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**EVALUATION REPORT ON THE  
EIGHTH ROUND OF MUTUAL EVALUATIONS  
'The practical implementation and operation of European policies on  
preventing and combating Environmental Crime'**

**REPORT ON GREECE**

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## 1. EXECUTIVE SUMMARY

The visit was organised by the Greek authorities in an exemplary way and included meetings with the relevant bodies with responsibilities in the field of preventing and combating environmental crime as well as in the implementation and operation of European policies (e.g. the Ministry of the Environment and Energy, the Ministry of Justice, the Ministry of the Interior, the Ministry of Finance - General Directorate of Customs and Excise Duty, the Independent Authority for Public Revenue, the Directorate of Environment and Climate Change of the Region of Attica, NGOs, the Public Prosecutor's Office in Athens, and the Hellenic Coast Guard).

During the on-site visit, the Greek authorities did their utmost to provide the evaluation team with information and clarifications on legal and operational aspects of preventing and combating environmental crime, cross-border cooperation and cooperation with EU agencies. The Greek authorities' open and transparent approach ensured that the on-site visit was efficient and provided the evaluators with all the necessary materials to assess the legal and operational aspects of the Greek system.

The practitioners met showed high professionalism and commitment to their daily tasks. It became clear that the protection of the environment is not only a constitutional standard, but that the fight against environmental crime is a high priority for inspectors in their daily practice. Nevertheless, the impression was that up to now the work of the different public actors carrying out environmental inspections at national/regional/local level as well as of the law enforcement authorities (LEAs) has not always been coordinated in the best possible way. Therefore, in the evaluators' view, designation at the national level of a single, collective body in charge of coordinating the efforts of the Greek ministries and agencies, convened on a regular basis, could result in more effective cooperation. Until now coordination and experience-sharing among those actors has been on a voluntary basis and largely depends on the people involved; knowledge often disappears when staff changes and there is no handover procedure for their successors. Hence the evaluators believe that coordination needs to be established as a more structured and formal process.

No national strategy defining the objectives of the fight against environmental crime and the roles of the relevant bodies involved in combating this criminal activity has been adopted in Greece. Adopting such a strategic document could clearly help to remedy the shortcomings identified at central level in terms of the lack of a platform for cooperation.

Furthermore, the lack of reliable statistics over recent years may undermine identification of the extent of the problem of illegal shipment and disposal of waste, its causes and potential solutions to it. This could be addressed, in particular as regards criminal cases. Authorities do not have automatic feedback from the prosecutor's offices to verify how many of the files they referred were sent to court, how many of them resulted in a conviction and what the sentence was. Therefore, better visibility over the entire lifespan of a court case could be implemented and ensured so that the case concerned can be traced from its commencement until the final judgment.

As regards the capacity of the judiciary, there is only one prosecutor designated to deal with environmental crime cases in the Public Prosecutor's Office in Athens. No other prosecutors have been appointed in other regions of Greece. That is why the evaluators believe that designating and training more prosecutors specialised in environmental crime could raise the efficiency of prosecution.

Furthermore, there is no professional structure to help prosecutors to acquire specific knowledge in the field when they start handling environmental cases. Such knowledge should comprise the type of evidence needed during an environmental investigation, the specific procedural obstacles that they might face, what kind of experts are to be called and which authorities are competent for a specific investigation. The special knowledge of environmental crime cases gained by individual prosecutors may just disappear when they are assigned to a different office or function. Therefore, a senior prosecutor appointed at central level, with the coordinating powers to address cross-regional experience, and knowledge of procedural matters in environmental cases, could also lead to more specialisation throughout the entire prosecution service.

There are no courts or judges specialised in environmental crime in Greece. Furthermore, there is no proper training programme to enhance judges' and prosecutors' knowledge of environmental crime. Therefore, there is a clear need to raise judges' awareness of the significance of environmental crime, which is often linked to organised crime in the area of waste. The focus should be put on education and training of judges handling environmental crime cases so that they attribute sufficient importance to this form of criminal activity.

A special unit for environmental crime has been established in the Greek police (10 officers) having jurisdiction over the whole country. They cooperate with other LEAs, customs authorities and public prosecutors and support local police in environmental cases. As there is no specialisation in environmental crime prevention and investigation at the local police level, the number of officers in the special unit seems to be too small to tackle serious environmental crime cases over the whole country in a proper way. There is therefore a need to improve police capacity to fight environmental crime more efficiently, in particular by providing a trained and specialised structure at regional level.

The coast guard's ability to detect environmental crime effectively seems uncertain due to the lack of staff and the fact that efforts are mainly concentrated on migration. Optimisation of other existing tools could help remedy this in part (e.g. by examining all possibilities offered by Frontex).

Inspectors working in the Special Secretariat of the Inspectorate of the Ministry of the Environment and Energy (SSIMEE) and in some regional authorities in general present a remarkably high educational level, the necessary specialisation in different fields (forestry, waste, biodiversity) and a very high commitment to their work. The personnel of the SSIMEE have broad and extensive competences: regular inspections, extraordinary and emergency inspections, inspections on the basis of citizens' complaints and the necessary investigative powers to conduct preliminary investigations on behalf of public prosecutors and/or on the instructions of other national authorities. They are also empowered to start investigations of their own accord, which makes them more efficient in detecting and tackling environmental crime.

These broad competences are very practical for fighting environmental crime, but they make a lot of work for the inspectors, for instance the obligatory follow-up of every citizen's complaint. The heavy workload of the SSIMEE and environmental inspectorates makes it difficult for them to cover all the tasks they are assigned. The reduction of personnel, resulting in understaffed units, which is the consequence of the financial crisis in the country is, in the experts' view, one of the main obstacles to the successful investigation of environmental crime, especially waste crime.

The lack of adequate facilities to treat waste (thus creating incentives for environmental crime to take place) and hazardous waste (as 'historical' hazardous waste still remains 'temporarily' stored in unsuitable places) undermines efforts to reduce the quantity of waste. Therefore, in the evaluators' view, the removal of existing obstacles that provide incentives for committing environmental crime should be prioritised, i.e. by building waste and hazardous waste facilities in line with the existing action plans.

On the other hand, the recent setting up of an Electronic Waste Registry seems to be an excellent tool that will help identify and quantify waste production and will help authorities fighting environmental crime. As it facilitates the work of inspectors and allows them to avoid duplication of inspections carried out by other administrative authorities, the evaluators found it an example of best practice. Likewise, the Ministry of the Environment and Energy website, with the National Planning Programme of Regular Inspections that allows access to data on inspections, inspection outcomes and licenses provides a very useful source of information about the work of environmental inspectors. The efficient organisation of the Directorate for the Environment and Climate Change of Attica Region and the efficient procedures it applies for carrying out inspections seem to produce excellent results despite limited human resources.

Environmental inspectors cooperate with some NGOs involved in the protection of the environment. Nonetheless, strengthening public-private partnerships in line with applicable national law could be considered, in order to share knowledge, experience, information and capabilities in the fight against environmental crime, primarily in the detection of illegal waste activities (where possible, with non-governmental organisations).

As regards legislation, Directive 2008/99/EC was incorporated into Greek legislation by Law 4042/2012 (GG [Government Gazette] A 24/13.02.2012). This Law and also Law 1650/1986 (GG A 160/1986) constitute the main penal legislation to combat environmental crime and more specifically waste crime. The distinction between administrative and criminal offences is defined in terms of the level of sanctions - more severe penalties relate to criminal offences, whilst less severe penalties relate to administrative offences. In the evaluators' view the borderline between criminal and administrative offences could be better defined in law otherwise the system may be open to misuse or misinterpretation by local authorities. If the seriousness of a case is not properly recognised at local level, it will end up receiving a low penalty. Therefore, in the evaluators' view, the distinction between administrative and criminal offences should be better clarified so that there is no doubt regarding the seriousness of environmental crime, e.g. by referring to the cost of legal disposal of waste or other standards.

Special investigative measures and techniques such as wire-tapping can be ordered by the court in the case of serious environmental crime on a case-by-case basis or when there is a suspicion that a criminal organisation is involved. If the suspicion of the commission of a serious crime/criminal organisation falls away at a later stage, the evidence is not void. Taking into consideration the connections between organised crime and environmental crime, this is very important. However, up to the date of the evaluation visit, there has been little practical experience with the use of special investigative techniques in environmental cases. On the other hand, the witness protection programmes, including anonymisation of personal data, that can be used to protect the source of information are deemed by the evaluators as a very useful tool in the fight against organised crime.

The evaluation team found many examples of best practice in Greece to be shared with the other Member States. Legislation appears to be sufficient, as it is intended to play a preventive role and protect the country from environmental crime. If combating environmental crime and violations were prioritised by all government bodies – not only the SSIMEE – this could result in better outcomes. Improving the awareness of all actors involved in the fight against environmental crime could mean that this form of criminal activity is accorded proper importance. More specialisation, in particular within the police at local level, as well as more structured cooperation and coordination involving all relevant actors involved in environmental protection, could also facilitate this process.

Bearing in mind that many steps need to be taken and many obstacles are to be overcome, the evaluators consider the dedication of staff to protecting the environment as a very positive element. The evaluators are therefore optimistic as to future developments in the fight against environmental crime in Greece.

## 2. INTRODUCTION

Following the adoption of Joint Action 97/827/JHA of 5 December 1997<sup>1</sup>, a mechanism was established for evaluating the application and implementation at national level of international undertakings in the fight against organised crime. In line with Article 2 of the Joint Action, the Working Party on General Matters including Evaluations (GENVAL) decided on 14 December 2016 that the eighth round of mutual evaluations should be dedicated to the 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 covered by environmental crime, it was agreed that the evaluation would focus on those offences which Member States felt warranted particular attention.

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

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives<sup>2</sup> (date of transposition: 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 law<sup>3</sup> (date of transposition: 26 December 2010) and Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste<sup>4</sup> (date of entry into force: 12 July 2007) are particularly relevant in this context.

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

<sup>2</sup> OJ L 312, 22.11.2008, p. 3.

<sup>3</sup> OJ L 328, 6.12.2008, p. 31.

<sup>4</sup> OJ L 190, 12.7.2006, p. 1.

Following the decision made by GENVAL, the evaluation round does not cover 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, Directive 2008/98/EC requires that Member States draw up waste management plans and waste prevention programmes, the latter by 12 December 2013. The objective of these programmes is to present a coordinated national approach to waste prevention, defining targets and policies, and aiming to decouple economic growth from the environmental impact of waste generation.

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

Moreover, the Council Conclusions on Countering Environmental Crime of 8 December 2016<sup>5</sup> 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 enhanced dialogue and cooperation with relevant international organisations. The Council Conclusions of 18 May 2017<sup>6</sup> on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021 also identified the fight against environmental crime as one of the EU's priorities.

Taking all the above elements into consideration, the evaluation aims to be broad and interdisciplinary, focusing not only on the implementation of various instruments relating to fighting environmental crime, but also on the related operational aspects in the Member States. It will therefore encompass cooperation between environmental, police, customs and judicial authorities at national level, as well as between Europol, Interpol and Eurojust. The evaluation will also cover operational practices in the Member States with regard to waste treatment operations and establishments and undertakings which collect and transport waste.

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<sup>5</sup> 15412/16 ENFOPOL 484 ENV 791 ENFOCUSTOM 235.

<sup>6</sup> 9450/17 COSI 107 ENFOPOL 247 CRIMORG 107 ENFOCUSTOM 133.

The order of visits to the Member States was adopted by GENVAL on 5 May 2017. Greece was the thirteenth Member State to be evaluated during this round of evaluations. In accordance with Article 3 of Joint Action 97/827/JHA, a list of experts with substantial practical knowledge in the field who were prepared to participate in the evaluations, nominated by the Member States, was drawn up by the Presidency.

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

The experts charged with undertaking the evaluation of Greece were Ms Anja Wüst (Germany), Mr Rafał Kierzyńska (Poland) and Mr Ondrej Koporec (Slovakia). The following observers were also present: Mr Yannis Couninotis (European Commission), Ms Giovanna Giglio and Mr Sławomir Buczma (both General Secretariat of the Council). Eurojust and Europol were not represented.

This report has been prepared by the team of experts with the assistance of the General Secretariat of the Council, based on findings arising from the evaluation visit that took place in Greece between 24 and 27 April 2018, and on Greece's detailed replies to the evaluation questionnaire together with its detailed answers to ensuing follow-up questions.

### **3. GENERAL MATTERS AND STRUCTURES**

#### **3.1. Action Plan or similar strategic documents against environmental crime**

Greece has not adopted a strategic document defining the objectives of the fight against environmental crime and the role of relevant bodies in charge of preventing and fighting this type of crime.

Greece adopted Law 4042/2012 (GG A 24/13-02-12) on waste management, thus transposing Directive 2008/98/EC on waste into national law. The Law designates the Ministry of the Environment and Energy (MEE) as responsible for compiling and regularly updating the National Waste Management Plan, which sets out the policy, strategy, principles and targets for the management of waste in Greece and which suggests the appropriate measures and actions to be taken for the achievement of these targets and principles.

The National Waste Management Plan was last updated and approved by Act 49 of the Council of Ministers in December 2015 (GG A 174/15-12-15). Following the National Waste Management Plan, in 2016, the National Hazardous Waste Management Plan was approved by a Joint Ministerial Decision (GG B 4326/30-12-16), in accordance with the principles and guidelines of the Waste Framework Directive. Among its strategic goals are the development of a central mechanism for the recording and processing of waste production data, the remediation of environmental damage in contaminated waste disposal areas, the prevention of waste export (as this entails a significant loss of potential resources and, at the same time, recycling and recovery opportunities in the country), the elimination of illegal shipments of waste, and the strengthening of inspections and enforcement mechanisms to ensure compliance with environmental legislation.

The MEE, and specifically the Special Secretariat of the Inspectorate of the MEE (SSIMEE), have designed the National Environmental Inspection Plan for the period 2018-2022, which sets minimum inspection frequencies for all major projects and installations, based on a risk analysis approach. The Environmental Inspection Plan includes a general assessment of relevant significant environmental issues, the geographical area covered by the inspection plan, a register of the installations covered by the plan, procedures for drawing up the annual programmes for routine environmental inspections, procedures for non-routine environmental inspections and provisions on cooperation between different inspection authorities. The systematic appraisal of the environmental risks was based on criteria such as: a) the potential and actual impacts of the installations concerned on human health and the environment, taking into account the installations' size, the sensitivity of the local environment, and the risk of accidents; b) the record of compliance with permit conditions; c) the participation of the operator in the European Eco-management and Audit Scheme (EMAS, pursuant to Regulation (EC) No 1221/2009. Currently, the SSIMEE is working on the National Waste Shipment Inspection Plan, in accordance with Article 50 of Regulation (EC) No 1013/2006 on shipments of waste (WSR).

In the framework of the new EU Policy Cycle 3 (2018-2021), Greece participated in the preparation of the Multi-Annual Strategic Plan (MASP) 2018 on Environmental Crime and the related Operational Action Plan (OAP) including the strategic goals for the environmental crime priority for 2018 to combat and prevent environmental crime with an emphasis on wildlife and illicit waste trafficking. Within MASP, the degree of vulnerability (or potential vulnerability) to environmental crime has been identified and clearly identified in seven different dimensions: (1) information management, (2) operational actions, (3) prevention and operational capability, (4) cooperation with non-EU operators, (5) fraud, (6) financial investigations and (7) online trading of illicit goods and services. The MASP sets out seven strategic objectives that are mapped and address these vulnerabilities. The Special Secretary of the Inspectorate (SSI) of the MEE is the EMPACT (Multidisciplinary Platform Against Criminal Threats) Coordinator for Environmental Crime in Greece.

Furthermore, the Ministry of the Interior – Greek Police Headquarters has prepared an Anti-Crime Policy Programme for the years 2015-2019 that is a central reference point for all police services. The abovementioned programme, which is the continuation of the Anti-Crime Policy Programme for the years 2010-2014, determines Greek police priorities, in order to strengthen internal security at all levels and for all threats, and, as to matters of public safety, focuses, among others, on the protection of the environment. In particular, the goals set for the reinforcement of environmental protection security are as follows:

- fighting against illegal trade in wild animals;
- fighting against illegal trade in waste;
- protection of the atmosphere, soil and water resources.

In order to achieve these goals, specific actions are prescribed, as follows:

- Fighting illegal waste disposal by increasing relevant controls.
- Intensification of controls on companies engaged in collecting and processing metal objects.
- Intensification of controls on vehicles which transport metal objects for recycling.
- Intensification of controls in regions where there is uncontrolled burning of cables for the purpose of copper recovery.
- Targeted raids to prevent and suppress waste disposal in illegal landfills.
- Increase in controls to identify persons transporting wild animals.
- Training of police personnel on environmental legislation.
- Raising awareness of police personnel on environmental issues.

- Mapping - identification of routes and organised groups involved in the illegal.
- Trafficking of protected animals and waste.
- Intensification of controls on open markets to identify animals and birds for sale.
- Setting up joint task forces with environmental inspectors.

### **3.2. National programmes/projects with regard to waste crime**

In the field of detection, prevention and control of pollution from projects and installations, the SSIMEE has developed a computerised database of major projects and installations in the country, the National Environmental Inspection Plan and the Annual Routine Environmental Inspection Programmes for the period 2018-2022, in accordance with the requirements of Article 20 of Law 4014/2011 (GG A 209/21-09-11), with the aim of prioritising inspections based on a risk analysis approach. The annual programmes are being implemented by all central and regional competent authorities designated to detect, prevent and investigate breaches of applicable legal requirements relating to environmental legislation (SSIMEE, regional and decentralised administrations) and, where appropriate, take appropriate enforcement action.

As soon as the National Waste Shipment Inspection Plan is finalised, the SSIMEE will proceed with the formulation of the Annual Waste Shipment Inspection Programmes, in accordance with Article 50 of Regulation (EC) No 1013/2006. The MEE has also drawn up a manual with basic instructions and directions for transboundary waste transportation.

For waste crime prevention and public awareness purposes, all licensed parties involved in the production and management of waste are obliged to register on the Electronic Waste Registry of the MEE, and annually report their waste production, transportation, storage and/or treatment activities.

### 3.3. Statistics

#### 3.3.1. Major trends in the area of waste crime

The SSIMEE informed the evaluation team that due to the lack of overall data available to environmental inspectors on criminal investigations, prosecutions and final convictions, the main trends in waste crime in recent years cannot be clearly identified. Nevertheless, there is fully documented progressive compliance in the context of implementation of Court of Justice rulings in terms of illegal waste disposal sites and 'historical hazardous waste'. An increase in illegal shipments detected was also reported, which is related to an increase in the number of controls and inspections by the relevant authorities.

The Environmental Protection Department of the Greek police has detected the following main trends with regard to environmental crime:

- a) pollution or degradation of the environment by companies engaged in the trade, collection, storage and processing of scrap metal;
- b) hazardous or non-hazardous waste disposal in illegal landfills; and
- c) company activity without environmental approval from the competent authorities.

#### 3.3.2. Number of registered cases of waste crime

There is no unified data base at the national level available to environmental inspectors, the law enforcement authorities, the public prosecutor's offices (PPOs) and courts. Each body keeps its own statistics. For example, in the PPO of the Court of First Instance of Athens, which is the biggest PPO in Greece due to the number of public prosecutors, environmental cases are recorded separately.

The statistics kept by the public prosecutor's office (PPO) at the Court of First Instance of Athens concern only the number of environmental cases which are sent to the PPO by environmental inspectors, police authorities and citizens' complaints or brought by the public prosecutor ex officio. There is currently no unified data system between the PPO and the courts, so that the percentage of acquittals or convictions cannot be found automatically but only by checking one by one all the cases that are sent to court. In the last five years the following statistics on environmental crime have been collected:

<b>YEAR</b>	2017	2016	2015	2014	2013
<b>CASES</b>	202	186	162	110	149

However, there is no further categorisation of environmental crimes (for example waste, pollution, etc.).

The SSIMEE environmental inspectors keep a detailed database on their environmental inspections, the key operating characteristics of the inspected activities and the outcomes of the inspections carried out. These data are processed to extract annual statistics, which are communicated to the Secretary General for Waste Management at the Ministry of Administrative Reconstruction, as well as to the General Inspector of Public Administration (GIPA) for the preparation of the annual reports of the Inspections and Investigations Coordinating Body (IAEA), which are submitted to the Minister of Administrative Reconstruction. It is noted that the annual reports of the Inspections and Investigations Coordinating Body are issued as an annex to the annual reports of the GIPA submitted to the Prime Minister and the Speaker of the Parliament, and are forwarded to the members of the Council of Ministers each year. In this context, environmental inspectors have, to date, taken over the coordinating role of collecting / processing all data related to the SSIMEE's inspection work, compiling the annual reports and publishing them annually on the MEE website.

The Coordination Office for Environmental Liability (COEL) of the SSIMEE is a partner in a LIFE project on the 'Promotion of awareness of wildlife crime prosecution and liability for biodiversity damage in NATURA 2000 areas in Crete'. In the framework of the project, data on environmental crime are collected, in cooperation with the competent authorities and courts, by the two Observatories of Environmental Crime in Heraklion and Chania. The material is publicly available on the official website of the project. An environmental crime map has been created for Crete and is intended to facilitate the planning and conduct of criminal prosecutions in the region.

