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

Follow-up to the Report on Germany

**Federal Ministry of Justice
and Consumer Protection**

31 March 2020

8th Round of Mutual Evaluations

‘The practical implementation and operation of European policies on preventing and combating environmental crime’

**Report on the implementation of the recommendations made to Germany in the report of
21 September 2018**

Recommendation 1

While acknowledging that the Central Customs Investigation Service (ZKA) also represents the view of German Police within EMPACT, it would be a plus for all countries if the German police (i.e. the Federal Criminal Police Office (BKA)) joined the meetings of this priority to directly discuss issues specifically related to Police.

The Central Customs Investigation Service (ZKA) and the Federal Criminal Police Office (BKA) have intensified their collaboration and cooperation with the technical agencies under the Federal Ministry of the Environment, Nature Conservation and Nuclear Safety (BMU) and the Federal Ministry of Food and Agriculture (BMEL) in order to ensure a comprehensive exchange on police-related issues in the context of the EMPACT priority on environmental crime.

The BKA is both the national contact point for Europol and the central criminal police office and national contact point for the EU's informal police network for combating environmental crime (EnviCrimeNet). In this capacity, it assists the ZKA, the specialist police units and the environmental authorities of the Federal Government and the *Länder* in implementing the priority at national level.

In view of the recommendation, the BKA will be given the opportunity to participate in the meetings and, where appropriate, will participate within the context of the cooperation between the BKA and the ZKA.

Recommendation 2

Germany has not implemented any strategic plan at federal level and the cooperation is mainly left to the operators at operational level. Given the large number of authorities involved and the complexity of the issue, the experts believe that combating environmental crime should be seen as an interdepartmental task; it is therefore proposed to involve all relevant authorities in the development of appropriate federal and Länder strategies.

The implementation of environmental laws and the prosecution of environmental crimes are in principle the responsibility of the *Länder*. The Federal Government is responsible for steering and coordinating actions under the EMPACT priority on environmental crime at national level. It sees this responsibility as an interdepartmental task. For example, strategic measures in the area of environmental crime are in principle agreed with all the authorities concerned. There are also regular joint meetings between the BMU, the ZKA, the Federal Environment Agency (UBA), the Federal Agency for Nature Conservation (BfN), the Federal Office for Agriculture and Food (BLE) and the Federal Office of Consumer Protection and Food Safety (BVL), during which not only specific measures to prevent and combat environmental crime are discussed, but also fundamental strategic decisions are taken by consensus.

The *Länder* also adopt an interdepartmental approach within their remit. For example, the *Länder* have concluded interministerial agreements on interdepartmental cooperation between the environmental and law enforcement authorities. These agreements provide for regular meetings between the authorities involved, with a view to exchanging views and experience, and in particular to discussing issues concerning collaboration and the coordination of measures. Examples are the relevant administrative provisions of the *Länder* Baden-Württemberg, Hamburg, North Rhine-Westphalia and Saxony, according to which joint meetings of staff from the environmental and law enforcement authorities take place annually or every two years. In Saxony there is also an inter-authority coordination group to coordinate authorities in the control and monitoring of cross-border shipments of waste and the prevention of and fight against illegal shipments.

For police coordination between the Federal Government and the *Länder*, there is also an annual conference of the heads of the police services involved in environmental criminal investigations. The heads of the relevant specialist units of the Criminal Police Offices of the *Länder* attend the meeting together with the ZKA. The conference is run by the BKA.

Recommendation 3

The experts noticed that the budgets used for combating environmental crime may not be sufficient to achieve the desired results. It is recommended to allocate a sufficient amount of the budget to tackle waste crimes.

The allocation and distribution of budget funds for the judiciary is in principle the responsibility of the *Länder*. However, in 2019, the Federal Government and the *Länder* committed to improving the equipment of the courts, law enforcement authorities and the police under their ‘Pact for the rule of law’. Under this pact, and in the context of their exclusive competence in the area of human resources, the *Länder* will create and fill a total of 2 000 new posts in the field of justice for judges and public prosecutors between 1 January 2017 and 31 December 2021 (plus the personnel required for this in non-judicial and non-prosecutorial areas). For police tasks, the Federal Government and the *Länder*, within their respective spheres of competence, will each include 7 500 new posts in their budgets between 1 January 2017 and 31 December 2021.

