



Council of the
European Union

Brussels, 25 June 2019
(OR. en)

9178/1/19
REV 1

ENFOPOL 234
COPEN 201
ENV 473

REPORT

Subject: 8th Round of Mutual Evaluations - 'The practical implementation and operation of European policies on preventing and combating Environmental Crime'
Report on Croatia

**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 CROATIA

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1. EXECUTIVE SUMMARY

The visit was organised quite well by the Croatian authorities. The evaluation team conducted meetings with the relevant agencies responsible for tackling waste crime and implementing European policy. Nevertheless, not all the scheduled meetings with the main stakeholders exercising responsibilities in the field of preventing and combating environmental crime, as well as in the implementation and operation of European policies, could be held as planned. In particular, the meeting with the judges was cancelled at the last minute although the evaluation team had emphasised that it was important to get information about to the judicial sector.

Both the administrative organisation and the existing tools to address infringements of environmental legislation reveal that environmental crime has not yet been identified as a national issue; this is probably because Croatia joined the EU quite recently.

Croatia is at the beginning of a journey to developing and implementing an enforcement and regulatory system for the protection of the environment. The agencies involved are responsible for a wide range of legislation. At present, there is no national enforcement strategy setting out the roles of the relevant agencies and guiding principles for them to follow. Many agencies have a statutory role, such as the Ministry of Protection of the Environment and Energy – Inspection Affairs Directorate, the Ministry for Finance – Customs Administration, the Ministry of the Interior, Criminal Police Directorate – General Crime Department, and the State Office for Radiological and Nuclear Safety.

There is no overarching steering committee or lead authority to guide these agencies and help them to cooperate and exchange information effectively. As a result, this collaboration is currently fragmented and has not become a priority for the agencies involved.

While several agencies play a role in tackling waste crime, the agency with the most significant responsibility is the Ministry of Protection of the Environment and Energy. It has responsibility for administration and enforcement in relation to environmental protection but also in relation to Regulation (EC) 1013/2006.

There is a lack of financial and oversight commitment from the Croatian Government. No dedicated budgets to tackle waste crime have been put in place. Resources and guidance should be forthcoming from the Croatian Government to ensure that the complex issue of waste crime is understood and prioritised.

The last programmes were implemented some years ago in the context of some twinning projects implemented before Croatia joined the EU. One example of good practice identified was the use of handbooks and manuals prepared during the twinning project.

Since then, however, no further steps have been taken.

Croatia has adopted criminal legislation in compliance with the standards set in the relevant EU directives.

Under the Croatian legislation, more serious offences give rise to criminal liability while less serious violations are punishable as misdemeanours.

Environmental crimes, including waste crimes are covered by the Criminal Code, while misdemeanours are included in other pieces of legislation (the Environmental Protection Act, the Nature Protection Act, the Sustainable Waste Management Act and a series of sub-laws).

In order to avoid overlaps between the legal definitions of criminal offences and misdemeanours – and hence avoid breaching the *ne bis in idem* principle – the government of the Republic of Croatia adopted a decision on harmonisation of the misdemeanour legislation with the Croatian Criminal Code, giving bodies competent for drafting legislation the task of eliminating any identical descriptions of misdemeanours and criminal offences that could result in double jeopardy, i.e. in a perpetrator being tried in both misdemeanour and criminal proceedings.

Nevertheless, the distinction between crimes and misdemeanours remains problematic due to the lack of clear legal definitions.

The Ministry of Protection of the Environment and Energy issued some guidelines to help distinguish between misdemeanours and crimes.

However, apparently those rules are not always applied by all the stakeholders, as some of them consider the administrative procedure for misdemeanours a more efficient enforcement tool. By failing to understand the complexities of the issue and by addressing the non-compliance only as a misdemeanour, the agency involved may be failing to recognise that a number of seemingly small individual shipments are part of a larger series of shipments; as a consequence, it may be failing to tackle a serious waste crime.

Investigations into waste offences considered to be misdemeanours are carried out by the Customs Administration and the Environmental Protection Inspectorate, (a department of the Inspection Affairs Directorate of the Ministry of Protection of the Environment and Energy), which can impose fines and conduct misdemeanour proceedings. Where an agency believes an investigated misdemeanour may be a criminal offence, it must file a criminal report to the public prosecutor, who will decide whether to pursue the matter as a criminal offence or misdemeanour. Only 15 cases relating to environmental crimes have been pursued through the courts; most cases of non-compliance with waste legislation are dealt with as misdemeanours instead of criminal cases, by choice of the enforcement agency. This demonstrates the lack of awareness of the complexity of the issue and a failure to prioritise the topic of waste crime.

Criminal investigations are led by the prosecutors. The public prosecutor, upon deciding that a case should proceed as a criminal case, may then ask the police to carry out an investigation, may carry out the investigation itself, or may ask the agency with the relevant expertise to carry out an investigation. Where requested, the police responsible for the investigation of environmental crime is the General Crime Department of the Criminal Police Directorate. For there to be successful prosecutions of waste crime there must first be specialist expertise – not only in relation to the investigation of such crimes, but also in the prosecution and judgement of such crimes.

However, no specialised prosecution team or court has been established to deal with waste crimes, nor has any specialised prosecutor or judge been assigned specifically to this task.

No aggravating circumstances are foreseen with specific reference to environmental crime due to the fact that the criminal code foresees only ordinary circumstances applicable to all kinds of crime. However, in art 214 of the criminal code serious environmental crimes are described as autonomous crimes.

According to article 207 of the Croatian criminal procedure act , Police is competent for investigating all criminal offences. Despite being formally tasked with the above, they do not have the powers to carry out waste inspections or to take action in relation to illegal waste shipments, which is mainly competence of the Environmental Protection Inspectorate, but should support the Inspectorate when detecting waste crimes. On the contrary, the evaluation team inferred from the statistics (but also from the absence of any specific guidelines and lack of specific training) that the police do not play an effective role in tackling waste crime.

No special unit has been established and no police officers are specialists in environmental crime.

Only ordinary means of investigation have been used, as the existing laws do not provide for the use of special investigation techniques (such as electronic supervision, covert operations or controlled deliveries) in suspected cases of environmental crime, except when such crimes are committed by a criminal group. So far, however, no cases of links between waste management crimes with other forms of serious crime have been encountered in Croatia.

From a global perspective, Croatia shows the features of a transit country, with the main source of risk being international trafficking. This may have a strong impact on other countries if one considers the low rate of detection of illegal waste shipments. EU Member States have to rely on the Croatian waste classification and on the information provided in notification proceedings.

Very few criminal proceedings related to waste crime are conducted per year in Croatia and no detention order has been issued in this field.

All the environmental crimes reported in 2017 make up a negligible 0.8 % of all reported crimes by known natural persons and 1.6 % of reported crimes by legal persons.

Apart from the police, the key players in the fight against waste crime are the Ministry of Protection of the Environment and Energy, the Inspection Affairs Directorate of the Ministry of Protection of the Environment and Energy, the State Office for Radiological and Nuclear Safety, and the Customs Administration.

The Ministry of Protection of the Environment and Energy issues permits for cross-border waste shipments.

Administrative authorities prosecute administrative (minor) offences. Environmental crimes are often handled administratively and when the damage has been repaired or compensation paid, the case is dropped by the prosecutor.

The Inspection Affairs Directorate of the Ministry of Protection of the Environment and Energy mainly supervises compliance with the conditions for carrying out waste management activities, keeps records of the 'generation and movement' of waste, and delivers prescribed reports and data to the competent administrative bodies .

It also cooperates with the police and customs in the supervision of waste shipments in the cross-border waste shipment.

The Inspection Affairs Directorate currently has nine officers at its headquarters with expertise in waste shipments but has no specialised inspectors dealing only with waste shipments or waste crime. It may therefore lack the capacity and resources needed to fulfil its statutory function fully.

The State Office for Radiological and Nuclear Safety supervises the handling of radioactive waste.

The inspection plan for waste shipments in the Republic of Croatia was developed for the period 2017-2019. Croatia used a unified form - a result of the IMPEL Project "Waste Shipment Inspection Planning". Nevertheless this plan is short on detail and satisfies only the bare minimum criteria required under Article 50 of Regulation (EC) 1013/2006.

In the event of a violation, the inspectors of both the Inspection Affairs Directorate of the Ministry of Protection of the Environment and Energy and the State Office for Radiological and Nuclear Safety may issue directions to individuals or companies to comply with in a given timeframe.

Customs are in charge of: securing transport chains, ensuring product safety and combating cross-border crime; preventing threats to citizens' health, safety and the environment; combating the smuggling of narcotics and other dangerous substances and the shadow economy; and implementing various control tasks for different ministries and administrative sectors.

They also investigate cases of environmental crime which are, by their nature, customs offences.

All the above administrative bodies have to report a crime if in the course of inspection it has been established that a crime has been committed in accordance with Article 258 of the Environment Protection Act.

In cases where it cannot be established whether a crime or misdemeanour has been committed without performing specific activities, inspectors should take immediate action to secure evidence and consult the prosecutor. Nevertheless, the evaluation team ascertained during the visit that the customs authorities do not always comply with their obligation to consult the prosecutor and instead deal with all instances of non-compliance under the Misdemeanour Act.

The exchange of information and coordination between all authorities involved is not formally defined, the only exception being the Agreement on Cooperation in the Supervision of Cross-Border Waste Shipment agreement between customs, the police and Environmental Protection Inspectorate signed in 2016. According to the information provided by the Croatian authorities, every 3 months regular working meetings of the Interagency Working Group are held (Art. 3 of the Agreement) on which data and information relating to joint actions are exchanged, problems discussed and practical experience shared, revises the Joint Supervisory Plan, etc., in accordance with Art. 4. of the Agreement. Nevertheless, in the evaluation team's view this agreement is more defined in principle while at operational level the results are quite modest.

The cooperation with Europol, Interpol and Eurojust was reported to be very good. However, Croatia has not cooperated with Europol and Interpol specifically on waste crime cases.

The Ministry of Protection of the Environment and Energy (previously named the Ministry of Environmental Protection, Physical Planning and Construction) had a representative in the Interpol Environmental Program during the 2009-2012 period.

To make use of his experience would be a good starting point to raise awareness and share all the gathered information and working practices of other leading EU Member States in the field of environmental crime.

At Eurojust, Croatia did not open any operational environmental crime cases from 1 January 2004 until the present day. As a requested country, Croatia has been involved in seven operational environmental crime cases in total in the same period.

As a general concern, the level of international cooperation seems to be under the minimum requirements for such a complex topic as environmental crime. Croatia currently does not appear to have any working bilateral or other agreements with neighbouring countries, other countries of origin of waste or countries of destination for waste. Despite Croatian involvement in the IMPEL TFS network, the number of ascertained cases of illegal cross-border shipment is very low and there is no ascertainment of upstream flow and downstream flow. Indeed, with reference to countries outside the EU there are no agreements at all

As regards training, the relevant institutions tackling waste crime were provided with several training sessions and projects to raise awareness and help prioritise the detection, investigation and prosecution of environmental crimes during the initial phase of joining the EU. However, once those projects ended, Croatia did not take any of the proposed further action to step up its efforts to fight environmental crime. Training courses are undertaken only at international level, not at a local level.

NGOs and the citizens can file a report to the Inspectorate of Environmental Protection through e-mail or phone . Both contact information is publicly available to everyone on the MZOE website (Ministry of Environmental Protection and Energy). However they do not play a role in tackling waste crime. Neither awareness campaigns are sufficient to raise public awareness so that a useful opportunity to tackle a complex form of crime is being lost.

Taking all factors into consideration, the evaluation team finds that currently waste crime is not a priority for the Croatian authorities. Although legislation has been put in place, MOUs signed and inspection plans produced, there is a deep lack of understanding of the complexities of the topic. The exchange of information and the tackling of waste crime are superficial in nature. This issue is symptomatic of a country that has recently joined the EU.

The evaluation team considers that Croatia must prioritise waste crime if it is to sufficiently address the problem as such a lack of awareness and understanding given its transboundary nature will most definitely have an effect not only on their own environment but also on that of the neighbouring countries and countries far beyond.

2. INTRODUCTION

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

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

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

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

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

² OJ L 312, 22.11.2008, p. 3.

³ OJ L 328, 6.12.2008, p. 31.

⁴ OJ L 190, 12.07.2006, p. 1.

On 30 May 2018, the Council and the European Parliament adopted the waste legislation package composed, among others, of Directive (EU) 2018/851 of 30 May 2018 amending Directive 2008/98/EC on waste ⁵ (transposition date 5 July 2020) and Directive (EU) 2018/849 of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment ⁶ (transposition date 5 July 2020).

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

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

Experience from past evaluations show that Member States will be in different positions regarding implementation of relevant legal instruments and programmes, and the current process of evaluation could also provide useful input to Member States that may not have implemented all aspects of the various instruments.

Moreover, the Council Conclusions on Countering Environmental Crime of 8 December 2016⁷ 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 dialogue and cooperation with relevant international organisations.

⁵ OJ L 150, 14.6.2018, p. 109–140

⁶ OJ L 150, 14.6.2018, p. 93–99

⁷ 15412/16, ENFOPOL 484 ENV 791 ENFOCUSTOM 235.

Taking all the above elements into consideration, the evaluation aims to be broad and interdisciplinary, focussing not solely on implementation of various instruments relating to fighting environmental crime, but rather on the operational aspects in the Member States. Therefore, besides cooperation between prosecution services and Eurojust, this will also encompass how the police and customs cooperate with Europol or Interpol and how information is channelled to the appropriate police and specialised agencies. The evaluation also covers operational practices in the Member States with regard to waste treatment operations, and establishments and undertakings which collect and transport waste on a professional basis.

The order of visits to the Member States was adopted by GENVAL on 5 May 2017. Croatia was the 22nd Member State to be evaluated during this round of evaluations. In accordance with Article 3 of the Joint Action, a list of experts in the evaluations to be carried out was drawn up by the Presidency. Member States nominated experts with substantial practical knowledge in the field pursuant to a written request to delegations made on 28 January 2017 by the Chairman of GENVAL.

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

The experts charged with undertaking the evaluation of Croatia were Mr Renato Nitti (Italy), Mr Benjamin Franca (Slovenia), and Mr Eoin Mc Caffrey (Ireland). One observer was also present: Ms Carmen Giuffrida from the General Secretariat of the Council.

This report was prepared by the expert team with the assistance of the General Secretariat of the Council, based on findings from the evaluation visit that took place in Croatia between 19 and 23 November 2017, and on Croatia's replies to the evaluation questionnaire together with their answers to ensuing follow-up questions.

3. GENERAL MATTERS AND STRUCTURES

3.1. National strategy or similar strategic documents for the fight against waste crime

In Croatia there is no action plan or similar strategic document, either at central level or inside any single authority, on measures to combat environmental crime. There is no document detailing national policy on the fight against environmental crime in a comprehensive way and no instrument sets the priorities for fighting environmental crime.

3.2. National programmes/projects with regard to waste crime

There are no specific national programs in the area of prevention, law, capacity building and public awareness as regards waste crime.

The last programmes were implemented some years ago in the context of some twinning projects implemented before Croatia became an EU Member State.

The first project, an IPA 2009 twinning project entitled 'Capacity Strengthening for the Implementation of Cross-Border Waste Shipment', took place from June 2012 to April 2014.

The project goal was to strengthen capacities for the implementation of national and international regulations related to cross-border waste movements and advance the procedure in the area of cross-border waste movements.

The responsible authority was Ministry of Protection of the Environment and Energy and other stakeholders were the Inspection Affairs Directorate, the Ministry of Finance – Customs Administration, the Ministry of the Interior – Border Police, Border Police Directorate as well as representatives of the Criminal Police Directorate, representatives of Mobile Traffic Police Units, Department of the Sea and Airport Police, representatives of police administrations, the Ministry of Sea, Traffic and Infrastructure – Directorate for the Maritime Safety, the Ministry of Defence – Coast Guard, and the State Office for Radiological and Nuclear Safety.

The existing state of affairs in Croatia was assessed during project implementation (organisational structures, relations between key stakeholders and the model of cooperation). The assessment looked into the implementation of regulations that govern cross-border waste movements, with an emphasis on the Sustainable Waste Management Act (OG 94/13), and compared the state of affairs in Croatia with that in selected EU countries. Procedures were then developed for a coordinated implementation of regulations related to cross-border waste movements for environmental protection inspectors and other relevant stakeholders. These fed into the drawing up of the Handbook for a coordinated implementation of Regulation (EC) No 1013/2006 and of relevant provisions of the Sustainable Waste Management Act (enclosed) and other documents. The waste catalogue (enclosed) and the pocket handbook (enclosed) serve as aids in the inspection and oversight of waste shipments.

A wide educational program for inspectors of environmental protection and other stakeholders was carried out and a film called 'Stop illegal waste shipments' was made about inspection and supervision of cross-border waste traffic. The film is used in further training and helps to ensure the sustainability of the project's outcomes.

The second project, the IPA 2011 FFRAC twinning light project under the title 'Capacity Strengthening of the Environmental Protection Inspection and of Other Competent Bodies for the Prevention, Recognition, Investigation and Processing of Cases against the Environment', was implemented from December 2014 until May 2015. It was implemented in cooperation with the Austrian environmental agency and experts from the competent bodies in Belgium, the Netherlands, Sweden and Slovenia.

The main beneficiary was the Inspection Affairs Directorate of the Ministry of Protection of the Environment and Energy. Representatives of the following other branches of government also joined the project: the Ministry of Science and Education; the Ministry of Justice, the Public Prosecutor's Office, the Law Academy, the Ministry of the Interior - Police Directorate, the Ministry of Finance – Customs Administration, the Ministry of Health – Sanitary Inspectorate, the State Directorate for Protection and Rescue, magistrates' and criminal courts, the High Court of Administration and the Croatian Association of Court Experts.

The project goal was to promote the system of environmental protection in Croatia with special emphasis on implementing regulations, establishing the structures necessary for environmental protection through criminal law, increasing the number of environmental crimes detected and processed, strengthening implementation capacities and promoting cooperation between key stakeholders.

According to what was reported, as a result of the projects, recommendations were elaborated for the promotion of cooperation between all stakeholders in the area of environmental crimes and two-day educational programmes including all stakeholder representatives were carried out for five separate groups (two groups in Zagreb and one each in Split, Osijek and Rijeka).

The third project, a twinning project called 'Implementation of the new Act on environmental protection harmonised with EU law in cases of eco-crimes', was implemented in the period from 1 December 2014 until 31 May 2015.

Training programs were conducted for all environmental protection inspectors and key stakeholders, namely: the Ministry of Justice, the Ministry of the Interior – Criminal Police, the Ministry of Finance – Customs Authority, the Ministry of Agriculture – Water Rights Inspectorate, the Ministry of Sea, Traffic and Infrastructure – Maritime Protection, the Law Academy, the Public Prosecutor's Office, magistrates' and criminal courts, and the Croatian Association of Court Experts.

Workshops were attended by bodies in charge of processing of criminal offences and misdemeanours in this area, with two topics: 1) Explanation of the provisions of Article 196 of the Criminal Code, and 2) Analysis of the Misdemeanour regulations of the Sustainable Waste Management Act.

One result of the project was that eight standardised operative procedures were drawn up for all environmental protection inspectors and stakeholders included in the project, with the aim of securing coordinated implementation of regulations in cases of misdemeanours and criminal offences against the environment. A handbook containing guidelines and additional educational material for public prosecutors and judges was drawn up to coordinate the implementation of the Environmental Protection Act.

A contact person was appointed for cooperation with the European Network of Prosecutors for the Environment (ENPE).

3.3. Statistics

3.3.1. Main trends with regard to waste crime

In general the figures on cases detected, investigated and prosecuted are low. The low numbers do not allow for an assessment of the risk and threat that this type of crimes presents to the safety and wellbeing of Croatia.

Every stakeholder during the visit presented their own statistical model and numbers. Each authority involved keeps its own crime statistics, using its own criteria. As a result, the statistics are not comparable.

Despite the low number of cases, apparently no data analysis has been undertaken by the Croatian authorities to ascertain the reasons.

3.3.2. *Number of registered cases of waste crime*

The lack of consolidated statistical data mentioned in the previous paragraph seems to be the consequence of a lack of a common basis for stakeholders . Sometimes statistics consider only the violated law, which may contain several different provisions. They do not mention: reported violations; number of decisions not to investigate certain types of case; number of investigations carried out; number of prosecutions and final convictions; the nature of the violation.

The Ministry of Justice keeps statistics based on the category 'Chapter Twenty (XX) Environmental Crimes' of the Croatian Criminal Code, which contains Articles 194-214.

The collected information is based on recorded crimes that were subject to criminal investigations and where an indictment has been filed.

(<https://www.mup.hr/public/documents/Statistika/Statisti%C4%8Dki%20pregled%20temeljnih%20sigurnosnih%20pokazatelja%20i%20rezultata%20rada%20u%202017.%20godini.pdf>).

To help compile its statistics, the Ministry of Justice has access to cases that have been brought before the court.

The Public Prosecutor's Office keeps the statistics only based on the indicted persons. It publishes its data in annual activity reports (chapter 3.1.2.2.9. Environmental Crimes). The reports are available at <http://www.dorh.hr/Default.aspx?sec=645>

No connection exists between the Public Prosecutor's Office's statistics and those of the Ministry of Justice.

The courts are responsible for their own statistics. Their data are available to the Ministry of Justice only upon request.

The statistics of each authority are reported below.