The Directorate of Waste Management and Environmental Certification of the MEE collects data and reports on:

- uncontrolled waste disposal sites, in compliance with the relevant EU Court judgment,
- the management of hazardous waste that has been stored at the producers' premises for more than three years ('historical waste'), in compliance with the relevant EU Court judgment,
- infringements concerning cross-border shipments of waste, which are reported annually to the European Commission (EC), as part of the report on the implementation of the WSR.

Customs authorities, among their other responsibilities, are also responsible for the protection of the environment (Article 3 of National Customs Code 2960/20001). If a consignment is suspected to be an illegal waste shipment, the customs authorities are required to investigate further and provide the relevant information to the Ministry of the Environment, which is responsible for the collection / recording of such cases.

Furthermore, pursuant to Article 102 of the Greek Constitution, Greek local authorities (Municipalities and Regions) have administrative and financial autonomy, while the Greek State exercises supervision over them as bodies; this is solely monitoring of the legality of their action: the Greek State must not block their initiative or their freedom of action.

The Ministry of the Interior does not have a dedicated service for recording current trends in environmental waste crime, but the regions and decentralised administrations may gather, register and hold such inputs as sub-data in their administrative processes.

The General Secretariat for Waste Management Coordination of the Ministry of the Interior may register and hold such sub-data in order to draw conclusions on current trends, when it orders the government auditing bodies to gather data and submit their findings in the field of waste management. If national or EU legislation has been infringed, then the General Secretariat for Waste Management Coordination reports to the appropriate government auditing bodies so that they can take action according to their legal responsibilities (*GG No 9/10-01-2014, Presidential Decree No 4*). For example, the Regional Authority of Crete has sent data on environmental crime cases to the Themis Programme<sup>7</sup>.

The decentralised administrations report on their action in respect of waste management inspections. In accordance with applicable Greek law, the regions, as public services, are responsible for conducting environmental inspections of the geographical areas for which they are responsible and suggesting to the Regional Governors measures such as imposing administrative fines, in both practical and legal terms, on bodies causing any pollution or other degradation of the environment or which violate the published environmental regulations (<https://diavgeia.gov.gr/>).

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<sup>7</sup> Please see: <http://www.lifethemis.eu/en/content/about-program>

In general, reports and fines are notified to the local judicial authority; however, the judicial authorities do not inform the regions of the results of criminal cases. The offences are not published as statistics, but the administrative fine must be posted on the webpage of 'ΔΙΑΥΓΕΙΑ'. For example, the decentralised administration of Central Macedonia and Thrace submits its reports to the General Secretariat for Waste Management Coordination of the Ministry of the Interior.

The Environmental Protection Department of the Greek police keeps statistics related to the cases it has dealt with (environmental crimes in general and waste crimes). These statistics are submitted to the Greek Police Headquarters, so that they are available for further use.

The Greek FIU keeps statistics on offences classified as predicate offences for money laundering or terrorist financing. Those statistics are included in the annual report that is submitted to the Institutions and Transparency Committee of the Hellenic Parliament at the end of every year (Art. 7A law 3691/2008, as amended) which is published on the FIU's website ([www.hellenic-fiu.gr](http://www.hellenic-fiu.gr)).

#### **3.4. Domestic budget allocated to preventing and combating waste crime and support from EU funding**

Until 2014, the operating costs of the Environmental Inspectorates of Southern and Northern Greece were funded by the EC (excluding salaries of employees). Since then, the SSIMEE environmental inspectors have been funded from the MEE's regular budget.

In order to strengthen the Special Secretariat's audit work, Article 51 of Law 4409/2016 (GG A 136/28-07-16) provides that a part of the fines imposed by the SSIMEE, inter alia, for pollution or degradation of the environment under paragraphs 1, 2 and 3 of Article 30 of Law 1650/1986 (GG A 160/16-10-86), should be credited to a special code (NAV) established in the regular budget of the MEE to cover the costs of carrying out audits and inspections by the SSIMEE inspection departments. In addition, Article 51 of Law 4409/2016 (GG A 136/28-07-16) provides for the issuance of a single cash prepayment order every two months, in order to reimburse SSI inspectors for their expenses during preventive and ex-post inspections, court attendance, actions under public prosecutors' orders, and investigations of accidental incidents in areas for which they have investigative competence.

The Ministry of the Interior, through the regions and the municipalities, allocates resources to fund approved programmes and public projects, many of which are related to the protection of the environment and as result to preventing environmental waste crime.

The decentralised administrations do not receive funding from specific national budget allocations for the preventing and combating crime. For example, the Regional Waste Management Associations (of municipalities) have developed environmental education projects (for example the RWMA of Central Macedonia, <https://fodsakm.gr>). The environmental quality control teams of the regions undertake actions related to environmental legislation and the administrative fines imposed are collected in special Green Fund accounts for future environmental rehabilitation projects.

### **3.5. Prevention of waste crime**

Article 24 of the Greek Constitution states that *'protection of the natural and cultural environment is a duty of the State and a right of every person. The State is bound to adopt special preventive or repressive measures for the protection of the environment in the context of the principle of sustainable development'*.

Law 1650/1986 (GG A 160/16-10-86) is the basic national legislative framework for the prevention of pollution and degradation of the environment, for all necessary preventive measures, as well as for the establishment of criteria and mechanisms to protect the environment. In addition, for the criminal law protection of the environment and in implementation of Directive 2008/99/EC on the protection of the environment through criminal law, Law 4042/2012 (GG A 24/13-02-12) establishes dissuasive, effective and proportionate sanctions, through criminal law, in cases where pollution or environmental degradation is or may be caused, so as to ensure effective criminal-law protection. In the above legal framework, the main environmental crime prevention mechanism consists of carrying out environmental inspections.

Moreover, penalties are set out in Article 20 of Law 2939/2001 (GG A 179/06-08-01), as amended by Article 18 of Law 4496/2017 (GG A 170/08-11-17) on the alternative management of packaging and other products. Specifically:

- Criminal offences involving false reporting of waste quantities incur a penalty of imprisonment for at least one year or a financial penalty of between EUR 10 000 and EUR 100 000.
- Criminal offences involving refusal to accept Hellenic Recycling Agency (HRA) inspections incur a penalty of imprisonment for at least three months or a financial penalty of between EUR 1 000 and EUR 30 000.
- Administrative sanctions range from EUR 100 to EUR 1 000 000, depending on the type of offence and the category of offender (for instance, non-compliant producers, waste treatment facilities, extended producer responsibility schemes). The HRA is empowered by Law 2939/2001 (GG A 179/06-08-01), as amended by Law 4496/2017 (GG A 170/08-11-17), to impose administrative fines.

Apart from enforcing legislation, the SSIMEE promotes inter-ministerial cooperation in order to improve pollution prevention and develop common actions on fighting environmental crime. For example, on the instructions of the GIPA, the SSIMEE can participate in joint task forces with other authorities, such as the Greek police (Environmental Protection Department) and the Economic Crimes Enforcement Agency, in order to conduct investigations and identify waste crimes.

A useful tool for the detection and prevention of waste crime is also the development of electronic databases, such as the Electronic Waste Register and the Producers of Electrical and Electronic Equipment Register. To facilitate the use of these tools and for public awareness purposes, the MEE regularly organises seminars and training initiatives, designed for public authorities and interested parties.

### 3.6. Conclusions

- There are no action plans or strategic plans on environmental crime at central level. The National Waste Management Plan and the National Environmental Inspection Plan are, however, in place. These plans constitute a legal requirement laid down by Directive 2008/98/EC on waste. In the evaluators' view, these plans should be backed by a national strategy defining the objectives of the fight against environmental crime and the roles of the relevant bodies involved in combating this criminal activity.
- These plans were presented not only as measures to comply with EU provisions, but also as an important step towards better coordination of the whole field of inspections at all levels in the future. However, it seems that the setting up of a coordination body at national level will lead to significantly more efficient cooperation among the different public actors. Given the different dimensions of environmental crime (technical aspects, economical aspects, criminal procedure) that necessarily have to gear into one other, a platform, composed of the representatives of the different public actors, could discuss the questions of capacity and competences, coordinate efforts and elaborate, where necessary, protocols of cooperation among the various inspection authorities, the police, customs, tax authorities and public prosecutors.
- Statistics on waste crime cases are compiled only by administrative authorities (SSIMEE, Regional Inspectorate of the Region of Attica) and comprise both administrative and criminal cases. As an administrative fine does not hinder further prosecution of the case as a crime, the figures do not distinguish types of violations, be they 'administrative' or 'criminal' cases. They build a statistical picture of the whole amount of administrative fines, showing the different kinds of infringements, but there are no statistics showing the number of incoming complaints and cases/infringements (after inspections) in total.

- As regards the judiciary, there are no statistics on the number of environmental criminal cases and no statistics on the results of the criminal proceedings in these cases, whether fines, imprisonment or acquittals. This is, inter alia, because there are no links between court registration systems and the prosecutor's office registers. There are no statistics on how many cases prosecutors commenced and closed and, in the latter case, for what reason. In addition, available statistics are not broken down to show the type of environmental crime cases (waste, handling of dangerous substances, water pollution, operation of facilities without permission, etc.) at the prosecutors' offices or in courts.
- Therefore, due to the lack of integrated statistics on environmental crime, it seems hardly possible to identify trends in this field on a statistically proven basis. In the evaluators' view, it is of the utmost importance that the collection of statistics be enhanced in order to provide an integrated overall picture of environmental crime and to be able to follow the development of a case at all stages of the proceedings, whether criminal or administrative.
- No activity can be run without proper resources. Bearing in mind the broad goals of anti-environmental crime activity, the results depend on the staff and the budget of the dedicated bodies. The efforts made by local and central authorities should be accompanied by the proper allocation of money and staff. Otherwise the work carried out by the relevant bodies can be undermined and prove ineffective.
- While there was no evidence provided of a strategy for the prevention of waste crime, reference was made to legal provisions aimed at deterring polluters, where programmes place remedial costs on polluters. It is supported by legislation (Law 4042/2012 implementing Directive 2008/99/EC on the protection of the environment through criminal law) with rules concerning prevention and the mechanism for carrying out environmental inspections.

- The Electronic Waste Register and the Producers of Electrical and Electronic Equipment Register and other registers are in place to assist in the fight against illegal dumping or other environmental crime.
- The environmental quality control teams of the regions undertake actions related to environmental legislation and the administrative fines imposed are collected for special Green Fund accounts for future environmental rehabilitation projects. The system of distributing income from fines, whereby 50% goes to the state budget and 50% goes to the law enforcement agencies that issued the fine seems to strengthen their financial capacity and provide an incentive to conduct effective controls.
- In the evaluators' view, the use of available funding opportunities should also be focused on the fight against environmental crime, involving funding of national programmes under the Internal Security Fund. It would also be useful if the Commission considered funding more programmes designed to fight environmental crime.

## 4. NATIONAL STRUCTURES

### 4.1. Judiciary (prosecution and courts)

#### 4.1.1. *Internal structure*

There are no specialised courts for environmental crime cases. The latter are decided on in the general criminal courts whose competence is laid down in the Code of Criminal Procedure (a one-judge Court of First Instance for crimes that are punishable by imprisonment for up to five years, a three-judge Court of First Instance for crimes punishable by at least one year's imprisonment and the Court of Appeal for crimes that are punishable by imprisonment for at least five years).

In the Public Prosecutor's Office (PPO) of Athens has one public prosecutor charged with investigating and prosecuting all environmental crimes committed within the PPO's jurisdiction. Besides the files that he/she investigates *ex officio* or following a complaint submitted to the PPO directly, he/she receives the cases that are submitted to the PPO by the environmental inspectors or the police authorities, and if he/she consider that there is no need for further investigations, he/she prosecutes and submits the file to the competent court. In cases where there is insufficient evidence of the crime under investigation, the public prosecutor archives the case following approval by the public prosecutor at the Court of Appeal.

#### 4.1.2. *Capacity of and obstacles to prosecution and sanctioning of waste crime*

The main problem identified with regard to efficient prosecution is the lack of specialised police officers. In the field environmental crime, environmental scientists are also essential for taking investigative measures.

It was also stated that working with the competent departments of the Ministry of the Environment and Energy and with the other competent national services can be difficult and time-consuming, due to the lack of a statutory framework for cooperation.

## 4.2. Law enforcement authorities

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

#### **SSIMEE**

Pursuant to Article 9 of Law 4042/2012 (GG A 24/13-02-12), the environmental inspectors of the SSIMEE have preliminary investigation duties to investigate pollution or degradation of the environment as referred to in Article 28 of Law 1650/1986 (GG A 160/16-10-86). Acting on a mandate from the public prosecutor, the environmental inspectors carry out preliminary examinations and inquiries for all crimes under investigation.

The environmental services of the regions, the decentralised administrations and the Environmental Inspectorate of the MEE are all responsible for carrying out environmental inspections, but only the latter are specifically tasked with identifying and investigating waste crimes.

Pursuant to Article 9 of Law 2947/2001 (GG A 228/09-10-01), the environmental inspectors of the SSIMEE are, inter alia, responsible for conducting inspections to verify compliance with environmental legislation and for investigating any activities that may be in breach of environmental laws. To this end, they can:

- Review, prioritise, and follow up on citizens' complaints.
- Inspect industrial and commercial operations and public and private activities for the purpose of ensuring compliance with environmental laws and regulations.
- Collect samples during inspections or from sites under investigation.
- Collect evidence and statements.
- Collaborate with other authorities on joint inspections and investigations.

- Analyse any information acquired and draw up reports.
- Identify and assess environmental damage caused by violations.
- Make recommendations to the minister on imposing administrative fines.
- Issue notices of violation, directions and warning notices.
- Work with legal professionals on the preparation of acts and provide testimonies where necessary.

The responsibilities of the environmental inspectors of the SSIMEE also include conducting inspections of transboundary shipments of waste in cooperation with the competent customs authorities.

The SSIMEE's environmental inspectors work under the supervision of the General Inspector of Public Administration (GIPA) and carry out independent investigations or investigations in cooperation with other competent authorities (regions, decentralised administrations, police or other inspection bodies) at the request of the public prosecutor, the GIPA (which may issue a mandate for setting up joint task forces), or at the request of other competent authorities.

In 2013 for example, the SSIMEE's environmental inspectors participated in a joint task force that was set up by Decision of the Exchequer F1982.13/27726/13-12-13, for an investigation into the operation of the HRA, which was completed in 2015 with the elaboration of a report. Another recent example is the collaboration between the SSIMEE's Environmental Inspectorate and the environmental authorities of the Attica Region in 2017, for the collection of evidence and water samples during joint environmental inspections of two seaside hotels close to Nea Makri in the Marathon municipality.

In addition, environmental inspectors carry out transboundary waste shipment inspections in cooperation with the relevant customs services, and participate in joint investigative teams in cases involving illegal transboundary shipments of waste.

A recent example of this is the investigation into illegal transboundary shipments of waste from the Port Authority of Thessaloniki that was carried out by the SSIMEE's environmental inspectors in northern Greece. Upon notification of the imminent export to India and to other countries of an illegal consignment of 400 tonnes of waste, the customs authorities informed the environmental inspectors and carried out a joint inspection of the consignment. The waste consisted mostly of discharges from end-of-life vehicles (ELV) (19 10 03\*, 19 10 04: 'fluff- light fraction of shredder and dust'), that had been declared as waste 17 04 01 'copper, bronze, brass' with EWC code 16 01 018 'non-ferrous metals from the process of dismantling ELV' and the detailed description 'waste from scrap iron, scrap iron or scrap'. The prosecutor was informed immediately. The evidence showed that the waste had been loaded from an activity in Thessaloniki, which did not have the permits required for handling and dismantling ELV. It was also found that the second carrier was a company based in Cyprus, and therefore the competent authority in Cyprus was informed accordingly.

The environmental inspectors, in agreement with the prosecutor, conducted an inspection of the site, which was closed as the owners and employees had left. The inspection was carried out jointly with the competent services of the region and the police, with a judicial officer present. The investigation confirmed the illegal operation of the activity (shredded ELV), from which the waste destined for export had been loaded. At present the waste remains in the port of Thessaloniki and the Directorate for Waste Management and Environmental Certification is making arrangements for the safe management of the waste and for charging the management expenses, which is problematic as the transport managers have disappeared.

Under Law 2939/2001 (GG A179/06-08-01), as amended by Law 4496/2017 (GG A 170/08-11-17), the HRA of the Ministry of the Environment and Energy may cooperate with other relevant authorities, including the SSIMEE, the Special Sectoral Secretariat of the Financial and Economic Crime Unit, and the Ministry of Economy and Development, in order to carry out inspections, gather data and, finally, impose sanctions on parties which fall under the extended producer responsibility (EPR) principle.

## **Customs**

The customs authorities, acting in accordance with the provisions of the National Customs Code 2960/2001, have the authority to detain any suspect cargo, including potential cargoes of illegal waste, in order to carry out relevant investigations and identify and punish the perpetrators, acting alone or in cooperation with other authorities. Customs officers are pre-trial investigation officers.

In case where the customs authorities discover suspicious cargoes of illegal waste, they call an expert from the Ministry of the Environment, who then identifies the contents of the consignment. If the expert's report confirms the existence of illegal waste, customs officers seize the cargo, and the competent department of the Ministry of the Environment is informed of the next steps. Generally speaking, the law enforcement authorities cooperate and conduct joint actions. In addition, there is a Memorandum of Understanding (MOU) between the customs authorities, the police and the coast guard.

## **The police**

Presidential Decree 42/2011 (Article 16(g)) provides for the establishment of the Environmental Protection Department within the Attica Security Division of the Greek police, which is responsible for combating the illegal trade, storage and disposal of waste, and environmental pollution in general, in cooperation with the competent services of the Ministry of the Environment and Energy and with other competent national and international agencies and institutions. The Decree establishes the Environmental Protection Department's jurisdiction as the whole of Greece's territory, after specific permission was given by the chief of the Greek police. Moreover, an identical department also established within the Thessaloniki Security Division of the Greek police for cases concerning Greece's northern prefecture.

No specialised police officers work at the Environmental Protection Department within the Greek police. However, the department cooperates with various public services that employ specialists, such as the Special Inspectorate for the Environment, the Special Secretariat for the Environment, and the competent directorates of the country's regions, such as the Directorate for Industry, Energy and Natural Resources, the Directorate for Development and Environment etc.

According to the legislative framework in place for the Environmental Protection Department, and in the context of the various actions undertaken, the department must cooperate with the aforementioned public services (environmental inspectors of the Ministry of the Environment and Energy, environmental scientists at regional level), and with other public servants such as health inspectors, mineralogists, foresters etc.

One example of an initiative that was taken by the Greek police to combat the theft and trafficking of metal objects is the special action plan (the 'Hephestus' Plan) that was implemented at national level. In the framework of this Plan, operational actions are carried out, at least once a year, with full-scale checks/inspections of metal recycling facilities and of vehicles that transport metal objects, with the participation of all competent services/authorities (Greek police, Greek fire corps, Environmental Inspectorate, Labour Inspectorate, tax authorities, Construction Planning Inspectorate of the municipal or regional authorities, Greek coast guard, customs authorities, Economic Crimes Enforcement Agency). Although the operational action is mainly focused on spotting and identifying metal objects, in the framework of a multidisciplinary approach to crimes involving metal theft all competent services/authorities conduct checks within their line of competence.

The SSIMEE does not usually make use of the capabilities and equipment of the forensic units or of the units responsible for prosecuting economic and electronic crime.

In the context of its operations, the Greek FIU can deploy all of its capabilities and equipment for analysing cases relating to ML/TF. Thus in cases where waste crime is a predicate offence for ML/TF, all of the FIU's capabilities and equipment are used.

#### *4.2.2. Investigative Techniques/Tools*

The Environmental Protection Department uses the following techniques/tools to investigate environmental crime:

- a) identification of the target/suspect (business, other form of activity, waste disposal site etc.);
- b) search in the department's record files, in order to detect the target/suspect;
- c) collection of information through cooperation with other departments, in order to detect the target/suspect;

- d) target/suspect surveillance;
- e) site investigation in collaboration with environmental scientists and police officers from the Cybercrime Unit; and
- f) arrest of persons who have committed environmental crimes.

Under Article 9 of Law 2947/2001, environmental inspectors may carry out inspections of any public or private project or activity in accordance with the legal provisions on environmental protection, and may carry out audits and measurements and collect any information relevant for the performance of their duties.

Under Article 9 of Law 4042/2012 (GG A 24/13-02-12), environmental inspectors have specific preliminary inquiry duties to investigate pollution or environmental degradation and have the right to search means of transportation for the detection of waste, following a complaint or based on strong suspicions of waste crime. Performing or participating in investigative acts does not preclude the SSIMEE's environmental inspectors from being called as witnesses in court on the basis of their expert knowledge.

In view of the disclosure of the identity or arrest of a person committing a crime as referred to in Article 28 of Law 1650 / 1986, environmental inspectors may appear in court as individuals interested in the collection, transport, storage, disposal and recovery of waste, and in waste management in general. The same applies to an individual who, for that purpose, acts under a mandate from the relevant investigators. In such cases, however, the investigator must notify the public prosecutor, even by telephone if necessary.