With the aim of providing the police and the judicial sector with sufficient staff and equipment, the Government of North Rhine-Westphalia has already created more than 1 900 new posts for officials and employees in its 2018, 2019 and 2020 budgets. Of these, 224 posts are for judges and 134 for public prosecutors. In 2019, the Rhineland-Palatinate Criminal Police Office improved the equipment for police investigations and crime scene work, including by procuring a handheld spectrometer for X-ray fluorescence (XRF) analysis for the detection of waste.

In the context of the ZKA's national steering and coordination role for the EMPACT priority on environmental crime, the ZKA's area of work has been temporarily strengthened at federal level.

Recommendation 4

A national approach for the police was designed to ensure stronger action to combat environmental offences in a uniform way. This national approach should also include Länder police having access to an environmental enforcement database developed by environmental authorities. In this context, it would be advisable to reproduce the model adopted by Brandenburg police to directly access to the data of environmental authorities. Cooperation at strategic level between the Federal Police and the Länder police should be encouraged.

Various national information portals have been set up to assist the *Länder* police in implementing measures to prevent and combat environmental crime. Mention should be made of the information portal on waste evaluation – control – (IPA-KON). This electronic portal allows police authorities to retrieve information on the transport of hazardous waste by road. The portal is accessible via the national network of government agencies - Germany Online Infrastructure (DOI).

Furthermore, the hazardous substances database of the *Länder* (GDL) provides information on hazards and protection measures as well as legal regulations, limits, information from safety data sheets and guidance on the classification and labelling of substances. This database was set up by the permanent members of the GDL expert group, which is composed of experts from the occupational health and safety authorities of the *Länder* and the Federal Government.

In addition, the Institute for Occupational Safety and Health of the German Social Accident Insurance (IFA) provides the police authorities with information on the safe handling of chemicals via the database on hazardous substances (GESTIS).

Finally, there is the GSA (the hazardous substances rapid information system). The GSA is part of the Joint Substance Data Pool of the Federal Government and the *Länder* and provides, in electronic form, information and guidance to support decision-making for the protection of and care for the environment, and the cooperation of the emergency services. The police, in particular, also have access to the GSA. The objective of the GSA is to provide rapid information on hazardous substances to the fire brigade, the police, the Federal Agency for Technical Relief (THW) or other emergency services; to provide information tools in the event of incidents and accidents involving environmentally hazardous substances; to assist in the control of the storage and transport of environmentally hazardous substances; and to provide information to prevent hazards and damage from environmentally hazardous substances.

Recommendation 5

Due to the fact that the police forces lie within the responsibility of the Länder and are thus also differently structured and equipped, increased good knowledge and experiences should be presented and exchanged among the Länder. In this context, the experts have noticed that some best practices - underlined in the context of the present report - are in force in some Länder and suggest that these be spread more widely.

In order to ensure regular exchanges of experience and lessons learned, the *Länder* have various cooperation platforms at their disposal, including federal/*Länder* police forums such as the annual conferences of the heads of the specialist environmental units of the Criminal Police Offices of the *Länder* with the Federal Criminal Police Office (BKA); federal/*Länder* case handler conferences in the areas of waste trafficking and pharmaceutical crime; Extrapol; and the joint organisation of specialised criminal police training.

The *Länder* also engage in an intensive exchange of experience with each another. For example, the Rhineland-Palatinate Criminal Police Office not only makes its publications (e.g. handbooks for crime scene work and waste transport inspections, control lists and checklists) available to its own authorities, but also makes them available throughout Germany via Extrapol. In addition, the Rhineland-Palatinate Criminal Police Office organises its own environmental case handler conferences and target-group workshops on various topics, at which representatives of the environmental authorities are also invited to speak.

Recommendation 6

The experts detected that the methods used to secure the sample are not always those which can be accepted in court. It is therefore recommend to spread the methodology used by Brandenburg police who are using a mobile laboratory unit where they can take samples of contaminated waste, soil, water or polluted air. To this end it is also suggested to increase the budget for these local mobile units so that the police are well equipped to carry out their enforcement duties.

The allocation of sufficient budgetary resources for the *Länder* police forces, including in the area of environmental crime, is the responsibility of the *Länder* and is tailored to the specific needs of each *Land*.