POLICE STATISTICS:

Environmental Crimes in 2017

Criminal offences	Reported			Solved			2017 % of total reported
	No. of crimes		+ - %	No. of crimes		+ - %	
	2016	2017		2016	2017		
Environmental pollution	1	2	+100.0	1	2	+100.0	0.8
Waste pollution	3			3			
Endangering protected natural values	11	11	0.0	11	9	-18.2	4.2
Trading in protected natural values	7	1	-85.7	7	1	-85.7	0.4
Illegal hunting and fishing	76	56	-26.3	42	28	-33.3	21.1
Animal killing or torture	60	59	-1.7	47	46	-2.1	22.3
Forest devastation	2	9	+350.0	2	7	+250.0	3.4
Total - general crimes	160	138	-13.8	113	93	-17.7	52.1
Illegal ore exploitation	3	116	+3766.7	3	115	+3733.3	43.8
Illegal construction	15	11	-26.7	15	11	-26.7	4.2
Total - while-collar crimes	18	127	+605.6	18	126	+600.0	47.9
TOTAL	178	265	+48.9	131	219	+67.2	100.0

Comparative view of environmental crimes

Eco-Crimes	Reported crimes			Solved		Subseq. discovered offences			
	Total	On spot	Unknown	Total	%	Total	%	Earlier periods	% reported
Environmental pollution	2		2	2	100.0	2	100.0		100.0
Endang. protected natural values	11	4	6	9	81.8	4	66.7		66.7
Trading in protected natural values	1		1	1	100.0	1	100.0		100.0
Illegal hunting and fishing	56	7	43	28	50.0	15	34.9		34.9
Animal killing or torture	59	1	39	46	78.0	26	66.7		66.7
Forest devastation	9		8	7	77.8	6	75.0		75.0
Total - general crimes	138	12	99	93	67.4	54	54.5		54.5
Illegal ore exploitation	116		4	115	99.1	3	75.0		75.0
Illegal construction	11		7	11	100.0	7	100.0		100.0
Total - while-collar crimes	127		11	126	99.2	10	90.9		90.9
TOTAL	265	12	110	219	82.6	64	58.2		58.2

Distribution of environmental crimes

Police Administration	Reported crimes			Solved crimes			2017 % of total reported	Material damages 2017 In Kuna
	No. of crimes		+ - %	No. of crimes		+ - %		
	2016	2017		2016	2017			
Zagreb	9	13	+44.4	8	10	+25.0	4.9	6 000
Split-Dalmatia	23	17	-26.1	21	16	-23.8	6.4	58 320
Primorje-Gorski Kotar	6	7	+16.7	6	5	-16.7	2.6	1 500
Osijek-Baranja	9	117	+1200.0	7	115	+1542.9	44.2	886 319
Istria	16	3	-81.3	15	3	-80.0	1.1	
Dubrovnik-Neretva	12	4	-66.7	12	4	-66.7	1.5	

Karlovac	3	2	-33.3	2	2	0.0	0.8	306 570
Sisak-Moslavina	5	8	+60.0	6	5	-16.7	3.0	450 896
Šibenik-Knin	12	9	-25.0	10	8	-20.0	3.4	18 500
Vukovar – Srijem	7	9	+28.6	3	6	+100.0	3.4	786
Zadar	9	13	+44.4	5	11	+120.0	4.9	
Bjelovar-Bilogora	9	8	-11.1	4	2	-50.0	3.0	11 000
Brod - Posavina	4	7	+75.0	1	4	+300.0	2.6	40 270
Koprivnica-Križevci	8	3	-62.5	3	1	-66.7	1.1	46 586
Krapina-Zagorje	7	7	0.0	2	6	+200.0	2.6	1 222 130
Lika-Senj	8	8	0.0	6	6	0.0	3.0	86 485
Međimurje	11	8	-27.3	8	3	-62.5	3.0	6 500
Požega - Slavonia	2	4	+100.0		2		1.5	13 500
Varaždin	13	7	-46.2	8	2	-75.0	2.6	16 400
Virovitica-Podravina	5	11	+120.0	4	8	+100.0	4.2	63 836
TOTAL	178	265	+48.9	131	219	+67.2	100.0	3 235 598

Environmental Crimes in 2016

Criminal offences	Reported			Solved			2016 % of total reported
	No. of crimes		+ - %	No. of crimes		+ - %	
	2015	2016		2015	2016		
Environmental pollution	3	1	-66.7	3	1	-66.7	0.6
Waste pollution	18	3	-83.3	18	3	-83.3	1.7
Endangering protected natural values	16	11	-31.3	16	11	-31.3	6.2
Destruction of habitats	1			1			
Trading in protected natural values	34	7	-79.4	34	7	-79.4	3.9
Illegal hunting and fishing	116	76	-34.5	67	42	-37.3	42.7
Animal killing or torture	56	60	+7.1	44	47	+6.8	33.7
Forest devastation	5	2	-60.0	4	2	-50.0	1.1
Total - general crimes	249	160	-35.7	187	113	-39.6	89.9
Illegal ore exploitation	1	3	+200.0	1	3	+200.0	1.7
Illegal construction	8	15	+87.5	8	15	+87.5	8.4
Total - while-collar crimes	9	18	+100.0	9	18	+100.0	10.1
TOTAL	258	178	-31.0	196	131	-33.2	100.0

Comparative view of environmental crimes

Eco-Crimes	Reported crimes			Solved		Subseq. discovered			
	Total	On spot	Unknown	Total	%	Total	%	Prev. periods	% reported
Env. pollution	1			1	100,0				
Waste pollution	3	2	1	3	100,0	1	100,0		100,0
Endang. protected natural values	11	3	8	11	100,0	8	100,0		100,0
Trading in protected natural values	7	4	2	7	100,0	2	100,0		100,0
Illegal hunting and fishing	76	11	54	42	55,3	20	37,0	2	33,3
Animal killing or torture	60		44	47	78,3	31	70,5		70,5
Forest devast.	2	1	1	2	100,0	1	100,0		100,0
Total - general crimes	160	21	110	113	70,6	63	57,3	2	55,5
Illegal ore exploit.	3			3	100,0				
Illegal construction	15		8	15	100,0	8	100,0		100,0
Total - while-collar crimes	18		8	18	100,0	8	100,0		100,0
TOTAL	178	21	118	131	73,6	71	60,2	2	58,5

Distribution of environmental crimes

Police Administration	Reported crimes			Solved crimes			2016 % of total reported	Material damages 2016 In Kuna
	No. of crimes		+ - %	No. of crimes		+ - %		
	2015	2016		2015	2016			
Zagreb	11	9	-18.2	5	8	+60.0	5.1	2 000
Split-Dalmatia	15	23	+53.3	14	21	+50.0	12.9	125 000
Primorje-Gorski Kotar	5	6	+20.0	4	6	+50.0	3.4	901 600
Osijek-Baranja	31	9	-71.0	26	7	-73.1	5.1	2 000
Istria	46	16	-65.2	44	15	-65.9	9.0	5 700 500
Dubrovnik-Neretva	14	12	-14.3	14	12	-14.3	6.7	297 240
Karlovac	18	3	-83.3	17	2	-88.2	1.7	
Sisak-Moslavina	11	5	-54.5	7	6	-14.3	2.8	5 700
Šibenik-Knin	4	12	+200.0	3	10	+233.3	6.7	50 900

Vukovar-Srijem	12	7	-41.7	5	3	-40.0	3.9	57 230
Zadar	5	9	+80.0	3	5	+66.7	5.1	11 900
Bjelovar-Bilogora	10	9	-10.0	3	4	+33.3	5.1	28 892
Brod - Posavina	13	4	-69.2	10	1	-90.0	2.2	17 000
Koprivnica-Križevci	9	8	-11.1	7	3	-57.1	4.5	150
Krapina-Zagorje	5	7	+40.0	3	2	-33.3	3.9	8 000
Lika-Senj	4	8	+100.0	2	6	+200.0	4.5	3 500
Međimurje	11	11	0.0	7	8	+14.3	6.2	8 000
Požega - Slavonia	4	2	-50.0	3			1.1	4 500
Varaždin	15	13	-13.3	7	8	+14.3	7.3	2 308 628
Virovitica-Podravina	15	5	-66.7	12	4	-66.7	2.8	14 500
TOTAL	258	178	-31.0	196	131	-33.2	100.0	9 547 240

Environmental Crimes in 2015

Criminal offences	Reported			Solved			2015 % of total reported
	No. of crimes		+ - %	No. of crimes		+ - %	
	2014	2015		2014	2015		
Environmental pollution	2	3	+50.0	1	3	+200.0	1.2
Waste pollution	6	18	+200.0	7	18	+157.1	7.0
Endangering protected natural values	10	16	+60.0	9	16	+77.8	6.2
Destruction of habitats	1	1	0.0		1		0.4
Trading in protected natural values	5	34	+580.0	5	34	+580.0	13.2
Illegal hunting and fishing	122	116	-4.9	60	67	+11.7	45.0
Animal killing or torture	75	56	-25.3	50	44	-12.0	21.7
Forest devastation	8	5	-37.5	8	4	-50.0	1.9
Total - general crimes	229	249	+8.7	140	187	+33.6	96.5
Illegal ore exploitation	134	1	-99.3	134	1	-99.3	0.4
Illegal construction	6	8	+33.3	6	8		3.1
Total - while-collar crimes	140	9	-93.6	140	9	-93.6	3.5
TOTAL	369	258	-30.1	280	196	-30.0	100.0

Comparative view of environmental crimes

Eco-Crimes	Reported crimes			Solved		Subseq. discovered			
	Total	On spot	Unknown	Total	%	Total	%	Prev. periods	% reported
Env. pollution	3		2	3	100,0	2	100,0		100,0
Waste pollution	18	1	16	18	100,0	16	100,0		100,0
Endang. protected natural values	16	10	5	16	100,0	5	100,0		100,0
Destruction of habitats	1		1	1	100,0	1	100,0		100,0
Trading in protected natural values	34	5	29	34	100,0	29	100,0		100,0
Illegal bringing into environment of wild						1			
Illegal hunting and fishing	116	31	80	67	57,8	31	38,8	1	37,5
Animal killing or torture	56		38	44	78,6	26	68,4	2	63,2
Forest devast.	5		5	4	80,0	4	80,0		80,0
Total - general crimes	249	47	176	187	75,1	115	65,3	3	63,6
Illegal ore exploit.	1		1	1	100,0	1	100,0		100,0
Illegal construction	8		3	8	100,0	3	100,0		100,0
Total - while-collar crimes	9		4	9	100,0	4	100,0		100,0
TOTAL	258	47	180	196	76,0	119	66,1	3	64,4

Distribution of environmental crimes

Police Administration	Reported crimes			Solved crimes			2015 % of total reported	Material damages 2015 In Kuna
	No. of crimes		+ - %	No. of crimes		+ - %		
	2014	2015		2014	2015			
Zagreb	14	11	-21.4	9	5	-44.4	4.3	23 100
Split-Dalmatia	23	15	-34.8	19	14	-26.3	5.8	21 000
Primorje-Gorski Kotar	8	5	-37.5	4	4	0.0	1.9	83 635
Osijek-Baranja	154	31	-79.9	147	26	-82.3	12.0	18 500
Istria	19	46	+142.1	15	44	+193.3	17.8	3 509 786
Dubrovnik-Neretva	7	14	+100.0	6	14	+133.3	5.4	4 160
Karlovac	2	18	+800.0	1	17	+1600.0	7.0	
Sisak-Moslavina	15	11	-26.7	10	7	-30.0	4.3	117 411
Šibenik-Knin	7	4	-42.9	6	3	-50.0	1.6	16 000
Vukovar-Srijem	15	12	-20.0	3	5	+66.7	4.7	63 230
Zadar	12	5	-58.3	11	3	-72.7	1.9	9 400
Bjelovar-Bilogora	12	10	-16.7	3	3	0.0	3.9	37 365
Brod - Posavina	12	13	+8.3	7	10	+42.9	5.0	6 500
Koprivnica-Križevci	10	9	-10.0	4	7	+75.0	3.5	37 968
Krapina-Zagorje	7	5	-28.6	3	3	0.0	1.9	2 800
Lika-Senj	6	4	-33.3	4	2	-50.0	1.6	
Međimurje	11	11	0.0	6	7	+16.7	4.3	6 500
Požega - Slavonia	2	4	+100.0	1	3	+200.0	1.6	
Varaždin	12	15	+25.0	9	7	-22.2	5.8	21 025
Virovitica-Podravina	21	15	-28.6	12	12	0.0	5.8	36 165
TOTAL	369	258	-30.1	280	196	-30.0	100.0	4 014 545

Environmental Crimes in 2014

Criminal offences	Reported			Solved			2014 % of total reported
	No. of crimes			No. of crimes			
	2013	2014		2013	2014		
			+ - %			+ - %	
Environmental pollution	3	2	-33.3	3	1	-66.7	0.5
Waste pollution	5	6	+20.0	5	7	+40.0	1.6
Endangering protected natural values	45	10	-77.8	43	9	-79.1	2.7
Destruction of habitats	2	1	-50.0	1			0.3
Trading in protected natural values	4	5	+25.0	4	5	+25.0	1.4
Illegal hunting and fishing	174	122	-29.9	102	60	-41.2	33.1
Animal killing or torture	114	75	-34.2	93	50	-46.2	20.3
Negligent vet. assistance	1			1			
Forest devastation	5	8	+60.0	4	8	+100.0	2.2
Total - general crimes	353	229	-35.1	256	140	-45.3	62.1
Illegal ore exploitation	10	134	+1240.0	10	134	+1240.0	36.3
Illegal construction	26	6	-76.9	26	6		1.6
Total - while-collar crimes	36	140	+288.9	36	140	+288.9	37.9
TOTAL	389	369	-5.1	292	280	-4.1	100.0

Comparative view of environmental crimes

Eco-Crimes	Reported crimes			Solved		Subseq. discovered			
	Total	On spot	Unknown	Total	%	Total	%	Prev. periods	% reported
Env. pollution	2		1	1	0,0		0,0		0,0
Waste pollution	6	4	2	7	0,0	3	0,0	1	0,0
Endang. protected natural values	10	7	3	9	0,0	2	0,0		0,0
Destruction of habitats	1		1		0,0		0,0		
Trading in protected natural values	5	5		5	100,0		0,0		
Illegal hunting and fishing	122	27	88	60	49,2	26	29,5		29,5
Animal killing or torture	75		52	50	66,7	27	51,9		51,9
Forest devast.	8		3	8	100,0	3	100,0		100,0
Total - general crimes	229	43	150	140	61,1	61	40,7	1	40,0
Illegal ore exploit.	134		2	134	100,0	2	100,0		100,0
Illegal construction	6		3	6	100,0	3	100,0		100,0
Total - while-collar crimes	140		5	140	100,0	5	100,0		100,0
TOTAL	369	43	155	280	75,9	66	42,6	1	41,9

Distribution of environmental crimes

Police Administration	Reported crimes			Solved crimes			2014 % of total reported	Material damages 2014 In Kuna
	No. of crimes			No. of crimes				
	2013	2014		+ - %	2013			
Zagreb	71	14	-80.3	66	9	-86.4	3.8	16 980
Split-Dalmatia	27	23	-14.8	23	19	-17.4	6.2	62 000
Primorje-Gorski Kotar	16	8	-50.0	14	4	-71.4	2.2	47 865
Osijek-Baranja	28	154	+450.0	16	147	+818.8	41.7	7 665 816
Istria	54	19	-64.8	52	15	-71.2	5.1	2 400
Dubrovnik-Neretva	18	7	-61.1	17	6	-64.7	1.9	
Karlovac	3	2	-33.3	2	1	-50.0	0.5	4 000

Sisak-Moslavina	16	15	-6.3	9	10	+11.1	4.1	324 212
Šibenik-Knin	9	7	-22.2	8	6	-25.0	1.9	15 000
Vukovar-Srijem	18	15	-16.7	10	3	-70.0	4.1	147 758
Zadar	13	12	-7.7	13	11	-15.4	3.3	174 176
Bjelovar-Bilogora	22	12	-45.5	9	3	-66.7	3.3	58 065
Brod - Posavina	8	12	+50.0	6	7	+16.7	3.3	18 500
Koprivnica-Križevci	14	10	-28.6	8	4	-50.0	2.7	16 050
Krapina-Zagorje	5	7	+40.0	3	3	0.0	1.9	34 700
Lika-Senj	13	6	-53.8	11	4	-63.6	1.6	17 000
Međimurje	24	11	-54.2	9	6	-33.3	3.0	30 650
Požega - Slavonia	6	2	-66.7	4	1	-75.0	0.5	2 000
Varaždin	9	12	+33.3	4	9	+125.0	3.3	14 219 038
Virovitica-Podravina	15	21	+40.0	8	12	+50.0	5.7	1 875 948
TOTAL	389	369	-5.1	292	280	-4.1	100.0	24 732 158

Environmental Crimes in 2013

Criminal offences	Reported			Solved			2013 % of total reported
	No. of crimes			No. of crimes			
	2012	2013		2012	2013		
			+ - %			+ - %	
Environmental pollution	1	3	+200.0	1	3	+200.0	0.8
Waste pollution	1	5	+400.0	1	5	+400.0	1.3
Environmental pollution from facilities	1			1			
Endangering protected natural values		45			43		11.6
Destruction of habitats		2			1		0.5
Trading in protected natural values		4			4		1.0
Illegal hunting and fishing	325	174	-46.5	236	102	-56.8	44.7
Animal killing or torture	11	114	+936.4	9	93	+933.3	29.3
Negligent vet. assistance		1			1		0.3
Forest devastation	2	5	+150.0		4		1.3
Total - general crimes	341	353	+3.5	248	256	+3.2	90.7
Illegal ore exploitation	32	10	-68.8	33	10	-69.7	2.6
Illegal construction	57	26	-54.4	57	26		6.7
Total - while-collar crimes	89	36	-59.6	90	36	-60.0	9.3
TOTAL	430	389	-9.5	338	292	-13.6	100.0

Comparative view of environmental crimes

Eco-Crimes	Reported crimes			Solved		Subseq. discovered			
	Total	On spot	Unknown	Total	%	Total	%	Prev. periods	% reported
Env. pollution	3		3	3	0,0	3	0,0		0,0
Waste pollution	5	4	1	5	0,0	1	0,0		0,0
Endang. protected natural values	45	31	10	43	0,0	8	0,0		0,0
Destruction of habitats	2	1	1	1	50,0		0,0		
Trading in protected natural values	4	3		4	100,0		0,0		
Illegal hunting and fishing	174	42	119	102	58,6	47	39,5	2	37,8
Animal killing or torture	114	2	94	93	81,6	73	77,7		77,7
Negligent vet. assistance	1			1	100,0		0,0		
Forest devast.	5		3	4	80,0	2	66,7		66,7
Total - general crimes	353	83	231	256	72,5	134	58,0	2	57,1
Illegal ore exploit.	10	1	6	10	100,0	6	100,0		100,0
Illegal construction	26		12	26	100,0	12	100,0		100,0
Total - while-collar crimes	36	1	18	36	100,0	18	100,0		100,0
TOTAL	389	84	249	292	75,1	152	61,0	2	60,2

Distribution of environmental crimes

Police Administration	Reported crimes			Solved crimes			2013 % of total reported	Material damages 2013 In Kuna
	No. of crimes			No. of crimes				
	2012	2013		+ - %	2012			
Zagreb	9	71	+688.9	6	66	+1000.0	18.3	560 893
Split-Dalmatia	33	27	-18.2	32	23	-28.1	6.9	342 557
Primorje-Gorski Kotar	27	16	-40.7	20	14	-30.0	4.1	12 150
Osijek-Baranja	29	28	-3.4	24	16	-33.3	7.2	354 500
Istria	80	54	-32.5	80	52	-35.0	13.9	52 100
Dubrovnik-Neretva	31	18	-41.9	31	17	-45.2	4.6	30 078
Karlovac	7	3	-57.1	3	2	-33.3	0.8	2 668 758
Sisak-Moslavina	23	16	-30.4	14	9	-35.7	4.1	442 682

Šibenik-Knin	26	9	-65.4	22	8	-63.6	2.3	20 500
Vukovar-Srijem	16	18	+12.5	7	10	+42.9	4.6	208 895
Zadar	35	13	-62.9	35	13	-62.9	3.3	537 850
Bjelovar-Bilogora	20	22	+10.0	7	9	+28.6	5.7	327 800
Brod - Posavina	5	8	+60.0	3	6	+100.0	2.1	15 150
Koprivnica-Križevci	21	14	-33.3	11	8	-27.3	3.6	58 715
Krapina-Zagorje	3	5	+66.7	2	3	+50.0	1.3	6 300
Lika-Senj	14	13	-7.1	12	11	-8.3	3.3	13 130
Međimurje	12	24	+100.0	3	9	+200.0	6.2	78 300
Požega - Slavonia	3	6	+100.0	1	4	+300.0	1.5	78 696
Varaždin	15	9	-40.0	8	4	-50.0	2.3	15 600
Virovitica-Podravina	21	15	-28.6	17	8	-52.9	3.9	36 000
TOTAL	430	389	-9.5	338	292	-13.6	100.0	5 860 654

Environmental Crimes in 2012

Eco-Crimes		Reported crimes		Solved			2012 % of total reported
	No. of crimes		+ - %	No. of crimes		+ - %	
	2011	2012		2011	2012		
Environmental pollution	1	1	0.0	1	1	0.0	0.2
Waste pollution	5	1	-80.0	5	1	-80.0	0.2
Pollution by devices		1			1		0.2
Illegal hunting	171	178	+4.1	95	100	+5.3	41.4
Illegal fishing	165	147	-10.9	164	136	-17.1	34.2
Animal torture	16	11	-31.3	15	9	-40.0	2.6
Forest devastation	6	2	-66.7	6			0.5
Serious eco-crimes	1			1			0.0
Total - general crimes	365	341	-6.6	287	248	-13.6	79.3
Illegal ore exploitation	32	32	0.0	32	33	+3.1	7.4
Illegal construction	104	57	-45.2	104	57	-45.2	13.3
Grand total	501	430	-14.2	423	338	-20.1	100.0

Comparative view of environmental crimes

Eco-Crimes	Reported crimes			Solved		Subseq. discovered			
	Total	On spot	Unknown	Total	%	Total	%	Prev. periods	% reported
Illegal hunting	178	32	126	100	56,2	48	38,1		38,1
Illegal fishing	147	90	40	136	92,5	29	72,5		72,5
Animal torture	11		9	9	81,8	7	77,8		77,8
Total - general crimes	341	122	179	248	72,7	86	48,0		48,0
Illegal ore exploitation	32	1	24	33	103,1	25	104,2	1	100,0
Illegal construction	57		28	57	100,0	28	100,0		100,0
Grand total	430	123	231	338	78,6	139	60,2	1	59,7