Environmental inspectors may visit, with or without warning, the services or bodies that are being audited, in order to investigate the crime in question, conduct inspections or take statements. They also have access to all the files and data pertinent to their tasks, including confidential information, except in cases of confidential information related to foreign policy, national defence or state security, in accordance with Article 5(4a) of Law 3074/2002 (GG A 296/04-12-02) and Article 38 of Law 3710/2008 (GG A 216/23-10-08).

Special investigative techniques, such as online monitoring, secret operations or controlled deliveries are not usually used. Special investigative techniques are not provided for in the Law on Environmental Crimes when the crimes are investigated alone. However, pursuant to Article 253A of the Code of Criminal Procedure, in cases where a criminal organisation (Article 187 of the Criminal Code) is investigated for such crimes (environmental crimes), special investigative techniques can apply, as follows:

- Investigative penetration, whereby an individual performs an act which is not in itself illegal, but where the individual may be investigated by order or at the suggestion of the head of the service, with the aim of identifying or arresting a person involved in the offences set out in paragraphs 1 and 2 of Article 187 and in Article 187A of the Criminal Code, as he/she appears to be a participant in such acts.
- Lifting of the secrecy of telephone communications, in accordance with the guarantees and procedures provided for in Law 2225/1994.
- Recording of an activity or other incidents outside the domicile with sound or image devices or with other technical means.

- Controlled transports (deliveries), in accordance with the guarantees and procedures provided for in Article 38 of Law 2145/1993 on 'Regulating issues relating to the imposition of penalties, and accelerating and modernising the procedures for the administration of justice and other issues', which is currently in force.
- Use of personal data under the substantive terms and conditions of Law 2472/1997 on the 'Protection of individuals from the processing of personal data'.

The abovementioned special investigative acts are only executed:

- a) if there are serious indications of the commission of a punishable act under paragraphs 1 and 2 of Article 187 or under Article 187A of the Criminal Code,
- b) if it is impossible or particularly difficult to break up the criminal organisation or to investigate terrorist acts as referred to in Article 187A.

In addition, the legal framework provides for increased and specific judicial guarantees. In particular:

With regard to the conditions giving rise to the use of special investigative acts, and for the duration of the investigation, the competent judicial council passes its judgment by documented resolution following a proposal by the public prosecutor.

All objects or knowledge acquired during the execution of special investigative acts may only be used for the reasons set out by the judicial council. So-called 'random findings' i.e. data that are acquired concerning other acts or criminal organisations may only be used if the judicial council takes special decisions in their regard.

#### 4.2.3. *Capacity of and obstacles to successful investigation of waste crime*

The main challenges pointed out by the SSIMEE is the coordination between the competent enforcement authorities, the lack of human resources for the environmental inspector posts, and the lack of integrated information systems for rapid and reliable exchange of information between competent authorities (or the SSIMEE's limited access to existing information systems).

Where necessary, an inspection/investigation is carried out with the assistance of the Financial Police (e.g. implementation of the 'Hephestus' special action plan) and the Cybercrime Unit.

### **4.3. Other authorities/institutions**

#### **MEE**

The Directorate for Waste Management and Environmental Certification within the MEE is the competent authority for drafting and implementing waste legislation and for implementing Regulation (EC) 1013/2006 on shipments of waste (WSR).

Environmental inspections are carried out by the competent administrative authorities referred to in Article 20 of Law 4014/2011 (GG A 209/21-09-11), namely:

- the environmental inspectors of the SSIMEE, for any kind of environmental inspection,
- the environmental licensing authorities for preventive inspections during the environmental licensing process,
- the environmental departments of the decentralised administrations and regions for inspections of projects and installations under their jurisdiction, although at present they are not fully operational,
- the Environmental Quality Control Audit Task Forces, for inspections of projects and installations under their jurisdiction and mandate, and

- environmental auditors as defined in paragraph 5 of Article 20 of Law 4014/2011 (GG A 209/21-09-11), acting under the mandate of the above public inspection authorities.

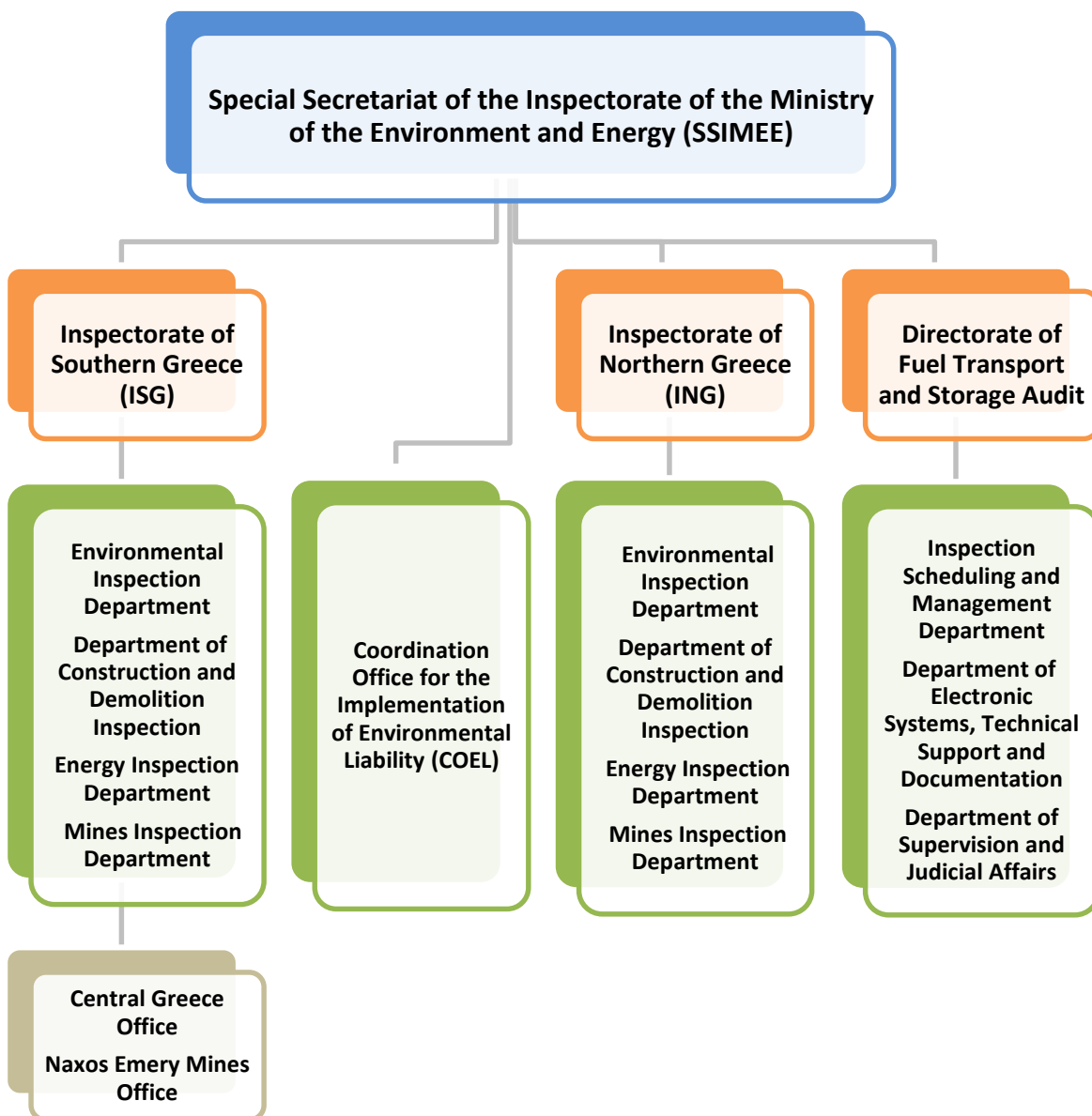
At the time of the on-site visit, the Register of Environmental Auditors had not been activated.

Regarding the structure of the SSIMEE, which includes the environmental inspectors, it consists of the Inspectorate of Northern Greece (ING) and the Inspectorate of Southern Greece (ISG), that operate at directorate level, as well as the Directorate of Fuel Handling and Storage Audit. The SSIMEE also includes the COEL, which operates as an independent department. Each regional inspectorate consists of the following departments:

- Environmental Inspection Department,
- Department of Construction and Demolition Inspection,
- Energy Inspection Department, and
- Mines Inspection Department.

The Inspectorate of Southern Greece also includes the Central Greece Branch in Oinofyta, under the Environmental Inspection Department, with jurisdiction for the Central Greece Region, and the Naxos Emery Mines Office, which comes under the Mines Inspection Department.

The administrative structure of the SSIMEE is shown in the following diagram:



The Directorate of Waste Management and Environmental Certification in the MEE does not have the powers to recommend or impose administrative fines.

## **The Hellenic Recycling Agency**

The Hellenic Recycling Agency (HRA) was established by Law 2939/2001 (GG A 179/06-08-01), as amended by Law 4496/2017, as the competent authority of the Ministry of the Environment and Energy for drafting and implementing Greece's waste recycling and prevention policy. It is, among other things, responsible for approving national extended producer responsibility (EPR) schemes for all products and for monitoring the progress of recycling in the country. With regard to the application of the EPR principle, Law 2939/2001 (GG A 179/06-08-01) and, in particular, Article 24ID thereof, establishes the Inspection Directorate under the HRA, which, among other responsibilities, conducts and coordinates inspections to waste treatment facilities and producer units that fall under the EPR principle. This directorate will become operational pending the recruitment of staff.

The authorities that conduct environmental inspections also deal with waste matters and issue administrative fines in cases of infringement. Penalties are imposed by the judicial authorities and are independent of the administrative fines.

Regarding the procedure for imposing administrative sanctions, after each inspection, and if there appear to be violations of environmental laws or of the terms attached to environmental permits, the environmental inspectors draw up an audit report that is sent to the infringer, who is asked to refute the findings. Following the submission of the statement of refutation, or upon expiry of the deadline set, the environmental inspectors prepare a reasoned act confirming or not the violation. In cases of environmental infringements, the act confirming the violation is forwarded to the competent public prosecutor for the investigation of any punishable acts. In cases of ascertained pollution or degradation of the environment, or any other infringement described in Article 30 of Law 1650/1986 (GG A 160/16-10-86), the Environmental Inspection Department advises the Minister for Environment and Energy to impose a fine.

#### **4.4. Cooperation and exchange of information among national authorities**

##### *4.4.1. Cooperation and coordination*

The SSIMEE's environmental inspectors work closely with the competent regulatory authorities of the regions and the decentralised administrations in carrying out routine and non-routine environmental inspections of public and/or private projects and installations. In order to facilitate this cooperation, the SSIMEE's environmental inspectors prepared the National Environmental Inspection Plan and drew up the first annual programmes of routine environmental inspections for the period 2018-2022, to be implemented by all central and regional environmental authorities (Environmental Inspectorate, regions and decentralised administrations). The environmental inspectors also cooperate with the Environmental Protection Department of the Athens General Police Division on environmental crime matters, as well as with the competent customs services in carrying out cross-border waste shipments inspections.

The Directorate of Waste Management and Environmental Certification systematically exchanges information with the Special Secretary of the Inspectorate of the MEE, the customs authorities and the HRA.

The Greek authorities underlined that a well-founded cooperation was in place between the MME's Directorate of Waste Management and Environmental Certification, the SSIMEE's Environmental Inspectorate, the customs authorities and the regional environmental authorities, based on the goal of resolving all the issues raised in an effective and successful manner.

In May 2017 the European Council set 'environmental crime' as the priority for the Multidisciplinary Platform Against Criminal Threats (EMPACT) and tasked it with disrupting organised crime groups involved in environmental crime, in particular wildlife and illicit waste trafficking. Within the framework of this initiative, the role of the National EMPACT Coordinator (NEC) was important in ensuring the participation of the relevant national authorities in the implementation of the crime priorities and in effective national coordination. Thus a closer cooperation began among the national competent authorities, including the relevant law enforcement authorities, the judicial and administrative authorities, and the EU institutions and agencies in implementing the EU crime priorities, thus ensuring that a multidisciplinary and multi-agency approach was taken in order to further strengthen efforts. Many national authorities and agencies participate in the 'environmental crime' priority actions under the 2018 Operational Action Plan. It goes without saying that good cooperation between police, border guards, customs, judicial and administrative authorities, as well as with EU institutions and agencies is crucial in this regard.

In general, the national authorities cooperate to prevent and combat waste crime without any particular problems.

Any problems that may occur are usually due to a lack of staff or to the employees' heavy workloads, which can result in delays in the relevant procedures.

The General Secretariat for Waste Management Coordination of the Ministry of the Interior participates in the meetings of the European institutional bodies, as the primary national authority for communication and exchange of information and data.

Greece's decentralised administrations enjoy good cooperation with the national authorities involved in waste management.

Working with the competent departments of the Ministry of the Environment and Energy, as well as with other competent national services can be difficult and time-consuming, due to the lack of a statutory framework for cooperation.

In addition, cooperation can sometimes be difficult due to the lack of staff and technical equipment. The FIU does not encounter any practical obstacles in its cooperation with other national competent authorities.

#### *4.4.2. Access to information and focal points on intelligence*

The national EMPACT coordinator is established in the Greek Police Headquarters. On behalf of the MEE, the Special Secretary of the Inspectorate is appointed as the EMPACT Coordinator for Environmental Crime.

The Greek police do not have a focal point for intelligence on waste crime.

The SSIMEE's environmental inspectors have access to all of the MEE's databases (such as the databases of the Environmental Licensing Directorate and the Environmental Certification Department), which can also be accessed via the ministry's website.

The fact that an integrated information system containing data on all environmentally licensed facilities in Greece does not exist impedes the efficient planning of routine inspections and effective coordination between the competent environmental authorities. To this end, the Environmental Inspectorate of the SSIMEE has recently created an electronic database of projects and facilities in Greece, which is not yet exhaustive, but contains the key operating features of these projects and facilities as well as incidents of violations; this information helps to estimate the environmental risk, define the minimum inspection frequencies and prioritise inspections. Based on this work, the National Environmental Inspection Plan was drawn up for the period 2018-2022 in order to optimise the use of the limited human resources and improve the coordination of all inspection authorities. The environmental services of the regions and decentralised administrations have access to the electronic database of projects and facilities and validate or update the database with information and findings from inspections.

Additionally, the environmental inspectors of the SSIMEE have access to the MEE's Electronic Waste Registry(<http://wrm.ypeka.gr/>), which contains yearly information on waste production, transportation, storage and treatment activities.

Public prosecutors and investigative judges have access to the public sector databases and registers when investigating environmental crimes.

The police services have sufficient access to identity data and registers. They all use a computer system called 'POLICE ON LINE', which gives them access to this kind of information.

#### **4.5. Training**

The National School of the Judiciary of the Hellenic Republic (NSoJ) in collaboration with other legal organisations, such as the EJTN and the ERA, organises and participates in seminars on environmental crime. Greek prosecutors are entitled to participate in seminars held in the NSoJ premises or abroad.

The Ministry of the Environment and Energy is responsible for providing training to the services involved in the fight against environmental crime.

The environmental inspectors can attend the regular certified seminars run by the Training Institute of the National Centre for Public Administration and Local Administration, based on the identified training needs of the SSIMEE.

In the framework of the 2018 Operational Action Plan for the 'environmental crime' priority of the Multidisciplinary Platform Against Criminal Threats (EMPACT), the third strategic goal provides three actions for increasing prevention against threats relating to environmental crime, including awareness-raising amongst relevant public and private actors, and building the law enforcement capacity for tackling environmental crime by improving knowledge, skills and expertise based on training and on sharing good practices. Greece participates in these three actions, which are as follows:

Action 3.1: Carry out and implement multidisciplinary training activities related to environmental crime (training events and activities).

Action 3.2: Enhance a tool under development, using the outcomes of the TECUM project concerning illegal waste, and issue a handbook.

Action 3.3: Support the informal network for countering environmental crime (EnviCrimeNet) by organising strategic meetings. The purpose of the meetings is to bring together relevant experts to discuss operational and multi-agency approaches. Europol will provide support as the Permanent Secretariat.

Consultation is part of the EU Strategic Training Needs Assessment (EU-STNA) led by CEPOL. The aim of the EU-STNA is to identify the strategic training needs of the EU law enforcement community, so that the EU training providers can deliver, and law enforcement officials can receive better and more targeted training to addresses EU priorities. The EU-STNA aims at identifying EU-level training priorities in the area of internal security and its external aspects in order to help build the capacity of law enforcement officials, while seeking to avoid duplication of efforts and achieve better coordination. It is a collective, EU-wide effort that requires participation from all stakeholders, so that training providers can deliver better, more targeted training to the European law enforcement community on the top-priority topics.

The EU-STNA consists of step-by-step analysis of strategic-level EU documents, detailing crime threats that are then discussed in expert and focus groups by Member State and EU specialists with a view to defining capability gaps and training needs that should be addressed by training implemented at EU level. These training needs are then prioritised by the Member States at strategic level.

At the end of the analysis phase, an EU-STNA report is drawn up by CEPOL and presented to the Council of the EU for endorsement, and to the European Parliament for information. CEPOL will run, organise and finance all steps of the EU-STNA.

The actions are aimed at horizontal cooperation using the existing instruments, tools, information exchange, and fundamental rights, and are directed towards a multidisciplinary approach on the following topics:

1. Illicit Waste Trafficking
2. Wildlife trafficking
3. Links with other crime, trafficking in drugs, firearms, corruption, money laundering
4. Intelligence, trafficking routes
5. Investigations, evidence
6. Prevention
7. Online markets, Darknet, online trade
8. Document fraud
9. Other: large-scale unlicensed fishing, damaging protected areas and buildings, destroying habitats and removing protected plants, illegal soil and sand mining, trade in ozone-depleting substances, illegal logging and trade in wood.

The Customs Procedures Directorate is competent for policy issues concerning prohibitions and restrictions of imports and exports, including matters which come under Regulation 1013/2006 on shipments of waste. It is therefore responsible for providing customs officers with clear guidelines and training on customs controls in relation to documentary requirements covering international waste consignments. In the event of physical controls, customs officers may consult the national competent authority experts, if needed.

The Ministry of the Environment and Energy and the National Centre for Public Administration and Local Government run training programmes and sessions that help environmental crime management staff acquire a better understanding and knowledge of the subject.

In the past, under the Kallikratis Programme (Law 3852/2010), the Ministry of Interior had provided “Διημερίδες Επιμόρφωσης” for new municipalities. One subject featured was 'Methodology of waste management'<sup>8</sup>.

#### 4.6. Conclusions

- Greece does not have specialised judges or courts for handling environmental crime cases. The evaluators' view was that judges needed to be more aware of environmental crime cases. Without any specific knowledge of environmental crime, judges are likely to underestimate the possible complexity of the evidence and the time needed for court hearings in comparison with ordinary crime cases. As the defence lawyers for persons suspected of committing environmental crimes causing serious damage are usually specialised in that field, judges may not have sufficient tools at their disposal due to a lack of experience and knowledge of this particular area.
- With the exception of one prosecutor at the PPO in Athens, there are no prosecutors specialised in environmental crimes. While the Public Prosecutor's Office in Athens is the largest in Greece, with only one person dealing with all environmental cases, it cannot cover all court hearings in environmental cases in that district. Moreover, a move to another post or district is usually scheduled in a prosecutor's career after two years, with no guarantee that their specialised knowledge will be passed on to their successor. In the evaluators' view, there is a need to increase the number of specialised prosecutors and to designate a senior prosecutor at central level with coordinating powers. Cross-regional experience and a knowledge of procedural matters in environmental cases are essential for enhancing the capacity of the prosecution service.

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<sup>8</sup> [http://www.ypes.gr/el/Regions/programma/Dihmerida\\_epimorf\\_nevn\\_autod\\_arxvn](http://www.ypes.gr/el/Regions/programma/Dihmerida_epimorf_nevn_autod_arxvn)

- Therefore, in the evaluators' view there is a need for more specialised prosecutors in the field of environmental crime in all regions, at least in those identified by the Greek authorities as high-risk with respect to illegal waste management. If experience and knowledge are shared among colleagues on a case-by-case-basis only, and colleagues rely on the goodwill and capacity of individuals, the transmission of specific professional knowledge is left to chance.
- Furthermore, prosecutors specialised in environmental crime are essential for the success of the preliminary investigation and for the efficient gathering of admissible evidence. Guidelines from prosecutors in the course of criminal proceedings and close cooperation with the inspection authorities, the police, customs and technical experts are necessary from the very beginning when suspicions of a serious environmental crime arise. Therefore, there should be a statutory framework for cooperation between the public prosecutor and the various inspection authorities. The specialised knowledge of inspectors, police and customs officers in this field has to be complemented by the prosecutors' knowledge of criminal proceedings. Therefore, it is also important for the inspection service and the police to have a designated prosecutor as a contact point, e.g. when the use of special investigative techniques in a case is likely to convict the suspect. Thus, an informal network among public prosecutors and LEAs would be helpful, in order to provide prosecutors with a contact point in each inspection authority and to give the inspection service the contact details of the competent prosecutor.
- Generally speaking, the capacity for prosecuting and imposing fines for waste crime rests with Greece's judicial structures. There are legal provisions concerning special investigative techniques and witness protection programmes which, however, have not yet been applied in environmental crime cases. The simple reason seems to be that no cases requiring these instruments have as yet been detected.