The Rhineland-Palatinate Criminal Police Office is an example of another force equipped with mobile units; it also has several mobile laboratory units with extensive technical equipment at its disposal, ensuring proper and secure sampling by specially trained staff. In addition, the Rhineland-Palatinate Criminal Police Office has at its disposal various mobile detection devices (handheld XRF, Haz Mat ID, microPHAZIR AS, HGVI gas and vapour analysis, thermal imaging camera, radiation meters, pH meter) and additional operational equipment. This equipment provides immediate information on the presence of a wide range of pollutants and safety hazards during police operations and enables an assessment to be made of how and to what extent samples should be taken.

Recommendation 7

Environmental offences are also referred to as control offences, so the discovery of such cases requires proactive action. In this context, the training of uniformed patrol officers in the detection of possible environmental crimes is encouraged. These police forces are on patrol anyway and therefore represent a suitable, existing potential for detecting possible environmental crimes.

The police authorities are also trained in the area of environmental crime through regular training courses at the federal and *Länder* police universities, such as the three-day training course entitled ‘Basic waste transport inspections’, which is held every two years at the Police University in Rhineland-Palatinate. Environmental crime is also taught as part of the bachelor’s degree there, in the module ‘Special investigation situations’ and during teaching on the recording of road traffic accidents.

Furthermore, operational staff from the transport directorates of the Rhineland-Palatinate police are given a targeted presentation on waste as part of a refresher module entitled ‘Specialised traffic monitoring’.

In addition to the manual and control lists for waste transport inspections, the Rhineland Palatinate Criminal Police Office has also published information sheets on crime scene work at scrapyards on Intrapol. Intrapol also provides checklists and information sheets for crime scenes involving horse ripping, asbestos, poison bait, etc., for first responders and case handlers.

Apart from the qualification of police officers working in rotating shifts, the Rhineland-Palatinate Police University, in cooperation with the *Land* Criminal Police Office, organises a two-week basic seminar on environmental case handling, which is aimed primarily at staff in the relevant specialist departments and the environmental case handlers in the water police.

Recommendation 8

In order to increase the discovery of environmental crimes by administrative authorities, it is also advisable to spread the good experiences of Saxony-Anhalt in relation to duplication of announced inspections with unannounced inspections.

Unannounced inspections by the administrative authorities are an effective means of detecting environmental crimes, particularly in the area of illegal waste management, and are also being stepped up in other *Länder*.

The practice in Saxony-Anhalt was once more drawn to the attention of the other *Länder* during their work on this report.

Recommendation 9

To the same end it is also suggested to spread the practice of giving police power to carry out roadside inspections, as is the case in Rhineland-Palatinate.

Under § 11(2)(3)(j) of the Road Haulage Act, the Federal Office for Goods Transport (BAG) conducts inspections of waste shipments regardless of whether they suspect wrongdoing throughout the country. This is done in consultation with the relevant competent *Land* police. In addition, eight *Länder* have currently authorised their police to carry out inspections of waste shipments regardless of whether they suspect wrongdoing. The other *Länder* have so far refrained from doing so. The *Länder* were reminded again of the practice in Rhineland-Palatinate when dealing with the preparation of the present report.

Recommendation 10

The establishment of a common police database related to environmental crimes among Länder authorities and Federal authorities is already ongoing. The procedure should be made faster.

The common police information and analysis system (PIAV-operativ) is being introduced gradually and deployed in phases, one crime area at a time. Operational deployment for the area of environmental crime is planned for phase 5 (phases 1 and 2 have currently been implemented).

Recommendation 11

In the experts' view, the insight into the effectiveness of enforcement activities at Länder level could be improved. A digital, risk-oriented data system should therefore be developed to support knowledge-based decision making in terms of enforcement with regard to serious environmental crime events.

Responsibility for developing a system of this kind lies with the *Länder*, which still need to examine a number of aspects of the feasibility of this project.

Recommendation 12

In order to successfully investigate cases, the possibility should be explored of introducing, at legislative level, effective investigations tools for waste crimes even when environmental crime is not committed in an organised crime framework or coincides with other serious crimes.

The range of criminal investigation measures can be extended only if the intervention in question is proportionate, i.e. when the protected legal interest justifies the interference with the fundamental rights of the person concerned. The greater the weight of the protected legal interest affected by the interference, and the greater the impact of the interference on that protected legal interest, the more stringent the requirements for justification of such an interference. For instance, measures for telecommunications surveillance (§ 100a of the Code of Criminal Procedure) entail an interference which has a particularly great impact, especially because in many cases interference with the secrecy of telecommunications inevitably means in practice that data relating to the core of a person's private life might also be collected.