Distribution of environmental crimes

Police Administration	Reported crimes			Solved crimes			2012 % of total reported	Material damages 2012 In Kuna
	No. of crimes			No. of crimes				
	2011	2012		+ - %	2011			
Zagreb	15	9	-40.0	13	6	-53.8	2.1	4 750
Split-Dalmatia	63	33	-47.6	63	32	-49.2	7.7	27 300
Primorje-Gorski Kotar	24	27	+12.5	21	20	-4.8	6.3	25 391
Osijek-Baranja	37	29	-21.6	32	24	-25.0	6.7	51 146
Istria	94	80	-14.9	93	80	-14.0	18.6	3 392 000
Dubrovnik-Neretva	34	31	-8.8	35	31	-11.4	7.2	33 670
Karlovac	7	7	0.0	6	3	-50.0	1.6	15 000
Sisak-Moslavina	20	23	+15.0	11	14	+27.3	5.3	71 025
Šibenik-Knin	27	26	-3.7	26	22	-15.4	6.0	
Vukovar-Srijem	9	16	+77.8	5	7	+40.0	3.7	167 892
Zadar	39	35	-10.3	39	35	-10.3	8.1	7 200 634
Bjelovar-Bilogora	25	20	-20.0	9	7	-22.2	4.7	72 740
Brod - Posavina	10	5	-50.0	7	3	-57.1	1.2	16 340
Koprivnica-Križevci	10	21	+110.0	5	11	+120.0	4.9	881 268
Krapina-Zagorje	12	3	-75.0	8	2	-75.0	0.7	2 000
Lika-Senj	24	14	-41.7	20	12	-40.0	3.3	22 000
Međimurje	13	12	-7.7	5	3	-40.0	2.8	30 500
Požega - Slavonia	2	3	+50.0	2	1	-50.0	0.7	18 250
Varaždin	15	15	0.0	5	8	+60.0	3.5	23 259 714
Virovitica-Podravina	21	21	0.0	18	17	-5.6	4.9	84 546
TOTAL	501	430	-14.2	423	338	-20.1	100.0	35 376 166

PUBLIC PROSECUTOR STATISTICS:

CRIME STRUCTURE OF OFFENCES COMMITTED BY ADULT PERSONS

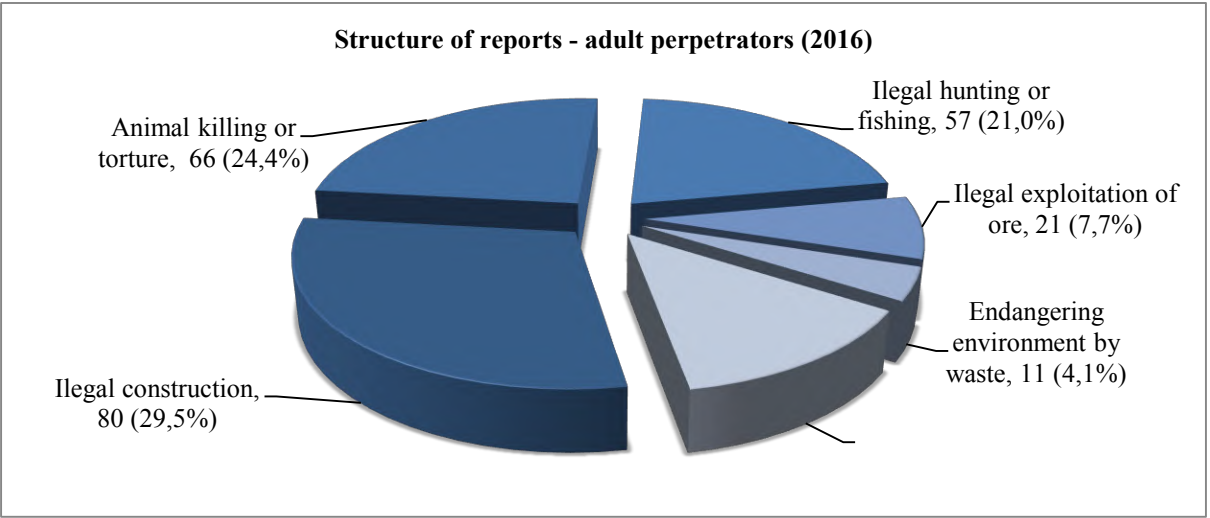
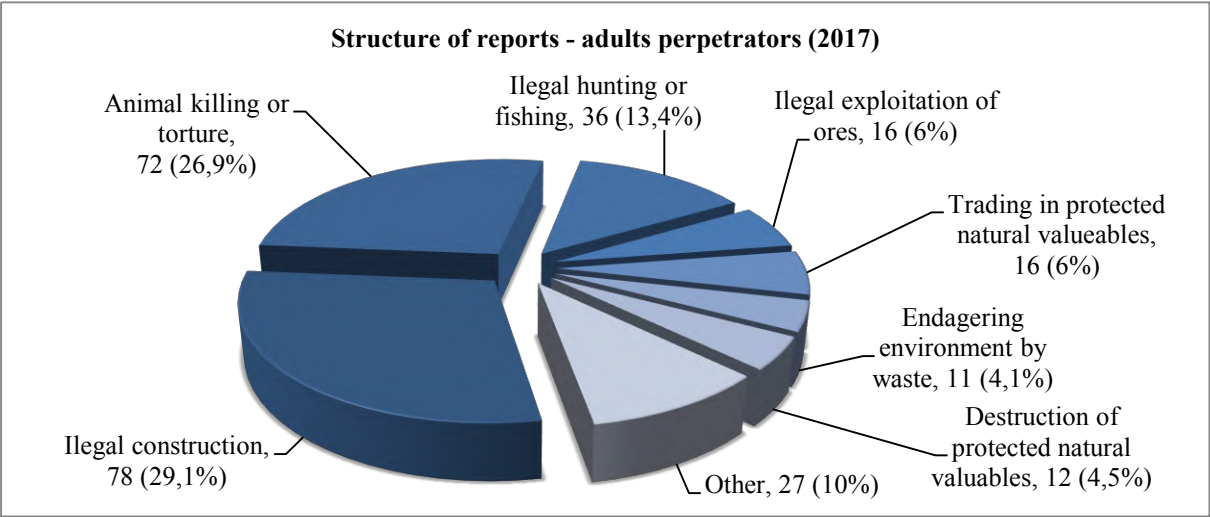
(Persons over 21 years of age)

Criminal Code Chapter	2016	2017
CRIME AGAINST HUMANITY AND HUMAN DIGNITY (Chapter IX)	57 0.2%	84 0.3%
CRIME AGAINST LIFE AND BODY Chapter X	1490 4.4%	1456 4.3%
CRIME AGAINST LABOUR RELATIONS AND SOCIAL INSURANCE (Chapter XII)	480 1.4%	388 1.2%
CRIME AGAINST PERSONAL FREEDOM (Chapter XIII (Chapter XIII))	5410 16.1%	6057 18.1%
CRIME AGAINST PRIVACY (Chapter XIV CC)	377 1.1%	308 0.9%
CRIME AGAINST SEXUAL FREEDOM (Chapter XVI CC)	260 0.8%	255 0.8%
SEXUAL ABUSE AND CHILD EXPLOITATION Chapter XVII CC)	191 0.6%	191 0.6%
CRIME AGAINST MARRIAGE, FAMILY AND CHILDREN (Chapter XVIII Chapter XVII CC)	2294 6.8%	2557 7.6%
CRIME AGAINST HUMAN HEALTH (without abuse of narcotics and substances forbidden in sports) (Chapter XIX CC)	167 0.5%	98 0.3%

ABUSE OF NARCOTICS AND SUBSTANCES FORBIDDEN IN SPORTS (part of Chapter XIX CC)	1227 3.7%	1000 3%
ENVIRONMENTAL CRIMES (Chapter XX CC)	271 0.8%	268 0.8%
CRIMES AGAINST GENERAL SAFETY (Chapter XXI CC)	355 1%	385 1.1%
CRIMES AGAINST TRAFFIC SAFETY (Chapter XXII CC)	1455 4.3%	1461 4.4%
PROPERTY CRIMES (Chapter XXIII CC)	11202 33.3%	10181 30.5%
ECONOMIC CRIMES (Chapter XXIV CC)	2650 7.9%	2587 7.7%
CRIMES AGAINST INFORMATION SYSTEMS, PROGRAMS AND DATA (Chapter XXV CC)	159 0.5%	196 0.6%
FORGERIES (Chapter XXVI CC)	1635 4.9%	1465 4.4%
CRIMES AGAINST EX OFFICIO /AGAINST ABUSE OF OFFICIAL POWERS/ (Chapter XXVIII CC)	1608 4.8%	1935 5.8%
CRIMES AGAINST THE JUDICIARY (Chapter XXIX CC)	1063 3.2%	1092 3.2%
CRIMES AGAINST PUBLIC ORDER (Chapter XXX CC)	1049 3.1%	1262 3.8%
OTHER CRIMES FROM THE CRIMINAL CODE AND SPECIAL ACTS	212 0.6%	199 0.6%
TOTAL:	33612 100%	33425 100%

From the above statistics of the Public Prosecutor's Office it is possible to ascertain that all environmental crimes together make up a negligible 0.8 per cent of all reported known crimes by natural persons.

Below is a diagram of the structure of environmental crimes reported to have been committed by adults in 2017 and 2016.



Legal persons

CRIME STRUCTURE – LEGAL PERSONS

Criminal Code Chapter	2016.	2017.
CRIME AGAINST LABOUR RELATIONS AND SOCIAL INSURANCE CC)	200 14%	178 14.1%
ENVIRONMENTAL CRIMES (Chapter XX CC)	23 1.6%	20 1.6%
CRIME AGAINST GENERAL SAFETY (Chapter XXI CC)	41 2.9%	46 3.6%
PROPERTY CRIMES (Chapter XXIII CC)	171 11.9%	145 11.5%
ECONOMIC CRIMES (Chapter XXIV CC)	796 55.6%	700 55.4%
FORGERIES (Chapter XXVI CC)	37 2.6%	44 3.5%
CRIMES AGAINST EX OFFICIO / AGAINST CRIMES AGAINST ABUSE OF OFFICIAL POWERS/ (Chapter XXVIII CC)	63 4.4%	72 5.7%
OTHER CRIMES FROM THE CRIMINAL CODE AND SPECIAL ACTS	100 7%	58 4.6%
TOTAL:	1431 100%	1263 100%

The table shows that the structure of crimes allegedly committed by legal persons in 2017 includes 20 reports of environmental crimes (1.6 %).

STRUCTURE OF CRIMES COMMITTED BY UNKNOWN PERPETRATORS

Criminal Code Chapter	2016	2017	Perpetrator detected (as of 2017)
CRIME AGAINST LIFE AND BODY (Chapter X CC)	260 0.9%	248 0.8%	54 21.8%
CRIME AGAINST PERSONAL FREEDOM (Chapter XIII CC)	426 1.4%	448 1.5%	84 18.8%
CRIME AGAINST HUMAN HEALTH (Chapter XIX CC)	71 0.2%	72 0.3%	7 9.7%
CRIME AGAINST PRIVACY (Chapter XIV CC)	177 0.6%	148 0.5%	18 12.2%
ENVIRONMENTAL CRIMES (Chapter XX CC)	110 0.4%	96 0.3%	1 1%
CRIMES AGAINST GENERAL SAFETY (Chapter XXI CC)	189 0.6%	245 0.8%	11 4.5%
CRIMES AGAINST TRAFFIC SAFETY (Chapter XXII CC)	68 0.2%	59 0.2%	8 13.6%
PROPERTY CRIMES (Chapter XXIII CC)	27075 90.3%	26404 90.1%	2244 8.5%
FORGERIES (Chapter XXVI CC)	666 2.2%	527 1.8%	46 8.7%
CRIMES AGAINST PUBLIC ORDER (Chapter XXX CC)	105 0.4%	123 0.4%	22 17.9%
OTHER CRIMES FROM THE CRIMINAL CODE AND SPECIAL ACTS	822 2.8%	943 3.3%	91 9.7%
TOTAL:	29969 100%	29313 100%	2586 8.8%

INSPECTION AFFAIRS DIRECTORATE STATISTICS:

The **Inspection Affairs Directorate** has issued misdemeanour orders for infringement of the Sustainable Waste Management Act and the corresponding implementing regulations:

2013 – 284 misdemeanours

2014 – 361 misdemeanours

2015 – 414 misdemeanours

2016 – 579 misdemeanours

2017 – 333 misdemeanours

CUSTOMS STATISTICS:

The Customs Administration has detected 44 misdemeanours related to cross-border movement of waste in the last five years:

2013 – 9 misdemeanours (car batteries, electric and electronic waste, scrap iron and zinc)

2014 – 13 misdemeanours (PET packaging, scrap copper, car batteries, waste cooking oil, copper wires, radioactive C-060. With regard to this last, an attempt to illegally export radioactive C-060 in a used lightning rod was foiled at a river border crossing point (BCP) at the port of Rijeka, with the assistance of a device for detecting radioactivity. The radioactive source was found without lead protection in a scrap iron consignment bound for Turkey; it was then extracted from the scrap consignment and handed over to the competent authority to be checked for contamination, transported and prepared for permanent storage.)

2015 – 8 misdemeanours (car batteries, hazardous waste – used parts, sullied)

2016 – 9 misdemeanours (engines, engine parts, aluminium waste, acrylic glass remnants, hazardous waste, scrap aluminium)

2017 – 4 misdemeanours (car batteries, scrap nylon)

2018 (up to July) – 2 misdemeanours (various mechanical and electronic waste, metallic items containing radioactive source Radium-226. Radium-226 was detected at a river BCP at the port of Rijeka during a physical examination of metallic scrap material for presence of radionuclides; the scrap metal, which was being sold by a seller from Zagreb, was due to be loaded onto the MV Zeko Y, destined for the port of İÇDAŞ and a recipient in Turkey.)

JUDICIARY STATISTICS:

The evaluation team did not receive proper statistics; instead it received only this briefing about the cases brought before the various municipal courts:

Municipal Court in Dubrovnik

1. The defendant was accused of carrying 2.920 kg of batteries in 2014 with the intention of crossing the border, knowing that he was not authorised to collect waste batteries. In so doing, he unlawfully moved a significant quantity of waste and thus committed a criminal offence against the environment punishable by Article 196 of the Criminal Code. He received an eight-month jail sentence (two years suspended).

2. The defendant was accused of carrying 5.640 kg of lead batteries on the A1 motorway in 2016, knowing that they were not authorised to collect waste batteries. In so doing, they unlawfully moved a significant quantity of waste and thus committed a criminal offence punishable by Article 196 of the Criminal Code. They received a seven-month jail sentence (two years suspended).
3. The defendant was accused of carrying 5.140 kg of lead batteries destined for a recipient in the territory of Bosnia and Herzegovina in 2015, knowing that he was not authorised to collect waste batteries. In so doing, he illegally moved a significant quantity of waste and thus committed an environmental offence punishable by Article 196 of the Criminal Code. He received four-month jail sentence (two years suspended).
4. The defendant was accused of collecting and dumping 4.040 kg of old batteries destined for a recipient in the territory of Bosnia and Herzegovina in 2014, knowing that he was not authorised to collect waste batteries. In so doing, he handled waste in a manner that could have significantly jeopardised human life and health, and thus committed an environmental offence punishable by Article 196 of the Criminal Code. He received a six-month jail sentence (two years suspended).
5. The defendant was accused of carrying 4.000 kg of batteries with the intention of taking them over the border into Bosnia and Herzegovina in 2014, knowing that they were not authorised to collect waste batteries. In so doing, they unlawfully moved a significant quantity of waste traffic and thus committed a criminal offence punishable by Article 196 of the Criminal Code. The defendant received a fine of 30 days, equivalent to HRK 5 625.

Municipal Court in Slavonski Brod

The defendant was accused of organising the transport of 200-250 m³ of mixed blast waste from the Republic of Austria to the Republic of Croatia in 2014, without holding a waste management licence, thereby committing a criminal offence punishable by Article 196 of the Criminal Code. The defendant received a fine of 50 days, which amounts to HRK 9 375.

Municipal Court in Split

1. The defendant was accused of illegally collecting large quantities of used batteries in 2013, despite the fact that he ought to have known that they could significantly jeopardise soil and air quality. He therefore committed an environmental offence punishable by Article 196 of the Criminal Code and received a six-month jail sentence (two years suspended).
2. The defendant was accused of collecting a total of 3.260 kg of batteries, constituting hazardous waste, in the cargo area of a freight vehicle in 2014, without having been authorised to do so by the competent authorities, thereby committing an environmental offence punishable by Article 196(2) of the Criminal Code. They received a six-month jail sentence (two years suspended).
3. The defendant was accused of leaving 38 sheep in six places along a macadam road in 2015, assuming that doing so would not have a harmful effect on the environment. In doing so, the defendant committed an environmental offence punishable under Article 196(2) in conjunction with Article 4 of the Criminal Code and received a three-month jail sentence (one year suspended).

Municipal Court in Varaždin

Two defendants were accused of handing over medical waste in 2016, in the form of used adult nappies, for disposal at a location where burying it in the ground was not permitted, knowing that this is illegal and thus committing an environmental offence punishable under Article 196(2) of the Criminal Code. The defendants received a seven-month jail sentence (one year suspended).

Municipal Court in Zadar

The defendant was accused of having excavated earthworks measuring 85 x 35 metres from a depth of about 3.5 metres in 2013, and of putting asphalt, concrete, wood, plastic and ceramic waste in the excavated pit, thereby committing a criminal offence against the environment punishable by Article 196(2) of the Criminal Code. He received a one-year jail sentence (four years suspended).

3.4. Domestic budget allocated to preventing and combating waste crime and support from the EU

Croatia has not allocated a specific budget line to preventing or tackling waste crime, nor does it benefit from any EU funding.

3.5. Prevention of waste crime

The Sustainable Waste Management Act has introduced measures to prevent and reduce the hazardous effects of waste on human health and the environment by reducing the amount of waste being produced and providing for a system of waste management that takes into consideration the principles of environmental protection. Administrative inspections, as well as checks of the inspection service itself, are carried out to ensure the application of this Act, the regulations passed and its misdemeanour provisions. These include fines of HRK 100 000 to 800 000 for legal persons, HRK 25 000 to 100 000 for persons responsible for a legal entity, HRK 25 000 to 250 000 for natural persons (tradespeople), and HRK 3 000 to 10 000 for natural persons.

Another important element in the prevention of environmental crimes is waste management by registered companies in certified facilities, using techniques and procedures that do not adversely affect the environment.

The Croatian Government has adopted a waste management plan for the period 2017-2022 which gives an overview of Croatia's waste management and a development plan for the period in question: <https://www.mzoip.hr/hr/otpad/propisi-i-medunarodni-ugovorixx.html>.

3.6. Conclusions

- Croatia has not adopted an action plan or any other strategic document against environmental crime.
- There is no clear action plan for increasing awareness or educating citizens, business or industry regarding waste or waste crime.
- There is no dedicated budget for tackling environmental crime.
- All the relevant authorities lack coherent and usable statistics. The data submitted by the Croatian authorities does not give the evaluation team an overall view of the environmental crime situation because each authority records its own crime statistics based on its own criteria, meaning they are not comparable. As a result, environmental crime statistics do not reflect the current state of the environment or give a reliable indication of possible risks, rendering the data incomplete and unable to reveal trends at national level.
- The Croatian Government has adopted a waste management plan for the period 2017-2022.

4. NATIONAL STRUCTURES

4.1. Judiciary (prosecution and courts)

4.1.1. Internal structure

The Public Prosecutor's Office is an independent and autonomous judicial authority authorised and obliged to act against the perpetrators of crimes and other punishable offences, to take legal action to protect the property of the Republic of Croatia and to submit legal remedies for the protection of the Constitution and the law (Article 125(1) of the Constitution of the Republic of Croatia).

It comprises a total of 39 public prosecutors: the Public Prosecutor's Office of the Republic of Croatia; the Office for the Suppression of Corruption and Organised Crime; 15 county public prosecutors; and 22 municipal public prosecutors.

As a rule, the prosecution of waste crimes falls within the competence of the public prosecutor at municipal level, with the exception of those serious waste crimes set out in Article 214(2) of the Croatian Criminal Code, for which the county public prosecutor is responsible, and organised crime, which falls within the competence of the Office for Suppression of Corruption and Organised Crime.

There is no specialised Public Prosecutor's Office exclusively for the prosecution of waste crime.

A point of contact for cooperating with the ENPE has been set up.

According to the replies given in the questionnaire, some deputy public prosecutors are in charge of monitoring this type of crime and are trained in countering it. They are also familiar with specific *modi operandi*, and with methods and criteria for estimating damage and adverse consequences. However, the evaluation team did not meet any prosecutors that had such specific knowledge relating to waste crime.

The public prosecutor can also prosecute misdemeanour offences by way of subsidiarity, as these offences fall primarily within the competence of state administrative bodies and legal persons with public authority, which are responsible for both investigation and prosecution.

The public prosecutor may require state administrative bodies to monitor the business of a natural or legal person and, in accordance with appropriate regulations, to temporarily seize money, securities, objects or documentation that may serve as evidence until the conviction is reached. He or she can also require state administrative bodies to monitor and supply data that may serve as evidence of a criminal offence committed, or of assets gained through crime (Article 206(5) of the Code of Criminal Procedure (CCP)), and if the state administrative bodies fail to comply, a penalty may be imposed.

Municipal courts are the courts of first instance competent for offences punishable by law with fines or imprisonment up to 12 years, unless otherwise provided for by law. Article 19b CCP determines the composition of the municipal courts in criminal matters. They are composed of a single judge when dealing with a criminal offence punishable by imprisonment for up to five years, and of one judge and two lay judges when higher penalties are foreseen.

County courts are the courts of first instance competent for criminal offences punishable by law for a term of imprisonment over 12 years or long-term imprisonment. They are also competent for appeals against decisions of municipal courts, unless otherwise prescribed by law (Article 19c(2) CCP).

As regards the composition of county courts, as courts of first instance they are composed of one judge and two lay judges, or of two judges and three lay judges for offences punishable by long-term imprisonment, unless otherwise prescribed by law. Appeals against municipal court decisions are decided by a county court composed of three judges (Article 19d(2) CCP).