- An insufficient awareness amongst prosecutors and judges of the serious damage that environmental crime causes to society can be seen as an obstacle to efficient prosecution. In one specific example, in imposing a fine on a SME for environmental offences, there was a need to weigh the value of their economic activity both for the individual and society against the damage caused to the environment. From the LEA's point of view, punishing the SME's illegal activities - e.g. operating a facility without permission - in the administrative courts was not severe enough to stop the offenders from continuing their illegal activity or starting a similar one right away. Especially given the economic situation of the country, there is a tendency to see the economic future of a SME as more important than its environmental compliance, even though the illegal operation of the SME may lead to another SME, which follows the rules and legal constraints, to being closed down. Moreover, the cooperation between the PPO and the various inspection services is described in some cases as difficult and time-consuming.
- The inspectors working in the SSIMEE have a remarkably high level of education, the necessary specialisation in different fields (forest, waste, biodiversity) and a very high commitment to their work. Such a level of competence should be ensured in all regional authorities.
- The personnel of the SSIMEE have broad and extensive competences: regular inspections, extraordinary and emergency inspections, inspections on the basis of citizens' complaints and the necessary investigative powers to conduct investigations on behalf of public prosecutors and/or under the mandate of other national authorities. They are also empowered to start investigations on their own initiative, which makes detecting and tackling environmental crime more effective. These broad competences are highly functional in terms of fighting environmental crime: the requirement to follow up each citizens' complaint, for instance, together with all the other competences, result in the very limited number of inspectors having a very heavy workload.

- With regard to the geographical structure of the country, on-site access is a specific practical and time-consuming challenge that adds to the inspectorate's heavy workload. The environmental inspectorates, and the SSIMEE in particular, appear to be understaffed. The reduction in personnel that was the consequence of the financial crisis in Greece, highlighted in the experts' view one of the main obstacles to the successful investigation of environmental crime, and waste crime in particular. Hiring more personnel should also lead to a higher number of inspections. which in turn can lead to a better protection of the environment.
- As an example: the number of administrative offences presented by the Attica Regional Authority showed a remarkable decline in cases from one year to the next, resulting on the one hand from a reduction in staff. and on the other hand from the fact that the remaining inspectors had to spend a lot of time in court as witnesses instead of carrying out controls. While the real number of offences committed in the country has not declined, the few remaining inspectors were so busy handling cases resulting from the previous inspections that there was only very little capacity for tackling the actual cases.
- Therefore, in the evaluators' view, increasing the number of environmental inspectors in the SSIMEE and building up the structure at regional level could help to detect and investigate offences against the environment in a timely manner and bring their perpetrators to justice more efficiently.

- A special unit (10 officers) for environmental crime was set up within the Greek police with jurisdiction over the whole country. The officers cooperate with other LEAs, customs and public prosecutors and support the local police in environmental cases. As there is no specialisation in environmental crime prevention or investigation at local police level, the number of officers in the special unit seems to be too small to tackle serious environmental crime cases across the whole country adequately. The police capacity therefore needs to be boosted in order to tackle environmental crime effectively, in particular by increasing the number of police officers in the special unit and by building up a trained and specialised structure at regional level.
- There is no structural training on environmental crime cases that is specifically geared to prosecutors. Prosecutors are only offered training on environmental law (national and EU) during their initial training at the National School of the Judiciary, which appears to be insufficient with regard to the complexity of environmental crime cases and the practical problems they might be confronted with in the course of preliminary investigations. Therefore, the focus on education and training for the judiciary on fighting environmental crime should be increased both at national and international level.
- Although there have been a few training opportunities for environmental inspectors over the last years, no training at appropriate intervals exists for this group. Police officers are not given specific training on environmental crime in the course of their careers, apart from the seminars and webinars offered by the European training institutions.

- For customs officers, environmental issues have not yet been included in the curriculum of the Customs Academy. Integrating environmental issues into the curriculum could allow customs officers - and, if feasible, the competent authorities - to undergo specific training on a regular basis.
- Consequently, in the evaluators' view at least a basic level of training aimed at customs officers, the coast guard and the traffic police in particular is needed to allow them to identify illegal shipments of waste more easily and, once a suspicious shipment has been detected, to compare it with the cargo declared in the documentation.
- There are a number of actors in Greece dealing with environmental crime. It seems that their mission of preserving the country's natural and cultural heritage is taken very seriously by the State authorities, and by other dedicated staff, as expressed for example through initiatives like the Memorandum of Understanding (MoU) between the customs authority, the police and the coast guard. It is of particular importance to the country, which has played a major part in European history, and is one of the key aspects in the preservation of European identity.
- The evaluators noted the full commitment of the actors involved in the fight against environmental crime, no matter which sector they represented. This was particularly visible in contacts with the representatives of administrative bodies. The numbers of well-educated staff at the administrative level (graduates and postgraduates), especially at the Special Secretariat of the Inspectorate of the Ministry of the Environment and Energy is noteworthy. Evidently, Greece has qualified and fully dedicated staff in every body and in every position in this branch. Thus, the commitment of the administrative bodies and their staff to tackling environmental violations should undoubtedly be considered as a best practice.

- So far the efforts of the main stakeholders have been coordinated to a limited extent only, i.e. in cases where coordination is inevitable for achieving their immediate operational goals. It seems, however, that a structural and principle-based coordination of efforts could easily, and in an almost cost-free way, create synergies and enhance the efficiency of these activities. This coordination could be achieved by designating a body composed of representatives of ministries, governmental agencies and other stakeholders in charge of fighting environmental crime and protecting the environment. Coordination meetings convened on a regular basis could also include non-permanent actors, including businesses and NGOs, if needed.
- Once a coordination body of this kind has been created, a framework programme for its further activities needs to be adopted in order to set out the strategic medium- and short-term goals. This road map or strategy should be duly discussed and examined, also in order to select feasible goals that are appropriate, but currently out-of-reach for financial, organisational or political reasons. A systematic, sustainable and long-lasting activity in the area of environmental protection requires fair goals, fair resources and a fair strategy. The added value of such an approach is greater transparency of the State's activities, which is always worth striving towards.

## 5. LEGAL ASPECTS

### 5.1. Substantive criminal law

#### *5.1.1. Description of national legislation pertaining to waste crime*

The legislation that criminalises offences against the environment is contained in Law 4042/2012 (GG A 24, 13.2.2012) on criminal-law protection of the environment in accordance with Directive EC/2008/99, and in Law 1650/1986 (GG A 160, 16.10.1986) on environmental protection.

Articles 2 to 9 of Law 4042/2012 criminalise environmental crime and determine penalties according to the severity, the extent of the pollution and/or degradation, and the economic benefit to the offender. Articles 29 and 30 of Law 1650/1986 impose compensation (civil liability) and administrative sanctions, respectively. More specifically, Article 30 of Law 1650/1986, as amended by Article 21 'Administrative penalties' of Law 4014/2011 (GG A 209, 21.9.2011), stipulates that the fines for environmental offences range from EUR 500 to EUR 2 000 000, depending on the severity, frequency and recurrence of the offence, the exceeding of statutory emission limits and the violation of environmental rules or standard environmental commitments. Any compliance before the imposition of the fine may be taken into account, resulting in up to a 50 % reduction in the imposed fine. On the other hand, recurrence of the offence may result in an increased administrative penalty.

Additionally, Law 2939/2001 (GG A 179, 6.8.2001), as recently amended by Law 4496/2017 (GG A 170, 8.11.2017) on the alternative management of packaging and other products, provides for both criminal (Article 20) and administrative (Article 20a) penalties. Specifically:

- Criminal offences involving false reporting of waste quantities incur a penalty of imprisonment for at least one year or a financial penalty of between EUR 10 000 and EUR 100 000.

- Criminal offences involving refusal to accept HRA inspections incur a penalty of imprisonment for at least three months or a financial penalty of between EUR 1 000 and EUR 30 000.
- Administrative sanctions range from EUR 100 to EUR 1 000 000, depending on the type of offence and the category of offender (for instance, non-compliant producers, waste treatment facilities, extended producer responsibility schemes, etc.). The criteria determining the amount of the fine include the severity of the offence, the profit gained, and any remedial action taken.

According to Law 3691/2008 on the prevention and suppression of money laundering and terrorist financing (ML/TF), and especially Article 3(k) thereof, a predicate offence for ML/TF can be any offence which is punishable by deprivation of liberty for a minimum of six months and which generated any economic profit. Therefore, waste crime can be a predicate offence for ML/TF, provided that both of the abovementioned criteria are met.

Articles 2, 3, 6 and 7 of Directive 2008/99/EC were transposed by Law 4042/2012, in Articles 2, 3, 4 and 5 respectively. Consequently, the following are considered offences and are punished under Greek criminal law:

- the collection, transport, recovery or disposal of waste, including the operational oversight of such operations and the subsequent maintenance of disposal facilities, including action by traders or brokers (waste management), which causes or is likely to cause death or serious personal injuries to persons or substantial damage to air quality, soil quality or water quality or to animals or plants;
- the shipment of waste where this activity falls within the scope of Article 2(35) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste and is carried out in a non-negligible amount, regardless of whether it is carried out as a single transport operation or as multiple transport operations which appear to be interconnected.

The penalties for infringement, either intentionally or through negligence, of the provisions of Law 4042/2012 are laid down in Law 1650/1986. Provisions on aggravating and mitigating circumstances are also included.

Article 28 of Law 1650/1986 sets out two categories of environmental crimes. The first category concerns offences which are committed when a person carries on an activity or business without the required authorisation or approval or exceeds the limits of the permit or approval granted to him or her and degrades the environment. The punishment provided for is imprisonment of up to two years and/or a fine of between EUR 1 000 and EUR 60 000.

The second category concerns offences which are committed when a person causes pollution or degrades the environment by an act or omission which breaches the provisions of Law 1650/1986 or of the ensuing regulatory acts. In this case the punishment is imprisonment of between one year and five years and/or a fine of between EUR 3 000 and EUR 60 000. If the act is committed through negligence, imprisonment of up to one year or a fine is imposed. If the adverse effects of pollution or environmental degradation are limited, depending on the type or quantity of pollutants or the extent or magnitude of the degradation, imprisonment of up to one year or a financial penalty is provided for.

For cases in the first category, the following aggravating circumstances apply:

- a) If the offence has been committed by a perpetrator who intends to obtain financial or other material benefit for themselves or for a third person, imprisonment of at least two years and/or a fine of between EUR 20 000 and EUR 150 000 is imposed.
- b) If the offence has been committed with the above purpose and the total financial or other material benefit exceeds the amount of EUR 73 000, or the offence has been committed by a perpetrator who commits crimes under this article on a professional or customary basis and the total financial or other material benefit exceeds the amount of EUR 15 000, imprisonment of between five and ten years and/or a fine of between EUR 60 000 and EUR 250 000 is imposed.

- c) If the offence has caused danger of serious or widespread pollution or degradation or of serious or widespread ecological and environmental disruption or destruction, imprisonment of between two and five years and/or a fine of between EUR 20 000 and EUR 150 000 is imposed. Assessment of the danger is based on the type or quantity of pollutants or the extent or magnitude of the deterioration.
- d) If the offence has caused danger of death of a foetus or of a human being or the occurrence of a serious physical or mental illness in a newborn or a severe physical or mental illness in a human being, imprisonment of up to ten years and/or a fine of between EUR 150 000 and EUR 500 000 is imposed.
- e) If the offence has resulted in serious or widespread pollution or deterioration or serious or widespread ecological and environmental disruption or destruction, based on the nature or quantity of the pollutants or the extent or significance of the degradation, or the death of an embryo or human or the occurrence of a severe physical or mental illness in a newborn or a severe physical or mental condition in a human being, imprisonment of between five and 20 years and/or a fine of EUR 150 000 and EUR 500 000 is imposed.

If the acts referred to in (c), (d) or (e) were committed through negligence, imprisonment of at least one year and/or a fine of between EUR 60 000 and EUR 150 000 is imposed.

Legal persons are held liable for these offences where they are committed for the legal person's benefit by any person who holds a leading position within the legal person and acts individually or as a member of a body of the legal person on the basis of:

- (a) the power to represent the legal person;
- (b) the power to take decisions on behalf of the legal person; or
- (c) the power to exercise control within the legal person.

Natural persons who hold a leading position within a legal person are punished as the perpetrator of any act or omission which is committed during the course of or in connection with the activity or business of the legal person, if they have omitted, intentionally or through negligence, to exercise the proper supervision or to control the compliance of their personnel with environmental legislation, irrespective of any criminal or civil or administrative liability of any other natural person or the same legal person.

If pollution or other degradation of the environment derives from the activity of a legal person, the criminal court decides that the legal person is liable for the payment of the financial penalty.

Other penalties which may be imposed on legal persons are:

- (a) an administrative fine of up to three times the value of the benefit achieved or sought;
- (b) a temporary or, in the event of repeated infringements, permanent ban on doing business;
- (c) a temporary or permanent exclusion from public benefits or assistance;
- (d) the publication, at its own expense, of the irrevocable conviction in two newspapers with a high circulation.

These penalties can be imposed individually or in combination.

Besides the provisions of the Code of Criminal Procedure which determine how the investigation, prosecution and court proceedings are conducted, special procedural provisions apply in cases of environmental crime (Article 9 of Law 4042/2012).

Preliminary investigations and investigations into environmental offences are conducted by the environmental inspectors. The inspectors cooperate, if needed, with other investigative bodies (police) and always under the supervision of the public prosecutor who is competent for the area in which the crime was committed. Environmental inspectors have the competence to operate all over the country. Their participation in procedural activities (inspections, testimonies, etc.) does not exclude them from testifying in court, due to their special knowledge on the matter.

#### *5.1.2. Other rules or judiciary instructions*

Law 4042/2012 (GG A 24, 13.2.2012) on the protection of the environment through criminal law – harmonisation with Directive 2008/99/EC – framework for the production and management of waste – harmonisation with Directive 2008/98/EC – regulation of various issues relating to the Ministry of the Environment, Energy and Climate Change (Νόμος 4042/2012 «Ποινική προστασία του περιβάλλοντος – Εναρμόνιση με την Οδηγία 2008/99/ΕΚ – Πλαίσιο παραγωγής και διαχείρισης αποβλήτων – Εναρμόνιση με την Οδηγία 2008/98/ΕΚ – Ρύθμιση θεμάτων Υπουργείου Περιβάλλοντος, Ενέργειας και Κλιματικής Αλλαγής»).

Presidential Decree 82/2004 (GG A 64 2004) replacing Joint Ministerial Decision 98012/2001/1996 on determining measures and conditions for the management of waste oils – measures, conditions and programme for the alternative management of waste oils (Προεδρικό Διάταγμα 82/2004 (ΦΕΚ Α 64 2004) «Αντικατάσταση της ΚΥΑ 98012/2001/1996 «Καθορισμός μέτρων και όρων για τη διαχείριση των χρησιμοποιημένων ορυκτελαίων» - Μέτρα, όροι και πρόγραμμα για την εναλλακτική διαχείριση των Αποβλήτων Λιπαντικών Ελαίων»).

#### *5.1.3. Determination of the seriousness of waste crime*

The seriousness of waste crime is determined pursuant to Articles 2 to 9 of Law 4042/2012 (GG A 24, 13.2.2012) depending on the nature, the quantity and the extent of the environmental degradation, as well as the intended economic or material benefit.

During the environmental inspection, inspectors check the compliance of the facility/activity with all the requirements of the environmental permits. At the next stage, inspectors evaluate the severity of the offences and follow an internal document setting out guidelines for the calculation of the administrative fine to be imposed, based on qualitative and quantitative criteria. In accordance with Article 21 of Law 4014/11 (GG A 209), these criteria are related to the seriousness, the frequency and the recurrence of the offence, the exceeding of the statutory emission limits and the violation of environmental terms or standard environmental obligations.

When a case involving an environmental offence is brought before the court, environmental inspectors may be called as witnesses during the judicial examination in order to give evidence on the severity of the offence, so as to help judges determine both administrative sanctions (when imposing a fine of at least EUR 3 000) and criminal sanctions (when imposing a sentence of at least one year's imprisonment).

As regards waste shipment offences, the following criteria are considered relevant:

- the impact on human health and the environment, especially if protected areas and species are affected;
- the involvement of hazardous waste;
- the financial implication of the waste crime, including potential corrective action.

#### *5.1.4. Links with other serious criminal offences*

Cases have been recorded in which waste crime, in addition to its environmental impact, constitutes a serious financial crime. There are also cases where environmental crime is linked to corruption/maladministration offences. Any such relevant findings are communicated to the competent prosecutor for criminal investigation. In addition, statistics on cases where the environmental inspectors find issues of corruption, maladministration and violations of administrative procedures are sent to the GIPA as part of the annual reports of the Inspections and Investigations Coordinating Body.

The competent Environmental Protection Department of the Greek police has not encountered waste crime cases associated with other forms of crime.

Measures can be taken during criminal proceedings for serious environmental offences in order to protect witnesses from acts of revenge or intimidation. These measures are the same as those taken for witnesses in cases of terrorism or organised crime, and include police protection, testimony under a pseudonym, video or audio testimony, a change of name, address or profession, transfer to another city, etc. They are ordered by the public prosecutor.

#### *5.1.5. The role of NGOs*

NGOs, like any citizen, can report environmental crimes to environmental inspectors, including anonymously, by any available means of communication (in writing, orally and/or by telephone) and the case is evaluated for further investigation by the SSIMEE or by another competent authority (environmental agencies of the region or the decentralised administration).

Moreover, according to Article 16 of Law 3937/2011 (GG A 60, 31.3.2011), in cases of biodiversity crime NGOs, among other institutions and organisations, may stand as plaintiff and require mediation. So far, no environmental crimes have been reported by NGOs to the competent police authorities.

NGOs working on environmental protection play an important role in terms of cooperation with environmental inspectors on a daily basis, in particular those from the SSIMEE. NGOs such as WWF, Ecorec and Organization Earth praised that cooperation while handling complaints received from citizens and passed on to the competent authorities by NGOs.

## **5.2. Procedural, jurisdictional and administrative issues**

### *5.2.1. Difficulties encountered with regard to evidence*

During an investigation, samples are taken by environmental scientists and sent to the State Laboratory for further analysis. Official reports are then submitted to the relevant prosecutor's office. The competent police services are not equipped with technical equipment or any other measuring instruments.

### *5.2.2. Measures other than criminal or administrative sanctions*

Other civil administrative action (non-judicial enforcement action) that may be taken by the environmental enforcement authorities includes:

- the confiscation of property and/or equipment;
- the repeal of licenses and other permits;
- the temporary or permanent shutdown of a facility/site;
- the repeal of environmental management certification (deletion from the EMAS register).

In the case of ML/TF related to the predicate offence of waste crime, the assets may be frozen, prohibited from sale, and confiscated (Articles 46, 47 and 48 of Law 3691/2008).

### 5.2.3. *Treatment of seized objects*

The cost of storage during investigation, in accordance with Article 24 of Regulation (EC) 1013/2006 on shipments of waste (WSR), is generally covered by the relevant insurance or warranty for notified waste. For non-hazardous waste which is accompanied by the information referred to in Article 18 and Annex IV of the WSR, the cost is covered by the person organising the shipment.

The items seized (e.g. lorries) are transported to a secure area guarded by the police. They are then kept in police custody or held in escrow.

### **5.3. Environmental restoration**

Restoration of the environment in sites contaminated with hazardous waste is governed by the provisions of Article 12 of Joint Ministerial Decision 13588/725/2006 (GG B 383, 28.3.2006). In accordance with these provisions, the person responsible for the damage is liable for the restoration of the environment and the damage caused. If the identity of the perpetrator cannot be established, remedial measures are taken by the decentralised administration concerned.

The competent authority for the prevention and remediation of environmental damage is the COEL, under the SSIMEE. The COEL was established by Presidential Decree 148/2009 (GG A 190, 29.9.2009). Its main mandate is to supervise and coordinate the implementation of Decree 148/2009 (transposing Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage) and to cooperate with the relevant environmental authorities at central and local level as well as with those parts of the public and semi-public sector involved.

The COEL recommends to the Minister of the Environment and Energy the necessary measures for the restoration of the environmental damage, the recovery of rehabilitation costs, the promotion of financial security, the remediation of environmental damage affecting other Member States and the preparation of reports to the European Commission on the implementation of Directive 2004/35/EC.

## 5.4. Jurisdiction

### *5.4.1. Principles applicable to the investigation of waste crime*

Pursuant to Article 6 of the Criminal Code, Greek criminal law is applicable to crimes committed abroad by a Greek citizen, if the act is classed as a crime in the country where it took place. Such cases in which the crime is punishable by imprisonment of up to five years require a complaint to be filed by the injured party or a request to be made by the government of the state where the illegal act took place.

Furthermore, if the crime is committed partially on the territory of Greece, Greek laws are also applicable.

### *5.4.2. Rules in case of conflicts of jurisdiction*

In the case of cross-border shipments of waste, other mechanisms include the provisions laid down in Regulation (EC) 1013/2006 on shipments of waste (WSR) and the use of the Commission and Member States' designated correspondents (Article 54 of the WSR); guidelines provide a solid basis for attributing fault and taking corrective measures as appropriate. Should a case arise that cannot be resolved on this basis, the contribution of the WSR correspondents' network is requested. The network is also mobilised when one Member State's authorities acquire information on illegal activities that might affect waste management in other Member States.

