individuals or by straw persons, and are often located in different jurisdictions. The annual turnover of some criminal groups active in this activity amounts to millions of euros.
- Criminals make use of technical, legal and financial expertise to identify legislative weaknesses, modify business models and shift trafficking routes whenever needed.
- Document fraud is key for the perpetration of such criminal activity. Goods are transferred accompanied by falsified shipping documents and permits fabricated by criminals.
- In addition to the use of fraudulent documents and legal business structures, corruption is another cornerstone of the *modi operandi*.
- During the COVID-19 pandemic, the risks of criminal infiltration of sanitary waste management businesses increased.

- The illegal trafficking of eels originating from Europe to Asian markets is a multi-billion euro industry. This criminal activity is carried out by well-structured criminal networks operating across continents.
- The EU is an origin region of waste trafficked both within and outside the EU. Criminal networks increasingly traffic waste produced in the western part of the EU to EU Member States situated in the eastern part. Outside of the EU, EU traffickers mainly target South-East Asia as a destination for illicit plastic waste and end-of-life vessels, and Africa for waste of electric and electronic equipment.
- Due to growing controls, European traffickers are increasingly targeting endemic non-CITES listed species, especially birds trafficked from the EU to Africa.
- Trafficking of fluorinated gases (F-gases) and other ozone-depleting substances such as hydrofluorocarbons (HFC) pose a serious threat to the ecosystem. Criminal networks with international ramifications traffic F-gases to the EU largely from China where prices are lower, through eastern European countries or on the Balkan route, through Türkiye. In some cases, the gases are substandard or counterfeit, posing even higher risks for end-users and for the environment.

**DELETED**

**DELETED**

**PUBLIC**

## Enabling factors/enablers:

- Increasingly strict regulatory frameworks at national and international level make lawful waste processing more complex and expensive; in parallel, increasing demand for waste management services creates a market for illicit waste disposal offered by criminals at lower prices.
- ODS and HFC are imported from China into the EU without respecting the quota allocation and the provisions regulating the trade (i.e. the use of refillable cylinders). Türkiye and some Eastern European countries have been identified as transit points. In the EU, the gases are commercialised online: criminal sellers create their own websites or take advantage of virtual marketplaces to reach out buyers.
- A large quantity of trafficked animals are sold and bought online. Sellers and buyers use online marketplaces, social media, mobile applications and specialised fora where networks of regular sellers and buyers discuss available merchandise, offers and prices or share knowledge and expertise on hunting and breeding techniques. Common encrypted communication tools such as mobile applications and online chats are widely used by traffickers, sellers and buyers.
- Wildlife traffickers benefit from a general culture of impunity, loopholes in national legislation and international regulations, low levels of cooperation between source and destination countries, and a lack of monitoring and enforcement by supervisory authorities.
- The abuse of the transit regime/CP 42 procedure is a recurrent modus operandi. Refrigerant gases are mainly imported to the EU in iso-containers and they are sold on line to the final buyer.

**DELETED**

**PUBLIC**

## Key areas to target:

- The criminal use of legal business structures operating in the international waste management business, in particular in the recycling and renewable energy sectors, and with F-gas and ozone-depleting substances (ODS), plastics and waste electrical and electronic equipment (WEEE);
- The online commercialization and distribution of trafficked wildlife specimens;
- The European eel trafficking business between Europe and Asia;
- Increase focus on unreported areas at EU level, such as illegal logging, shipbreaking, maritime pollution, forest fires, trafficking of non-CITES species and IUU.

Additional elements to the intelligence picture from Driver & OAP participants:

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

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

### 2.2. Potential overlaps/synergies with other OAPs

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

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

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

### 3. Structure

The OAP is essentially a coordination overview presenting the general outline of OAs, rather than the specific detail of each OA and does not include sensitive nor classified information. These details will be found in the related OA planned implementation document based on the Planning and reporting template<sup>2</sup>.

**DELETED**

---

<sup>2</sup> 5002/1/20 REV 1 section II. Planned implementation

**DELETED**

**PUBLIC**

## Management, Coordination & Support

### 4.1. OAP Management

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

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

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

The management of the OAP shall be in line with the EMPACT Terms of Reference<sup>3</sup>.

### 4.2. OAP support

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

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

### 4.3. Information management

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

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

---

<sup>3</sup> 8436/1/21 REV 1 (will be updated following the final version of ToR)

## 4. Methodology

### 5.1. OAP drafting process

The OAP drafting process has recently been modified to adapt to changing circumstances and a continuous increase in the number of participants. The details on the OAP drafting process for EMPACT 2022+, including the engagement of the Partners in the drafting and implementation, the release of the OAP to the Partners as well as the specific steps of the OAP development can be found in the EMPACT Terms of Reference<sup>4</sup>.

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

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

The OAP will be validated by COSI SG/COSI.

### 5.2. Implementation

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

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

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

---

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

### 5.3. Monitoring and reporting

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

Monitoring and reporting shall be done in line with and using the template set out in the reporting mechanism<sup>5</sup>.

---

---

<sup>5</sup> 5002/1/20 REV 1 - Reporting mechanism



## Operational Action Plan 2024-2025

### Environmental crime

DELETED FROM THIS POINT UNTIL THE  
END OF THE DOCUMENT (page 47)