The Supreme Court of the Republic of Croatia decides on appeals against the decisions of county courts in the second instance, unless otherwise prescribed by law (point 1 of Article 19f(1) CCP). In accordance with Article 19f(2) CCP, the Supreme Court is composed of three judges.

No specialised court has been established for environmental crime.

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

The latest achievements in the field of preventing and fighting waste crime are related to those already listed under point 3.2. No further steps have been taken since 2015 when the twinning projects came to end.

Very few criminal proceedings related to waste crime are conducted in Croatia each year and no detention orders have been issued in this field.

Croatian authorities have reported that the issue of preserving and securing evidence is very challenging due to the special knowledge needed to handle and store temporarily seized objects.

Collecting waste crime evidence has also been reported as challenging due to the utmost attention required and the need to use appropriate scientific protocols in order to collect data in accordance with operating procedures, ensuring that samples do not become contaminated.

Telephonic, environmental and telematics interceptions have never been used in investigations regarding waste traffic.

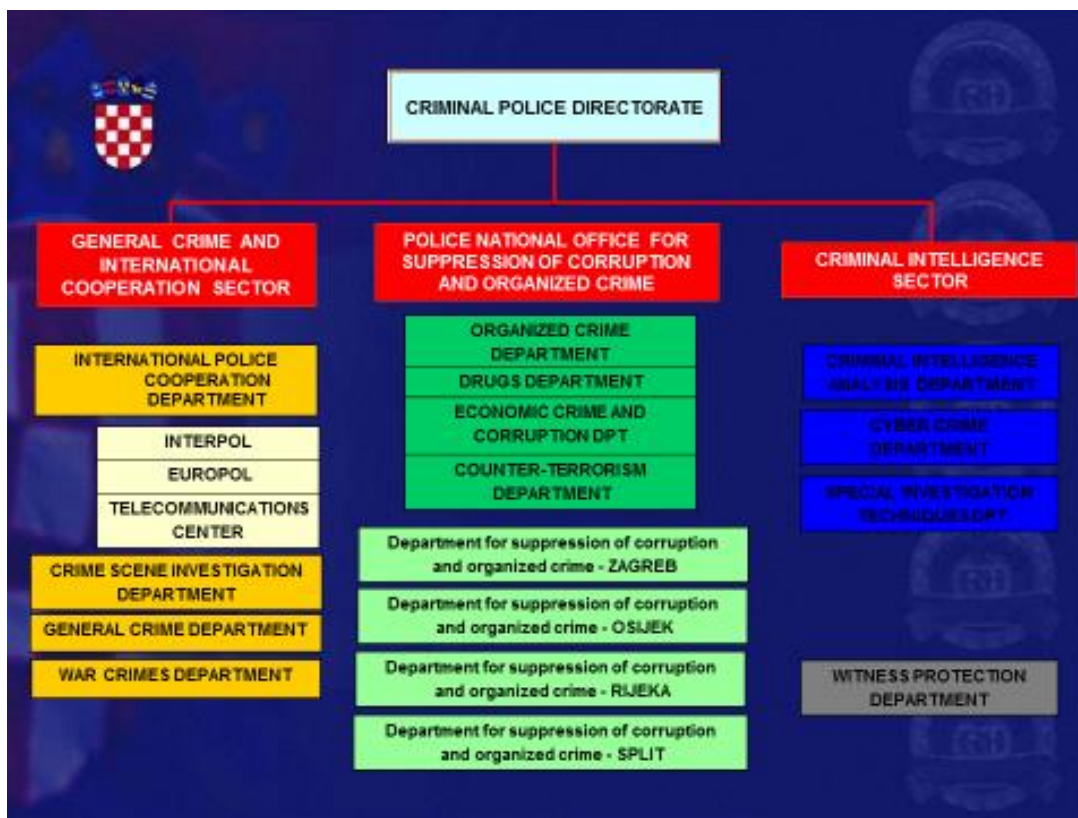
4.2. Law enforcement authorities

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

The investigation of environmental cases falls under the jurisdiction of the General Crime Department of the Criminal Police Directorate. Environmental crimes are namely only part of the work of the General Crime Department.

The duties of the local police are: to maintain public order and security; to take measures to prevent crime; to investigate crimes and other events threatening public order and security; to direct and monitor traffic and promote traffic safety; and to perform any other duties assigned to the police by law or that they are obliged to carry out. There is no special unit for investigating environmental crime.

There are five posts for police officers who, in addition to crimes against life and limb, sexual crimes and general security crimes, are also in charge of waste crimes. However, there are no specialised units nor specialised waste crime police officers within police districts.



According to article 207 of the Croatian criminal procedure act , if there are grounds for suspicion that a criminal offence subject to public prosecution has been committed, the police shall have the right and duty: 1) to take necessary measures aimed at discovering the perpetrator of the criminal offence, preventing the perpetrator or accomplice from fleeing or going into hiding; 2) to discover and secure traces of the offence and objects of evidentiary value, and 3) to gather all information which could be useful for successfully conducting criminal proceedings. Therefore, they are competent also for dealing with environmental crimes (including waste crimes). Despite being formally tasked with the above, they do not have the powers to carry out waste inspections or to take action in relation to illegal waste shipments, which is mainly competence of the Environmental Protection Inspectorate, but should support the Inspectorate. On the contrary, the evaluation team inferred from the statistics (but also from the absence of any specific guidelines and lack of specific training) that the police do not play an effective role in tackling waste crime.

4.2.2. Investigative techniques/tools

The existing laws do not provide for using special investigation techniques (such as electronic surveillance, covert operations or controlled deliveries) when investigating environmental crimes, except when such crimes are committed by a criminal organisation, but no such case has been recorded so far.

The law does allow for the use of ordinary means of investigation, but not all of the necessary or useful means (such as radioactive scanners to detect radioactive waste) are used. Even when they are used, it seems that they are relegated to the administrative field and used only by the Environmental Protection Inspectorate, the Ministry of Health and the State Office for Radiological and Nuclear Safety.

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

The Ministry of the Interior has forensic, financial and cybercrime units for investigating criminal activity, and all of these can be used in waste management crime investigations. However, despite the importance of implementing such means having been emphasised on several occasions by the institutions themselves, they report that so far none of these means has been used to investigate environmental crimes, either because such crimes have not been linked with any criminal organisations or because they have not presented any particular complexity.

The evaluation team observes that, despite the fact that the public prosecutor's powers also include conducting financial investigations, such investigations are not usually carried out. In fact, no significant cases of financial action taken against environmental crime have been evaluated by the team. This lack of financial investigations makes it difficult to follow a whole management cycle, and it also prevents the profits of a crime from being seized.

In general, the detection of waste crimes in Croatia does not seem to be very well organised or focused. According to the information provided no guidelines are provide to Police staff with a view of investigating waste crimes. In general, detection and investigation of waste crimes in Croatia was found not to be very well organized or focused, as objective and verifiable organizational methods are not established.

The Croatian authorities report that the most frequent obstacles faced when conducting investigations in the area of waste management are a lack of expertise, and difficulties detecting, preserving and storing waste.

Preserving and securing evidence of environmental crimes is also reported to be particularly challenging, as it requires the utmost attention regarding the use of appropriate scientific protocols for collecting data according to standard operating procedures, in order to ensure that the samples are not contaminated.

In general, a lack of information, human and financial resources, training and knowledge has been detected.

On the other hand, with specific reference to the lack of knowledge issue, the evaluation team welcomed the adoption of a small pocket manual ('Waste(s) Watch') containing identification cards for differentiating between waste and non-waste for each type of material. Each card has a picture of the material on the front, and on the reverse a summary of the applicable rules or definitions, or the addresses of any other relevant European reference authorities.

The Ordinance on by-products and the abolition of waste status (Official Gazette 117/14) lays down special criteria for the abolition of waste status, including limit values of pollutants and harmful effects of substances or articles on the environment, specific criteria for the determination, of by-products, the contents of the certificate of entry into register waste status abolition and the by-product register, contents and method of keeping the register of waste status abolition and the register of by-products and the method and the conditions for implementing EU regulations setting out the criteria for abolishing the status of a particular waste type

However, the criteria for distinguishing between residual production 'waste' and residue of 'by-product' production seems not to be very clear to the relevant actors.

Major improvements as regards interactions between the relevant actors in the field of environmental protection should be encouraged. Common guidelines would also be very useful.

4.3. Other authorities/institutions

Other authorities involved in tackling environmental crimes are the Environmental Protection Inspectorate (part of the Ministry of Protection of the Environment and Energy), the State Office for Radiological and Nuclear Safety, and customs.

The competent authority for the implementation of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste is the **Ministry of Protection of the Environment and Energy**, which issues permits for cross-border movement of waste.

The **Inspection Affairs Directorate of the Ministry of Protection of the Environment and Energy** performs activities in the areas of environmental protection inspection, nature protection inspection and water inspection, aiming to ensure implementation of legislation in these areas.

The Inspection Affairs Directorate has to cooperate with the police and customs in monitoring cross-border waste shipments.

Inspectors' rights, obligations and powers are set out in the Radiological and Nuclear Safety Act, the State Administration System Act, the Civil Servants Act, the Misdemeanour Act, the Criminal Code, the Code of Criminal Procedure (CCP), the General Administrative Procedure Act and the Code of Ethics for Civil Servants.

Environmental protection inspection activities are carried out by the Inspection Affairs Directorate at central level and at regional level (there are four regional offices: Zagreb, Osijek, Rijeka and Split). At central level inspectors are authorised to perform monitoring activities across the whole of Croatia's territory, whereas regional office inspectors are only responsible for the territory of their respective regional offices.

The Environmental Protection Inspectorate has 77 inspectors that deal with:

- handling non-hazardous and hazardous waste, as well as municipal waste;
- plants that require an environmental permit;
- upper- and lower-tier Seveso establishments;
- air quality and emissions of air pollutants from immobile sources;
- waste shipments and cross-border movement of waste;
- greenhouse gas emissions and trading greenhouse gas emission units;
- ozone-depleting substances and fluorinated gases.

During an inspection, the inspector has direct access to general and individual activities, supervises the working conditions and methods of legal and natural persons involved in the waste management system, and undertakes measures to ensure compliance with the Sustainable Waste Management Act, with the regulations issued on the basis thereof, and with other legislation in cases where these regulations have been violated.

In particular, the inspector should check:

- compliance with the prescribed conditions for carrying out activities in the area of waste management;
- compliance of the practices of legal and natural persons involved in waste management with the legislation that prescribes the conditions and way in which waste management activities should be carried out;
- whether records are kept of the waste generated and its life cycle;

- whether required reports and data are submitted to the competent administrative bodies;
- compliance with the requirements for cross-border movement of waste;
- validity of permits for waste collection, recovery and/or disposal;
- whether contributors are entered into the Management of Special Waste Categories Register;
- fulfilment of conditions, operation methods and implementation of measures for the closure, rehabilitation and subsequent maintenance of landfills;
- fulfilment of waste management obligations under the competence and responsibility of local and regional self-government units prescribed by the Sustainable Waste Management Act;
- implementation of waste management measures established by the environmental impact assessment;
- implementation of ratified international treaties on waste management.

In the event of a violation of the Sustainable Waste Management Act and/or the implementing regulations passed pursuant to it, the inspector has the right and obligation to issue a decision ordering measures to be taken, with a deadline. These measures can include: elimination of deficiencies; elimination of treatment irregularities; removal of discarded waste; remediation of contaminated soil; banning waste disposal; prohibition of waste management activities; banning waste exports or imports; putting a stop to activities that endanger human health or cause significant damage to the environment; taking action to ensure activities comply with the conditions established in the legislation that determines the conditions and way in which waste management activities should be carried out; and undertaking other activities in accordance with special regulations for the prevention of waste management contrary to the Sustainable Waste Management Act and/or with the regulations adopted pursuant to it.

The Inspection Affairs Directorate has nine officers dealing with the environmental sector but none of them are specialised in waste shipments only. Every inspector must cover the whole range of duties as listed above.

The State Office for Radiological and Nuclear Safety supervises the handling of radioactive waste.

During an inspection visit, the inspector is authorised to:

- take photographs of and record people;
- check, take photographs of or record: buildings and other structures, including all rooms and premises therein; ports; regulatory registers; equipment; work and business systems subject to the inspection; vehicles; business books; video recordings; audio recordings; contracts; any other documentation providing insight into the business activities of the inspected natural or legal person;
- take statements from responsible persons and testimonies from witnesses;
- take samples;
- where necessary, use the services of renowned experts and legal entities.

The inspector may temporarily suspend the activities on the inspected premises for the duration of the inspection visit if he or she cannot perform the inspection or establish the facts without doing so.

If, in the course of inspection, it is established that there has been a violation of a regulation that falls within the scope of another state administrative body's work, the inspector is obliged to inform the other state administrative body of this violation without delay.

The inspector is authorised to temporarily seize objects with which a misdemeanour or criminal offence has been committed.

While conducting an inspection, the inspector is authorised to temporarily prohibit the inspected natural or legal person, by verbal decision, from using working and auxiliary premises, rooms, installations, plants and equipment for performing business activities, as well as to prohibit the work of other persons on such premises, until established deficiencies have been remedied, and to immediately proceed to enforcing the decision pursuant to Article 89(1) of the Radiological and Nuclear Safety Act, without bringing forth any special act on the permission to do so, in the following cases:

1. where there is danger or suspected danger to human health or life that requires the securing measure to be taken at once, without delay;
2. where there is a danger or suspected danger that evidence will be concealed, modified or destroyed unless the securing measure is taken immediately;
3. where statutory conditions – which cannot be met by regular performance of business activities – have not been met;
4. gross negligence in technological processes.

In the course of inspecting business activity which, under the Radiological and Nuclear Safety Act, must be registered in the records of the State Office for Radiological and Nuclear Safety, and/or are subject to previous issuance of a permit or decision by the Office, the inspector is authorised to temporarily prohibit, by verbal decision, the inspected natural or legal person from conducting that business activity until established deficiencies have been remedied, and to proceed immediately to enforcing the decision pursuant to Article 89(1) of the Radiological and Nuclear Safety Act, without bringing forth any special act on the permission to do so, in the following cases:

1. If the business activity is being conducted without being registered in the Office's records
2. If the business activity is being conducted without the necessary permit or decision issued by the Office.

Any enforceable decision of the inspector, the subject of which is non-cash obligation and which, in accordance with the nature of that obligation, is enforceable with immediate coercion, will be enforced by sealing premises, installations, plants and other equipment, or in some other appropriate manner. If the decision is not enforceable by immediate coercion (by sealing installations, plants and other equipment, or in some other appropriate manner), the inspector will offer the enforced party the possibility to fulfil the obligation by paying a fine.

If the inspector establishes that, through the violation of a regulation, a misdemeanour has been committed, he or she is obliged, on the basis of established facts, at the latest within three months after the completion of the inspection, to file an indictment to the competent court to initiate a misdemeanour proceeding.

If the inspector is obstructed or if there is reason to believe that he or she will be obstructed in enforcing the decision, the assistance of the body competent for internal affairs may be required.

The evaluation team was advised that in January 2019, the independent office of the Radiological and Nuclear Safety Office would be subsumed into the Ministry of the Interior and therefore lose its independent structure.

The **Customs Administration** operates under the Ministry of Finance. It is in charge of:

- securing transport chains, ensuring product safety and combating cross-border crime;
- preventing threats to citizens' health and safety and to the environment;
- combating the smuggling of narcotics and other dangerous substances and the shadow economy;
- performing various control tasks for different ministries and administrative sectors.

The Customs Administration' powers in the context of cross-border waste traffic control are defined by the Article 4(3) of the Customs Act (customs service tasks) and Article 142 of the Sustainable Waste Management Act.

In both laws, the duties of the Customs Administration are defined as overseeing cross-border movement of waste (e.g. with regard to entry, quantity, etc.) and waste management in accordance with the applicable regulations, as well as monitoring trade and waste mediation. In performing these duties, customs officers are entitled to prohibit imports, exports and transit of waste shipments if they find that the conditions prescribed by law have not been fulfilled, and to sanction the offenders.

The Customs Administration also investigates cases of environmental crime which are, by their nature, customs offences. Customs offences include offences that violate provisions of the Customs Act or other legal acts enforceable by customs, and offences connected to the importing/exporting of goods. These fall under the Misdemeanour Act.

All the above competent administrative bodies have to report a crime if, in the course of an inspection, it is established that a crime has been committed in accordance with Article 258 of the Environment Protection Act.

In practice, in cases where it cannot be established whether a crime or misdemeanour has been committed without specific activities being carried out, inspectors should take immediate action to secure evidence, within their competence and the powers vested in them by sector legislation, in accordance with the Misdemeanour Act. Afterwards, if they reasonably believe that a crime has been committed, they will inform the public prosecutor by filing a criminal report.

However, at the very beginning of inquiries, it is often not quite clear whether the incident detected is a crime or a misdemeanour. In such cases, standard operating procedures call for consultation with the competent public prosecutor's office to avoid possible conflict with the *non bis in idem* principle.

Despite the above, the evaluation team ascertained during their visit that administrative authorities do not comply with their obligation to consult the prosecutor. During the evaluation, it was explained that, according to Art. 5. Ordinance on Waste Catalog (OG 90/15) shipments of waste over 10 tonnes for non-hazardous waste and 1 tonne for hazardous waste constitute a crime. Below these quantities, they are considered a misdemeanour. However, the Customs Administration stated that they do not report as crimes the actions that could be considered as such, as they consider the misdemeanour procedure faster and more effective.

4.4. Cooperation and exchange of information among national authorities

4.4.1. Cooperation and coordination

The exchange of information and coordination between the relevant authorities is not formally defined, except in the Agreement on Cooperation in the Supervision of Cross-Border Waste Shipment between customs, the police and the Environmental Inspectorate, signed in 2016 and the Agreement on cooperation between Inspection services in the field of environment signed in 2008.

A memorandum of understanding signed by the police, customs and the Inspection Affairs Directorate of the Ministry of Protection of the Environment and Energy. This MOU has not been signed by the Public Prosecutor's Office. According to the cooperation agreement, every 3 months regular working meetings of the Interagency Working Group are held. The Croatian authorities reported that, as stipulated by the Action Plan for the implementation of the Croatian National Integrated Border Management Strategy, working meetings are held every three months at county level, and on a monthly basis at local level, gathering representatives of the police, customs and other services performing activities at BCPs. However, the evaluation team considers that the organization of the meeting is poor and does not produce any results in tackling waste crimes.

4.4.2. Access to information and focal points on intelligence

In Croatia, there are no focal points in the field of collecting and analysing data and intelligence information. Each competent authority has their own IT system, their own statistical data and their own way of recording that data.

In general, law enforcement and judicial authorities believe they have adequate access to information (databases and registers).

All registers regarding cross-border movement of waste (registers of importers, exporters, traders, intermediaries, transport companies) and related to the implementation of the Sustainable Waste Management Act are kept by the Ministry of Protection of the Environment and Energy, as the competent authority for the environment, and are available on the Ministry's website at: <https://www.mzoip.hr/hr/otpad/ocevidnici.html>.

However, only the Inspection Affairs Directorate has some data online; other information from customs and the police is shared on case-by-case basis.

4.5. Training

As already mentioned, when Croatia was in the process of joining the EU, its relevant institutions tackling waste crime were given the opportunity to take part in several training courses and projects on raising awareness and promoting detection, investigation and prosecution of environmental crimes.

However, since those projects ended, Croatia has not taken any proposed further action to improve its efforts to fight environmental crimes. The Public Prosecutor's Office and the police do not organise any training courses on environmental crime for their own staff; the Public Prosecutor's Office only participates in training organised abroad by other EU institutions or countries, while police officers only receive a lecture on environmental crimes during Undergraduate program of Criminal Investigation. (Professional Program of Criminal Investigation – studies name in English, a three-year professional study of Criminal Investigation)

The Inspection Affairs Directorate of the Ministry of Protection of the Environment and Energy, organises training for its own inspectors.

The Croatian customs authorities, in accordance with their Annual Educational Plan, organise and conduct in-house training for customs officers on the subject of monitoring and controlling movement of waste.

No information has been provided as regards judges' trainings.

4.6. Conclusions

- In the evaluator's view, cooperation between the law enforcement agencies (LEAs) at national and local level is insufficient. It must be better oriented towards the analysis of environmental crime phenomena, the subsequent identification of the different roles that each LEA can play, close coordination by the prosecutor, and the concrete finalisation of investigations to ascertain whether suspected crimes have been committed.
- There are no specialised courts, judges or prosecutors handling environmental crime cases. Waste crime, like other environmental crime, falls within the competence of regular courts/prosecutors.
- Investigating waste crime is the responsibility of the police, but they do not seem to play any de facto role in combating environmental crimes from the point of view of the initiation or development of investigations, not even in the sphere of support to the inspectorate, activities which are also expressly considered
- The Inspection Affairs Directorate of the Ministry of Protection of the Environment and Energy performs activities in the areas of environmental protection inspection, nature protection inspection and water inspection.
- The State Office for Radiological and Nuclear Safety oversees the handling of radioactive waste.
- Customs services are responsible for overseeing cross-border movement of waste (e.g. with regard to entry, quantity, etc.) and waste management in accordance with the applicable regulations, as well as monitoring trade and waste brokerage.

- An Agreement on Cooperation in the Supervision of Cross-Border Waste Shipment between customs, the police and the Environmental Protection Inspectorate was signed in 2016.
- Nevertheless, communication and exchange of information between all the relevant institutions is weak and not clearly defined.
- To successfully combat environmental crimes and improve cooperation among stakeholders, a common system of more focused training should be provided at national level.
- An MOU has been signed pursuant to Article 50 of Regulation (EU) No 660/2014, which states that, as part of the implementation of an inspection plan, Member States should make arrangements for cooperation between authorities involved in inspections. While this MOU was signed by the Environmental Protection Inspectorate, customs and the Ministry of Interior in 2016, in practice cooperation between these three agencies is minimal and poorly structured.
- According to the information provided, meetings of the Interagency Working Group are held regularly in accordance with Art. 4 Agreement on Cooperation . However no periodic strategic coordination meetings have been documented and, even if held, no tangible result can be appreciated.
- The evaluation team found that interaction between the agencies took place on a sporadic and ad hoc basis, and that no formal meetings to discuss waste crime were held at local, regional or national level unless specifically requested by one of the agencies.
- In the view of the evaluation team, the training of individuals and organisations involved in inspections, investigations and prosecution is insufficient to be effective. Additional training for all individuals and agencies, as well as cross-agency training, should be introduced and developed to increase the technical capability and cooperation of all those involved in tackling the complex area of waste crime.