The constitutional requirements concerning the seriousness of an offence justifying interference are therefore commensurately more stringent.

With regard to the qualification of an offence as a 'serious offence' within the meaning of § 100a of the Code of Criminal Procedure, the Federal Constitutional Court has ruled (Decision of the Second Chamber of 12 October 2011, case 2 BvR 236/08 and others) that while the severity of the penalty is an indication of the seriousness of the offence, the severity of the penalty alone is not in itself sufficient to justify an interference under § 100a of the Code of Criminal Procedure. The constituent elements of the offences covered by the constituent elements of the interference must also be 'serious' when considered as a whole. This is definitely the case where a considerable interference with the functioning of the State or its institutions or a restriction of the protected legal interests of private individuals are concerned.

The Federal Government is still examining this recommendation.

Recommendation 13

The experts have noticed the need to enhance the environmental authorities' ability to detect crimes and report them to the police. It is therefore recommended to encourage the competent administrative Länder authorities to better specialise their practitioners, also by providing more training and increasing the number of meetings involving Länder representatives. Joint training and meetings could achieve exchange of expertise, discussions on practical problems, mutual support and exchange of opinions related to problems of interpretation of law. A suitable way of minimising such problems was demonstrated by the Ministry of the Environment in North Rhine-Westphalia by introducing a staff unit for environmental crime. It is recommended that this model be adopted in all Länder.

Regular training events and exchanges of experience, which also serve as continuing training for the participants, also take place in the other *Länder*. For example, annual exchanges of experience, in which public prosecutors also participate, are organised by the environmental authorities in Lower Bavaria. These inter-agency exchanges of experience are opportunities for exchanging expertise as well as discussing problems in interpreting the law. The continuous training provided by the environmental authorities in Saxony is also worth mentioning here.

In Saxony, the emphasis of training has been on topics relating to the classification and qualification of waste, which are essential for the effective control of waste shipments, recovery or disposal. Joint training on these subjects is regularly offered to all authorities concerned. Further training for inspection staff in waste authorities regularly takes place through training courses, attendance at conferences, internal meetings, the *Länder*'s waste working group and the 'state of the art' working groups.

In the area of chemicals law, a joint service centre between the *Länder* has been set up, which supports the authorities in coordinated enforcement. The chemicals authorities also constantly exchange views in the framework of the Working Committee of the Federal Government and the Federal States on Chemical Safety (BLAC). Furthermore, the *Länder* are also actively involved in European coordination with REACH-Forum, RApex, etc. in the field of chemicals law.

Recommendation 14

In the field of environmental crime, prosecutors and judges must be able to manage particularly complex legal issues. It is important to ensure sufficiently well-trained and specialised judges and prosecutors and therefore it is suggested that the amount of training be increased. It is also suggested that specialised units be established in courts, in order not to lose the knowledge and skills acquired.

1. Training

In the field of environmental crime, some further training is provided across all *Länder*. For instance, the German Judicial Academy - a training institution run jointly by the Federal Government and the *Länder* - offers a total of around 140 conferences a year for judges and prosecutors. The German Judicial Academy's programme regularly includes conferences on environmental criminal law. Examples worth noting here are the conferences offered in line with this recommendation, namely conferences on current problems of environmental criminal law, and the one-week conference on environmental criminal law/waste crime, scheduled to be held for the first time in 2020. The object of this conference will be not only to examine the fundamental provisions of environmental criminal law in primary and secondary criminal law in depth, but also to give an insight into the particular influences of (environmental) administrative law, European law and the European institutions, as well as practical guidance on how to conduct complex investigations and criminal proceedings. In particular, cases from criminal law on waste are also to be dealt with. In addition to the fundamental overview of environmental criminal law, the focus will be on:

- how environmental criminal law deals with major cases
- European cooperation on cross-border environmental crime
- European provisions and their implementation
- cooperation with administrative authorities and experts
- relationship to offences relating to assets and corruption
- recovery of criminal assets

Uptake of the conferences offered by the German Judicial Academy is high among judicial practitioners from the *Länder*.