Greece has not yet transposed Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.

## 5.5. Conclusions

- Greece has introduced the necessary legal provisions to prosecute environmental crime. Greek law provides, inter alia, for criminal and administrative liability for offences against the environment. The distinction between administrative and criminal offences is laid down by the law and is based on the severity of the sanctions – more severe penalties apply to criminal offences, while less severe penalties apply to administrative offences.
- Any offence is considered as an administrative offence, threatened with administrative sanctions, e.g. monetary fines. Only severe offences are characterised as criminal offences threatened with imprisonment as well as with monetary sanctions. The distinction between administrative and criminal offences is defined by the national law. The main criterion of this characteristic is the seriousness of the demerit, estimated by inspectors and reported to the public prosecutor.
- If the seriousness of the case is not properly recognised at local level, the offender receives a light penalty. However, if a given administrative authority assesses the same behaviour to be a crime and forwards the case to a prosecutor, it may result in more severe penalties being imposed as a result of the criminal proceedings. Therefore, although the notion of the 'seriousness' of environmental crime exists, in the evaluators' view the distinction between administrative and criminal offences could be clarified for general legal reasons, and a clear and precise definition given of what constitutes (serious) criminal behaviour.

- According to the information provided by the PPO, the acquittal rate in environmental cases in recent years seems to be remarkably high (about 30 %). The evaluation team was not provided with convincing information as to why the offenders could not be sentenced, i.e. whether it was due to a lack of evidence or to another practical or procedural obstacle. A focused analysis on that subject seems vital to improve the efficiency of investigations and to decrease the high acquittal rate.
- Special investigative measures and techniques such as wire-tapping can be ordered by the court in the event of serious environmental crime, on a case-by-case basis or when there is a suspicion that a criminal organisation is involved. If the suspicion that a serious crime has been committed or criminal organisation is involved falls away at a later stage, the evidence is not void. Taking into consideration the connections between organised crime and environmental crime, this is very important.
- However, up to the date of the evaluation visit, there has been no practical experience at all with special investigative techniques in environmental cases. The reason seems to be that complex and serious cases requiring these techniques have simply not yet been detected. Whereas this might be due to the investigative approach of the police/environmental inspectors, it could also be due to the notion of the 'seriousness' of an environmental crime. Public prosecutors and judges consider the notion of the 'seriousness' of an environmental crime sufficiently clear in Greek law, whereas the evaluators found this concept difficult to comprehend. A clarification of the law on this point seems necessary and could help in obtaining a court order for special investigative techniques.

- NGOs working on environmental protection play a role in terms of cooperation with environmental inspectors, in particular those from the SSIMEE. NGOs such as WWF, Ecolec and Organization Earth praised the quality of the cooperation while handling complaints received from citizens and passed on to the competent authorities by NGOs. In the evaluators' view, the involvement of NGOs in cooperation with public authorities is the best example of the way in which public authorities' capacity to fight environmental crime can be enhanced.
- The legal provisions that may be necessary to protect the source of information in environmental cases are very advanced. There is a legal clause allowing the prosecutor to guarantee a witness's anonymity during court proceedings in environmental cases, and to follow up with the necessary witness protection programmes afterwards. Greek law is very up to date with regard to the economic aspects of environmental crime and the possible links with organised crime structures, which in the evaluators' view should be considered an example of best practice.
- Greece has an extensive legal basis for jurisdiction with regard to offences committed on its own territory and, in the case of more serious offences, abroad, but it has not yet transposed Framework Decision 2009/948/JHA on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.

## 6. COOPERATION

### 6.1. International Cooperation

#### 6.1.1. *Forms of cooperation in cross-border cases*

When an illegal transboundary shipment is detected (Regulation (EC) No 1013/2006), all the relevant competent authorities (dispatch, destination, transit) are informed and cooperate in order to resolve issues (either by taking back the waste to the initial country of dispatch or by treating waste in the country of destination with the consent of the competent authorities).

Article 1 of Law 4069/2012 (GG A 81, 10.4.2012) – 'Ratification of the Memorandum of Understanding between the Ministry of the Environment and Energy of Greece and the Ministry of Agriculture, Natural Resources and Sustainable Development of the Republic of Cyprus in the field of environmental protection and sustainable development', and specifically Article 2(o) of the relevant Memorandum mentioned therein, makes reference to the 'implementation of international environmental conventions (e.g. the Basel Convention on the control of transboundary movements of hazardous wastes, etc.)'.

Additionally, Article 1 of Law 3368/2005 (GG 170 A, 6.7.2005) – 'Ratification of the Memorandum of Understanding in the field of environmental protection between the Ministry of the Environment and Energy of Greece and the Ministry of Agriculture of the Albanian Republic', and specifically Article 2(6) of the Memorandum mentioned therein, stipulates that *'They shall cooperate on the establishment and operation of adequate waste reception facilities at ports, in accordance with the provisions of MARPOL 73/78 and other applicable international conventions'*.

The Naples II Convention on close cooperation and mutual assistance between EU customs administrations has been in force since 23 June 2009. Cross-border cooperation within the scope of this convention focuses on illicit drugs, weapons, explosives, cultural goods, dangerous and toxic waste, nuclear materials and equipment for biological and chemical weapons. Mutual assistance between customs authorities is undertaken following a request for information, surveillance, enquiries or notification, or spontaneously, without prior request, including covert surveillance and spontaneous provision of information. Customs administrations must provide each other with the necessary staff and organisational support when cooperating on cross-border cases such as cross-border pursuit of suspects, cross-border surveillance, covert investigations, joint special investigation teams and controlled deliveries (illicit deliveries which are not seized at the border, but are tracked to their final destination). So far, customs authorities have not been restricted to exchanging information with other EU Member States in cases of waste crime.

#### *6.1.2. Channels for exchange of information and use of EU databases*

The network of correspondents designated in accordance with Article 54 of Regulation (EC) 1013/2006 is used in cases of cross-border shipments of waste.

For the purposes of information exchange, including information relating to environmental crime, customs authorities have access to the CRMS (Common Risk Management System) information system. Only the EU Member States have access to this system for the purposes of instant response and action.

So far, the Environmental Protection Department has not dealt with any cross-border cases of waste crime. However, if needed, Europol and Interpol will be used for the exchange of information on such cases. Furthermore, the police have direct access to databases, including the EIS and the SIS, which will be used in relevant cases.

### *6.1.3. Difficulties faced in judicial cooperation relating to waste crime*

The Greek authorities reported no practical problems in judicial cooperation on criminal matters relating to waste crime. The staff involved in an inspection, when one is called for, must submit a statement during the preliminary judicial investigation and must also participate as witnesses in the criminal court in criminal cases involving the violation of waste management legislation.

The Ministry of the Interior has taken necessary action and contacted the country's 13 regions and seven decentralised administrations, and its own General Secretariat for Waste Management Coordination, in order to gather data and documents related to their practical problems relating to judicial cooperation on criminal cases in the field of waste management.

The main problems set out by the Greek authorities are as follows: there is a lack of proper electronic recording of criminal violations in the field of waste management; there is no online link with the local, regional or national judicial authorities in order to clarify the number of relevant criminal cases or progress on an environmental case; environmental inspections are not robust and staff have poor knowledge of Natura 2000 networks; transportation is costly and there is a lack of resources, staff and equipment; there is a lack of interactive online maps relating to environmental waste crime; there is no proper national platform for recording, gathering or reporting environmental waste crime for statistical purposes, and the involvement of the National Statistical Services is limited; full access is not permitted to the Ministry of the Environment and Energy's Electronic Waste Register. (See Ministry of the Interior 4484, 21.2.2018; 4942, 21.2.2018; 4943, 21.2.2018; 4944, 21.2.2018; 5790, 1.3.2018; 5791, 1.3.2018; 6887, 8.3.2018; 6888, 8.3.2018; 6889, 8.3.2018.)

The Western Macedonia and North Aegean regions, the decentralised administration of Thessaly and Central Greece, and the decentralised administration of Epirus and Western Macedonia stated that they have not experienced any serious practical problems in their cooperation with the Greek local judicial authorities.

The decentralised administration of Attica stated that it cooperates with national law enforcement and the judicial authorities.

There is currently no realistic and coordinated plan for registering data on a common e-platform. There is a lack of coordination and/or cooperation between administrative authorities.

#### *6.1.4. Operational performance of JITs in waste crime*

According to the information provided by Eurojust, Greece has opened two operational environmental crime cases at Eurojust since 1 January 2004. One of the cases (opened in 2016) concerned illegal deforestation; for the other case (opened in 2011), no details on the criminal facts are available in Eurojust's case management system. Both cases were bilateral and are currently closed. The cases were referred to Eurojust to facilitate exchange of information and cooperation on the ongoing investigations in the concerned Member States.

The Greek police have not participated in JITs relating to cross-border waste crime cases. However, in general participation in joint investigation teams could be of benefit in the fight against environmental crime.

Twice in 2010 (31 May to 2 June and 18 to 19 August), joint spot checks on cross-border waste shipments were conducted at the Greek-Bulgarian border in Promachonas and Exochi by the Greek competent authorities (environmental inspectors, the former Environmental Planning Directorate of the Ministry of the Environment and Energy, police officers, and officers from the Special Secretariat of the Financial and Economic Crime Unit of the Ministry of Finance). The spot checks were conducted in cooperation with the relevant competent authorities of Bulgaria within the framework of the European twinning project BG/07/IB/EN/02, with the contribution of representatives of the Austrian Ministry of the Environment.

Targeted financing – in the form of short-term, low-value grants – is provided for Operational Action Plan activities of a distinctly operational nature under the 'environmental crime' priority of the European multidisciplinary platform against criminal threats (EMPACT).

In accordance with the Financial Regulation applicable to Europol, Europol's 2018-2020 Programming Document was adopted on 30 November 2017, outlining the funding to be provided to EMPACT activities in 2018. A call for proposals is open from 10 January 2018 until 1 December 2018. Greece, as an EMPACT participant, can receive financing of up to EUR 60 000 per proposal through these grants (up to a total amount of EUR 720 000 for 2018), in cooperation with other participating Member States.

With a view to combating the illegal shipment of hazardous waste by sea, the World Customs Organization (WCO) organised three operations under the code names Demeter I, Demeter II and Demeter III in 2009, 2012 and 2013 respectively. The customs authorities have exchanged information with other countries in cross-border waste crime cases, which proved very useful. As with any other type of crime, in the fight against waste crime JITs can prove to be very beneficial for all parties involved. In the fight against organised crime all available tools must be used, including information exchange and mutual cooperation among the members of a joint investigation team.

## **6.2. Cooperation with EU Agencies and networks**

### *6.2.1. Cooperation with Europol and Eurojust*

According to the information provided by Eurojust, Greece has received requests in 12 operational environmental crime cases. The majority of the cases (nine of the 12) were multilateral, i.e. Greece was one of several requested countries. Four of the cases are currently ongoing. The cases in which Greece received a request for cooperation concerned emissions offences, (hazardous) waste trafficking, trafficking in protected animal species, and sea pollution.

The cases were referred to Eurojust so that it could facilitate coordination and cooperation between the involved authorities, including facilitating the execution of MLA requests, providing information and undertaking an investigation/prosecution at the request of the national member, undertaking special investigative measures and, in one case (currently still ongoing), setting up a JIT involving Greece.

Although there are no pending environmental crime cases at Eurojust, the cooperation of the Greek competent authorities with Eurojust is deemed adequate and effective by the Greek authorities.

In 2011, many national greenhouse gas registers, including in Greece, were targeted by hackers, resulting in the unlawful transfer of allowances. Europol, in collaboration with the Crime Department of the Greek police, reported the incident and recommended that all Member States diligently check their national greenhouse gas registers and all transactions, and suspend the suspect ones.

Within the framework of the EU policy cycle and specifically of the EMPACT 'organised property crime' priority, Joint Action Days are being carried out at European level with the cooperation of Europol in order to combat the theft of metal objects. The Greek police participates in these Joint Action Days and there is a national action plan for combating metal theft in place.

Operational action is carried out at national level with the participation of all competent services and authorities (the police, the fire service, the Environmental Inspectorate, the Labour Inspectorate, the tax authorities, the Construction Planning Inspectorate of the municipal or regional authorities, the coast guard, the customs authorities, and the Economic Crime Enforcement Agency).

The SSIMEE participates in the 2018 EMPACT Priority Programme on preventing and combating crime, within the framework of the Europol Regulation.

In May 2017 the European Council set 'environmental crime' as a priority of the Multidisciplinary Platform Against Criminal Threats (EMPACT) with the aim of disrupting organised crime groups (OCGs) involved in environmental crime, and more particularly wildlife and illicit waste trafficking. Within the framework of this initiative, in October 2017 a common operational action plan was planned and approved in the Hague by 19 Member States, including Greece. Greece participates in most of the 18 actions under this annual (2018) plan. Many national authorities and agencies participate in the actions under the 2018 Operational Action Plan relating to the 'environmental crime' priority.

Their strategic goals are the following:

- through the detection of intelligence gaps, to identify and to monitor trends and new developments in the field of environmental crime affecting the EU, to detect its links to serious and organised crime and to identify the links between the latter and other criminal areas, in order to deliver an updated intelligence picture;
- to prepare and conduct coordinated inspections, investigations and prosecutions to detect and disrupt OCGs active in the area of environmental crime affecting the EU;
- to increase efforts to prevent threats relating to environmental crime, including through awareness-raising amongst relevant public and private actors, and building law enforcement's capacity to tackle environmental crime by improving their knowledge, skills and expertise based on training and the sharing of good practices;

- to enhance cooperation in the field of environmental crime with relevant non-EU partners, such as international organisations, regional fora, and non-EU source, transit and destination countries;
- to target OCGs involved in environmental crime using document fraud and false declarations, by involving experts, investigators and prosecutors, where relevant, as part of investigations in the area of environmental crime;
- to combat environmental crime by involving specialist financial investigators and prosecutors to identify and disrupt financial flows, tackle money laundering and facilitate asset recovery;
- to target perpetrators, including organised criminal groups, involved in online trade in licit and illicit goods and services in connection with environmental crime.

In 2015, the SSIMEE participated in a consultation on the measurement of metals at the fourth meeting of the Expert Users Group of the EU's Pol-PRIMETT II programme in Sofia, Bulgaria. Pol-PRIMETT II is run by the UK National Crime Agency and includes partners from eight EU Member States.

The customs authorities are familiar with Europol products and tools, such as the SOCTA and the Environmental Crime Threat Assessment. They contribute every year to the drafting of the SOCTA report by sending the relevant data to the competent police department.

It falls within the jurisdiction of the Public Security Division/Greek Police Headquarters to provide Europol with all the relevant data for the drafting of the SOCTA report (including data related to environmental crime). It is also worthwhile mentioning that every year the Public Security Division draws up the report on serious and organised crime in Greece<sup>9</sup>, in which (on the basis of data collected by all Greek LEAs) environmental crime is not considered a threat in Greece. All Europol products and tools are disseminated by the Greek Police Headquarters to the competent police authorities for use in relevant cases.

So far, there have been no cases requiring the use of such products and tools by the Environmental Protection Department.

#### *6.2.2. Experience resulting from the use of various environmental networks*

The SSIMEE has been a member of the IMPEL network since it began in 1992. The IMPEL National Coordinator for Greece is the Special Secretary of the Inspectorate of the Ministry of the Environment and Energy. The National Coordinator is expanding the network with additional national focal points for each thematic area and disseminates information to the relevant focal points within the country. Greece is involved in the 20 IMPEL projects for 2018 in the five thematic areas (industry and air, waste and TFS, water and land, nature protection, and cross-cutting tools and approaches), with participants from the relevant departments within the Ministry of the Environment and Energy. The projects focus on areas such as the development of tools for environmental permitting, inspections, better regulation, and reviews. Within 2018, one of the IMPEL board meetings is planned to be convened in Athens and a dedicated meeting with the National Coordinator and other focal points will also take place.

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<sup>9</sup> [http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=27865&Itemid=73&lang=greek](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=27865&Itemid=73&lang=greek) versions

Greece has experience with other networks, within the framework of IMPEL's cooperation with other networks, such as the European Network of Prosecutors for the Environment (ENPE), the EU Forum of Judges for the Environment (EUFJE), EnviCrimeNet, etc., and participates in the European Commission's Environmental Compliance Assurance (ECA) Initiative.

Representatives from the Ministry of the Environment and Energy participated in the new high-level Commission Expert Group – the Environmental Compliance and Governance Forum – established by Commission Decision C(2018)10, which took place in Brussels on 13 March 2018.

An official from the Environmental Protection Department participated in a meeting on environmental crime organised by the EnviCrimeNet network. The outcome of the meeting was positive, since it gave the participants the opportunity to exchange views, practices and experiences on how to deal with environmental crime.

After the on-site visit, the evaluators were informed that Greece, in part, the SSIMEE has established fruitful cooperation with Frontex, especially in the field of data extraction from satellite images.

### **6.3. Cooperation between the Greek authorities and Interpol**

Environmental inspectors from the SSIMEE also participated in the Enigma III business meeting, organised by Interpol, on the cross-border shipment of waste and hazardous substances.

### **6.4. Cooperation with the private sector**

#### *6.4.1. The involvement of the private sector/Public Private Partnership (PPPs)*

There is no provision for public-private partnerships to conduct environmental inspections. Article 20 of Law 4014/2011 (GG A 209, 21.9.2011) provides for the establishment of a register of private environmental auditors to assist public environmental authorities with inspections. The status of environmental auditor will be conferred by means of a permit issued by the General Secretary of the Ministry of the Environment and Energy. However, this provision is not yet in force and no inspections have been conducted thus far by private environmental auditors.

The private sector, in collaboration with the Directorate of Waste Management and Environmental Certification of the Ministry of the Environment and Energy, was involved in the creation of the national Electronic Waste Registry.

Under the provisions of Law 2939/2001 (GG A 179, 6.8.2001), as amended by Law 4496/2017 (GG A 170, 8.11.2017), the private sector participates in extended producer responsibility (EPR) schemes, which involve non-profit entities organised by the producers in order to fulfil their obligations. Thus, as part of such EPR schemes the private sector is responsible for inspecting and monitoring the compliance of collectors, carriers, and treatment facilities with current legislation and, where applicable, environmental management standards, on the basis of legally binding contracts that they are required to sign with these entities. When irregularities are detected, these are reported to both the regional environmental authorities and the HRA so that preventive and enforcement action can be taken.

The Ministry of the Interior does not at present run any programme in support of partnerships between municipalities and the private sector at the initial stage of the design process. The local authorities submit their applications directly to the General Secretariat of PPPs (<http://www.sdit.mnec.gr>).

The Ministry of the Interior's General Secretariat for Waste Management Coordination facilitates and supports public and private bodies in the context of licensing procedures, their integration into funding approval programs and the implementation of waste management projects. It also monitors the implementation of waste management projects and absorption of funded projects, and submits proposals for the resolution of any problems that arise.

For example, the Western Macedonia region stated that the private sector is involved in alternative waste management for specific categories (seven waste systems) by means of the organisation of alternative management and collection points, in accordance with Directive 2008/98/EC as transposed by Law 4042/2012 (GG A 24, 13.2.2012).

According to the Ministry of the Interior's General Secretariat for Waste Management Coordination, the private sector is mainly involved in waste management. Preventing and combating environmental crime is the responsibility of the public authorities which inspect the private sector.

*6.4.2. Liability regarding the obligation to pass on information to the competent authorities*

The obligations derive from the applicable legislation and the conditions set out in the private individual's authorisation. If an inspection reveals an infringement relating to the obligation to transmit information, administrative penalties are imposed.

In the case of EPR schemes sanctions may be imposed in the event of failure to report information to the HRA.

**Note 1:** The private sector, as long as it is involved in the production, recovery, disposal, storage, collection or transportation of waste, is obliged to keep records, to be registered with the Electronic Waste Register and to provide annual reports on waste producers' locations. Under Article 30 of Law 1650/1986 as amended, failing to register or to submit the abovementioned annual reports is illegal.

**Note 2:** Specific responsibilities/liabilities may be written into the public contract signed with the private sector entity (for construction and services) and depend on the type of project. However, the private sector must respect the relevant environmental legislation.

**Note 3:** According to Joint Ministerial Decisions 50910/2727/2003 (GG B 1909, 22.12.2003) and H.II. 13558/725/2006 (GG B 383, 28.3.2006, [www.et.gr](http://www.et.gr)), all waste management bodies must submit information to the legally responsible authorities.

According to Article 15 of Joint Ministerial Decision 50910/2727/2003 (GG B 1909, 22.12.2003) and Article 15 of Joint Ministerial Decision H.II. 13558/725/2006 (GG B 383, 28.3.2006), criminal, civil and administrative penalties are imposed on the guilty parties as applicable, as set out in Articles 28, 29 and 30 of Law 1650/196 (GG A 160, 18.10.1986).

### 6.4.3. *Experience of cooperation with the private sector*

Cooperation occurs between the public and the private sector for the purposes of preventing and fighting waste crime, e.g. a site has been created for identifying and reporting metal theft online (metalalert.gr).

The creation of the national Electronic Waste Registry is also an example of such cooperation.

As for the HRA, the EPR scheme for ELVs involves systematically reporting on the inspections and audits carried out at authorised treatment facilities dealing with ELVs, which has led to penalties being imposed on a small number of those facilities, including for issues relating to the adequate treatment of shredder light fraction.