- The Croatian Environmental Inspectorate is a member of IMPEL since 2004. However being part of a network is not sufficient if an opportunity for training and development is not got from this participation. In the view of the evaluation team, agencies should engage with international colleagues and support agencies such as the European Union Agency for Law Enforcement Training (CEPOL) and the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL network) for additional expert training and development.

5. LEGAL ASPECTS

5.1. Substantive criminal law

5.1.1. Description of national legislation pertaining to waste crime

According to Croatian legislation, more serious offences are sanctioned as crimes, while less serious violations are sanctioned as misdemeanours.

In Croatian legislation, the law that criminalises offences within the definition of 'waste crime' is the **Criminal Code**, under Articles 196 and 214.

The crimes provided for by the abovementioned articles are only described in general terms; therefore, for the full legal description, other regulations – such as the Environmental Protection Act, the Nature Protection Act and a number of sub-laws – must be taken into account.

The abovementioned articles are cited below:

Article 196 Endangering the environment with waste

(1) Whoever, contrary to regulations, in a single shipment or in several seemingly related shipments, illegally transports waste in a quantity that is greater than marginal, shall be punished by imprisonment for a term of up to two years.

(2) Whoever, contrary to regulations, discards, dumps, collects, stores, processes, imports, exports or mediates waste, or manages or handles it generally in a way that could permanently or substantially endanger the quality of air, soil, subsoil, water or the sea, or to a considerable extent or in a wider area endanger animals, plants or fungi, or endanger the life or health of people, shall be punished by imprisonment for a term of between six months and five years.

(3) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence shall be punished by imprisonment for a term of up to one year.

(4) Whoever commits the criminal offence referred to in paragraph 2 of this Article by negligence shall be punished by imprisonment for a term of up to two years.

Article 214 Serious environmental crimes

(1) If the criminal offence referred to in Article 193(1) or (2), Article 194(1) or (2), Article 196(1) or (2), Article 197(1), Article 198(1), or Article 199 of this Act causes grievous bodily harm to one or several persons, or the changes caused by the pollution cannot be remedied for a long period of time, or if a major accident occurs, the perpetrator shall be punished by imprisonment for a term of between one year and 10 years.

(2) If the criminal offence referred to in paragraph 1 of this Article causes the death of one or several persons, the perpetrator shall be punished by imprisonment for a term of between three and 15 years.

(3) If the criminal offence referred to in Article 193(3), Article 194(3), Article 196(3), Article 197(2), or Article 198(2) of this Act causes grievous bodily harm to one or several persons, or the changes caused by the pollution cannot be remedied for a long period of time, or if a major accident occurs, the perpetrator shall be punished by imprisonment for a term of between six months and five years.

(4) If the criminal offence referred to it paragraph 3 of this Article causes the death of one or several persons, the perpetrator shall be punished by imprisonment for a term of between one year and eight years.

(5) If the criminal offence referred to in Article 200(1) or (2), Article 201(1), (2) or (3), or Article 202(1) of this Act causes major damage, the perpetrator shall be punished by imprisonment for a term of between one year and eight years.

(6) If the criminal offence referred to in Article 206(1), Article 207(1) or Article 208 of this Act causes major damage, the perpetrator shall be punished by imprisonment for a term of between six months and five years.

(7) If the criminal offence referred to it Article 200(3), Article 201(4), Article 202(2), Article 206(2) or Article 207(2) of this Act causes major damage, the perpetrator shall be punished by imprisonment for a term of three years.

The **Sustainable Waste Management Act** (OG 94/13, 73/17) provides in Chapter XI misdemeanour provisions.

The relevant provisions are cited below:

Article 167

(1) A fine of between HRK 300 000 and 700 000 shall be imposed on a legal person who:

1. manages waste in a manner which puts human health at risk and which results in adverse effects on the environment, but in doing so does not compromise the quality of air, soil, subsoil, water or the sea either permanently or to a significant degree, nor endanger animals, plants or fungi to a considerable extent or in a wider area, nor endanger human life or health (Article 9),

2. dumps waste into the environment but in doing so does not compromise the quality of air, soil, subsoil, water or the sea either permanently or to a significant degree, nor endanger animals, plants or fungi to a considerable extent or in a wider area, nor endanger human life or health (Article 11(1)),
3. manages waste contrary to the provisions of this Act and regulations adopted pursuant to it, but in doing so does not compromise the quality of air, soil, subsoil, water or the sea either permanently or to a significant degree, nor endanger animals, plants or fungi to a considerable extent or in a wider area, nor endanger human life or health (Article 11(2)),
4. carries out incineration of waste in the environment, including incineration of waste at sea and incineration of plant waste from agriculture or forestry, contrary to the provisions of this Act and regulations adopted pursuant to it, but in doing so does not compromise the quality of air, soil, subsoil, water or the sea either permanently or to a significant degree, nor endanger animals, plants or fungi to a considerable extent or in a wider area, nor endanger human life or health (Article 11(3)),
5. sinks waste contrary to the provisions of this Act and regulations adopted pursuant to it, but in doing so does not compromise the quality of air, soil, subsoil, water or the sea either permanently or to a significant degree, nor endanger animals, plants or fungi to a considerable extent or in a wider area, nor endanger human life or health (Article 11(4)),
6. does not collect and store separately waste whose valuable properties may be used to enable such waste to be managed in accordance with the provisions of this Act and the regulations adopted pursuant to it (Article 11(6))
7. is a service provider and did not obtain the consent of the executive body of the local self-government unit before applying a price list or making changes to it (Article 33(6))

8. is a polluter and did not provide for the remediation of a site contaminated by waste, as laid down by the Plan (Article 37(1)),
9. is the owner or holder of the real estate at the site referred to in Article 37(1) of this Act, and did not provide for the remediation of the site (Article 37(2)),
10. is a product manufacturer who places on the market products and packaging containing materials and dangerous substances in quantities and/or concentrations that could adversely affect human health and/or the environment, but in doing so does not endanger animals, plants or fungi to a significant extent or on a wider territory, nor endanger human life or health (Article 42, paragraph 5),
11. is a manufacturer who does not label products or inform the consumer about the essential properties of the product and packaging with regard to the dangerous and polluting substances contained in them, nor about how to dispose of the product and packaging as prescribed by the regulation that governs the management of special categories of waste (Article 42(6)),
12. is a manufacturer and/or holder of hazardous waste who fails to supply the authorised person with, in addition to the required information about the waste, a test report on the properties of the waste that is not older than 12 months from the day when the waste was tested, in the event that he or she does not possess a declaration on the properties of the waste or that the quantity of waste is over one tonne (Article 49(2)),
13. is the holder of hazardous waste of known composition in a quantity of less than one tonne and fails to supply the authorised person with, along with the waste and the accompanying sheet, the declaration of the waste's physical and chemical properties required by the rules referred to in Article 51(8) of this Act (Article 49(3)),

14. mixes hazardous waste with other types of hazardous waste that have different physical, chemical or dangerous properties, or with other types of waste or other substances or materials, including the dilution of hazardous waste, but in doing so does not compromise the quality of air, soil, subsoil water or the sea either permanently or to a significant degree, nor endanger animals, plants or fungi to a considerable extent or in a wider area, nor endanger human life or health (Article 107(1)),
15. import hazardous waste, mixed municipal waste or incinerated mixed municipal waste residue for disposal (Article 120(1)),
16. imports mixed municipal waste to use for energy purposes (Article 120(2)).

(2) For the misdemeanours referred to in paragraph 1 of this Article, a person responsible for a legal entity shall receive a fine of between HRK 50 000 and 100 000 or a 60-day prison sentence.

(3) For the misdemeanours referred to in paragraph 1 of this Article, a natural person involved in waste management shall receive a fine of between HRK 100 000 and 250 000.

(4) For the misdemeanours referred to in paragraph 1, point 2, 4, 5, 9, 12, 13 or 14, of this Article, a natural person shall receive a fine of between HRK 3 000 and 10 000.

Article 170

A misdemeanour fine of HRK 150.000,00 and HRK 400.000,00 shall be imposed on a legal person who:

- treats production residue as a by-product without having obtained the ministerial certificate confirming that the by-product has been entered into the register of by-products (Article 14(1)),
- fails, as a manufacturer or importer, to issue a statement of conformity for each consignment of scrap metal in accordance with Article 5(1) of Regulation (EU) No 333/2011,
- fails, as a manufacturer or importer, to deliver the statement of conformity to the next owner of the consignment of scrap metal, or does not keep the statement for at least a year after the date of issue, or fails to submit it to the competent inspectorate for inspection in accordance with Article 5(2) of Regulation (EU) No 333/2011,
- fails, as a manufacturer, to apply a quality management system in accordance with Article 6 of Regulation (EU) No 333/2011,
- revokes, as a waste holder, the waste status of waste for which criteria to determine end-of-waste status have not been established at EU level, and fails to obtain ministerial certification confirming its entry into the end-of-waste status register (Article 15(4)),
- fails to ensure, and bear the costs of proving, that the product and packaging meet all required conditions (point 1 of Article 42(8)),
- places on the market a product which is, in accordance with this Act and the regulations adopted pursuant thereto, subject to an obligation to meet the objective set out in Article 64(1) of this Act, and fails to register the product in the Management of Special Waste Categories Register no later than eight days before placing the product on the market, and/or fails to submit information about the quantity of products placed on the market, proof that the product complies with the prescribed conditions, and other information about the product to Management of Special Waste Categories Register, in accordance with the law regulating the management of special categories of waste (points 2 and 3 of Article 42(8)),

- fails to participate in the system for managing special categories of waste in accordance with the regulation that governs this issue (point 4 of Article 42(8)),
- manufactures products that produce a special category of waste and fails to meet the obligations relative to the quantity of the product placed on the market under Article 64 of this Act (Article 42(9)),
- sells a product that generates a special category of waste and fails to provide for the possibility of accepting such waste at the location at which the product is sold, free of charge to the buyer, in accordance with the rules that govern the management of special waste categories referred to in Article 53(3) hereof, or, in the case of catalogue sales, online sales or other similar sales methods, fails to inform the buyer on their website about the location where the waste generated by such products is accepted in the area of local self-government in which the buyer lives, free of charge to the buyer (Article 42 (10)),
- is a waste producer and/or holder who does not hand over their waste to a person engaged in waste management activities in accordance with this Act, except in case referred to in Article 44(2) hereof (Article 44(1)),
- produces and/or manages waste and fails to keep a record of the generation and flow of waste, or fails to record it as prescribed in Article 45(3) and (4) hereof (Article 45(1),(3) and (4)),
- fails to separate special categories of waste at the location where they are generated, fails to collect them and fails to store them separately (Article 54(1)),
- starts to carry out or carries out waste management without a licence or contrary to the licence (Article 84(1) and Article 86),
- starts to carry out or carries out waste management without being registered in the corresponding ministerial register (Article 84(2) and Article 109),
- engages in waste transportation without being registered in the waste transporters register (Article 110(1)),
- engages in waste management mediation activities without being registered in the waste management mediators register (Article 111(a)),
- engages in waste trading activities without being registered in the waste traders register (Article 112(1)),

- is a waste trader and fails to make all waste payments through an account (Article 112(4)),
- engages in waste collection in a recycling yard without being registered in the recycling yards register (Article 113(1)),
- temporarily stores their own production waste in quantities of over 150 tonnes for non-hazardous waste, or 200 kg for hazardous waste, without being registered in the register of persons who store their own production waste (Article 114(1)),
- engages in energy recovery from waste without being registered in the register of persons engaging in energy recovery from certain waste pursuant to Article 115(2) hereof (Article 115(1)),
- is registered in a register under Article 109 hereof but fails to inform the Ministry, by supplying a form in accordance with Article 117(2) hereof, of any changes to the data on the basis of which the certificate of registration was issued within 15 days of such a change occurring (Article 117(2)),
- imports and/or exports waste not subject to a notification procedure (Article 121(1)) without being registered in the register of importers of waste not subject to a notification procedure, or the register of exporters of waste not subject to a notification procedure,
- dispatches a shipment of waste not subject to a notification procedure without meeting the requirements of Article 18(1) and (2) of Regulation (EU) No 1013/2006 (Article 122(1)),
- engages in cross-border movement of waste subject to a notification procedure without authorisation or in a manner contrary to the authorisation referred to in Article 123 hereof (Article 123(1) and (2)),
- engages in cross-border movement of waste as a facility with prior authorisation without, or in a manner contrary to, a decision granting the status of a facility with prior authorisation (Article 131),
- as a consignor of waste from the Republic of Croatia, returns a shipment pursuant to Article 22 or Article 24 of Regulation (EU) No 1013/2006 without the approval of the Ministry, or refuses to accept the returned waste despite being in a position to store such waste, and if no analysis of the waste is necessary (Article 136(1) and (4)),
- dispatches a shipment of waste that is considered illegal under Article 2(35) of Regulation (EU) No 1013/2006 in negligible quantities,

- engages in cross-border movement of waste subject to a notification procedure contrary to consent from the competent authorities of the Member States involved in the cross-border movement of waste in accordance with Article 10 of Regulation (EU) No 1013/2006,
- engages in cross-border movement of waste subject to a notification procedure without the documents referred to in Article 16I of Regulation (EU) No 1013/2006,
- violates the prohibition on mixing waste during shipment under Article 19 of Regulation (EU) No 1013/2006,
- fails to ensure that the waste is returned and the return costs covered in accordance with Article 22, 23, 24 and 25 of Regulation (EU) No 1013/2006,
- exports waste into a country that has banned the import of such waste under the provisions of point (a) of Article 34(3) and point (a) of Article 37(1)(ii) of Regulation (EU) No 1013/2006,
- violates the ban on the export of waste from Croatia under Article 34, 36, 39 and 40 of Regulation (EU) No 1013/2006,
- violates the ban on the import of waste into Croatia under Article 41 and 43 of Regulation (EU) No 1013/2006,

For the misdemeanours referred to in paragraph 1, a person responsible for a legal entity shall receive a fine of between HRK 50 000 and 100 000.

For the misdemeanours referred to in paragraph 1, a natural person involved in waste management shall receive a fine of between HRK 85 000 and 200 000.

For the misdemeanours referred to in paragraph 1, a natural person shall receive a fine of between HRK 3 000 and 10 000.

Article 171

A misdemeanour fine of between HRK 100 000 and 300 000 shall be imposed on a legal person who:

- as waste owner, declassifies certain waste without or contrary to a ministerial decision on the declassification of waste (Article 13(1) and (3));
- manages a landfill or an 84organized landfill and does not adhere to the rules on quantities of waste established by a decision taken under Article 26 (6) hereof (Article 26(7));
- is a service provider and fails to hand over the collected waste to the person who is the permit holder under Article 86 hereof (Article 32(1) it. 2);
- is a service provider and fails to bill the service user for the price of the public service under Article 30(1) hereof in proportion to waste that was handed over in the billing period [in which the criteria of waste quantity in the billing period equals the mass of waste handed over or the volume of the waste tank and the emptying number of the tank under decision of Article 30(7) hereof (Article 33(2));
- is a service provider and fails to keep records on the accepted quantities of waste received from the individual service user in the billing period under the rules on waste quantities under Article 33(2) hereof (Article 33(3));
- manages a recycling yard or waste storage facility and who neither accepts, without payment, lesser quantities of municipal waste under Article 35(5) it. 1 hereof, nor and keeps records of such transactions (Article 35(5) it. 1);
- manages a recycling yard or waste storage facility and who does not store the waste separately in corresponding tanks and/or does not hand over the waste to the persons who are permit holders under Article 86 hereof (Article 35(5) it. 2, 3);

- manages a recycling yard or waste storage facility and fails to participate in the system of special category waste management as provided for by the regulation that governs this issue (Article 35(5) it. 4);
- is a service provider who collects mixed municipal waste and does not use the services of a recycling yard and arrange the transportation of bulky municipal waste at the request of the service user (Article 35(10));
- is a manufacturer of products who fails to plan the manufacture of products or of packaging, fails to improve production through the application of clean technologies in the form of advancing production by using clean technologies that enable the efficient use of materials and energy, does not encourage the re-use and recycling of their products and does not take into consideration the most appropriate procedure for the recycling and/or disposal of expired products in order to reduce adverse effects on the environment to the greatest extent possible (Article 42(1));
- is the producer/owner of waste and who fails to provide the person engaged in waste management under this Act with [the accompanying sheet] (Article 44(3));
- is a waste producer employing over 50 workers and who fails to appoint a designated person and a deputy within two years of the entry into force of this Act (Article 46(1), Article 180(1));
- fails to store waste that they produce, at the location where it is produced, separated and sorted by type of waste within their own operating premises in such a way that the waste is mixed and cannot be processed (Article 47(1));
- stores waste produced by them for over one year at the location where it was produced (Article 47(2));
- is a producer of waste making over 200 kilograms or more of hazardous waste annually at a certain location and who fails to draw up a waste producer waste management plan for this location within one year from the start of business operations or within three months of the first time they produce 200 kilograms or more of hazardous waste in one year (Article 48(1,3));

- is a waste producer making over 200 kilograms or more of hazardous waste annually at a certain location and who fails to change or revise their waste management plan every five years or in case of major operative changes at the location (Article 48(8));
- operates an organized laboratory without being entered into the Register of waste testing laboratories (Article 50(1));
- disposes of construction waste and fails to inform the Fund of the mass of the disposed construction waste by 31 May of the current year for the previous calendar year (Article 58(3));
- is the owner of construction waste produced during the construction or removal of a building or during construction, reconstruction or maintenance and who fails to manage this waste in the manner provided for under the Regulation cited in Article 53(3) of this Act (Article 58(10));
- is a contractor under Article 59(2) of this Act and fails to hand over construction waste that contains asbestos to the person with whom the Fund has concluded a contract on the transport of construction waste containing asbestos (Article 59(8));
- is a waste importer or exporter who is not subject to the notification procedure and fails to provide the Croatian Environment and Nature Agency with a report on the categories and amounts of waste imported or exported in the previous calendar year by 1 March of the current year (Article 121(4));
- is a waste importer or exporter not subject to the notification procedure who fails to provide the Inspection for the protection of environment information about a waste shipment three days before the planned shipment or consignment in accordance with Appendix VII of EU Regulation No 1013/2006 (Article 122(2));
- fails to keep records of a waste consignment that is not subject to the notifications procedure at least three years from the date of the start of consignment (Article 122(3));

- as notifier/applicant fails to notify the waste consignment to the competent bodies of the countries of origin, transit and destination three days before the consignment of the shipment (Article 128(1));
- as notifier/applicant, if the route taken by the consignment includes BCPs between Croatia and non-EU member countries, fails to notify the waste consignment to the competent bodies under Article 128(1) hereof and the Customs Administration of its entry into and/or exit from Croatia, three days prior to consignment of the shipment (Article 128(2));
- as a Croatia-based notifier/applicant, fails to supply the Ministry with copies of documents on the route taken by the consignment and with a receipt for each consigned waste shipment subject to the notification procedure (Article 129(1));
- as a Croatia-based notifier/applicant, fails to provide the Ministry with a receipt on the final recycling/disposal of each authorized cross-border waste shipment that is subject to the notification procedure (Article 129(2));
- as a Croatia-based notifier/applicant, fails to inform the Ministry that the 87organization87 under Article 123 hereof (Article 123(3)) has not been used;
- fails to keep records related to the waste consignment subject to the notification procedure for at least three years after the consignment has been effected (Article 129(4));
- as a Croatia-based notifier and/or recipient, fails to provide the Croatian Environment and Nature Agency;
- with a report on the categories and amounts of waste that were imported or exported in the previous calendar year and were subject to the notification procedure by 1 March of the current year (Article 130(1));
- fails to notify the Ministry about [a change in the particulars on the basis of which they received their administrative decision - about the status of their facility - since the previous administrative decision, and fails to request a change of the administrative decision within 15 days from such changes] (Article 133(1));

- fails to provide the Agency with a report on the imported quantities and categories of waste in the previous calendar year [in respect of which he received an administrative decision on the status of the facility with the previous authorization], by 1 March of the current year (Article 133(2));
- fails to complete, completes incorrectly or partially completes the form[on the route taken by the waste consignment], subject to the notification procedure under Article 16 it. (a) of Regulation (EC) No 1013/2006;
- completes incorrectly or partially completes the form under Annex VII of Regulation (EC) No 1013/2006 [during cross-border shipment of waste not subject to the notification procedure] (Article 18(1) of Regulation (EC) No 1013/2006).

For the misdemeanours referred to in paragraph 1 of this Article, a person responsible for a legal entity shall receive a fine of between HRK 25 000 and 50 000.

For the misdemeanours referred to in paragraph 1 of this Article, a natural person involved in waste management shall receive a fine of between HRK 50 000 and 100 000.

Article 172

Each instance of non-compliance with the duties established in the implementing regulations under Article 182(1) and (2) and Article 183 hereof by persons authorized to engage in waste management operations, waste owners, waste holders, manufacturers of products, waste producers, sellers, carriers, agents, waste traders, importers, exporters, transit carriers, authorized entities, concessionaires, local and regional self-government units and other persons subject to inspection, as well as non-compliance with those duties within a determined period of time, shall be considered to be a misdemeanour within the meaning of this Act.

Fines for misdemeanour actions under paragraph 1 hereof of between HRK 100 000 and 800 000 shall be imposed on the following legal entities: legal entities that are authorized to engage in waste management operations, waste owners, waste holders, manufacturers of products, waste producers, sellers, carriers, agents, waste traders, exporters, importers, transit carriers, authorized persons, concessionaires, local and regional self-government units and other persons subject to inspection.

