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**NOTE**

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From:	Slovakian Delegation
To:	Delegations
Subject:	8th Round of Mutual Evaluations - 'The practical implementation and operation of European policies on preventing and combating Environmental Crime' Follow-up to the Report on Slovakia

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As a follow-up to each Round of Mutual evaluations, each Member-State is requested to inform the General Secretariat of the Council of the actions it has taken on the recommendations given to it.

A follow-up report should be submitted within 18 months from the adoption of the report concerned.

Delegations will find in the Annex the follow-up report of Slovakia regarding the recommendations that were made in the report 9816/1/18 REV 1 1 for the Eighth Round of Mutual Evaluations.

**EIGHTH ROUND OF MUTUAL EVALUATIONS ON ENVIRONMENTAL CRIME -**

**FOLLOW-UP TO THE REPORT ON SLOVAKIA**

MINISTRY  
OF THE INTERIOR  
OF THE SLOVAK REPUBLIC

PRESIDIUM OF THE POLICE FORCE

**Secretariat of the First Vice-President of the Police Force**

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<b>Your reference/dated</b>	<b>Our reference</b>	<b>Contact/number</b>	<b>Bratislava</b>
	PPZ-KP-OENV1-2019/059181-023	Lieutenant Colonel Ondrej Koporec	30.12.2019

Subject

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 Slovakia – Interdepartmental working session

- Implementation of the recommendations of the evaluation report

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The Presidium of the Police Force was sent a timetable for the submission of reports on the progress made by the Member States in the context of the completion of the eighth round of mutual evaluations on the topic of environmental crime and the adoption of the final evaluation reports on the Member States of the European Union.

The evaluation report on Slovakia, published as ST 9816/18 REV 1, was adopted by the LEWP/COPEN working party on 21 June 2018.

In accordance with the procedures set out in ST 15538/15 REV 4, we hereby submit a report on the implementation of the recommendations addressed to Slovakia in that report.

#### **Recommendation 1:**

**‘Continue developing and finalising the strategy documentation dedicated to the fight against environmental crime, *inter alia* by using risk analyses to focalise the environmental problems (cf. 3.1 and 3.6).’**

Under this recommendation, the Presidium of the Police Force has established a draft Action Plan on Combating Environmental Crime for 2020-2025. This action plan aims to make the fight against environmental crime more effective by amending the relevant legislation, reinforcing the relevant state bodies and organisations in terms of equipment and staffing, increasing public awareness, fostering interdepartmental cooperation at local and regional level, and strengthening international cooperation. The action plan also sets out the rules for mutual cooperation between all the relevant state authorities at national and regional level. The state of environmental crime will be regularly evaluated at regular interdepartmental meetings of the state authorities concerned, at which priorities for the following period will also be determined.

The draft action plan was presented for interdepartmental consultations in December 2019. Its adoption by the government of the Slovak Republic can be expected during the first quarter of 2020. When the action plan is adopted by a resolution of the government of the Slovak Republic, it will become binding on all state authorities involved in the fight against environmental crime.

In this connection, work was carried out under the responsibility of the Prosecutor-General's Office of the Slovak Republic to evaluate the effectiveness and application of Instruction No 9/2008 of 24 October 2008 of the Prosecutor-General of the Slovak Republic and amendments thereto with an emphasis on the further specialisation of prosecutors to deal with environmental crime.

#### **Recommendation 2:**

**‘Build up comprehensive and coherent statistics on waste crime and hazardous materials (cf. 3.2.3, 3.6, 8.1 and 8.5).’**

This recommendation has been integrated into the work of state bodies under the Action Plan on Combating Environmental Crime 2020-2025. Comprehensive and coherent statistics on waste crime and hazardous materials will be processed as part of the strategic evaluation on environmental crime and identification of strategic priorities in the fight against environmental crime, to be carried out once a year on the basis of the relevant entities' statistics from the previous year, with a report published before 31 March of the following calendar year.