In addition to these, the *Länder* regularly offer their own training events and exchanges of experience. For example, the cross-service conference organised by Baden-Württemberg in 2019: ‘Effective prosecution of environmental crimes; cooperation between environmental protection authorities and law enforcement authorities’, which was aimed at prosecutors’ offices, police authorities, nature conservation authorities and environmental associations, and was well-attended. In 2017 a conference on environmental law was held at Brandenburg Judicial Academy. It was organised by the Joint Law Examination Board of the *Länder* of Berlin and Brandenburg, together with the Serious Environmental Crimes Commissariat of the Brandenburg Land Criminal Police Office. There are plans for another cross-service event along the same lines as the 2017 conference to be organised by the Joint Law Examination Board in 2021. Brandenburg is also developing a concept for biennial cross-agency conferences on waste crime.

Between 2012 and 2015, the Judicial Academy of North Rhine-Westphalia organised an annual two-day conference on environmental criminal law for judges and public prosecutors. In 2019 the University of Applied Sciences for the Administration of Justice of North Rhine-Westphalia organised a three-day further training session on an overview of problems of environmental criminal law, with a particular emphasis on the offences of water and soil pollution and the illicit handling of hazardous waste (§§ 324, 324a and 326), for public prosecutors. There are plans to hold a seminar on environmental crime for judges and public prosecutors in 2020 at the Judicial Academy.

Some training events in the *Länder* are also carried out using the services of the EU Commission and the European enforcement networks (IMPEL, ENPE, EUFJE, EnviCrime). The IMPEL European Enforcement Network is mentioned in several reports as a provider of capacity-building activities and an organiser of joint inspections and exchanges of experience.

2. Specialisation

The establishment of special departments for and the specialisation of certain senior officials in certain procedures relating to environmental criminal proceedings in the public prosecutor's offices of most *Länder* (including Bavaria, Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, Rhineland Palatinate, Saarland, Saxony, Saxony-Anhalt and Schleswig-Holstein) guarantee a special level of expertise and experience in the processing of cases. In one of the public prosecutor's offices in Schleswig-Holstein, a qualified engineer has also been employed for the specialist environmental service. Furthermore, Brandenburg intends to discuss the need for action on setting up other specialist public prosecutor's offices, in particular in the area of environmental crime.

A number of *Länder* have also introduced a similar system under which competences are concentrated together within the courts.

Recommendation 15

In the experts' view, police and environmental agencies should also be provided with more training. With specific regard to the police, the training should encompass the use of intelligence sources, data analysis, detection and investigation techniques to acquire more evidence in specific environmental cases.

Specialised training for the criminal police is coordinated within the framework of police cooperation between federal and *Länder* level. The federal and *Länder* levels are intent on ensuring that sufficient training and exchange of experience are available to the police and the environmental authorities. In the main, such events are organised annually. Examples in this context would be the BKA's annual case-handler conferences on waste trafficking/crime in the waste management sector. At *Länder* level, the Hamburg police's special service for environmental and consumer protection offences offers service instruction to police departments and to the Police Academy on the subject of environmental law, to enhance legal certainty and confidence in their actions right from the outset where this area of crime is concerned. Furthermore, the central further training provider 'Education Centre for the Utilities and Waste Management Sectors Ltd' regularly organises training on the subject of environmental criminal law.

Further training courses for police and environmental authorities are in some cases also run with the support of the European Commission and the European enforcement networks (IMPEL, ENPE, EUFJE, EnviCrime) in the individual *Länder*.

Recommendation 16

In the experts' view, more joint training should be organised involving representatives of all authorities involved in order to exchange expertise and discuss practical problems, mutual support and problems related to the interpretation of law.

In most of the *Länder*, joint working meetings take place on a mainly rotating basis to ensure an interdepartmental exchange of information and experience. These are also used for mutual training.

In addition, the *Länder* promote exchange of technical expertise through interagency further training events (cf. the events organised by Baden-Württemberg and Brandenburg mentioned under Recommendation 14).

Furthermore, in Bavaria, annual events are held by the administrative and law enforcement authorities of the governments of Unterfranken, Lower Bavaria and Oberpfalz, with specialised presentations, along with an exchange of experience and discussion of legislative amendments and administrative practice. Subjects covered include cross-border waste shipments and crimes involving water pollution. These events sometimes also involve the participation of international specialist authorities.

In Hessen, the public prosecutors' offices also participate in the training offered by the Hessen police and support the police events with specialist presentations given by experienced prosecutors. In Schleswig-Holstein, too, public prosecutors' offices and the police invite one another to their further training events.