A fine of between HRK 30 000 and 70 000 shall be imposed on the person responsible for the legal entity responsible for misdemeanour actions under paragraph 2 hereof.

A fine of between HRK 25 000 and 70 000 shall be imposed on the following natural persons for misdemeanours under paragraph 1 hereof: natural persons authorized to engage in waste management operations, waste owners, waste holders, manufacturers of products, waste producers, sellers, carriers, agents, waste traders, exporters, importers, transit carriers, authorized persons, concessionaires, and other persons subject to inspection.

A fine of between HRK 3 000 and 10 000 shall be imposed on natural persons - waste owners, waste holders and other persons subject to inspection - for misdemeanour actions under paragraph 1 hereof.

In order to avoid the overlapping of the legal definitions of criminal and misdemeanour offences and the violation of the *ne bis in idem* principle that could result, the Government of the Republic of Croatia adopted a decision on the harmonisation of the misdemeanour legislation with the Croatian Criminal Code. The decision obliges the bodies competent to draft legislation to study the existence of possible overlaps in misdemeanour and criminal offences that may result in double jeopardy (a perpetrator being tried in both misdemeanour and criminal proceedings).

In addition to the above, amendments have been made to the legislative framework. The new Criminal Code, which came into force on 1 January 2013, did not retain Article 63(2) of the 1997 version of the Act [which had stipulated that] *‘Imprisonment, a fine, or a ticket fine for a misdemeanour shall be included in the sentence for a criminal offence if the description of such an offence corresponds to the misdemeanour for which the sentence is pronounced’*.

The Misdemeanour Act, amended in 2013, stipulates that misdemeanour proceedings may not be commenced against the perpetrator where criminal proceedings have already been initiated for the criminal offence that overlaps with that particular misdemeanour.

However, a problem related to the distinction between crimes and misdemeanours still arises.

Article 196(1) of the Criminal Code prohibits unauthorised waste traffic in 'one or more seemingly related shipments' in cases involving 'an amount greater than marginal'.

Articles 196(1) of the Criminal Code and 170 of the Sustainable Waste Management Act state that a misdemeanour offence occurs where someone ships a consignment that is considered illegal under Article 2(35) of Regulation (EC) No 1013/2006, in negligible quantities.

By comparing the two articles, it is possible to infer that the distinction is not so evident: 'greater than marginal' (Article 196 of the Criminal Code) / 'negligible quantities' (Article 170 of the Sustainable Waste Management Act).

Art. 5. Ordinance on Waste Catalog (OG 90/15) of the Ministry of Protection of the Environment and Energy contains criteria to distinguish misdemeanours from crimes on the basis of the weight of the waste: a misdemeanour occurs if the act constituting it involves dangerous waste of less than one tonne, or non-dangerous waste of less than 10 tonnes. These guidelines should be adopted by all stakeholders, including the Public Prosecutor's Office. Nevertheless the evaluation team was informed by customs that this rule is not always applied, as they consider the administrative procedure for misdemeanours to be more efficient.

In addition, the evaluators consider that if, on the one hand, it is good to have such a distinction so as to clearly define a criminal offence, on the other hand the defined limits can impede further investigations of shipments that are probably connected.

These criteria create additional problems relating to hazardous/dangerous waste. In fact, in the presence of different density and toxicity, even lower quantities of these types of waste could be harmful.

5.1.2. Other rules or judiciary instructions

No other rules or judiciary instructions have been reported to the evaluation team.

5.1.3. Determination of the seriousness of waste crime

Serious criminal offences against the environment are provided for by Article 214 of the Criminal Code.

(1) If, as a result of the criminal offence referred to in Article 193(1) and (2), Article 194(1) and (2), Article 196(1) and (2), Article 197(1), Article 198(1) and Article 199 of this Code, one or more persons suffer serious bodily injuries, or changes brought about by pollution cannot be eliminated for a considerable period of time, or a major disaster occurs, the perpetrator shall be punished by a term of imprisonment of between one and ten years.

(2) If the criminal offences referred to in paragraph 1 of this Article result in the death of one or more persons, the perpetrator shall be punished by a term of imprisonment of between three and fifteen years.

(3) If, as a result of the criminal offence referred to in Article 193(3), Article 194(3), Article 196(3), Article 197(2), and Article 198(2) of this Code, one or more persons suffer serious bodily injuries, or changes brought about by pollution cannot be eliminated for a considerable period of time, or a major disaster occurs, the perpetrator shall be punished by a term of imprisonment of between six months and five years.

(4) If, as a result of the criminal offences referred to in paragraph 3 of this Article, one or more persons die, the perpetrator shall be punished by a term of imprisonment of between one and eight years.

(5) If, as a result of the criminal offence referred to in Article 200(1) and (2), Article 201(1), (2) and (3), and Article 202(1) of this Code, considerable damage is caused, the perpetrator shall be punished by a term of imprisonment of between one and eight years.

(6) If, as a result of the criminal offence referred to in Article 206(1), Article 207(1), and Article 208 of this Code, considerable damage is caused, the perpetrator shall be punished by a term of imprisonment of between six months and five years.

(7) If, as a result of the criminal offence referred to in Article 200(3), Article 201(4), Article 202(2), Article 206(2), and Article 207(2) of this Code, considerable damage is caused, the perpetrator shall be a term of imprisonment not exceeding three years.

No sentencing guidelines and/or guidance on aggravating circumstances have been reported to the evaluation team with specific reference to environmental crimes.

Therefore, it is inferable that only the ordinary circumstances applicable to any other crime are applicable.

5.1.4. Links with other serious criminal offences

The possible connection between environmental crime (and in particular waste trafficking) and organised crime would make it possible to use more incisive investigative tools. To date, however, the Croatian authorities have not detected any links between waste management crimes and other serious crimes in which more incisive investigative tools (and in particular telephone interceptions) have been used.

5.1.5. *The role of NGOs*

Article 204 paragraph 1 of the Criminal Procedure Act stipulates that everyone is obliged to report criminal offences - in respect of which criminal proceedings are initiated *ex officio* - of which they have been informed . Consequently, a non-governmental organization has not only the right, but also the duty to report a criminal offence in respect of which criminal proceedings are initiated *ex officio*. Their representatives may be witnesses in criminal proceedings, but cannot be a party to the proceedings.

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

5.2.1. *Difficulties encountered with regard to the admissibility of evidence*

No difficulty related specifically to waste crime has been reported by the Croatian authorities.

However, the evaluation team considers that, as the number of cases presented before the courts is so low, any potential problems related to the admissibility of evidence cannot be ascertained.

5.2.2. *Measures other than criminal or administrative sanctions*

The basis on which the Croatian authorities can confiscate proceeds from a criminal offence is set out in Article 5 of the Croatian Criminal Code of 2011, which stipulates that ‘*No one shall retain the proceeds acquired from an unlawful act*’. This provision is also the basis for the so-called ‘widened confiscation of proceeds’. It is also possible to confiscate the property of a third party if the property was acquired in bad faith.

However, the evaluation team is not aware of any practical cases of widened or third party property confiscation in the area of environmental crime.

The Criminal Code sets out security measures, one of which is the prohibition of certain trade activities. The purpose of the security measures is to remove circumstances facilitating or promoting the perpetration of criminal offences. If there is a danger that [fulfilling a duty or carrying out an activity] will result in [the reiterated perpetration] of a criminal offence, a security measure involving the complete or partial prohibition on fulfilling a certain duty or carrying out a certain trade activity will be applied by the competent court against the perpetrator.

The court, in addition to handing down suspended sentences and partial suspended sentences, may apply some special obligations set out in Article 62 to the convicted person to the effect that, in a specified period, the latter is obliged to:

1. repair the damage caused by the criminal offence;
2. pay a certain amount of money into the account of a public institution to support humanitarian or charitable causes, or into a fund for compensation for victims of criminal offences, if this is appropriate in view of the offence committed and the personality of the perpetrator.

In addition to the abovementioned obligations, art 62 foresees that, where necessary for the purpose of protecting the health and safety of the person against whom the criminal offence was committed or where necessary in order to remove any such circumstance as is propitious to or which might incite the perpetration of a new criminal offence, the court may impose the following measures on the perpetrator: continuation of education or training for a particular type of employment in line with their qualifications or level of education, training and realistic prospects of carrying out work assignments, which the authority in charge of probation has advised or enabled them to take on, as well as other appropriate obligations regarding the criminal offence committed.

In addition, the Environmental Protection Inspectorate can issue a range of other measures available to them such as the impounding of vehicles, directions to cease exports or imports, and directions to repatriate waste shipments.

5.2.3. Treatment of seized objects

The handling of seized objects is mainly regulated by Articles 261 - 271 of the Criminal Procedure Act **and** by Rules on records of temporary or permanent seized objects and proceeds from crime by the Rules on Procedure with the found and confiscated items.

Objects that are to be used as evidence shall be kept in special premises at the Public Prosecutor's Office before the filing of the indictment, and in a special court room after the filing of the indictment. If that is not possible the objects shall, exceptionally, be kept outside the Public Prosecutor's Office or the court's premises.

Temporarily seized objects, the storage of which would be dangerous or incur unreasonable difficulties and the seizure of which is prescribed by the criminal or some other special law, may be destroyed.

The cost of temporary storage during investigations is covered by the body conducting the procedure, and the costs of the procedure will eventually be covered by the defendant if they are found guilty by a valid verdict.

5.3. Environmental restoration

The responsibility for restoring the environment and repairing damage lies with the defendant if they are found to be guilty of a criminal offence by a valid verdict. If the responsible person cannot remediate the environment due to bankruptcy, liquidation or another reason, or if they are not known to or located within the Republic of Croatia, then the Republic of Croatia shall ensure that remediation is undertaken and shall bear all costs. Where possible, the Republic of Croatia shall pursue the responsible party for the costs of remediation.

5.4. Jurisdiction

5.4.1. Principles applicable to the investigation of waste crimes

In addition to the provisions contained in Regulation (EC) No 1013/2006 on shipments of waste, Article 13 of the Criminal Code states that anyone who, outside its territory, commits a criminal offence in the ecological and fisheries protection zone, epicontinental belt or on the open sea, shall be prosecuted in accordance with the criminal legislation of the Republic of Croatia. The article 196 paragraph 1 of the CC, which prescribes that whoever, contrary to regulations, carries out in a single shipment or in several shipments which appear to be linked prohibited transport of waste in a non-negligible quantity, shall be punished by imprisonment not exceeding two years, was introduced in order to harmonize Croatian criminal legislation with Article 3. (c) of the Directive 2008/99/EC of the European parliament and of the Council on the protection of the environment through criminal law. Article 3. (c) of the Directive prescribes that: *“Member States shall ensure that the following conduct constitutes a criminal offence, when unlawful and committed intentionally or with at least serious negligence: (c) 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 undertaken in a non-negligible quantity, whether executed in a single shipment or in several shipments which appear to be linked”*.

With reference to criminal offences which are partly committed outside the state territory, the application of the territorial principle in accordance with the theory of ubiquity can be considered.

Article 9

(1) A criminal offence is deemed to have been committed in the place where the perpetrator acted or ought to have acted and in the place where the consequence specified in the statutory description of the criminal offence arose in its entirety or in part or in which the perpetrator intended it to arise.

(2) In the case of participation in a criminal offence, a criminal offence is deemed to have been committed in the place specified in paragraph 1 of this Article and in the place where any of the participants acted or ought to have acted or where they intended the consequence specified in the statutory description of the criminal offence to arise.

Article 10

The criminal legislation of the Republic of Croatia shall be applied to anyone who commits a criminal offence in its territory.

5.4.2. Rules in case of conflicts of jurisdiction

Apart from the mechanism provided for by Council Framework Decision 2009/948/JHA of 30 November 2009, no other mechanisms to resolve conflicts of jurisdiction with other Member States are provided for by the Croatian legislation. The Croatian authorities have not recorded any such cases involving [other EU Members States or third countries] and so have not recorded any issues of conflict of jurisdiction.

However, the Croatian authorities claim that the Framework Decision is insufficient to resolve potential conflicts as it obliges Member States neither to waive the right to prosecute (the release of a criminal prosecution) nor to take over a criminal prosecution, [despite the fact that these are preconditions of conflict prevention] under the principle of legality, which is an underlying principle of prosecution in most EU Member States.

This claim is not related to specific waste crime cases as, up to now, Croatia has not had any cases concerning other EU Members States or third countries.

5.5. Conclusions

- Croatia has adopted criminal legislation that is in compliance with the standards set by EU law.
- The main legislation in the field of environmental crime is the Croatian Criminal Code, which provides the definitions of waste related crimes.
- Misdemeanours are included in other pieces of legislation (Environmental Protection Act, the Nature Protection Act and a series of by-laws).
- Despite existing environmental crimes and misdemeanours, the law does not clearly define the difference between the two. Art. 5. Ordinance on Waste Catalog (OG 90/15) issued by the Ministry of Protection of the Environment and Energy identifies some criteria to make this distinction and to establish when waste shipments can be considered greater than marginal (as provided for by Article 196 of the Criminal Code). However, the evaluation team considers that such a distinction should be established by a higher legislative act and that such criteria should be established at least at inter-ministerial level, as well as at the level of the administrative authorities.
- In addition, according to the information provided, the criteria are not always applied consistently by all stakeholders, as it has been ascertained that many individual instances of non-compliance that would be crimes are treated as misdemeanours.
- In the opinion of the evaluation team, the failure to apply the criteria and the consequent treatment of all individual instances of non-compliance as misdemeanours, means that it is possible that groups of shipments, persistent offenders and complex cases are not dealt with firmly enough. This could also result in the failure of inspection teams to develop their skills and understanding of what is a complex area of regulation, and in a stagnation in the development of specialist experts.

- No aggravating circumstances are foreseen with specific reference to environmental crime due to the fact that the criminal code foresees only ordinary circumstances applicable to all kinds of crime. However, in art. 214 of the criminal code, serious environmental crimes are described as autonomous crimes.
- So far, in Croatia, no links between waste management crime and other forms of serious crime have been encountered. One possible explanation is the lack of overall analysis, of incisive investigative tools, and of effective cooperation with the states that are at the beginning or end of the trafficking routes affecting Croatia.
- The perpetrator of a criminal offence is responsible for restoring the environment and repairing damages if they are found guilty by a valid verdict.
- NGOs and their representatives do not play any role in criminal proceedings except those related to reporting crimes or acting as a witness.
- Under Croatian law there are a number of non-criminal sanctions available to the respective regulators; these include carrying out audits, issuing directions to take a certain course of action, suspending the ability to trade, and seizing property.

6. COOPERATION

6.1. International cooperation

6.1.1. Forms of cooperation in cross-border cases

The Ministry of the Interior and the Customs Administration participate in operations which are carried out and organised by Europol, INTERPOL and the World Customs Organisation.

Croatia is not yet part of EMPACT EnviCrime.

Croatian authorities reported that, based upon bilateral agreements between the government of the Republic of Croatia and the governments of Slovenia, Hungary, Serbia, Bosnia and Herzegovina and Montenegro on cross-border police cooperation, meetings are held on a monthly basis at local level, and every three months at county level, while monthly mixed patrols are performed in Croatia and the signatory states.

Nevertheless, the evaluators consider that the real purpose of the Action Plan for the implementation of the Croatian National Integrated Border Management is to protect the border against illegal immigrants and smuggling, while environmental crime is only covered to a limited extent under the Action Plan.

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

The Ministry of the Interior is responsible for exchanging information that is of importance to the police, and is also the central service for the exchange of information regarding cross-border waste management cases. Europol's Secure Information Exchange Network Application (SIENA) and INTERPOL's I-24/7 system are used.

The Republic of Croatia also makes use of the IMPEL network, of which it became a full member in December 2004. The Ministry of Protection of the Environment and Energy is the national contact point for IMPEL.

All three channels are open to the Customs Administration.

The State Office for Radiological and Nuclear Safety is a contact point for the ITDB – Incident and Trafficking Database – run by the International Atomic Energy Agency (IAEA). Through the ITDB, the contact points in other Member States are notified of incidents (unauthorized possession, use or transport of radioactive material including radioactive waste, regardless of intention).

The exchange of information between customs and the police is arranged via liaison officers.

The State Office for Radiological and Nuclear Safety uses the ITDB only.

6.1.3. Difficulties encountered in relation to judicial cooperation on waste crime

To date, Croatian courts have dealt with a very small number of criminal proceedings related to illegal waste crime, therefore, concrete experiences cannot be reported.

6.1.4. Operational performance of JITs in waste crime

Croatian authorities have not participated in JITs in cross-border waste crime cases.

6.2. Cooperation with EU Agencies and networks

6.2.1. Cooperation with Europol and Eurojust

Cooperation between the Ministry of the Interior and the General Police Directorate on the one hand and Europol and Interpol on the other is reported to be extensive and very good. During 2017 Europol exchanged 9 456 messages. However, this number does not relate to waste crimes.

The Ministry of Protection of the Environment and Energy (previously named Ministry of Environmental Protection, Physical Planning and Construction) had a representative in the Interpol Environmental Program for the period 2009-2012.

In the evaluators' view, that the use and experience gained has not been and is not shared with all stakeholders involved to promote and raise awareness of environmental crime as an issue represents a missed opportunity. It could be a good starting point to raise awareness of and share all the information gathered by other leading EU Member States, and to study their work habits, in the area of environmental crime, in order to benefit from their experience.

The willingness of the police to join the 'Environmental crime' priority of the EMPACT project under the framework of the 2018–2021 EU Policy Cycle is a positive sign.

The Croatian authorities report that waste management bodies are familiar with Europol products such as SOCTA⁸, early warning, expert platforms available on the Internet, however, they state that no product has been used so far because they were not needed.

As regards Eurojust, according to their information, no operational environmental crime cases have been opened by Croatia at Eurojust during the period from 1 January 2004 until now.

In total, Croatia has been involved in seven operational environmental crime cases as a requested country in the same period. Six cases are currently ongoing, while one case is already closed. All cases except one are multilateral, i.e. Croatia is one of the multiple requested parties; one case is bilateral.

The cases were referred to Eurojust to facilitate cooperation, coordination and exchange of information between the concerned Member States and the third states involved and, in one case, OLAF, in relation to ongoing investigations and prosecutions, including facilitation of the execution of European Investigation Orders and MLA requests.

As regards the type of environmental crime, most of the cases (five of a total of seven) related to air pollution; one case involved illegal trafficking of waste, and one case involved trafficking in protected plant species.

6.2.2. Experience resulting from the use of various environmental networks

The Republic of Croatia, i.e. the Ministry of Protection of the Environment and Energy, has been a full member of the IMPEL network since 2004. Until that time, the Republic of Croatia had the status of observer country.

The Ministry of Protection of the Environment and Energy and the Customs Administration occasionally participate in the work of the Network for Environmental Crimes (EnviCrimeNet).

Since 2018, the Republic of Croatia, i.e. Ministry of Protection of the Environment and Energy obtained the status of observers in the ENPE.

According to information obtained by the Supreme Court, judges from the Republic of Croatia do not participate in the work of the EU Forum of judges for the environment (EUFJE).

The Customs Administration is also a member of PARCS Expert Group on Customs Action to protect Health, Cultural Heritage, the Environment and Nature and a member of a working subgroup drafting guidelines for the implementation of Regulation (EC) 1013/2006 for EU.

6.3. Cooperation between the Croatia and Interpol

Cooperation between the General Police Directorate and Europol and Interpol has been reported to be extensive and very good. Interpol has exchanged 150 357 messages, but this number does not relate to waste crimes.

6.4. Cooperation with the private sector

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

No formal or informal private sector involvement has been established in the fight against waste crime.

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

All persons are obliged under Croatian law to report crimes. Sanctions for failing to do so are set out under Articles 301, 302 and 303 of the Croatian Criminal Code.

6.4.3. Experience of cooperation with the private sector

No evidence of a system of Producer Responsibility Initiatives (PRIs) has been put forward by Croatian authorities.

6.5. Conclusions

- Cooperation with EU Member States does not seem to be systematic or effective.
- Eurojust was never involved by Croatia as the requesting country.
- In the evaluators' view, the lack of effective investigative cooperation with other Member States' police forces and of a supranational vision of some environmental criminal phenomena could be overcome if the Public Prosecutor's Office played a more central role in the fight against environmental crime with specific regard to illegal cross-border shipments of waste. This could also result in greater involvement of Eurojust, which could assist the prosecution services of the Member States in international cooperation.
- Croatia does not have any direct relationships with non-EU authorities, in particular in the Far East of Asia. This means that criminal proceedings are often not carried out to the extent necessary to take advantage of international cooperation. It seems advisable to better analyze environmental crime phenomena and so intensify cooperation with the destination countries.
- The level of international cooperation seems to be below the minimum required for a complex topic such as environmental crime. Croatia should participate in a more intensive way in international dedicated to cooperation in the field of environmental crime.
- In general, the unenhanced level of international cooperation seems to be related to the lack of in-depth knowledge of illegal waste management phenomena.
- No practical experience related to the private sector has been reported, nor has the evaluation team found evidence of formal or informal structures that would enable industry and the private sector to engage with the relevant agencies to address, discuss and tackle issues of waste crime.

- Proper awareness campaigns related to environmental crime are missing.
- The willingness of the police to join the 'Environmental crime' priority of the EMPACT project under the framework of the 2018–2021 EU Policy Cycle is considered to be a positive signal.
- It is also positive that Croatian customs have a national seconded expert in Europol. Their experience should be shared with all stakeholders involved to promote and raise their awareness of environmental crime.
- In relation to the Environmental Protection Inspectorate's membership of IMPEL, no further evidence has been provided to the evaluation team to the effect that the Inspectorate has any bilateral agreements or MOUs in place with neighbouring countries or other EU Member States that specifically relate to tackling cross-border waste crime. Such agreements, especially with neighbouring countries, should be encouraged.

7. ILLEGAL TRAFFICKING OF WASTE

7.1. National structure

7.1.1. Authorities involved in preventing and fighting against illegal shipments of waste

The authorities involved in preventing and fighting against illegal shipments of waste are the same as those described in paragraphs 4.1 and 4.2.