## 6.5. **Conclusions**

- In general, Greece praised the cooperation with Eurojust and Europol in various areas, but there is no specific experience related to waste crimes. Greece has not yet established cooperation based on a JIT in that regard.
- Greece participates in different international fora, in particular the IMPEL network. Active involvement in EMPACT can be highlighted, particularly in view of the SSIMEE's participation in the global law enforcement INTERPOL operation 30 Days at Sea, aiming to tackle pollution crimes committed at sea, with a focus on illegal discharges at sea from vessels and illegal trade in waste via sea routes. Thus it can benefit from the professional exchange of knowledge, technical tools/developments, strategies and best practices in the enforcement of environmental policy, the prevention of environmental damage and the efficient sanctioning of environmental and waste crime.

- Furthermore, the Greek police is involved in existing agencies and networks, such as Interpol and EnviCrimeNet, which helps to improve its capacities in international police-to-police cooperation and thus information and intelligence exchange.
- There appears to be advanced cooperation between the LEAs, the public prosecutors, the environmental inspectors of the SSIMEE, the customs authorities and other competent authorities. Cooperation is established when there is suspicion of an environmental crime case. However, the cooperation between the environmental inspectors of the SSIMEE and local authorities could be improved to reflect the cooperation with the Region of Attica, the Department for Inspections & Measurements of the Regional Unit of Western Attica, which seems to be exemplary. Significant disparities exist between regions as regards the knowledge and means to fight environmental crime (the Region of Attica, the Department for Inspections & Measurements of the Regional Unit of Western Attica is very well positioned but other regions face many more problems). Furthermore, consideration should be given to carrying out meetings at regional level between regional law enforcement and environment agencies.
- The cooperation between the police, the customs authorities and inspectors could also be improved in terms of waste shipment controls on roads. At present, a memorandum of understanding is being negotiated between the relevant authorities in order to establish rules for more efficient coordination, as the coordination up to now has been on a case-by-case basis and success has depended on who is in charge.
- Informal and close cooperation exists between inspectors, police, prosecutors and the HRA. The latter was established as a private organisation with competence to carry out inspections on waste recycling. Apart from this good example of cooperation, in the evaluators' view more developed partnerships are needed between the public and private sector working in the field of environmental protection in order to enhance the fight against environmental crime.

## 7. ILLEGAL TRAFFICKING OF WASTE

### 7.1. National structure

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

Inspections of transboundary shipments of waste are carried out, pursuant to Article 57 of Law 4042/2012, by the Environmental Inspectorate and the local customs offices. The SSIMEE, and more specifically the Environmental Inspectorate, is thus responsible for preventing and combating illegal transboundary transportation of waste, in cooperation with the Directorate of Waste Management and Environmental Certification of the MEE and the customs authorities, in accordance with Article 58 of Presidential Decree 132/2017 (GG A 160) and Article 57 of Law 4042/2012 (GG A 24/13-02-12).

Where an inspection leads to infringement proceedings, the environmental inspectors recommend the imposition of administrative sanctions and notify the prosecutor competent for the imposition of criminal sanctions. The environmental inspectors are also special investigative officers (Article 9 of Law 4042/2012), so that in the case of criminal offences they have the competence, after informing the competent prosecutor, and with the assistance of the police, to proceed with the seizure of cargo or with the in flagrante delicto process.

In the course of investigations, the SSIMEE collaborates closely with the Directorate of Waste Management and Environmental Certification, acting as the competent authority of the WSR, with the regional authorities responsible for inspections of waste facilities that are subject to environmental authorisation and listed in Article 20(3) of Law 4014/2011 (GG A 209/21-09-11), as well as with the authorities responsible for inspecting transboundary shipments of waste.

Customs authorities are also responsible for preventing and combating the illegal shipment of waste. The customs authorities' role is to perform physical checks to verify that imported or exported goods correspond to what is stated in the customs declaration. In the event of a suspicious cross - border consignment of waste, customs offices of entry and exit check whether there are accompanying transport documents. If there is a strong suspicion or a report of illicit transport or if there is a request for documentary verification, the customs officers immediately inform the national authority competent for inspections - the Ministry of the Environment - and detain the cargo until they receive approval (or not) from the national competent authority.

#### *7.1.2. Detection of illegal shipments of waste*

The environmental inspectors carry out environmental inspections in accordance with the provisions of Article 9 of Law 2947/2001 (GG A 228). Environmental inspections may be triggered by complaints, anonymous or otherwise, instructions from prosecutors, requests by other public authorities, or notifications from the competent authorities of other Member States, but are also carried out in accordance with the annual programmes of routine environmental inspections of projects and installations. The major obstacle is that most inspection authorities, including the Environmental Inspectorate, are understaffed.

Especially in the case of cross-border waste transportation, illegal shipments are usually detected during routine physical checks by the local customs offices, or as a result of inspections triggered by information provided by the competent authorities of other Member States. Most illegalities are linked to administrative irregularities in the documentation that accompanies the shipment, i.e. misuse of waste codes, inability to produce binding contracts, etc.

Customs officers can detect an illegal shipment of waste by performing physical or documentary controls indicated by the risk analysis system. Controls can also be carried out following a report or complaint (formal or informal).

Illegal waste shipment is mainly detected through collection of information. The Environmental Protection Department verifies that the complaints reaching it are well-founded by locating the target/suspect. The main problems facing the Department are a lack of staff, vehicles and technical equipment.

#### *7.1.3. Specificity of illegal shipment of waste*

Environmental inspectors in northern Greece, where there are land borders, have noticed deliberate misclassification of cross-border cargoes connected to organised groups, which may also involve companies / activities both in Greece and in foreign countries as well.

It is common practice for those handling waste which falls under mirror entries in the Waste Catalogue to claim that the waste they are transporting falls into the non-hazardous category, and thus use the non-hazardous waste category in the waste transport procedure. There is no concrete data provided on how this practice, or illegal shipment in general, is linked to the activities of organised crime groups or individual perpetrators.

In general, there are many cases where the companies organising waste shipments declare waste as non-hazardous, but on inspection the waste proves to be hazardous. Another common practice is to describe the waste as a by-product. In addition, problems may arise during non-hazardous waste shipments where various transit countries are involved, causing confusion regarding the declared transport route and the final destination.

#### *7.1.4. Measures on shipment of wastes*

On the basis of Regulation (EC) No 1013/2006 on shipments of waste (WSR), Member States have established registration systems for collectors, transporters and operators of waste treatment facilities. Prior notification to the Ministry of the Environment and Energy (Department of Waste Management and Environmental Certification) is a prerequisite, and relevant documents have to be submitted by an operator.

For EU facilities, permits issued by the competent national authorities are recognised. For shipments outside the EU, inspectors require confirmation from the national authority responsible for the implementation of ESM (environmentally sound management) under the Basel Convention that the facilities where the waste is intended to be disposed of/ recovered meet environmental conditions equivalent to EU / international standards.

In addition, companies organising the shipment of non-hazardous waste to EU Member States and third countries for recovery are required, under Article 18 of the WSR, to send a copy of the relevant Annex VII document, signed by the recycling facility, indicating that the waste has been delivered and recycled.

The procedure established regarding pre-consented facilities, under Article 14 WSR, also helps to ensure safe and environmentally sound waste management.

The Ministry of the Interior, through its decentralised administrations and its General Secretariat for Waste Management Coordination, supervises the local authorities, which are subject to inspections and investigation by authorised auditing bodies. The National Planning Programme of Regular Inspections (Athens, June 2017) is available on the Ministry of the Environment & Energy website<sup>10</sup>.

The services of the regions and the decentralised administrations ensure that enterprises and organisations involved in the shipment of waste hold the appropriate legal permits issued by the competent environmental authority of the decentralised administration or other environmental authority responsible (MEE).

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<sup>10</sup> [www.ypeka.gr/LinkClick.aspx?fileticket=VV9Qsb%2B%2BAAM%3D&tabid=329&language=el-GR](http://www.ypeka.gr/LinkClick.aspx?fileticket=VV9Qsb%2B%2BAAM%3D&tabid=329&language=el-GR), see chapter V results of period 2012-2014.

## 7.2. Inspections

### 7.2.1. Methodology of inspections and follow-up

Sampling and sample analysis at accredited laboratories, portable analysers, field measurements, photographs and videos, and checks on permits, documents and certificates are the usual methods used during inspections.

The regions, local authorities and decentralised administrations may order or undertake inspections, according to their legal responsibilities.

The services of the decentralised administrations concerned are involved in the National Planning Programme of Regular Inspections in cooperation with the Ministry of the Environment & Energy.

The regions, through their environmental departments for inspections and measurements, undertake controls on compliance with environmental regulations and legislation, pursuant to Article 20 of Law 4014/2011 (GG 209A).

If an infringement is observed, a special report is drawn up, with the necessary data for identification of the infringement concerned. This report must be signed by all members of the inspection team who conduct the examination and is the vital document for certifying the offence committed. A copy of the report is given to the offender by hand or posted (glued) on the wall of the premises where she/he engages in the illegal activity. The report and the proposed fine are forwarded to the Regional Governor for a decision on whether or not to impose a fine.

In addition, the environmental quality control teams of the regions undertake actions related to environmental legislation and submit their reports to the appropriate government auditing bodies.

The General Secretariat for Waste Management Coordination of the Ministry of the Interior is responsible for the promotion of regional and national waste management planning, compliance, and also implementation of the EU environmental directives and regulations on public contracts.

The General Secretariat for Waste Management Coordination of the Ministry of the Interior may order authorised auditing bodies to gather data, undertake inspections and provide their conclusions as feedback. Public and private bodies must cooperate with the General Secretariat for Waste Management Coordination; they must provide any information that is required or may be useful and must comply with the Secretariat's instructions.

If national or EU legislation has been infringed, the General Secretariat for Waste Management Coordination of the Ministry of the Interior reports the infringement to the appropriate government auditing bodies so that they can take action according to their legal responsibilities.

A Ministry of the Interior working group carried out a semi-structured survey by conference call in the period 2-9 March 2018; in summary, there were found to be a few negative issues, such as set out below:

- poor resources;
- fewer staff allocated to inspections;
- lack of equipment when a detailed investigation is needed;
- the short duration of controls when the infringement is of short duration;
- lack of funds for transportation expenditure;
- lack of staff;
- lack of resources for inspections in rural areas.

These problems may prevent more accurate results being achieved in the field of environmental waste crime.

The operation of online systems by all bodies involved in the process of reporting, gathering and sending data to the Environmental Waste Crime Division of the Greek police, the local judicial authorities and the Environmental Waste Crime Investigation Board were presented as examples of best practice.

When environmental inspectors detect irregularities during an inspection, they draw up an inspection report and call on the offender in question to refute the inspection's findings in writing. Following the submission of the refutation, or upon expiry of the deadline set, the environmental inspectors prepare a reasoned report ascertaining whether or not an infringement has taken place. In environmental infringement cases, the infringement report is forwarded to the competent public prosecutor for investigation of any criminal act. In cases where there is found to have been pollution or degradation of the environment, or any other infringement provided for in Article 30 of Law 1650/1986 (GG A 160/16-10-86), the Environmental Inspection Department recommends the Minister of the Environment and Energy to impose a fine.

When appropriate, the environmental inspectors forward the reasoned infringement report to the licensing authority or to other competent authorities, such as the HRA or, in illegal shipment cases, to the Directorate of Waste Management and Environmental Certification (as competent authority for the WSR), and the latter applies the provisions of the WSR (Article 24).

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

Inspections of projects and activities, including WEEE facilities, are carried out on the basis of the National Environmental Inspection Plan and the annual programmes for routine environmental inspections for the period 2018-2022, which have been drawn up on a risk analysis basis to prioritise routine inspections. Inspections are also carried out upon complaints or at the request of other competent authorities.

Between 2013 and 2017, the Environmental Inspectorate for Southern Greece carried out 15 environmental inspections in WEEE management facilities.

Over the last decade, environmental inspectors from the Inspectorate for Northern Greece carried out four investigations on ELV management activities, including, in 2016, on an illegal transboundary shipment of waste declared as metal waste although it was shredder light fraction.

According to the Greek authorities, the biggest problem with regard to illegal transboundary shipments of waste, and illegal waste management generally, results from waste streams for which there is no adequate management network in the country, or from the fact that the cost of managing the waste is high and so deters owners. The overall quantity of WEEE reported through EPR schemes, with the exception of some lamps, is treated domestically. EPR schemes for WEEE offer financial incentives to scrap dealers to deliver WEEE to authorised treatment facilities, i.e. the EPR schemes have signed cooperation agreements with a large number of scrap dealers (scrap metal yards) and have established a schedule of reimbursement which is continuously adjusted to market requirements (i.e. prices of metal etc.).

WEEE quantities that are collected through this network are reported to the EPR schemes for WEEE, which are subsequently reported to the HRA.

The regions, the decentralised administrations, the local authorities and the General Secretariat for Waste Management Coordination of the Ministry of the Interior apply national and European regulations.

Under Law 1650/1986, as amended by Law 3010/2003 (GG 91A) and Law 4014/2011 (GG 209A), the services of the decentralised administrations apply control procedures following submission of a detailed, signed report or on their own legal responsibility.

The treatment of waste electrical and electronic equipment is classified as alternative waste management; the responsible organisation is the HRA. For example, the services of the Decentralised Administration of Western Macedonia participated in business inspections as part of a joint force under the Hephaestus programme of the Greek police. They recorded violations of relevant environmental legislation, mainly by the Roma minority.

### *7.2.3. First inspection plan*

The Waste Shipment Inspection Plan, which is considered to be the first inspection plan on the basis of Article 50 of the WSR, is currently under preparation by the SSIMEE Environmental Inspectorate, in collaboration with the Directorate of Waste Management and Environmental Certification of the MEE, the Directorate-General of Customs and Excise Duties at the Independent Authority for Public Revenue, the Greek police and the Greek coast guard. However, a large number of the production, treatment, and disposal facilities are already included in the National Environmental Inspection Plan and the Annual Routine Environmental Inspection Programmes for the period 2018-2022.

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

There was a case of illegal transportation of 165 tonnes of mercury from Germany to Greece in 2014. The Greek authorities classified this material as hazardous waste and informed the German authorities that the provisions of the WSR would be applied. The procedure for safe and legal transportation of the mercury to the country of origin (Germany) took almost a year. The requisite procedure was time-consuming.

The main challenge reported by the Greek authorities are in most cases the costs of notified waste; the notifier is given the opportunity to seek alternative ways to manage the waste, as laid down in the WSR, before take-back, to reduce both the cost and the environmental footprint of the recovery/disposal of the transported waste.

With regard to the application of the extended producer responsibility (EPR) principle, Law 2939/2001 (GG A 179/06-08-01) and specifically Article 24ID, set up the Directorate of Inspection, which, among other responsibilities, conducts and coordinates inspections of waste treatment facilities and producer units that fall under the extended producer responsibility principle. However, the Directorate is not yet operational, pending recruitment of staff.

The regions and decentralised administrations were contacted by the semi-structured survey and their feedback highlighted the following suggestions:

- Conduct regular audits of all activities related to the collection and transportation of waste.
- Change policy by imposing severe penalties on waste traffickers and punishment of the countries of waste origin.
- Provide more incentives to create recycling facilities in the country of waste origin.
- Create more landfills in the countries of waste origin.

### 7.3. Conclusions

- Inspections of transboundary shipments of waste are carried out by the environmental inspectorates and local customs offices. The SSIMEE, in particular the Environmental Inspectorate, is responsible for preventing and combating the illegal transboundary shipment of waste. When environmental inspectors detect infringements, they recommend imposition of administrative sanctions and notify the prosecutor competent for the imposition of criminal sanctions.
- The commitment of administrative bodies and their staff to tackling environmental infringements is very high. Despite the financial limitations and the lack of human resources, the environmental inspectors seem to handle a large number of inspections. Their efficiency would, however, be enhanced if more human resources were dedicated to tackle these issues at the regional and local level.
- The Electronic Registry of Waste that facilitates the work of environmental inspectors and allows them to avoid duplication of inspections carried out by other administrative authorities is, in the evaluators' view, an example of best practice.
- Ongoing efforts to set up a body of private inspectors to help the public bodies. They should be active in areas where the public inspectors lack expertise and resources (e.g. the SSI of the Ministry of the Environment and Energy, which is severely understaffed, does not currently have any inspector specialised in air pollution).<sup>11</sup>

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<sup>11</sup> After the on-site visit, the evaluation team was informed that in the aftermath of the summer fires in Attica for example, excellent collaborations with external partners (Demokritos Research Institute) were set up for monitoring air pollution.

- The Ministry of the Environment and Energy website and the National Planning Programme of Regular Inspections allow access to data on inspections, inspection outcomes and licenses. In the evaluators' view they are very useful tools for improving the efficiency of inspections, and thus examples of best practice.
- Customs is the other authority responsible for preventing and combating the illegal shipment of waste. The customs authorities' role is to perform physical controls to verify that imported or exported goods correspond to those stated in the customs declaration.
- As the coast guard and the traffic police are also involved in fighting the illegal shipment of waste, they should use the same typology as the customs authorities for the identification of illicit shipments of waste in their regular work. Nevertheless, they cooperate with environmental inspectors in an informal, flexible way.
- Although a number of actors are involved in tackling environmental crime, the use of intelligence, of special investigation techniques and of financial investigation seems to be limited. Therefore, in the evaluators' view, they should be used more widely to detect any possible connection with organised crime.
- Greece is a transit country for waste: illegal imports from Asia or Africa transit through Greece on their way to Central Europe. Therefore, strengthening structured cooperation with the neighbouring countries (such as Turkey) at the administrative and law enforcement level could increase the efficiency of the fight against illegal shipment of waste.

- Although Greece can be characterised as a transit country in terms of shipment of waste, be it legal or illegal, only a few on-road inspections are carried out (only two or three times a year). That is why the risk of detection is very low. Furthermore, these control measures focus more on traffic offences and document fraud than on the type of waste. Often a physical check of the waste does not even take place, and environmental specialists are not routinely present. The SSIMEE environmental inspectors focus more on the origin of waste.
- As by far the greatest number of cases of illegal shipment of waste are detected only through controls carried out on the road or in ports, this approach does not seem to be adequate to detect illegal shipments of waste and prevent the offenders from continuing their criminal activities. The more on-road inspections are carried out, the more likely it is that illegal shipments of waste will be detected. Apart from the frequency of controls, training and technical equipment for the officers conducting the physical checks on the consignments could increase the efficiency of the fight against the waste crime. Moreover, with regard to maritime transport, all the possibilities offered by Frontex should be examined<sup>12</sup>.
- Greece has adopted its first National Environmental Inspection Plan. It will cover the period 2018-2022 and identifies the needs of the various regions (e.g. 5600 regular inspections over these five years, 460 of which will take place in the Peloponnese region). A National Waste Shipment Inspection Plan is to be prepared to target this specific sector.

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<sup>12</sup> After the on-site visit, the evaluation team was informed that the SSIMEE has begun a fruitful cooperation with Frontex, especially in the field of data extraction from satellite images.

- As far as the handling of ELV is concerned, many operators collect ELV and sell the scrap metal, incurring almost no costs for waste management and therefore a considerable economic advantage, without permits and without proper management of the hazardous substances. A large number of ELV 'disappear' and the market is distorted for companies dismantling ELV in an environmentally sound manner. In the opinion of the evaluators, the Greek authorities could prevent this kind of illegal activity not only by raising public awareness of the serious environmental impact of illegal activities in the field, but also by creating legal/financial instruments and incentives to ensure compliance with the ELV regulations, i.e. that ELV should be entrusted exclusively to certified operators. There should also be a legal provision that depolluted cars need to go to a certified shredder.

## **8. MANAGEMENT OF HAZARDOUS WASTE**

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

The features of hazardous waste are set out in Law 4042/2012 (GG A 24/13-02-12); it presents a challenge as, in the majority of cases, it has negative market value and limited information is available regarding its hazardous properties. Hence, on the one hand, the producer tries to minimise the costs of management, and on the other hand, the competent authorities have difficulty in conducting the necessary physical checks or confiscating waste. When an irregularity is detected, it is usual for the inspecting authorities to be 'flooded' with information obtained on behalf of the interested party (test results, field studies, etc.), which are only partly relevant or irrelevant to the irregularity detected.

The Ministry of the Environment and Energy, in cooperation with the decentralised administrations, the regions, the HRA and the other ministries involved monitors:

- (a) the level of achievement of individual goals in the national plans for specific waste streams (e.g. medical waste); and
- (b) the actions specified in the National Hazardous Waste Management Plan (NHWMP), which was adopted on 30 December 2016 through Joint Ministerial Decision (GG B 4326/30-12-16).

Strict environmental protection requirements are set in the environmental permits for the production, collection, treatment, transportation and disposal of hazardous waste, including requirements to keep records of all identification forms and registrations, and report the activities on national electronic registers, to ensure traceability.

The conduct of regular environmental inspections of relevant facilities and activities, and emergency checks on complaints or at the request of other relevant bodies, are included as key measures to protect the environment and human health.

Regarding 'historical' hazardous waste, the NHWMP (issued in December 2016) provides that the operators responsible must take measures, by 30 June 2018, for the environmentally sound management of that waste and the rehabilitation of storage sites.