Interdisciplinary training events are also offered by the judicial authorities of North Rhine-Westphalia.

The Rhineland-Palatinate environment ministry usually holds an annual working meeting on waste transport inspections to which the environmental and law enforcement authorities from Rhineland Palatinate and the neighbouring *Länder* are also invited. In addition, an interdisciplinary cooperation model that has become established over many years in Rhineland-Palatinate is the Asbestos Section Meeting in the *Land* Office for the Environment, to which the *Land* Criminal Police Office is regularly invited. Important information from this section meeting may be published by the Land Criminal Police Office on Intrapol.

Thuringia has appointed coordinators and representatives to strengthen cooperation between the judicial authorities, the police and the administrative authorities; their role as central contact point is to coordinate the work of the various institutions more closely.

Recommendation 17

In order to improve the cooperation also between local authorities and regional authorities and with a view to encouraging the adoption of a cooperative strategy, joint training involving all relevant authorities should be organised by certified training institutes.

Other departments are regularly involved in the further training courses in the field of environmental crime held at the German Judicial Academy. For example, in the interest of interagency exchange, representatives from various environmental agencies (e.g. the lower district administrative authority and the Federal Environmental Office) are invited to speak at the Environmental Criminal Law/Waste-related Crime conference organised by Bavaria at the German Judicial Academy.

In addition, the Education Centre for the Utilities and Waste Management Sectors Ltd (BEW) is a nationally recognised educational provider, which – in cooperation with experts and practitioners from the relevant sectors – regularly organises training courses on the subjects of utilities provision and waste disposal, for example on waste shipment law or the sampling of waste materials.

See also the statements regarding Recommendations 14, 15 and 16.

Recommendation 18

The experts noticed that in some Länder there are staff meetings on a regular basis to exchange information on environmental crimes, but there is no official structure in terms of implementation and cooperation, e.g. there are no joint task forces to combat environmental crimes. For complex environmental cases, involving the participation and competence of several authorities, it is recommended that so-called task forces be set up involving members of all authorities. Having access to their respective databases would directly benefit the task force.

In specific investigations, interagency task forces are set up on an ad hoc basis under the authority of a public prosecutor's office. The transfer of personal data from agency databases to other authorities is carried out on a case-by-case basis. The *Länder* have inter-ministerial cooperation orders providing for cooperation between environmental administrative authorities and law enforcement authorities in combating environmental crime (e.g. Baden-Württemberg [cf. Recommendation 2], Bavaria, Hessen, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saxony [cf. Recommendation 2] and Thuringia).

In the case of larger scale environmental crimes, 'investigation teams', 'investigation commissions' or 'special commissions' are set up at police stations; they investigate the facts of the case under the authority of the public prosecutor's office, often with the involvement of specialised authorities. In Bavaria, for example, an investigation team has been set up with the involvement of the river police and the criminal police as part of investigations pursued by a public prosecutor's office in connection with illegal waste treatment. In Brandenburg, as well, an 'environment' investigation commission was set up in 2008 in response to an increase in the number of cases. In Rhineland-Palatinate, in situations of particular danger, the *Land* Criminal Police Office also establishes a 'Hazardous and Explosive Materials Service Team', made up of staff members drawn from different specialist areas.

See also the statements regarding Recommendations 2 and 5.

Recommendation 19

Due to the high level of expertise often required in relation to waste crimes during the investigation phase as well during the trial, the existing professional expert associations as well as the experts within the public-law bodies should be spread out more effectively to the relevant administrations. This would be very helpful in order to get better expertise and being able to stand up in court.

Consultation of external experts is one important way in which the administrative authorities and the courts are able to deal with complex proceedings concerning environmental crime in particular, using the appropriate approach and the necessary expertise. However, it is also often possible to draw on the specific expertise of special departments within the same authority or of another specialised authority. For example, within the Federal Maritime and Hydrographic Agency (BSH), complex technical issues are handled with the expertise contributed by its own interdisciplinary teams. At *Länder* level too, the environmental authorities are closely involved as specialist bodies, an example of this being the Land Agency for Nature, the Environment and Consumer Protection in North Rhine-Westphalia.

Recommendation 20

Environmental authorities should take a key role in raising general awareness about damage and harm caused to the environment by environmental permit violations, including by actively informing the public about detected cases and damage caused. In order to direct people to law-abiding behaviour, it is suggested that public information campaigns be organised regularly.