The Ministry of Protection of the Environment and Energy has primary responsibility for the enforcement of Regulation (EC) 1013/2006, as amended, but does so in conjunction with various state agencies such as the Customs Administration and the Ministry of the Interior (police).

The Customs Administration also plays a role in the context of cross-border waste traffic control according to the Customs Act and the Sustainable Waste Management Act. Both laws define the duties of control over the entry, cross-border traffic and other movement and waste management in accordance with the regulations governing waste management and control over trade and brokering of waste. In carrying out their supervision duties, customs officers have the power to enforce several measures including prohibiting the export, import or transit of waste shipments if they find that the conditions set out in the relevant legislation have not been implemented or fulfilled. They may also sanction the alleged offender by way of misdemeanour fines or proceedings or by requesting that the Public Prosecutor's Office initiate a criminal case.

The police are in charge of stopping vehicles in transit, controlling sites to be inspected and ensuring a safe environment in which inspections can proceed. The General Police Directorate (Ministry of the Interior) is a sitting member of EMPACT on behalf of Croatia and cooperate with customs on information relayed through that system.

The State Office for Radiological and Nuclear Safety - inspection division and extraordinary events service - also has a role to play in relation to illegal waste shipments. Inspectors for the State Office for Radiological and Nuclear Safety are responsible for supervising the implementation of the provisions of the Radiological and Nuclear Safety Act and by-laws.

They implement joint inspections and common training with customs officers.

7.1.2. Detection of illegal shipments of waste

Detections by customs are based on inspections of selected containers. When customs officers detect suspicious consignments, they should officially request that the Environmental Protection Inspectorate attend and supervise. Customs can also provide additional support through the use of mobile scanners to inspect shipping containers of suspected illegal waste shipments. The Customs Administration is more active in the port of Rijeka. Controls inland are more sporadic and not based on any strategic or risk assessment guidelines.

The Customs Administration detects illegal waste shipments through various means such as targeted risk profiling, previous experience, reviewing of key waste types against custom shipment codes, cooperation and exchange of information with other competent agencies at national and EU level.

Detections by the Environmental Protection Inspectorate are based on routine inspections, non-routine inspections, documentation inspections and complaints.

Detections by the police involve stopping vehicles in transit, controlling sites to be inspected and ensuring a safe environment in which inspections can proceed.

Radioactive waste is mainly detected at border crossings by means of a customs portal monitor or by checks carried out on waste metal: this involves inspections by persons who deal with waste metal or by professional technical services.

Inspection Affairs Directorate within the Ministry of Protection of the Environment and Energy has full powers to control waste transport, but the Environmental Protection Inspectorate lacks the power to stop shipments at the border or in transit. The Customs are also authorized under Art. 142, 156. and 157. ZOGO (Waste Management Act)

While a formal MOU is in place between all three agencies, the evaluation team considers that the MOU is not commonly used

Evaluators consider that all three agencies should implement the MOU for structured cooperation and knowledge sharing.

They also consider that the Inspection Affairs Directorate, the police and customs should have equal or effectively complementary powers in the area of waste shipments.

The most common obstacle is inadequate staff expertise in determining whether:

- the material is waste (specifically distinguishing between by-products and end of waste materials);
- the waste is unsafe or dangerous;
- the waste crime or misdemeanour is episodic or inserted in a systematic cross-border waste transport.

The evaluators were informed that risk analysis of the goods flow is determined only by customs.

7.1.3 Specificity of illegal shipments of waste

The Croatian authorities provided the following information:

- increasing turnover of scraps exported from the EU to third countries (Albania, Kosovo, Montenegro, Egypt);
- frequent illegal waste mixture shipments (paper-plastic, various metals,) to Asian and African destinations;

- increasing numbers of illegal waste shipments for which notification is required through the sea ports destined for Indonesia;
- detections of illegal waste shipments by way of misclassification of ELVs as non-hazardous waste;
- some shipments of packaging waste are imported as goods, when they are in reality packaging waste, which means that the sender is requested to submit the documentation accompanying the shipment.

However, no wider investigation was carried out in any of the above cases, and in no case did the Croatian authorities contact the destination countries. In cases of return of the consignment or at the request of the competent authorities, e.g. through the IMPEL network, verification of the destination / starting point of the consignment is carried out

7.1.4. Measures on shipments of waste

Croatia has implemented a waste shipment inspection plan as per Article 50 of Regulation (EC) 1013/2006 as amended. Under this plan, regular inspections are scheduled to be carried out.

The Environmental Protection Inspectorate has several competencies and responsibilities where measures are required to be taken in the case of detection of an illegal waste shipment, such as: temporary seizure of a vehicle, a ban on the import/export/transit of waste, the initiation of indictments or misdemeanour warrants and criminal charges.

The inspections of the Environmental Protection Inspectorate are divided into three types:

- 1) during transit at the roadside, waterway or rail;
- 2) at the site of waste generation, recycling or storage;
- 3) at the site of companies/responsible persons where waste is brokered/traded.

Importers and exporters of waste submit data on the quantity of imported and exported waste to the Croatian Agency for the Environment and Nature on an annual basis. On the basis of the data delivered, the Agency compiles annual reports on the import and export of waste to and from the Republic of Croatia, which are published on its website, here: <http://www.haop.hr/hr/tematska-podrucja/otpad-i-registri-oneciscavanja/gospodarenje-otpadom/izvjesca>

7.2. Inspections

7.2.1. Methodology of inspections and follow-up

Customs officers are authorized to stop shipments, carry out inspections (inspections of goods, documentation, photographs), notify the Environmental Protection Inspectorate and provide accompanying documentation, detain the shipment until the end of the procedure. They may impose penalties through misdemeanour proceedings, .If criminal activity is suspected, the Public Prosecutor's Office is informed.

The Environmental Protection Inspectorate should verify all associated documentation accompanying a waste shipment, including Annex 1A & 1B for pre-notified shipments, associated transport documentation, Annex VII in relation to green listed waste shipments, CMR documentation, and contracts in order to determine whether the shipment is in compliance with national and EU regulations. They should also undertake verifications of documentation and review substances or objects declared to be end-of-waste materials to determine their origin and end destination.

Importers and exporters of waste submit data on the quantity of imported and exported waste to the Croatian Agency for the Environment and Nature on an annual basis. On the basis of the data delivered, the Agency compiles annual reports on the import and export of waste to and from the Republic of Croatia, which are published on its website, here: <http://www.haop.hr/hr/tematska-podrucja/otpad-i-registri-oneciscavanja/gospodarenje-otpadom/izvjesca>

As the competent authority in the Republic of Croatia, the Ministry of Protection of the Environment and Energy initiates the procedure for the return of illegal waste shipments to the country of departure, and disposal of waste shipments in the Republic of Croatia if return is not possible. If there is any doubt whether a criminal or misdemeanour offence has been committed, the Public Prosecutor's Office should be contacted.

If, in the course of the inspection, the inspector identifies a violation of regulations under the competence of another state administration authority, they are obliged under Article 258 of the Environmental Protection Act to inform the other competent authority without delay.

If inspectors find that the violation of regulations constitutes a misdemeanour offence, based on the facts established, they must take the necessary measures and bring the indictment before the competent court as authorised prosecutors, so that misdemeanour proceedings might be initiated at the latest three months from the inspection.

If there is any doubt whether a criminal or misdemeanour offence has been committed, the Public Prosecutor's Office should be contacted, but in practice this does not happen.

The State Office for Radiological and Nuclear Safety is authorised to temporarily seize the objects used for the commission of misdemeanours or criminal offences. A legal or natural person from whom the objects have been seized is issued with a receipt clearly indicating which objects have been seized according to their type and quantity.

The inspector has to bring the indictment within eight days from temporarily seizing the objects so that misdemeanour proceedings can be initiated. They have to hand over the objects temporarily seized to the competent court, unless provided for otherwise by special legislation.

The inspector cannot dispose of temporarily seized objects prior to handing them over to the competent court (destroy, sell, give as a gift, or similar), unless special legislation provides otherwise.

7.2.2. Specific inspections with regard to waste electrical and electronic equipment (WEEE) and end-of-life vehicles (ELVs)

The Croatian authorities have no special inspections regime applicable to companies engaged in end-of-life vehicle waste management.

The supervision of these companies and their shipments are carried out by the Ministry of Protection of the Environment and Energy, the Customs Administration and the Ministry of the Interior in accordance with their annual work plans and risk assessments.

Inspections are undertaken at known waste management companies that manage WEEE and are governed by environmental permits to ensure that they are in compliance with environmental rules. The Environmental Protection Inspectorate carries out inspections of WEEE from producers, collectors and processors, including any waste shipment documentation if it is intended for import to or export from the EU. No specific inspection regime was identified for the supervision of WEEE shipments.

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

The main challenges encountered with regard to the taking back of illegal waste shipments to the state of origin are as follows:

- 1) non-cooperation by senders of illegal waste shipments with the competent Ministry, and opposition to inspectors' decisions;
- 2) increasingly fraught cooperation with some competent authorities in other states;
- 3) non-acceptance of costs arising during illegal waste shipments by companies that send such shipments and non-payment of fines imposed for misdemeanour offences committed.

Although it has been reported to the evaluation team that shipment inspections can also extend to the departure or arrival facility (in order to detect the nature of the waste), it does not appear that inspections are implemented in this way, nor that they have led to findings of criminal activity, investigations or convictions.

7.2.4. First inspection plan

The inspection plan for waste shipments in the Republic of Croatia was developed for the period 2017-2019.

According to the plan, 80 inspections are to be carried out at BCPs on an annual basis, including ports and railways, and five inspections at BCPs at which the transporting of waste is prohibited, 40 inspections of legal/natural persons and two inspections on roads in the Republic of Croatia. The inspections are being carried out by 40 teams consisting of environmental inspectors, customs officers and members of the police.

The first inspections were carried out pursuant to the Agreement on cooperation in the Supervision of Cross-Border Waste Shipment Traffic' in late 2017 . In particular, the inspection of two companies was carried out in relation to the cross-border transport of waste upon initiative of the representatives of the Ministry of the Interior.

The evaluation team considers that Croatia's inspection plan should be expanded and improved by implementing analytical background data on the flow of waste.

7.3. Conclusions

- The Environmental Protection Inspectorate has primary responsibility for the enforcement of Regulation (EC) 1013/2006.
- There are only nine inspectors with specialist knowledge of waste shipments, all of whom are based centrally in Zagreb. In the evaluators' view, given the huge complexity of the legislation involved, a team of specialist inspectors/investigators should be set up to deal only with waste crime, and should be properly resourced in order to carry out this role. A specialist team of inspectors/investigators would be a huge advantage in the fight against waste crime, helping to ensure overall compliance and ensure better outcomes for enforcement actions in the field and by way of prosecution through the courts.
- The Customs Administration has powers to inspect and prohibit the export/import or transit of waste shipments if they fail to comply with regulations.
- The General Police Directorate plays a role in assisting the Environmental Protection Inspectorate and the Customs Administration in carrying out their duties, controlling sites to be inspected and in providing cooperation and assistance where required. However, they do not have specific inspection powers, but rather assist in the investigation of criminal matters on instruction from the Public Prosecutor's Office. There are no specialist waste crime investigators, but rather general investigators who are responsible for investigating crimes, including environmental crime where required.

- A MOU between the Ministry of Protection of the Environment and Energy, the Customs Administration and the Ministry of the Interior has been in place since 2016, however, the evaluation team considers that there is not sufficient awareness or use made of it by any of the agencies.
- The State Office for Radiological and Nuclear Safety implements joint inspections and common training with customs, which is considered a best practice.
- The evaluation team believes that stronger collaboration and the setting out of distinct, clear roles would increase the engagement of agencies, avoid the overlapping of roles and increase knowledge exchange, detection and the enforcement of illegal waste shipments.
- The evaluation team believes that closer cooperation also requires joint training undertaken collectively by all agencies.
- National guidance documents and waste identification manuals have been developed and are provided to all inspectors in the Environmental Protection Inspectorate and the Customs Administration to assist in the detection and controls in place for different waste types. This is a good practice. However the evaluation team believes these manuals should be updated regularly.
- The trans frontier shipments of waste Inspection Plan for 2017-2019 has been produced as per Article 50 of Regulation (EC) 1013/2006. The evaluation team also believes the number and type of inspections carried out should be reviewed, their scope widened and numbers increased in order to improve detection rates and increase overall compliance with the Regulations.

- The Environmental Protection Inspectorate carries out inspections of both Green- and Amber-listed waste shipments. The evaluation team could identify no specific concerted action plan having been put in place to tackle and improve the detection of these waste streams. These waste types are particularly difficult to identify and detect and require specialist knowledge regarding their complexities. The evaluation team believe concerted action should take place and that additional resources should be leveraged by the Environmental Protection Inspectorate, the Customs Administration and the police in order to increase the inspection and detection rate of these illegal waste shipments.
- The engagement of the Environmental Protection Inspectorate with the IMPEL network is a best practice, but, in the opinion of the evaluation team, increased participation in the IMPEL network could be of great assistance to the Environmental Protection Inspectorate in the development of their expertise.
- Croatia does not currently appear to have any functioning and effective bilateral agreements with neighbouring countries, other countries of origin of waste or countries of destination for waste. The evaluation team believes that bilateral and multilateral agreements should be put in place in order to facilitate cooperation and the sharing of information in relation to investigations of illegal waste shipments.
- The evaluation team also considers that further engagement should be carried out with non-OECD countries to ensure that shipments of waste from Croatia to third countries are recovered in an environmentally sound manner at authorised waste facilities and that waste is shipped in accordance with the relevant legislation.
- The extent to which Croatia is able to prevent or detect illegal shipments of waste is undoubtedly influenced by a lack of information, intelligence, focus/prioritisation, and a lack of any central strategy to identify and counteract illegal activities.

8. MANAGEMENT OF HAZARDOUS WASTE

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

The Act on Sustainable Waste Management lays down the '*principle of traceability*' – tracing waste back to its source by reference to the product, packaging, and the producer of that product, including handling of waste and its treatment. The traceability of waste is monitored through records kept by waste producers, waste holders and waste processors.

Waste producers must classify their waste as hazardous or non-hazardous and pack and store it appropriately.

The Inspection Affairs Directorate of the Ministry of the Protection of the Environment and Energy is in charge of checking the classification of dangerous waste.

When it comes to cross-border transport of waste, the Croatian authorities reported that they have often encountered problems in the classification of waste.

The Ministry of the Protection of the Environment and Energy dealt with numerous cases of resh Shipments of waste where it was determined that the shipments contained hazardous rather than non-hazardous waste as classified by the sender. The majority of those shipments related to ELVs.

The evaluators observe that no investigations appear to have been carried out in these specific cases in relation to the activities of the sender or the recipient or to previous or subsequent shipments.

Difficulties can arise as specialist knowledge of the specific nature of a substance is required in the case of temporary seizure or handling of the seized items and in relation to appropriate storage of such items until proceedings are finalised. This can create difficulties due to the cost of such storage. Storing and securing evidence can present particular challenges. When compiling evidence of environmental crimes, the utmost attention is required when it comes to the use of appropriate scientific data collection protocols involving procedures which provide for the non-contamination of samples.

8.2. The system of inspections and the authorities involved

The Ministry of the Protection of the Environment and Energy has overall responsibility for the inspection and enforcement of hazardous waste management in the Republic of Croatia. Hazardous waste inspections in respect of legal entities dealing with hazardous waste management are carried out at least once a year or according to risk assessment in line with the IRAM application. Under the Environmental Protection Act, coordinated inspections of entities dealing with hazardous waste management which require environmental permits are carried out in accordance with risk assessment for a period of one to three years. However, should a report be received from a citizen regarding the permitted legal entity, inspections of those plants are carried out more frequently by arranging for special coordinated inspections involving several inspection authorities.

Inspectors for radiological and nuclear safety carry out checks on the implementation of the provisions of the Act on Radiological and Nuclear Safety and its by-laws, including radioactive waste provisions. The frequency depends on how dangerous the radioactive material is and on past experiences with a particular legal or natural person, ranging from once a year to once every five years.

The Ministry of Health has responsibility for enforcement of the Chemicals Act and for issuing licences to producers, importers and sellers of chemicals or substances under this Act. Its specialist staff carry out joint inspections with the Environmental Protection Inspectorate on compliance with environmental licence conditions regarding storage of such chemicals.

However their role is limited to administrative inspection and, in practice, they do not play any role in connection with the investigation of waste crime and they do not act as expert witnesses during criminal proceedings.

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

Under the Sustainable Waste Management Act, producers of hazardous waste have to hand over their production waste to the authorised person who has obtained a waste management permit from the Ministry of the Protection of the Environment and Energy. Authorised persons collect, transport, store and process hazardous waste according to the permit they were issued. They send an annual report to the Croatian Agency for the Environment and Nature with information on the amount of waste produced, collected and processed, as well as information on the amount of imported and exported hazardous and non-hazardous waste. This information can be tracked via applications on the website of the Croatian Agency for the Environment and Nature.

Under the Act on Sustainable Waste Management, producers of hazardous waste have to make a physical and chemical analysis of the waste produced through an authorised laboratory. They have to give this analysis to the authorised waste management person when handing over their hazardous waste. The testing must have taken place in the previous 12 months and a copy of the results must also be handed to the receiving waste facility.

Under the Environmental Permit Regulation, a certain number of companies have to obtain environmental permits from the Ministry.

Hazardous waste is transported in a manner prescribed by special legislation. The Ministry of Protection of the Environment and Energy keeps electronic records of those involved in the business of transporting hazardous and non-hazardous waste, and updates the data on a regular annual basis.

In the Republic of Croatia, it is prohibited to import radioactive waste, disused sources and spent nuclear fuel. Furthermore, a permit from the State Office for Radiological and Nuclear Safety must be obtained before a company can start disposing of radioactive waste and disused sources. The same applies to the transport of radioactive waste, disused sources and nuclear fuel.

8.4. Trends in illegal hazardous waste management

In 2018, during inspections implemented at BCPs, the Croatian authorities noticed that considerably larger quantities of hazardous waste were being transported from Member States across the territory of the Republic of Croatia to third countries, e.g. Lukovac in Bosnia and Herzegovina, compared to 2017.

The evaluators underline that the Environmental Protection Inspectorate is not making use of this data to strengthen controls on this newly detected waste route.

8.5. Conclusions

- Croatia is in the process of developing waste management systems for the environmentally sound production, collection and recovery of all waste, not just hazardous waste. At present domestic facilities to deal with hazardous waste are limited and infrastructure is only being developed slowly. This will present a major challenge as the economy grows and there is further industrial development. Hazardous waste is therefore mostly exported for recovery and these shipments are controlled and regulated by the Ministry of Protection of the Environment and Energy.
- The Environmental Protection Inspectorate plays the main role in the regulation of hazardous waste in the Republic of Croatia.

- Waste classification systems adopted in the EU have been introduced into domestic legislation by Croatia (the 2013 Act on Sustainable Waste Management).
- Responsibility for the labelling and correct determination of the waste lies with the holder of the waste.
- The Ministry of Health is responsible for issuing licences for the importation, production and sale of chemicals/substances that could be harmful to human health. It sets out the conditions for storage of chemical waste in environmental permits issued by the Ministry of Protection of the Environment and Energy. Its staff also carry out joint inspections where possible with the Environmental Protection Inspectorate to ensure these conditions are met. However, the Ministry of Health does not play any role with regard to waste regulation.
- The evaluation team envisages that a problem could arise when it is necessary to determine a by-product/end-of-waste status according to Articles 3 and 5 of Directive 2008/98/EC. Closer cooperation between both agencies should be strengthened by way of MOUs or guidelines and participation in common training.
- The evaluation team believes that the agencies involved should increase the number and type of inspections including roadside, site of origin (authorised or illegal), port/road of export/import and that these should be incorporated into any future inspection plans to target illegal hazardous waste crimes.
- In the experts' opinion, a more proactive attitude (e.g. using intelligence sources, data analysis, etc.) would make it possible to detect and investigate more crimes and also to acquire more evidence.

9. ILLEGAL PRODUCTION OR HANDLING OF DANGEROUS MATERIALS

9.1. The concept of dangerous materials

Under Croatian law, hazardous chemicals are defined by the Chemicals Act, and dangerous substances according to the requirements of Council Directive 2012/18/EU of 4 July 2012 on the control of major-accident hazards involving dangerous substances (Seveso III Directive) are defined by the Regulation on the prevention of major accidents.

Article 4 of the Act on the Transport of Dangerous Goods provides the following definition of dangerous substances:

'Dangerous substances are goods, cargos, substances, materials and items which are under the provisions of the treaties referred to in Article 3 of this Act divided into the following: explosives, gases, flammable liquids, flammable solids, substances liable to spontaneous combustion, substances which, in contact with water, emit flammable gases, oxidising substances, organic peroxides, toxic substances, substances liable to cause infections, radioactive substances, corrosives and other dangerous substances. Dangerous substances also include waste, preparations, radioactive and nuclear material if they meet the requirements to be categorised as dangerous substances within the meaning of the provisions of the treaties referred to in Article 3 of this Act.'

Article 3, item 9 of **the Act on Explosive Substances and the Production and Circulation of Weapons** stipulates that **explosive substances** include explosives, substances for initiating explosive substances, pyrotechnic articles, propellants, ammunition and products loaded with explosive substances. In the United Nations Recommendation on the Transport of Dangerous Goods, they are categorised as Class 1 of dangerous goods.

Article 3, paragraphs 2a and 2b of the Chemicals Act (OG 18/13) defines hazardous chemicals within the meaning of that act:

'Within the meaning of this Act, hazardous chemicals are:

- a) substances and preparations which meet the criteria for physical hazards, health or environmental hazards set out in Directive 67/548/EEC and Directive 1999/45/EC,
- b) substances and mixtures which meet the criteria for physical hazards, health or environmental hazards set out in Parts 2 to 5 of Annex I to Regulation (EC) No 1272/2008.'

A decision on whether a particular substance is considered explosive is adopted by the Accredited Authority for Assessing the Conformity of Explosive Substances.

The Sanitary Inspectorate, as part of the Ministry of Health, has responsibility for the licensing and inspection of producers, importers and sellers of chemicals, biocidal products, substances and mixtures under the Chemicals Act. It is responsible for two levels of inspection, at both state level (importers/producers) and county level (individual retailers). It has no role in relation to dangerous waste.