#### **Recommendation 3:**

**‘Reinforce the structure of the Criminal Police Bureau by involving more investigators in the handling of environmental crime cases, specifically at local level (cf. 4.2.1, 4.2.3 and 4.6).’**

On the basis of this recommendation, on 1 April 2019 additional staff joined the Department for the Detection of Dangerous Substances and Environmental Crime of the Criminal Police Bureau of the Presidium of the Police Force. This change saw the number of posts increase from 13 to 17 police officers. At the same time, the Department for the Detection of Dangerous Substances and Environmental Crime was divided into two units. The first, the operations unit, comprises a head of unit and seven police officers of the criminal police; one post is vacant. The second, the investigation unit, comprises a head of unit and six investigators. Although the officers of the Department for the Detection of Dangerous Substances and Environmental Crime conduct operational and search activities and investigations throughout the territory of the Slovak Republic, reinforcement at local level has also been achieved by the establishment of special units within the regional directorates of the Police Force, of which a more detailed description will follow under Recommendation 5.

#### **Recommendation 4:**

**‘Provide a formal and permanent structure for coordinating the efforts made by all stakeholders involved in the fight against environmental crime and violations (cf. 4.2.1, 4.4.1 and 4.6).’**

This recommendation has been incorporated into the draft Action Plan on Combating Environmental Crime 2020-2025, under which the Ministry of the Interior of the Slovak Republic is assigned the task of establishing a permanent strategic coordination group for combating environment crime consisting of decision-making representatives from the Presidium of the Police Force, the Ministry of Justice of the Slovak Republic, the Prosecutor-General’s Office of the Slovak Republic, the Supreme Court of the Slovak Republic, the Ministry of the Environment of the Slovak Republic, the Ministry of Agriculture and Rural Development of the Slovak Republic and the Slovak Environmental Inspectorate. This strategic group will carry out a yearly strategic evaluation on environmental crime and identification of strategic priorities in the fight against environmental crime, and will adopt measures to address the problems identified by the expert coordination groups for combating environmental crime.

## **Recommendation 5:**

**‘Strengthen the specialisation of the police force at local and district levels, including appropriate training focusing on environmental crime and awareness-raising of police officers dedicated to the fight against environmental crime (cf. 4.2.1, 4.2.3 and 4.6).’**

On 1 April 2019, special environmental crime units were established within the criminal police departments of the eight regional directorates of the Police Force. In each regional directorate of the Police Force, there are around 11 police officers who deal solely with the detection, documentation and investigation of environmental crime. The number of police officers dedicated to the fight against environmental crime has therefore increased from 13 officers within the Presidium of the Police Force to 105 officers.

On 1 August 2019, Act No 214/2019 amending Act No 300/2005 (the Criminal Code), as amended, and amending certain acts, entered into force. The new act amended Article 202(2) of the Code of Criminal Procedure to provide that summary investigations into environmental offences should be carried out by investigators from the district directorates of the Police Force. Prior to the entry into force of this amendment, summary investigations into environmental offences were carried out by designated officers from the municipal units of the Police Force, who, due to the wide scope of their activities, did not have sufficient expertise to document environmental crimes.

On 15 November 2019, Regulation No 169/2019 of the Minister for the Interior of the Slovak Republic amending Regulation No 175/2010 of the Minister for the Interior of the Slovak Republic defining the competences of the sections of the Police Force and the sections of the Ministry of the Interior of the Slovak Republic with regard to the detection of criminal offences, the identification of perpetrators and the procedure in criminal proceedings, as amended, came into force.

The new regulation provides that offences against the environment punishable, pursuant to specific parts of the Criminal Code, by imprisonment for a maximum period of more than three years, and the offences of illicit manufacturing and possession of nuclear material, radioactive substances, high-risk chemicals or high-risk biological agents and toxins pursuant to Articles 298 and 299 of the Criminal Code will fall under the competence of the criminal police departments of the regional directorates of the Police Force.

Prior to the entry into force of this amendment, they fell under the competence of the criminal police departments of the district directorates of the Police Force, whose officers did not have sufficient resources to document serious forms of environmental crime.