According to the 'polluter pays principle', facilities / industrial companies considered as waste producers are responsible for ensuring the final management of historical waste that is stored on their premises. These facilities must therefore submit 'compliance programmes' in which the final management of the historical waste is described in detail. These programmes are submitted to the competent authorities for issuing environmental permits (Environmental Authorisation Division of the Ministry of the Environment and Energy, or environmental directorates in the decentralised administrations), as also provided in the NHWMP. The implementation of these compliance programmes is monitored by the competent authorities for the environmental permits. As part of the overall environmental inspection, the competent inspection authorities suggest compliance plans to facilities / industrial companies in cases where environmental damage has been caused, including the storage of historical hazardous waste, pursuant to Law 4014/2011 (OGG 209 A).

In addition, the Directorate for Waste Management and Environmental Certification is also responsible for monitoring the final treatment of historical hazardous waste, under the judgment of the European Court of Justice in C-584/14 regarding hazardous waste. More specifically, every six months the Directorate collects data from the companies responsible (waste producers) and reports the amount of historical waste that is finally handled. At the moment the main amounts have been exported abroad, pursuant to Regulation (EC) No 1013/2006.

## 8.2. The system of inspections and the authorities involved

The competent administrative authorities for carrying out environmental inspections are the following, pursuant to Article 20 of Law 4014/2011 (GG A 209/21-09-11):

- the environmental inspectors at the Special Secretariat of the Inspectorate of the MEE,
- the licensing authority, for preventive inspections in the environmental licensing process,
- the relevant departments of the decentralised administrations and regions for projects and installations under their jurisdiction,
- the Environmental Quality Control Audit Teams for projects and installations under their jurisdiction.

The frequency of routine environmental inspections of major projects and installations is determined in the National Environmental Inspection Plan and the Annual Environmental Inspection Programmes for the period 2018-2022, which have been formulated based on a systematic appraisal of the environmental risks of the projects and installations concerned. The period between two site inspections must not exceed one year for projects and installations posing the highest risks and 10 years for projects and installations posing the lowest risks.

The frequency of non-routine inspections depends on factors such as the number of complaints, the seriousness of the case, the number of investigations assigned by the prosecutor, the GIPA instructions, past incidences of non-compliance, etc.

With regard to the application of the EPR principle, Article 24ID of Law 2939/2001 (GG A 179/06-08-01) set up the Directorate of Inspection, which, inter alia, conducts and coordinates inspections of waste treatment facilities and producer units that fall under the extended producer responsibility principle. However, the Directorate is not yet operational, pending recruitment of staff.

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

Strict environmental protection requirements are set in the environmental permits for the production, collection, treatment, transportation and disposal of hazardous waste, including requirements to keep records of all identification forms and registrations, and report the activities on national electronic registers, to ensure traceability.

The conduct of regular environmental inspections of relevant facilities and activities, and emergency checks on complaints or at the request of other relevant bodies, are included as key measures to protect the environment and human health.

All stakeholders involved in waste management (collection, transport, treatment and disposal) must be duly licensed under national legislation, and report their activity through the Electronic Waste Registry.

Article 20 of Law 4042/2012 (GG A 24/13-02-12) lays down an obligation to keep records on waste, in line with Article 35 of the Waste Framework Directive. The operation of the national Electronic Waste Registry is also very helpful in this regard. In addition, EU Directive 2008/68 on inland transport of dangerous goods (ADR), the International Maritime Dangerous Goods Code (IMDG) and the International Carriage of Dangerous Goods by Rail (RID) rules apply to the transport of hazardous waste.

#### **8.4. Trends in illegal hazardous waste management**

It is common practice to designate hazardous waste either as non-hazardous, without the required documentation, as raw material, or by-products (entry with incorrect European Waste Codes - EWC).

There is historical hazardous waste in the country, according to the relevant judgment of the European Court of Justice.

A particularly common modus operandi is the storage of hazardous waste on the producer's premises, in order to avoid the cost of environmentally sound management of that waste. The NHWMP states that this problem is mainly due to the lack of adequate treatment infrastructure in the country and the high costs of exporting waste for treatment. It offers a detailed plan for dealing with the historical hazardous waste, which entails:

- Regular inspections of industries with accumulated historical waste.
- Submission by each industrial company of a detailed waste management plan for historical waste. The plan must be submitted prior to any claim for renewing/amending the environmental permit.
- Approval of these plans by the appropriate competent authority.
- Sanctions for not implementing these plans (including fines under EU legislation) on non-compliant companies.
- All actions have to be completed by the end of the first half of 2018.

The operation of the Electronic Waste Registry, in place since the beginning of 2017, is expected to deal with illegal treatment of waste and solve data collection issues, contributing also to enforcement.

The regions and decentralised administrations have been contacted by our semi-structured survey and their feedback has highlighted the following:

- Disposal of hazardous waste in municipal waste bins with or without wheels (for example paints, gas filters, toners, inks, batteries, other chemicals, etc.).
- Underground illegal waste dumps.
- Illegal waste in surface waters, for example from leather processing industries.
- There are no common modus operandi and trends concerning illegal waste management.
- Mismatch between the waste declared to the public authorities and the actual waste found on site (e.g. waste lubricants, oils, etc.).
- Mismanagement of waste codes by enterprises.

Trading of alternative management products by unregistered producers not included in alternative waste management systems.

## 8.5. Conclusions

- Law 4042/2012 (GG A 24/13-02-12) defines hazardous waste. Strict environmental protection requirements are set in the environmental permits for the production, collection, treatment, transportation and disposal of hazardous waste, including requirements to keep records of all identification forms and registrations, and report the activities on national electronic registers, to ensure traceability.
- According to the 'polluter pays principle', facilities / industrial companies considered as waste producers are responsible for ensuring the final management of historical waste that is stored on their premises. They must submit 'compliance programmes' in which the final management of historical waste is described in detail. These programmes are submitted to the authorities competent for issuing environmental permits, as also provided for by the NHWMP. The implementation of these compliance programmes is monitored by the competent authorities for the environmental permits. The competent inspection authorities suggest compliance plans to facilities / industrial companies.
- There are few facilities for environmentally sound treatment of hazardous waste in Greece and the identification of infrastructure needs is still ongoing. Combined with the hitherto relatively low risk of facing a control on the road, this may be an incentive to criminal activities in that field. The inspection plan for the shipment of waste, which is currently being finalised in the MEE, should include more frequent traffic controls, and the planning should bear in mind that the people carrying out the controls need the necessary training and technical equipment (e.g. hand-scanners) to be able to make physical checks on consignments. The memorandum of understanding being developed between the police and the enforcement authorities is an important further step towards efficient controls.

- The Environmental Authorisation Division of the Ministry of the Environment and Energy and/or the environmental directorates in the decentralised administrations issue environmental permits. The inspectors of these bodies may impose sanctions in the case of infringements, but in more serious environmental crime cases they need to cooperate with the competent authorities, such as the police, the customs authorities and public prosecutors. Therefore, in the evaluators' view, the inspectors' work could be more effective if this cooperation were more closely coordinated, particularly at national level, among LEAs, customs, environmental and administrative authorities, by clearly defining their roles and ensuring a secure system for actively sharing information between them.
- In accordance with the National Environmental Inspection Plan and the Annual Environmental Inspection Programme for 2018-2022, the period between two site inspections must not exceed one year for projects and installations posing the highest risks and 10 years for projects and installations posing the lowest risks. Thus the frequency of inspections of compromised areas is deemed by the evaluators to be an example of best practice.

## 9. ILLEGAL PRODUCTION OR HANDLING OF DANGEROUS MATERIALS

### 9.1. The concept of dangerous materials

The definition of hazardous substances and mixtures in national legislation coincides with the definition given in Article 3 of Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (the CLP Regulation).

With respect to hazardous waste in particular, the Annex to Commission Regulation (EU) No 1357/2014 (replacing Annex III to Directive 2008/98/EC), which lists properties of waste that render it hazardous, applies.

Regarding chemicals, Greece has implemented the EU legislation on the classification of dangerous substances, mixtures and articles (the CLP Regulation). No additional definition of the term 'hazardous compounds' has been developed in Greek legislation.

According to Article 3 of the CLP Regulation, 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, is hazardous and must be classified in relation to the respective hazard classes provided for in that Annex. For the purposes of the CLP Regulation, the articles referred to in section 2.1 of Annex I must be classified, labelled and packaged in accordance with the rules for substances and mixtures before being placed on the market [Article 4(8)].

'Dangerous goods' means those substances and articles the carriage of which is prohibited by the ADR, or authorised only under the conditions prescribed therein. In case of uncertainty the matter is referred to the General Chemical State Laboratory of the Hellenic Republic.

For substances and mixtures falling under the scope of Directives 91/414/EEC and 98/8/EC (plant protection products and biocides, respectively), the enforcement authorities are the Ministry of Rural Development and Food and the National Organisation for Medicines of the Ministry of Health and Social Solidarity. For the remaining substances, mixtures and articles falling under the scope of the CLP Regulation, the enforcement authority is the General Chemical State Laboratory (GCSL). The Directorate of Energy, Industrial and Chemical Products is the competent authority for legislation concerning the classification of dangerous substances, mixtures and articles.

The independent authority for public revenue, the GCSL, is the competent authority for the classification of dangerous goods for road and rail transport.

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

With regard to hazardous waste, the following body of legislation, in the form of Joint Ministerial Decisions (JMDs), sets management restrictions and requirements:

- JMD 24944/1159/2006, as amended, concerning general specifications/standards for the management of hazardous waste;
- JMD 36060/1155/E.103/2013 for the transposition of the Industrial Emissions Directive (IED) into national law;
- JMD 62952/5384/2016 concerning the approval of the national plan for the management of hazardous waste.

With respect to the control of major accident hazards involving dangerous substances, Joint Ministerial Decision 172058/2016 (GG B 354, 17.2.2016) transposes Directive 2012/18/EU (SEVESO III) into national law.

Certain dangerous goods are barred from road carriage while others may be carried in road vehicles subject to compliance with the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR). Excessively dangerous goods for which road transport is prohibited are specified in table A of Chapter 3.2 of the ADR. The 2017 version of the ADR has been transposed in our country through Joint Ministerial Decision Γ5/22039/2825 (2915B/2017).

In the environmental inspectors' experience, there are many different kinds of illegal activities related to the illegal production or handling of dangerous materials, e.g. collectors and transporters not having the appropriate license, and facilities not having a suitable infrastructure for recycling scrap metal.

Legislative Decree 181/1974 (GG A 347) contains provisions to protect against ionising radiation. More specifically, pursuant to Article 8 thereof, releasing radioactive substances, whether intentionally or through negligence, or directly or indirectly exposing persons to ionising radiation in such a way as to endanger their life, health or property is punishable by imprisonment, in serious cases for life. Furthermore, setting up or using radioisotope laboratories or ionising radiation generating machines without a license is also punishable.

Moreover, paragraphs 2 and 3 of Article 28 of Law 1650/1986 provide that anyone who causes pollution or degrades the environment in a way that may cause danger of severe pollution or degradation, or causes a risk of foetal or human death or the occurrence of a severe physical or mental illness in a newborn or a severe physical or mental illness in a human being, or causes their death, can be punished with imprisonment of up to ten years and a monetary fine of up to EUR 500,000.

The country's regions, decentralised administrations and local authorities (municipalities) apply the national and EU rules and standards in the field of environmental waste crime, but they are not responsible for amending or making changes to the laws on the production or handling of dangerous materials and the existing law enforcement authorities.

The General Secretariat for Waste Management Coordination of the Ministry of the Interior has the right to submit proposals for regulations/laws to the appropriate national government bodies in order to ensure that Greece fully complies with EU regulations, laws and standards.

Note 1: The Greek Atomic Energy Commission of the General Secretariat for Research and Technology of the Ministry of Education, Research and Religious Affairs is also responsible for monitoring, measuring, etc. of such materials<sup>13</sup>.

Note 2: The General Secretariat for Civil Protection works on emergency management issues relating to technological and chemical, biological, radiological and nuclear accidents, and it has produced protection guides, instructive manuals and other publications<sup>14</sup>.

Some of the country's decentralised administrations stated that they have been informed about incidents involving the illegal disposal of hazardous waste. In such cases, Law 4042/2012 applies.

From the Greek perspective, an increase has been observed in the production and handling of dangerous materials over the last decade. In general, the country's regions, decentralised administrations and local authorities (municipalities) and the General Secretariat for Waste Management Coordination of the Ministry of the Interior send all environmental waste crime reports which comply with the legal aspects requirements to the Greek judicial system (including the Environmental Attorney) as input for incoming cases, for their critical evaluation.

The General Secretariat for Waste Management Coordination of the Ministry of the Interior produces an annual report, which is presented to the Environmental Committee of the Hellenic Parliament.

- One observed trend is that of storing waste on the production site for a long time before carrying out proper environmental management.
- Another observed trend is the violation of basic rules on the storage and guarding of dangerous waste prior to its being shipped to the legally authorised waste management bodies.

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<sup>13</sup> For more information, please see: <https://eeae.gr/>, <https://eeae.gr/en/legislation>

<sup>14</sup> For more information, please see: <http://civilprotection.gr/el>

### **9.3. Procedural aspects**

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

The Forensic Division of the Greek police has not been involved in any relevant cases to date, as no evidence regarding environmental cases has been sent to it by the relevant authorities.

The whole process is carried out by environmental scientists.

#### *9.3.2. The cooperation with European and international partners*

The Environmental Protection Department is only involved in criminal proceedings.

#### *9.3.3. Techniques of investigation*

As handling dangerous materials may constitute a serious offence punishable by 5 to 10 years' imprisonment plus a monetary fine, the public prosecutor and the investigative judge are not bound by banking secrecy or communication secrecy when it comes to collecting the necessary evidence of the crime under investigation.

#### *9.3.4. Main obstacles to successful investigation and prosecution*

The Greek authorities reported that the Environmental Protection Department does not possess the necessary technical equipment or specialised staff. The whole process is carried out by specialised scientists.

### 9.3.5. *Training*

The staff of the Ministry of the Interior, the regions, decentralised administrations and local authorities (municipalities) and the General Secretariat for Waste Management Coordination of the Ministry of the Interior attend training courses and sessions related to environmental waste<sup>15</sup> in the general framework of sustainable development.

The National Centre for Public Administration and Local Government (EKDDA) is the national strategic agent for the development of public administration and local government human resources.

It was founded in 1983. It is a public entity supervised by the Minister for the Interior and Administrative Reconstruction. Its main mission is to improve the functioning and effectiveness of the public services and public agents through documentation research and through consultative support, to upgrade the public administration's human resources through life-long learning and certified knowledge and skills training, and to produce specialised officers quickly. This mission is achieved through a series of targeted actions and initiatives that are implemented by the National School of Public Administration and Local Government (ESDDA) and the Institute of Training (INEP) with its decentralised annex in Thessaloniki (PINEPTH) and its Documentation and Innovations Unit (Motek).

The NSoJ included courses for all members of the judiciary.

Furthermore, the Centre for Security Studies (KEMEA), the Ministry of the Interior's think-tank on security policy, is implementing a number of training and awareness-raising activities about CBRN incidents and threats within the framework of EU-funded projects. KEMEA has already implemented the ISEC CBRN project, funded by the EU's ISEC mechanism. The project objectives were:

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<sup>15</sup> <http://www.ekdd.gr/ekdda/index.php/gr/2012-09-06-11-30-13/2014-10-22-09-58-44>

1. To acquire technological equipment for the laboratories of the Forensic Division of the Greek police to significantly improve its existing capabilities.
2. To assist the Forensic Division of the Greek police with complying with relevant EU directives while promoting collaboration with the respective agencies of other EU countries through the transfer of know-how and common training activities.
3. To prepare and organise international high-level workshops with the participation of political and institutional figures, police officers and expert scientists from around Europe.

Moreover, since 2016, KEMEA has been implementing the project 'Shielding South-East Europe from CBRN-E threats – S.S.E.E.'. The project is coordinated by KEMEA and is funded by the Internal Security Fund – Police Cooperation. The main objectives of the programme are:

- To raise awareness among first-line practitioners (police officers, coast guards, customs officers, etc.) in Greece and Cyprus, mainly at a preventive level, in order to be able to recognise and identify CBRN-E threats;
- To train the involved personnel (police officers, coast guards, customs officers) in the detection and mitigation of CBRN-E risks which have cross-border and cross-sector aspects;
- To improve the law enforcement training offer, especially for CBRN-E first responders and in the area of special intervention;
- To improve cooperation and coordination between first-line practitioners in Greece and Cyprus;
- To raise awareness, develop guidance and train critical infrastructure personnel in relation to CBRN-E threats.

The aims of the training curricula are:

1. To incorporate all the recent developments in relation to CBRN-E;
2. To address the current and foreseeable needs of first-line practitioners as regards recognising and responding to that threat;
3. To assist the respective countries' first-line practitioners in their everyday work.

Furthermore, personnel of the Division of Special Police Forces have participated in the following seminars:

- NATO Seminar on the training of trainers on CBRN incidents (Czech Republic, 4-8/4/2016)
- Educational action within the CBRN-E Advisory Group (Belgium, 22-27/5/2016)
- Trainers seminar on CBRN incidents, held by NATO (Turkey, 16-20/10/2017)

#### 9.4. Conclusions

- 'Dangerous goods' means those substances and articles the carriage of which is prohibited by ADR, or authorised only under the conditions prescribed therein. In case of uncertainty, the matter is referred to the GCSL.
- Many actors are involved in the fight against the illegal production and handling of dangerous materials. Apart from the police, there is also the Ministry of Rural Development and Food and the National Organisation for Medicines of the Ministry of Health and Social Solidarity with regard to biocides, or the country's regions, decentralised administrations and local authorities (municipalities), depending on the nature of the dangerous materials.
- As organised crime often has links with the handling of dangerous materials, intelligence information should be used more often in order to detect the illegal production or handling of dangerous materials. This includes using special investigation and financial investigation techniques more widely.
- The staff of the Ministry of the Interior, the regions, decentralised administrations and local authorities (municipalities) and the General Secretariat for Waste Management Coordination of the Ministry of the Interior attend training courses and sessions related to environmental waste in the general framework of sustainable development. The National Centre for Public Administration and Local Government (EKDDA) is the national strategic agent for the development of public administration and local government human resources.
- Training courses and awareness-raising campaigns on CBRN incidents and threats within the framework of EU-funded projects have been implemented by the Centre for Security Studies (KEMEA), the Ministry of the Interior's think-tank on security policy.

## 10. FINAL REMARKS AND RECOMMENDATIONS

### 10.1. Recommendations

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

Greece should conduct a follow-up examination of the recommendations made in this report 18 months after the evaluation and submit a progress report to the competent working party.