Radioactive substances are defined by the Act on Radiological and Nuclear Safety.

Within the context of criminal proceedings, a decision on whether or not a given substance should be considered dangerous material is adopted by the competent court provided the necessary examinations have first been conducted by specialised experts.

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

The Croatian authorities reported that they had mostly found minor instances of non-compliance which had generally been rectified within the directed timelines. The experience of the Croatian authorities is that they have not encountered any illegal activities related to the production or handling of explosive substances.

Illegal activities identified by the Croatian authorities regarding the implementation of legislation mainly relate to the following issues:

- operations carried out without any decision having been issued to authorise activities related to the production, supply or use of hazardous chemicals, or violation of one or more provisions of the Chemicals Act;
- the supply of biocidal products which are not registered in accordance with Regulation (EU) 528/2012.

The Croatian authorities reported that one of the biggest problems and trends involving illegal activity with regard to dangerous substances is the abandonment of premises in cases where plants have gone bankrupt and the legal entities (operators) which managed those premises have ceased to exist (having been removed from the commercial register), but the chemicals remain at the premises.

9.3. 9. Procedural aspects

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

Non-conformities, irregularities and unlawful procedures in the handling of dangerous material are established by coordinated inspections of Seveso plants in line with the requirements of the Seveso Directive which has been transposed into Croatian legislation.

Inspection reports are drawn up during inspections. They count as evidence in proceedings before courts (misdemeanour and criminal proceedings) and in administrative proceedings.

The International Police Cooperation Department coordinates the forwarding of information from operational departments within the Criminal Police Directorate and the receipt of information sent to operational departments by partner services or organisations from abroad.

If an inspector with the Sanitary Inspectorate establishes that a company is manufacturing or supplying hazardous/dangerous chemicals/substances and that this is contrary to existing legislation, the inspector will take the necessary measures under Articles 27 to 31 of the Sanitary Inspection Act. The inspector may, in line with his or her powers, order the withdrawal of hazardous chemicals/substances from the Croatian market or require them to be destroyed safely. In this instance the company will bear all costs. Hazardous substances which are seized are analysed at the Forensic Science Centre.

Explosive substances seized under the provisions of the Act on Explosive Substances and the Production and Circulation of Weapons are kept at special premises used by the Ministry of Internal Affairs for the storage of explosive substances, until the procedure is finalised. The owner of the explosive substances bears the storage costs.

Explosive substances that are found to be a direct risk to human life and health and cannot be stored at the premises of the Ministry of Internal Affairs for safety reasons will be destroyed in accordance with the provisions of the above Act without the possibility of compensation to the owner. The owner of the explosive substances bears the costs of destruction.

When explosive substances become the property of the Ministry of Internal Affairs pursuant to a final judgement and they pose risk to human life and health or to the environment, they will be destroyed. The person from whom the explosive substances were seized bears the costs of destruction.

Radioactive material which is seized is analysed in special laboratories. This material is also usually stored in the laboratories where it is analysed. The costs are borne by the State Office for Radiological and Nuclear Safety. Such cases are reported to the ITDB.

The State Office for Radiological and Nuclear Safety does not currently have a national storage facility for radioactive sources but the evaluation team was advised that legislation had just been enacted days before their visit to establish a national storage facility.

9.3.2. Cooperation with European and international partners

The International Police Cooperation Department coordinates the forwarding of information from operational departments within the Criminal Police Directorate and the receipt of information sent to operational departments by partner services or organisations from abroad. The channels mostly used for information exchange are Interpol I-24/7 and Europol SIENA channel.

The Republic of Croatia has ratified various pieces of EU legislation (regulations and directives), notably Directive 2013/59 and Directives 2009/71 and 2014/87 (on nuclear safety), as well as the European Agreement concerning the International Carriage of Dangerous Goods by Road and IAEA safety standards. These pieces of legislation have all been incorporated into national legislation in the form of the Act on Radiological and Nuclear Safety. Croatia has also signed up to numerous multilateral, bilateral and trilateral international agreements in relation to nuclear safety, assistance, regulation and proliferation.

9.3.3. Techniques of investigation

The Ministry of Internal Affairs has at its disposal the equipment used by the forensic and financial units and the cybercrime units to investigate crimes. However, so far the Croatian authorities have not used it. The alleged reason is that they have not encountered any environmental crimes committed as part of a conspiracy, nor have they encountered particularly complicated cases which would require such methods to be used to prove that such crimes had been committed.

However, the evaluation team consider that all investigation techniques should be deployed in order to detect and investigate such crimes.

9.3.4. Main obstacles to successful investigation and prosecution

The Croatian authorities reported that there are not enough court experts specialising in environmental protection, and in particular the handling of dangerous materials.

Efforts must continue to strengthen the capacities of the investigation authorities, the Public Prosecutor's Offices and the judicial authorities, as well as the police and members of the public, in order to raise awareness of criminal prosecution of offences related to dangerous materials.

Another challenge reported by the authorities is that the expert inspectors of the State Office for Radiological and Nuclear Safety are based in Zagreb and thus have to travel huge distances if a complaint is made or an incident occurs in the south of the country, resulting in long delays between the notification of the incident and the beginning of the investigation and potential gathering and seizure of evidence in the case of criminal proceedings.

Storing and securing evidence in such cases presents a particular challenge.

9.3.5. Training

The State Office for Radiological and Nuclear Safety is currently engaged in a joint training programme with the Croatian Customs Administration. Training is provided by the State Office for Radiological and Nuclear Safety to the Customs Administration for the detection of radiological and nuclear materials and the procedures and practices to be followed when dealing with detection and waste. The Office carries out its own in-house training and also training with international agencies.

In 2014 and 2015, various state agencies took part in a number of training courses on environmental crime, on improving the implementation and coordination of inspections, and on improving judicial outcomes. No further specialist training appears to have taken place in relation to identification and detection and shared training in relation to dangerous materials.

9.4. Conclusions

- Croatia has adopted relevant EU and international rules and regulations regarding radiological and nuclear safety. It has incorporated numerous EU directives, international nuclear directives and IAEA safety standards into the Act on Radiological and Nuclear Safety and the procedures laid down therein. Although it is not a nuclear-generating country, it has responsibilities with regard to the shared operation of a nuclear energy facility in Slovenia. The Croatian Government recently passed legislation to develop a purpose-built storage facility for radioactive material.
- The State Office for Radiological and Nuclear Safety is responsible for determining and supervising dangerous ionising-emitting radiation from source and waste material.
- The Sanitary Inspectorate, as part of the Ministry of Health, has responsibility for licensing and inspection under the Chemicals Act. There are two levels of inspection, at state level and county level. Its staff carry out inspections and issue licences to producers, importers and sellers of chemicals, biocidal products, substances and mixtures.
- Croatia has not detected any cases of domestic illegal production of explosive materials, hazardous chemicals or nuclear materials.
- Coordinated training between the State Office for Radiological and Nuclear Safety and the Customs Administration is currently ongoing, involving training and workshops in the field, and is an example of good practice. The Office carries out joint inspections with customs and carries out its own in-house training as well as training with international organisations, which again is good practice.

- No specific problem related to these offences has been detected, but recurring general problems related to the complexity of the legislation and lack of specialisation have been reported by the Croatian authorities.
- In the evaluators' opinion, there is therefore a need for greater specialisation on the part of all the operators dealing with this matter.

10. FINAL REMARKS AND RECOMMENDATIONS

10.1. Suggestions from Croatia

None

10.2. Recommendations

As regards the practical implementation and operation of the Directives and the Regulation, the expert team involved in the evaluation of Croatia was able to review its system **in a satisfactory manner**.

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

The evaluation team saw fit to make a number of suggestions to the Croatian authorities. Based on the various good practices, it also wishes to put forward related recommendations to the EU, its institutions and agencies, Europol in particular.

10.2.1. Recommendations to Croatia

1. Waste crime should be clearly identified as a national priority at political level, leading to the establishment of a national enforcement strategy involving all relevant authorities.
2. The issue of specific funding and a budget to tackle waste crime, including an increase in human resources and trained expert inspectors in the field, should be addressed.
3. Formal inter-ministerial cooperation should also involve officials from the Ministry of Justice, prosecutors and judges, none of whom have been involved to date.

4. Statistics should be improved by working on a centralised method for collecting systematic, reliable and updated statistics, showing the number of notifications, investigations, prosecutions and convictions.
5. The distinction between crimes and misdemeanours should be better defined.
6. In any case, for all cases of non-compliance detected, regardless of quantity, inspectors should contact the Public Prosecutor's Office in order to clarify whether non-compliance should be addressed as a misdemeanour or as a criminal offence.
7. Croatia should also enhance the ability to analyse and plot trends in data and statistics and track the illegal movement of waste inside and outside the state.
8. General awareness of damage and dangers caused to the environment should be raised within all the institutions.
9. It is recommended that all the relevant actors take a more proactive approach in order to increase the number of investigations and prosecutions and achieve a higher sentencing rate.
10. Croatia should enhance the expertise of all relevant actors (police, customs, Public Prosecutor's Offices and judges), including though focus-oriented training and joint training courses.
11. It is recommended that waste crime specialist teams be set up within all the relevant stakeholder departments.
12. Croatia should increase cooperation among all stakeholders responsible for the recognition, detection, investigation, prosecution and sentencing of environmental crime.
13. It is recommended that efforts should focus on intelligence-gathering regarding environmental crime or waste crime.
14. It is recommended that the police be empowered by law to carry out inspections on waste shipments transported by road, waterborne shipments and waste management facilities, without needing specific suspicious grounds in order to do so.

15. It is recommended organising regularly public information campaigns, improving how public can be compliant and increasing reporting of environmental crime from small to large non-compliances.
16. There should be more guidance and engagement with industry to improve environmental compliance; the authorities should engage with industry contact groups to discuss the implementation of environmental legislation; there should be proactive not reactive approach.
17. The inspection plan should include more details on the strategy for tackling illegal waste shipments and concerted actions should be identified.
18. Extension of PRIs – WEEE, ELVs, Batteries, Farm Plastics, etc. – the 'polluter pays' principle is recommended.
19. Croatia should participate more intensively in international and regional fora dedicated to cooperation in the field of environmental crime, for example through consistent engagement with IMPEL and yearly exchanges, and a commitment to ensuring consistent application of enforcement measures in the field.
20. Specific engagement with neighbouring countries by way of MOUs is needed to tackle cross-border waste crime more effectively, as well as the development of relationships with other Countries of destination or origin.

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

Indicators of effectiveness of law enforcement should be developed at European level in order to better assess the effective level of implementation of environmental protection legislation by each Member State.

10.2.3. Recommendations to Eurojust/Europol/Commission

None

ANNEX A: PROGRAMME FOR THE ON-SITE VISIT AND PERSONS INTERVIEWED/MET

Monday, 19.11.2018

20:00-22:00 Dinner of the Evaluation Team with representatives of institutions
(expert level + high level representative from the Ministry of
Interior)

Dinner in a Zagreb restaurant (the venue to be confirmed)

Tuesday, 20.11.2018

9,00-14,00	Ministry of Environment and Energy
9,00	Arrival of the Evaluation Team to the Ministry of Environment and Energy
9:00 – 9:15	Welcome speech
9:15 – 9:45	Organization and competences of the Environmental Protection Inspectorate
9:45 – 10:15	Film ‘Stop Illegal Waste Shipments’
10:15 – 11:00	Environmental crime while addressing the issue of criminal reports (best practices)
11:00-12:00	Discussion on the Questionnaire
12:00 – 13:30	Lunch (Zagreb Tower)
13:30	Departure of the delegation
14:00 – 16:00	Ministry of Health
14:00 – 14:15	Arrival of the Evaluation Team to the Ministry of Health – Welcome speech
14:15 – 14:30	Introduction of the Evaluation Team Introduction of the Sanitary Inspection Directorate and the Chemicals and Biocide Products Department
14:30 – 15:00	Overview of the legislation regarding hazardous chemicals
15:00 – 15:15	Coffee break
15:15 – 16:00	Discussion, questions and answers
16:00	Departure of the delegation
16:00 – 17:00	Evaluation team internal meeting (at the hotel)

Wednesday, 21.11.2018

09.00-12:00	Ministry of Justice
09:00	Arrival of the delegation to the Ministry of Justice
09:00 – 09:15	Welcome speech delivered by the Assistant Minister, Mr. Ivan Crnčec
09:15 – 10:30	Legislative framework in the area of environmental crime and its suppression Ministry of Justice participants: <ul style="list-style-type: none">- Mr. Ivan Crnčec, Assistant Minister (Directorate for European Affairs, International and Judicial Cooperation)- Mr. Uroš Matijašević, Head of European Affairs and International Cooperation Sector- Mr. Igor Jukić, Expert Adviser- Mr. Mirko Miličević, Deputy Municipal Public Prosecutor, temporarily deployed to the Ministry of Justice- Ms Mia Bičanić Šlogar, Head of Criminal Procedural Law Department
10:30 – 11:40	Organizational and educational information in the area of Ministry of Justice's competence in fighting environmental crime Ministry of Justice participants: <ul style="list-style-type: none">- Mr. Ivan Crnčec, Assistant Minister (Directorate for European Affairs, International and Judicial Cooperation)- Mr. Uroš Matijašević, Head of European Affairs and International Cooperation Sector- Mr. Igor Jukić, Expert Adviser- Mr. Mirko Miličević, Deputy Municipal Public Prosecutor, temporarily deployed to the Ministry of Justice- Ms Mia Bičanić Šlogar, Head of Criminal Procedural Law Department
11:40 – 12:40	Meeting with Zagreb County Court judges
12:40 – 13:30	Lunch
13:30	Departure of the delegation
14:00-16:30	State Office for Radiological and Nuclear Safety

14:00	Arrival of the delegation to the State Office for Radiological and Nuclear Safety
14:00 – 14:15	Welcome speech delivered by Ms Sunčana Podhraški Benković , Head of the General and Legal Affairs Independent Department, and introduction of the Evaluation Team
14:15 – 15:00	Organization and competences of the State Office for Radiological and Nuclear Safety
15:00 – 15:15	Coffee break
15:15 – 16:30	Discussion on the Questionnaire Participants: <ul style="list-style-type: none"> - Representatives of the Nuclear Safety and Inspection Sector - Ms Sunčana Podhraški Benković, Head of the General and Legal Affairs Independent Department - Ms Stela Popović, Head of the Inspection and Emergencies Department - Mr. Davor Rašeta, Head of Traffic Control and Emergencies Division
16:30	Departure of the delegation
16:30 – 17:30	Evaluation team internal meeting (at the hotel)

Thursday, 22.11.2018

09:00 – 12:00	Customs Administration
09:00	Arrival of the delegation to the Central Office of the Customs Administration within the Ministry of Finance
09:00 – 09:15	Welcome speech
09:20 – 11:30	Meeting topics: <ul style="list-style-type: none"> - Organization, scope of work and powers of the Customs - Cross-border waste traffic – control and supervision - Joint operations of environmental protection inspection and authorised customs officers Customs Administration participants: <ul style="list-style-type: none"> - Representatives from the Customs System Sector - Representatives from the Mobile Unit Sector - Representatives from Supervision Sector - Representatives from Rijeka Customs Office
11:00 – 12:00	Lunch

12:00	Departure of the delegation
12:30 – 16:00	Ministry of the Interior and the Public Prosecutor's Office of the Republic of Croatia
12:30	Arrival of the delegation
12:45 – 14:00	Working meeting at expert level with representatives of the GPD's Criminal Police Directorate, Public Prosecutor's Office of the Republic of Croatia, County Public Prosecutor's Office and Municipal Public Prosecutor's Office
14:00 – 14:15	Coffee break
14:15 – 16:00	Continuation of the working meeting
16:00 – 17:00	Evaluation team internal meeting (at the hotel)

Friday, 23.11.2018

9:00 – 11:00	Closing meeting with representatives of all institutions involved, with the deputy general police director and assistant general police director present
11:00 – 12:00	Lunch (at the GPD)

ANNEX B: PERSONS INTERVIEWED/MET

Meetings on Tuesday, 20.11.2018

Venue: Ministry of environmental protection and energy

Person interviewed/met	Organisation represented
Sandra Bućan	Head of Inspection Sector
Jasna Paladin Popović	Head of Inspection Service-branch unit Osijek
Zora Jelić	Head of Inspection Service in the area of waste management
Miljenka Kliček	Senior inspector for environmental protection – specialist of the Inspection Service in the area of industrial pollution and protection of air
Robert Rocek	Senior inspector for environmental protection in the Inspection Service in the area of waste management, National coordinator for the cross-border waste
Jelena Manenica	Senior inspector for environmental protection in the Inspection Service in the area of waste management
Željko Rubil	Senior inspector for environmental protection in the Inspection Service – branch unit Osijek
Marijana Božičević	Senior inspector for environmental protection in the Inspection Service - branch unit Rijeka.

Venue: Ministry of Health

Person interviewed/met	Organisation represented
Ivana Vrhovac Filipović	Head of Department for chemicals and biocidal products
Blaženka Poljak	Senior state sanitary inspector of the Department for chemicals and biocidal products
Silva Kajić	Senior state sanitary inspector for chemicals and biocidal products

Meetings on Wednesday, 21.11.2018

Venue: Ministry of Justice

Person interviewed/met	Organisation represented
Uroš Matijašević	Head of Sector for European Affairs and International Cooperation
Igor Jukić	Expert Adviser
Mirko Miličević	Deputy Municipal State Attorney, temporarily deployed to the Ministry of Justice
Mia Bičanić Šlogar	Head of Department for Criminal Procedural Law

Venue State Office for radiological and nuclear safety

Person interviewed/met	Organisation represented
Stela Popović	Head of Service for Inspection and Emergency
Davor Rašeta	Head of Emergency Preparedness and Trafficking Control Department
Antonia Bilić	Expert Associate in Nuclear Safety Service
Sunčana Podhraški	Head of Independent Service for Legal, Personal, Financial Planning, Accounting and IT Affairs

Meetings on Thursday, 22.11.2018

Venue: Customs Administration

Person interviewed/met	Organisation represented
Vlasta Špoljarić	Deputy director, Supervision Sector
Mladenka Perić	Head of service, Supervision Sector
Predrag Juratovac	Head of service, Mobile Units Sector
Sandra Čače	Head of department, branch customs office Rijeka
Dominik Kozary	Senior administrative adviser, Customs system Sector
Maja Javor Ramađa	Inspector II, Supervision Sector

Venue: Ministry of the Interior and the State Attorney's Office of the Republic of Croatia,

Person interviewed/met	Organisation represented
Drago Kuhta	Police officer of the Border Police Directorate, General Police Directorate
Stjepan Tršinski	Police officer of the Public order Service, Police Directorate, General Police Directorate
Mario Mustapić	Police officer of the Explosive ordinance disposal unit, Police Directorate, General Police Directorate
Snježana Bagarić	Police officer of the Directorate for Administrative and Inspection Services Directorate
Ivica Kroppek	Head of Department for violent and sexual crimes, general safety and environmental crimes
Tomislav Pavlić	Police officer of the Department for violent and sexual crimes, general safety and environmental crimes
Dragan Jurič	Police officer of the Department for violent and sexual crimes, general safety and environmental crimes
Dijana Sadarić	Head of International Police Cooperation Service

Sani Ljubičić	Deputy General State Attorney of the Republic of Croatia
Dunja Pavliček	Deputy County State Attorney in Zagreb
Natali Novak Košić	Deputy Municipal State Attorney in Zagreb
Mirjana Kondor Langer	Professor at Police College in Zagreb

Meetings on Friday, 23.11.2018

Venue: Final common meeting of all bodies and institutions in the Ministry of the Interior

Person interviewed/met	Organisation represented
Drago Kuhta	Police officer of the Border Police Directorate, General Police Directorate
Stjepan Tršinski	Police officer of the Public order Service, Police Directorate, General Police Directorate
Mario Mustapić	Police officer of the Explosive ordinance disposal unit, Police Directorate, General Police Directorate
Snježana Bagarić	Police officer of the Directorate for Administrative and Inspection Services Directorate
Dalibor Jurić	Head of General Crime and International Police Cooperation Sector

Dragan Jurič	Police officer of the Department for violent and sexual crimes, general safety and environmental crimes
Mato Blažanović	Europol police officer, International Police Cooperation Service
Sani Ljubičić	Deputy General state attorney of the Republic of Croatia
Mirjana Kondor Langer	Professor at Police College in Zagreb
Zora Jelić	Head of Inspection Service in the area of waste management, Ministry of environmental protection and energy
Igor Jukić	Expert adviser, Ministry of justice
Maja Javor Ramađa	Inspector II, Supervision Sector, Customs administration
Silva Kajić	Senior state sanitary inspector of the Department for chemicals and biocidal products, Ministry of health
Blaženka Poljak	Senior state sanitary inspector of the Department for chemicals and biocidal products, Ministry of health
Sunčana Podhraški	Head of Independent service for common affairs, State Office for radiological and nuclear safety

ANNEX C: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

List of acronyms, abbreviations and terms	Croatian or acronym in original language	Croatian or acronym in original language	English
IRC	<i>IRC</i>	<i>Internationale rechtshulp centrum</i>	Centre for mutual legal assistance (in the Netherlands)
MOU			Memorandum of understanding
IPA			Instruments for pre-accession assistance
ENPE			European Network of Prosecutors for the Environment
MoI			Minister of Interior
EC			European Commission
LEAs			Law enforcement agencies
CEPOL			European Police College
IMPEL			European Union network for the implementation and enforcement of environmental law
NGOs			Non-Governmental organizations
ITDB			Incident and Trafficking Database

IAEA			International Atomic Energy Agency
JITs			Joints investigation units
EMPACT			European Multidisciplinary platform against criminal threats
MLA			Mutual legal assistance
EUFJE			EU forum of judges for the environment
PRI's			Producer Responsibility Initiatives
PPP			Public Private Partnership
ELV			End-of-life vehicles
OECD			Organization for economic cooperation and development
WEEE			Waste Electrical and Electronic Equipment
IRAM			Institute de radioastronomie millimetrique