#### **Recommendation 6:**

**‘Focus not only on aspects of environmental crime but also on economic and financial aspects of this type of crime (e.g. money laundering, asset recovery and tax evasion) while investigating this type of crime (cf. 4.2.1, 4.2.3 and 4.6).’**

On 3 October 2019, the President of the Police Force issued an order with the reference number PPZ-KP-OVYS2-2019/051760-001. In that order, the President of the Police Force instructed the heads of the regional directorates of the Police Force to ensure that investigations carried out by departments of the regional directorates of the Police Force and by the criminal police departments of the district directorates of the Police Force include a financial investigation, in particular to provide information on finding and identifying the proceeds of criminal activity, at least to a greater extent, and on finding property which might be seized to enforce asset forfeiture, confiscation, seizure as a safeguard measure, or to establish a claim to compensation for damage suffered, and to establish a property profile of the suspect or defendant. The order extends to investigations into environmental crimes.

A presentation on the need to conduct financial investigations and on the above-mentioned order of the President of the Police Force was given by a police officer responsible for the detection, documentation and investigation of environmental crime at an extensive training course on environmental crime held on 25 to 27 November 2019.

#### **Recommendation 7:**

**‘Enhance the training of police officers and in particular focus on the training of police officers at local and district levels, where appropriate through a ‘training the trainers’ programme and by propagating knowledge of environmental legislation (cf. 4.5 and 4.6).’**

To implement this recommendation, 113 police officers of the regional and district directorates of the Police Force received extensive training on 25 to 27 November 2019. At this session, the officers were provided with up-to-date knowledge on documenting, detecting and investigating cases of environmental crime, with a focus on the latest legislative updates. Prosecutors from the Prosecutor-General's Office of the Slovak Republic, the Slovak Environmental Inspectorate, the National Nature Conservation Authority of the Slovak Republic and the Ministry of Agriculture and Rural Development of the Slovak Republic participated as lecturers. This training event should be organised on a regular basis, once a year.

#### **Recommendation 8:**

**‘Encourage judges to undergo training focusing on the EU environmental crime *acquis*, particularly in relation to waste management (cf. 4.1.1, 4.5 and 4.6).’**

Due to the high degree of independence of judges and the system of random allocation of files to judges, no solution has been found in the working sessions held so far with representatives of the Ministry of Justice of the Slovak Republic.

The Presidium of the Police Force is participating in the AMBITUS project proposed under the European Commission's Internal Security Fund (project ID 869165). Work package 3 of this project, which focuses on the creation of a special digital tool for specific training for prosecutors and judges, is underway. The project should be implemented from 2020 to 2021 and can be expected to have a positive impact thereafter on judges ruling on environmental crime cases.

#### **Recommendation 9:**

**‘Consider providing more effective administrative tools to stop ongoing illegal activities affecting the environment, such as forced entry into compromised sites (cf. 4.6).’**



The administrative tools available to stop ongoing illegal activities affecting the environment have been strengthened under Act No 312/2018 amending Act No 79/2015 on waste and amending certain acts, as amended, and amending certain acts. The new act adds the following sentence to Article 112(4)(a) of Act No 79/2015 on waste: ‘if the person being inspected does not immediately designate an employee to assist the person carrying out the state inspection, the person carrying out the state inspection shall be authorised to access, freely and at any time, the land, premises, buildings, facilities and other spaces belonging to the person being inspected, in cooperation with the Police Force.’ This amendment solves the problem of insufficient authorisation preventing a person carrying out a state inspection from entering without the consent of the entity under inspection.