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

#### *10.1.1. Recommendations to Greece*

Greece should:

1. work on the establishment of the national strategy defining the objectives in the fight against environmental crime and the roles of the relevant bodies involved in that fight; (cf. 3.1 and 3.6)
2. designate, at national level, a single body in charge of coordinating the efforts conducted by all the authorities involved in the fight against environmental crime so as to achieve more effective cooperation among them; (cf. 3.1, 3.6, 4.4.1 and 4.6)
3. enhance the collection of comprehensive statistics in order to obtain an integrated and overall picture of the phenomenon of environmental crime and to follow the development of cases at all stages of the proceedings, be they criminal or administrative; (cf. 3.3.2 and 3.6)

4. enhance the capacity of the prosecution service in fighting environmental crime by designating specialised prosecutors at regional level, and designate a senior prosecutor at central level with the coordinating powers to address cross-regional experience and disseminate knowledge of procedural matters in environmental cases; (cf. 4.1 and 4.6)
5. consider enhancing the number of environmental inspectors in the Special Secretariat of the Inspectorate of the Ministry of the Environment and Energy and building up the structure of inspectorates at regional level by ensuring that staff have the necessary skills to carry out inspections in more effective way; (cf. 4.2.1 and 4.6)
6. improve the capacity of the police to fight environmental crime, in particular by providing trained and specialised staff at regional level; (cf. 4.2.1 and 4.6)
7. increase the focus on the education and training of judges in the field of environmental crime; (cf. 4.5 and 4.6)
8. enhance training of all practitioners involved in the fight against environmental crime (law enforcement, inspectors, customs officers, coast guards and prosecutors); (cf. 4.5 and 4.6)
9. improve the awareness of all practitioners involved in the fight against environmental crime so that they attribute sufficient importance to this form of criminal activity; (cf. 4.5 and 4.6)
10. consider clarifying the distinction between administrative and criminal violations so that there is no doubt as to the seriousness of environmental crime, referring to the cost of legal disposal of waste or other standards; (cf. 5.1.1, 5.1.3 and 5.5)
11. finalise the implementation of Framework Decision 2009/948/JHA on prevention and settlement of conflicts of jurisdiction; (cf. 5.4.2 and 5.5)

12. consider using more information from intelligence and use financial investigation techniques more widely to detect possible links with organised crime when tackling environmental crime. All possibilities offered by Frontex should be examined; (cf. 4.2.2, 7.1.2 and 7.3)
13. consider carrying out more frequent road controls with a focus on the illegal shipment of waste and enhancing the training and technical equipment available to public servants conducting physical controls on shipments; (cf. 7.2.1 and 7.3)
14. consider enhancing structured cooperation with neighbouring countries at LEA level; (cf. 7.2.4 and 7.3)
15. consider developing legal or financial instruments to ensure compliance by the communities with the ELV Regulation in order to ensure that ELVs are treated by certified operators only; (cf. 7.2.2 and 7.3)
16. is encouraged to remove existing obstacles that provide incentives to commit environmental crime (build waste and hazardous waste facilities in line with the existing action plans); (cf. 8.1 and 8.5)

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

1. The Member States should consider facilitating the work of environmental inspectors so that they can avoid duplicating inspections carried out by different administrative authorities, following the example of the Electronic Waste Registry developed by Greece; (cf. 3.5 and 3.6)

2. The Member States are encouraged to seek specialised, highly educated and committed staff for checking cross-border shipments of waste and conducting site inspections, such as the staff conducting work for the SSIMEE and the Regional Inspectorate of the Region of Attica; (cf. 4.3, 4.6 and 7.3)
3. The Member States should consider exploring the possibility of applying witness protection programmes, including the anonymisation of personal data, to protect the source of information in serious environmental crime cases; (cf. 5.1.4 and 5.5)
4. The Member States should consider involving NGOs dealing with environmental protection in cooperation with public authorities involved in fighting environmental crime, as has been done in Greece between the SSIMEE and NGOs; (cf. 5.1.5 and 5.5)
5. The Member States are advised to enhance smooth and flexible cooperation at national and local level among the main actors involved in combating environmental crime, following the Greek example of cooperation between prosecutors, environmental inspectors, the police and customs officers; (cf. 7.2.1 and 7.3)
6. The Member States should consider introducing a system to distribute income from fines in order to strengthen the financial capacity of law enforcement agencies and give them more impetus for conducting efficient controls. (cf. 3.6)

#### *10.1.3. Recommendations to Eurojust/Europol/Commission*

1. The Commission should consider funding more programmes aimed at fighting environmental crime; (cf. 3.6)

## **ANNEX A: PROGRAMME OF THE VISIT**

### **Monday 23 April 2018**

Arrival of the evaluators in Athens

### **Tuesday 24 April 2018**

**09.00**                    **Departure from the Hotel to the Ministry of Justice, Transparency & Human Rights**

**Accompanied by:** Ms Sophia SOTIROPOULOU, Judge of the Court of Appeal  
Mr Kostas SKOUVARIS, Judge of the Court of First Instance

**09:30 - 10:00**        **Welcome speech and opening remarks**

**Speaker:** Ms Sophia SOTIROPOULOU, Judge of the Court of Appeal

**10:00 - 10:30**        **The Prosecution Authority**

**Speaker:** Ms Kelly THEOLOGITOU, Prosecutor of the Court of First Instance

**10:30 - 11:00**        **Ministry of the Environment and Energy (MEE)**

**'The role of the MEE in preventing and combating environmental crime'**

**Speaker:** Ms Eleni GLIPTI, Head of the Environmental Inspection Department of Southern Greece, Special Secretary of the Inspectorate of the Ministry of the Environment and Energy

**11:00 - 11:30**        **Directorate for the Environment and Climate Change of the Region of Attica**

**'Legal framework and environmental inspections in the Region of Attica'**

**Speaker:** Dr Argyri PARASKEVOPOULOU, Director for the Environment and Climate Change, Region of Attica

**11:30 - 12:00**        **Coffee break**

**12:00 - 12:30 Public Prosecutor's office**

**'The legal framework'**

**Speaker:** Ms Kelly THEOLOGITOU, Prosecutor of the Court of First Instance

**12:30 - 13:00 Greek police**

**'Actions of the Greek police on environmental crime'**

**Speakers:** (a) Police Major Zoi TZIKA, Public Security Division/Greek Police Headquarters

(b) Police Major Anastasios KARAGIANNIS, Environmental Crime Department/Attica Security Division

**13:00 - 13:15 IAPR Directorate-General for Customs and Excise**

**'Implementation of Regulation 1013/2006 on shipments of waste'**

**Speakers:** Ms Eugenia CHRONA, Customs Officer  
Ms Maria PICKLA, Customs Officer

**13:15 - 13:30 The Greek FIU**

**Speaker:** Joan Adrakta, Analyst, Greek FIU.

**13:30 - 13:45 Greek Coast Guard**

**'The role of the Greek coast guard's public security department as regards the prevention and repression of crime'**

**Speaker:** Konstantinos KOURTAKIS, Lieutenant Junior

**13:45 - 15:00 Lunch on the Ministry's premises**

**15:00 - 15:30 Ministry of the Interior**

**'Findings and conclusions on the role of local authorities and their solid waste management associations in preventing and combating environmental crime through the experience of the General Secretariat of Waste Management Coordination of the Ministry of the Interior'**

**Speaker:** Ms Kalliopi POTHOU

**15:30 - 16:30 Questions & Answers**

**8th round of Mutual Evaluations**  
**The practical implementation and operation of European policies on**  
**preventing and combating Environmental Crime**



**Expert evaluation visit to Greece 24-27 April 2018**

25 April 2018, 11.00-15.00h

Ministry of Environment and Energy

**AGENDA**

**Attending:**

**Ministry of Environment and Energy/Hellenic Recycling Agency – according to List of Attendands**

**Genval on-site Evaluation Team – according to List of Attendands**

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**Welcome & Introductions – DERMATAS Dimitris**

**Brief overview of the roles, responsibilities & legislative framework on preventing and combating Environmental Crime (11:10-11:40)**

- a. Ministry of Environment and Energy
  - i. Special Secretariat of Inspectorate of the Ministry of Environment and Energy
    - 1. Department of Environmental Inspection – *GLIPTI Eleni* (10 min)
    - 2. Coordination office for the implementation of the environmental liability – *POULI Stavroula* (5 min)
  - ii. General Directorate for the Environmental Policy
    - 1. Directorate of Waste Management and Environmental Certification – *ARFANAKOU Anastasia* (10 min)
- b. Partner agencies & authorities
  - i. Hellenic Recycling Agency – *CHARITOPOULOU Rozy* (5 min)

**Coffee - Discussion (11:40-12:00)**

**Implementation and operation issues on preventing and combating Environmental Crime (12:00-13:20)**

- a. National Environmental Inspection Plan & Waste Shipment Inspection Plan – *ECONOMOPOULOU Alexia & NIKIFORAKI Maria* (20 min)
- b. National Waste Management Plan & National Hazardous Waste Management Plan, National Electronic Waste Registry – *MATZAVA Georgia & BOURA Fotini* (20 min)
- c. European Networking and Training
  - i. European Network for the Implementation and Enforcement of Environmental Law - IMPEL – *STATHA Thalia* (10 min)
  - ii. The priority “Environmental Crime” of the Multidisciplinary Platform Against Criminal Threats (EMPACT) – *LIOGKAS Vasilis* (10 min)
- d. Extended Producer Responsibility Schemes (Hellenic Recycling Agency) – *PODIOTIS Dimitrios* (10 min)
- e. Cooperation with other national authorities - Case Studies – *VAGGELINOS Vassilis* (10 min)

**Questions & Answers (13:20-14:00)**

**Lunch Break (14:00-15:00)**

## LIST OF ATTENDANDS

### Ministry of Environment and Energy/Hellenic Recycling Agency

- |    |                         |   |
|----|-------------------------|---|
| 1  | Mr DERMATAS Dimitris    | Special Secretary of Inspectorate of the Ministry of Environment and Energy (SSIMEE)<br>IMPACT Coordinator for Environmental Crime<br>IMPEL National Coordinator  |
| 2  | Ms ELEFThERiADOU Sonia  | Director of the Inspectorate of Southern Greece (ISG)   |
| 3  | Ms GLIPTI Eleni         | Head of the Department of Environmental Inspection (DEP-ISG)  |
| 4  | Mr GLYTSIS Manolis      | Environmental Inspector (DEP-ISG)<br>Coordinator -Project Management Team for the National Environmental Inspection Plan  |
| 5  | Ms ECONOMOPOULOU Alexia | Environmental Inspector (DEP-ISG)<br>Project Management Team for the National Environmental Inspection Plan   |
| 6  | Mr VAGGELINOS Vassilis  | Environmental Inspector (DEP-ISG)   |
| 7  | Ms POULI Stavroula      | Head of the Coordination office for the implementation of the environmental liability (COEL)  |
| 8  | Ms NIKIFORAKI Maria     | Environmental Inspector (COEL)<br>Project Management Team for the National Environmental Inspection Plan  |
| 9  | Ms ARFANAKOU Anastasia  | Director of the Waste Management and Environmental Certification (WMEC)   |
| 10 | Ms BOURA Fotini         | Head of the Department of Waste Registry, Licensing and Statistics of WMEC  |
| 11 | Ms KARPODINI Alexandra  | Department of Waste Registry, Licensing and Statistics of WMEC  |
| 12 | Ms VEROUCHI Athina      | Department of Waste Registry, Licensing and Statistics of WMEC  |
|    | Ms MATZAVA Georgia      | Department of Waste Management of WMEC  |
| 13 |                         |   |
| 14 | Ms STATHA Thalia        | Environmental Permitting Division / Industrial Installations Unit<br>IMPEL Thematic Contact Point (Industry and Air)  |
| 15 | Mr LIOGKAS Vasileios    | Expert Advisor (responsible for waste management) of the Alternate Minister of Environment and Energy<br>Coordinator of the Project Management Team (inter-ministerial level) for National Strategic Plan of Cyclical Economy |
| 16 | Mr VARELIDIS Petros     | Expert Advisor (responsible for EU & international issues) of the Alternate Minister of Environment and Energy<br>Director of the National Center of Environment and Sustainable Development                                  |
| 17 | Ms KONSTANTINOU Pigi    | Expert Advisor of the SSIMEE, Lawyer  |
| 18 | Ms STAMATI Fotini       | Expert Advisor of the SSIMEE, Environmental Engineer  |
| 19 | Ms CHARITOPULOU Rozy    | Head of Unit Recycling Department at Hellenic Recycling Agency  |
| 20 | Mr PODIOTIS Dimitrios   | Hellenic Recycling Agency   |
| 21 | Mr EVANGELOS KYRITSIS   | Hellenic Recycling Agency   |

### Genval on Site Evaluation Team

- |    |                              |   |
|----|------------------------------|---|
| 22 | Mr BUCZMA Slawomir           | <u>Council of European Union</u><br>Seconded National Expert  |
| 23 | Ms GIGLIO Giovanna           | <u>Council of European Union</u><br>Administrator   |
| 24 | Ms WUST Anja (Germany)       | <b>Expert</b><br>Public Prosecutors Office in Frankfurt<br>Public Prosecutor  |
| 25 | Mr KJIERZYNKA Rafal (Poland) | <b>Expert</b><br>Ministry of Justice<br>Judge seconded to the Ministry of Justice<br>Head of the Unit for European and International Criminal Law   |
| 26 | Mr KOPOREC Ondrej (Slovakia) | <b>Expert</b><br>Ministry of Interior of the Slovak Republic<br>Presidium of the Police Force<br>Criminal Police Bureau<br>Department for Detection of Hazardous Substances and Environmental Crime<br>Senior Police Investigator |
| 27 | Mr COUNINIOTIS Yannis        | <u>Commission</u><br>DG Environnement   |

**Thursday 26 April 2018**

- 08:30**                    **Departure from the hotel to the Directorate for the Environment and Climate Change of the Region of Attica**
- Accompanied by:** Ms Sophia SOTIROPOULOU, Judge of the Court of Appeal  
Mr Kostas SKOUVARIS, Judge of the Court of First Instance
- 09:00 - 10:30**        **Directorate for the Environment and Climate Change of the Region of Attica**
- 10:30 - 11:00**        **Coffee break**
- 11:00 - 16:30**        **Waste Crime – Site visit at ELV and WEEE facilities**
- 11:00**                    **Pick-up from the Directorate for the Environment and Climate Change of the Region of Attica – mini-bus boarding**
- 11:00 - 11:30**        **Athens to Agioi Theodoroi**
- 11:30 - 12:30**        **Site visit at Waste Electrical and Electronic Equipment (WEEE) recycling facility (ANAMET) and End-of-Life Vehicles (ELVs) recycling facility (VIANATT)**
- 12:30 - 13:30**        **Lunch break & discussion at ANAMET**
- 13:30 - 14:00**        **Aspropyrgos to Agioi Theodoroi**
- 14:00 - 15:00**        **Site visit at refrigerator recycling facility (HFR) and Waste Electrical and Electronic Equipment (WEEE) recycling facility (EKAN)**
- 15:00 - 15:30**        **Coffee break & Discussion**
- 15:30 - 16:30**        **Return from Agioi Theodoroi to Athens**

## LIST OF ATTENDANTS

### Accompanied by: Ministry of the Environment and Energy/Hellenic Recycling Agency

- 1 Mr Dimitris  
DERMATAS                      Special Secretary of the Inspectorate of the Ministry of the Environment  
and Energy (SSIMEE)  
  
EMPACT Coordinator for Environmental Crime  
  
IMPEL National Coordinator
- 2 Ms Fotini  
STAMATI                      Expert Advisor of the SSIMEE, Environmental Engineer
- 3 Mr EVANGELOS  
KYRITSIS                      Hellenic Recycling Agency

### Free afternoon

### Friday 27 April 2018

**09:00**                      **Departure** from the hotel to the Ministry of Justice, Transparency &  
Human Rights

**Accompanied by:** Ms Sophia SOTIROPOULOU, Judge of the Court of Appeal  
Mr Kostas SKOUVARIS, Judge of the Court of First Instance

**09:30 - 11:00**              Ministry of Justice, Transparency & Human Rights

**Wrap-up meeting**

**Departure**

*A mini-bus provided by the Ministry of the Interior (Greek police) will transport the evaluators to all the meetings according to the above programme.*

## ANNEX B: PERSONS INTERVIEWED/MET

### Meetings on 24 April 2018

*Venue: Ministry of Justice, Transparency and Human Rights*

<b>Person interviewed/met</b>	<b>Organisation represented</b>
Ms Maria ARVANITI	Director-General, Directorate-General for Justice Administration, International Legal Relations and Human Rights/Ministry of Justice
Ms Polyxeni LIAMPOTI	Department of EU Matters & International Organisations/Ministry of Justice
Ms Sophia SOTIROPOULOU	Judge of the Court of Appeal
Mr Kostas SKOUVARIS	Judge of the Court of First Instance
Mr Petros KARAGKOUNIDIS	Judge of the Court of First Instance
Ms Kelly THEOLOGITOU	Prosecutor of the Court of First Instance
Mr Dimitrios DERMATAS	Special Secretary of the Inspectorate of the Ministry of the Environment and Energy EMPACT Coordinator for Environmental Crime IMPEL National Coordinator
Ms Eleni GLIPTI	Head of the Environmental Inspection Department of Southern Greece, Special Secretary of the Inspectorate of the Ministry of the Environment and Energy

Dr Argyri PARASKEVOPOULOU	Director for Environment & Climate Change, Region of Attica
Mr Anastasios KARAGIANNIS	Police Major, Environmental Crime Department/Attica Security Division, Ministry of the Interior
Ms Zoi TZIKA	Police Major, Public Security Division/Greek Police Headquarters
Ms Kalliopi POTHOU	General Secretariat of Waste Management Coordination of the Ministry of the Interior
Ms Eugenia CHRONA	Customs Officer
Ms Maria PICKLA	Customs Officer
Ms Calliope ANTYP A	Customs Officer
Ms Joan ADRAKTA	Analyst, Greek FIU.
Mr Konstantinos KOURTAKIS	Lieutenant Junior, Greek Coast Guard
Ms Evdokia EVANGELATOU	Head of Road Transport of Dangerous Goods and Products
Mr Ioannis MATSAS	Mechanic Engineer, MSc Quality Management, MSc Transport & Networks Planning Management, Department of Road Transport of Dangerous Goods and Products
Ms Paraskevi PAPANODIMA	Lieutenant Commander
Mr Angelo Robert Nicholas MOLSON	Technical Department of Administrative Support of the Ministry of the Interior

## Meetings on 25 April 2018

*Venue: Public Prosecutor's Office in Athens*

<b>Person interviewed/met</b>	<b>Organisation represented</b>
Mr Elias ZAGORAIOS	
Ms Sophia SOTIROPOULOU	Judge of the Court of Appeal
Mr Kostas SKOUVARIS	Judge of the Court of First Instance
Ms Kelly THEOLOGITOU	Prosecutor of the Court of First Instance
Ms Emilia CHRISTOGIANNOPOULOU	Prosecutor of the Court of First Instance, Environmental Prosecutor

*Venue: Ministry of the Environment and Energy*

<b>Person interviewed/met</b>	<b>Organisation represented</b>
Mr Dimitrios DERMATAS	Special Secretary of the Inspectorate of the Ministry of the Environment and Energy
Ms Sonia ELEFThERIADOU	Director of the Inspectorate of Southern Greece
Ms Eleni GLIPTI	Head of the Environmental Inspection Department of Southern Greece
Mr Manollis GLYTSIS	Environmental Inspector
Ms Alexia ECONOMOPOULOU	Environmental Inspector
Ms Vassilis VAGGELINOS	Environmental Inspector
Ms Stavroula POULI	Head of the Coordination Office for the Implementation of Environmental Liability
Ms Maria NIKIFORAKI	Environmental Inspector

## Meetings on 26 April 2018

*Venue: Directorate for the Environment and Climate Change of the Region of Attica*

<b>Person interviewed/met</b>	<b>Organisation represented</b>
Ms Argiri PARASKEVOPOULOU	Director for the Environment & Climate Change, Region Of Attica
Mr Efthimios KOKMOTOS	Head of Dpt. for Inspections & Measurements, Regional Unit of Western Attica, Region of Attica
Ms Antigoni GOUFA	Department for Environment & Climate Change
Ms Fotini MICHALOPOULOU	Environmental Inspector, Dpt. for Inspections & Measurements, Central Athens
Mr Dimitrios CHATZIEFSTATHIOU	Environmental Inspector, Dpt. for Inspections & Measurements, Piraeus & Islands
Ms Ioanna CHALARI	Environmental Inspector, Dpt. for Inspections & Measurements, Piraeus & Islands
Ms Elena KALLIKANTZAROU	Environmental Inspector, Dpt. for Inspections & Measurements, Eastern Attica
Mr Dimitrios DERMATAS	Special Secretary of the Inspectorate of the Ministry of the Environment and Energy

*Venue: Waste Crime – Site Visit at ELV and WEEE Facilities*

<b>Person interviewed/met</b>	<b>Organisation represented</b>
Mr Dimitris DERMATAS	Special Secretary of the Inspectorate of the Ministry of the Environment and Energy (SSIMEE)
Ms Fotini STAMATI	Expert Advisor of the SSIMEE, Environmental Engineer
Mr KYRITSIS EVANGELOS	Hellenic Recycling Agency

**Meetings on 27 April 2018**

*Venue: Ministry of Justice, Transparency and Human Rights*

<b>Person interviewed/met</b>	<b>Organisation represented</b>
Ms Sophia SOTIROPOULOU	Judge of the Court of Appeal
Mr Kostas SKOUVARIS	Judge of the Court of First Instance
Mr Petros KARAGKOUNIDIS	Judge of the Court of First Instance
Mr Dimitrios DERMATAS	Special Secretary of the Inspectorate of the Ministry of the Environment and Energy EMPACT Coordinator for Environmental Crime IMPEL National Coordinator
Ms Eleni GLIPTI	Head of the Environmental Inspection Department of Southern Greece, Special Secretary of the Inspectorate of the Ministry of the Environment and Energy
Ms Zoi TZIKA	Police Major, Public Security Division/Greek Police Headquarters
Ms Theodora NANTSOU	WWF
Ms Antigoni DALAMAGKA	Ecorec
Mr Constantinos MACHAIRAS	Organization Earth

## ANNEX C: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

List of acronyms, abbreviations and terms	Greek or acronym in original language	Greek or acronym in original language	English
ADR	ADR		European Agreement concerning the International Carriage of Dangerous Goods by Road
COEL	COEL		Coordination Office for Environmental Liability
EKDDA	EKDDA		National Centre for Public Administration and Local Government
EMPACT	EMPACT		European Multidisciplinary Platform Against Criminal Threats
ESDDA	ESDDA		National School of Public Administration and Local Government
GCSL	GCSL		General Chemical State Laboratory
GIPA	GIPA		General Inspector of Public Administration
HRA	HRA		Hellenic Recycling Agency
IAEA	IAEA		Annual Reports of the Inspection and Control Coordination Body
IMDG	IMDG		International Maritime Dangerous Goods Code

IMPEL	IMPEL		Network for the Implementation and Enforcement of Environmental Law
INEP	INEP		Institute of Training
KEMEA	KEMEA		Centre for Security Studies
MASP	MASP		Multi-Annual Strategic Plan 2018 on Environmental Crime
MEE	MEE		Ministry of the Environment and Energy
NHWMP	NHWMP		National Hazardous Waste Management Plan
NSoJ	NSoJ		National School of the Judiciary of the Hellenic Republic
OAP	OAP		Operational Action Plan
RID	RID		International Carriage of Dangerous Goods by Rail
SOCTA	SOCTA		Serious and Organised Crime Threat Assessment
SSIMEE	SSIMEE		Special Secretariat of the Inspectorate of the MEE
WCO	WCO		World Customs Organization