Public information campaigns are carried out as required. Hessen reports that it actively provides information, particularly on new legal rules, by means of press releases, information on its homepage or through joint events with associations (chambers of industry and commerce, chambers of skilled trades or within the framework of the Hessen Environmental Alliance). Infringements of environmental permits detected during environmental inspections are published in individual *Länder* (e.g. North Rhine-Westphalia). All these activities also have a preventive element in combating environmental crime.

Recommendation 21

Cooperation with third countries should be improved.

With regard to the police, cooperation with third countries primarily takes place via Europol and Interpol. As a result of the EMPACT priority, opportunities for international cooperation through Europol channels have increased considerably. At Interpol level, the BKA and the ZKA regularly participate in various working groups of the Interpol Environmental Security Programme. In this context, there are a number of close contacts based on a relationship of trust also with agencies outside the EU.

In addition, German police stations cooperate with third countries in informal networks such as EnviCrimeNet, Aquapol or TISPOL.

Furthermore, initiatives of the World Customs Organization, OLAF or UNODC, for example, are actively supported. Third countries are usually also involved in these measures. Moreover, contact with third countries is sought at bilateral level with a view to jointly tackling environmental crime. An example of this would be contacts with Asian countries to combat environmental crime.

In addition, the *Länder* have pointed to individual projects and joint inspections, as well as events for the general exchange of experience with third countries. A German-Polish conference to combat environmental crime in the German-Polish border area was held on 24 and 25 October 2019 jointly with the Brandenburg *Land* Criminal Police Office, Berlin Senate Department for the Environment and SBB Sonderabfallgesellschaft Brandenburg/Berlin mbH (Brandenburg/Berlin hazardous waste company ltd), in cooperation with the Polish authorities and with the participation of, inter alia, police, environmental, customs, border, road and law enforcement authorities and with representatives from the EU, as well as from federal and *Länder* level.

Recommendation 22

The possibility should be considered of improving statistics by working on a method to collect systematic, reliable and updated statistics, comprising the number of notifications, investigations, prosecutions and convictions.

In 2019 the Federal Ministry of Justice and Consumer Protection (BMJV) organised a Federal/*Länder* working group with the aim of laying down legislative rules on statistics in the area of criminal justice and optimising them in certain areas. The main findings of the Federal/*Länder* working group were set out in a working document on the basis of which the BMJV is currently elaborating draft legislative provisions. In this context, consideration is being given inter alia to broadening the criminal prosecution statistics on the basis of personal information to include investigations, as well as to the possibility of linking the statistics with public prosecutors' proceedings and judicial proceedings, in order to improve the utility of criminal justice data overall.

In addition, the BKA's police crime statistics (PCS) and the register of public prosecutor's proceedings that covers all *Länder* (§§ 492 et seqq. of the Code of Criminal Procedure) ought to largely reflect the statistical needs for the area of environmental crime. In a research project commissioned by the Federal Environment Agency (UBA), the statistics for environmental criminal law for 2004 to 2016 were evaluated. This evaluation was published by the UBA in 2018 in its 'Umweltdelikte' ('environmental offences') series (see <https://www.umweltbundesamt.de/publikationen/umweltdelikte-2016-auswertung-von-statistiken>).

Another research project commissioned by the UBA will, from 2020, look at possibilities to improve processing and analysis of the various statistics relating to the law on environmental crime, the interaction between the law on environmental crime and law on environmental regulatory offences, and possible practical ways of improving the application of the law on environmental crime.

The future implementation of the PIAV database will further improve the level of information available. With regard to waste shipments, annual reports are also drawn up by the UBA in line with the requirements of the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal and Regulation (EC) No 1013/2006 on shipments of waste.

In the *Länder* it is already possible to collect and analyse relevant information on environmental crime – from a criminological, crime policy and strategic point of view – on the basis of statistics from the courts, public prosecutors' offices and the police. For example, the multi-*Länder* public prosecutor's office automation (MESTA) of the *Länder* of Berlin, Brandenburg, Hamburg, Hessen, Mecklenburg-Western Pomerania, North Rhine-Westphalia and Schleswig-Holstein allows statistics to be produced according to number, status and outcome of relevant cases, on the basis of the separate inclusion of environmental crime cases and classification by type of offence.