#### **Recommendation 10:**

**‘Work on more structured cooperation with the private sector/NGOs with a view to enhancing prevention and raising awareness among citizens and private companies (cf. 5.1.5, 5.5, 6.4.1 and 6.5).’**

This task has been incorporated into the draft Action Plan on Combating Environmental Crime 2020-2025. All state bodies involved in the fight against environmental crime have been assigned the following tasks:

- to use their websites to inform the public about the various areas of environmental crime;
- to conduct targeted information campaigns to improve cooperation with the public in combating environmental crime, namely by promoting active public participation in terms of reporting cases of such activity and of not buying products potentially of illegal origin;
- to involve the media in raising public awareness of the need to combat environmental crime, to make the positive results of their activities more visible and to deter potential offenders by drawing attention to the applicable penalties.

Awareness-raising among citizens and private companies is conducted through the Police Force’s Facebook page, where information about ongoing cases of detection, documentation and investigation of environmental crime is published at regular intervals. Information on environmental crime is regularly provided, upon request, to media representatives.

The Prosecutor-General's Office of the Slovak Republic has made sure it is represented at press conferences and other gatherings. The public is kept informed about the state of environmental crime through regular annual reports by the Prosecutor-General of the Slovak Republic, which contain information on the activities of the Prosecutor-General's Office and on the legal situation in the Slovak Republic, including a section on environmental crime.

#### **Recommendation 11:**

**‘Consider developing more extensive cooperation between all authorities involved in road controls; in cross-border cases involving shipments of waste, this should include not only the Slovak Environmental Inspectorate and the Customs Service, but also other competent authorities including the Police Force (cf. 7.1.1 and 7.3).’**

In the context of implementing this recommendation, sections of the Police Force, in conjunction with the Slovak Environmental Inspectorate, conducted extensive checks on imports of motor vehicles for material recovery, as well as checks on the handling of used car batteries. A number of criminal proceedings have been initiated on the basis of these checks.

In order to deepen and formalise cooperation in this area, an interdepartmental cooperation agreement between the Slovak Environmental Inspectorate and the Ministry of the Interior of the Slovak Republic is being prepared. It should be signed during the first quarter of 2020.

#### **Recommendation 12:**

**‘Consider facilitating the exchange of information between administrative authorities handling environmental matters and prosecutors in such a way as to involve them in and provide them with relevant information on alleged illegal shipments of waste (cf. 7.1.1 and 7.3).’**

This recommendation will be incorporated in tasks outlined in the draft Action Plan on Combating Environmental Crime 2020-2025. Under the Action Plan, exchange will take place at regional level through regional coordination groups comprising representatives of regional prosecutors' offices, regional directorates of the Police Force, district offices at the seat of each region, environmental inspectorates, regional public health authorities and regional offices of the veterinary and food authorities.

At national level, exchange of information will take place through expert coordination groups which are to be established for all areas of environmental crime. Their composition will be tailored to the state bodies responsible for the relevant area of environmental crime.

The Ministry of the Environment of the Slovak Republic is currently drawing up a waste management information system. This should be set up in 2020 and completed and rolled out gradually. Full functionality will be achieved once it is populated with the necessary data. By virtue of Article 103(17) of Act No 79/2015 on waste, the Ministry of the Interior of the Slovak Republic, the customs authorities and the Police Force, among others, all have automated or direct access to data. The system will display all waste streams and permits issued, allowing waste to be traced from its generation and throughout its transport and disposal. This will be a high-performance system. The information system's control mechanisms will be fully automated. The necessary legislation has already been adopted.

The Public Health Authority of the Slovak Republic is currently preparing a similar system: the Public Health Information System, which will also cover radiation protection.

**Recommendation 13:**

**‘Consider conducting an overview of the actual influx of cross-border movements of hazardous waste by ensuring closer bilateral cooperation with Ukraine (cf. 7.4, 9.2 and 9.4).’**

A check on transboundary movements of waste within the meaning of the provisions of the Basel Convention, including a check on exports of hazardous waste to Ukraine, was carried out by the Supreme Audit Office of the Slovak Republic in 2019. The check was carried out at the Ministry of the Environment of the Slovak Republic and the Financial Directorate of the Slovak Republic. The conclusions of the check should become available in the course of 2020.

General Jana Maškarová, JUDr.

First Vice-President of the Police Force

