

European Network of Prosecutors for the Environment

Réseau des Procureurs Européens pour l'environnement



ENPE newsletter - Issue 12

27 March 2020

Message from ENPE President Anne Brosnan

Dear colleagues,

We bring you this, our twelfth ENPE newsletter, in the face of the most serious global health threat, involving the spread of coronavirus across the world, that we have known. Our thoughts go out to everyone affected at this very challenging time and we acknowledge that everything else must take a back seat to the global fight against this pandemic. The virus surely demonstrates that we are just one, hugely interconnected, planet which we must value and protect.



Although many of our international outreach and facilitation activities have quite properly been postponed, our network continues to grow in numbers and in strength, as we welcome new members from Finland, Hungary, Lithuania, Morocco and Malta and see more participation from those already involved in all of our work.

We are very grateful for your interest and contribution to our work. Please do get in touch if you want to find out more. We will continue to operate as effectively as we can in the current circumstances by using remote and web-based technology to ensure our meetings, workshops and training seminars can go ahead as webinars, teleconferences and by correspondence wherever possible. We thank you all for your flexibility, patience and support with this.

Our next event will be a Benefits Realisation workshop to be held by webinar in place of the proposed meeting in Genval in Belgium in March 2020. Due to the coronavirus situation we are going to hold a shortened version of the planned meeting, comprising a facilitated session on benefits realisation, focussing on the 5-year LIFE-ENPE project, including outputs and next steps. A date for the webinar has yet to be fixed.

We are also very pleased that our next conference, once again a 'Four Networks' event following the successful Utrecht and Oxford conferences of 2016 and 2017, is still going ahead. The conference is planned for Florence in late September this year and we very much hope that we will not have to postpone it. We will however keep matters under review as the health of friends and colleagues is our foremost consideration.

Thank you all for your support and interest in our activities.

ENPE and international collaboration and co-operation

UN Climate Change Conference COP 25 Madrid, Spain 13-14 December 2020

Our expertise was required for a recent high profile global event, as ENPE Board members Antonio Vercher Noguera and Rob de Rijck, together with our Technical Specialist from the LIFE-ENPE Air Pollution Working Group, Dr Horst Buether, contributing presentations on tackling environmental crime at the COP25 Climate Change conference in Madrid, Spain.

The conference took place under the Presidency of Chile, with operational and logistical support from the Government of Spain enabling the event to be held in Madrid. Four workshops, relating directly to serious environmental crimes with activities



affecting climate change, and aimed at Public Prosecutors were convened with ENPE representatives contributing

specialist presentations on Urban Air Pollution; Shipping Pollution and Pollution from large Power Plants. In addition, they sat on specialist panels discussing the effects of such pollution, and methods of prosecuting illegal activities resulting from such pollution.

This high profile event, which included a keynote presentation from Greta Thunberg, was considered a huge success and the organisers were keen to thank ENPE and our representatives for taking part.



Environmental Compliance Assurance (ECA) forum, 14 February 2020, Brussels, Belgium

ENPE President Anne Brosnan, and ENPE Vice-President Rob de Rijck both attended the most recent ECA forum held in Brussels, Belgium on 14 February 2020.

This important event, the first of the next phase of ECA activities, set out the Action plan on the fight against environmental crime in Europe for the next 2 years. ENPE provided a presentation on recent outputs and our ambition over the Action Plan period, including requirements for resourcing at the conclusion of the LIFE-ENPE project. The next event is planned for the Summer, with the date to be confirmed.



ENPE meeting with Carabinieri Campania Command & Carabinieri Forestali, 20 February 2020, Naples, Italy



Shaun Robinson, ENPE Project Manager and Carla Campanaro, ENPE Supporting Member met with representatives from the Carabinieri Campania Command at their headquarters in Naples followed by a meeting with the Carabinieri Forestali in their offices down in the portside area of the city.

Our hosts at Carabinieri Campania command and at the Forestali offices were extremely generous, taking time to show ENPE their fantastic training facilities and



discussing the work they do. The meetings focussed around the proposed workshop on the Illegal Killing and Taking of Birds (IKB) in the Mediterranean region, due to be held jointly with the United Nations Environment Convention for Migratory Species (CMS), in Naples in mid-May 2020 (see training venue below).

The coronavirus situation means that this workshop will not now be able to take place on a face-to-face basis however, it is still planned to hold the

event remotely using webinar facilities. The webinar will include the 'roll-out' of the training pack developed from the Segovia workshop on IKB held in Segovia, Spain in May 2018. We are very grateful for the kindness and hospitality shown by our colleagues at the Carabinieri offices during the visits and wish them well in facing the challenges presented by environmental criminals in and around Naples.

Magg Marco Trapuzzano of the Carabinieri Forestali describes some of the illegal traps and other methods used by poachers to trap wild birds confiscated by his colleagues in their day to day duties (right).



ENPE President Anne Brosnan receives award at AELERT- INECE conference 10-13 March 2020 Adelaide, Australia



ENPE President Anne Brosnan was the recipient of a Special Award for Innovation in Environmental Enforcement, in particular, for her work on helping to introduce Civil Sanctions in England and Wales and in her leadership role for ENPE. Anne is pictured here receiving this unique award from Lee Paddock of the Environmental Law Institute (USA) and INECE at the AELERT-INECE annual conference dinner which was held at the Adelaide Oval cricket ground.

The Australasian Environmental Law Enforcement and Regulators network (**AELERT**) recently joined forces with the International Network for Environmental Compliance and Enforcement (**INECE**) for the first time to hold a conference focussing on collaboration to improve environmental regulation and enforcement in Adelaide, South Australia.

The conference theme, **“Environmental Collaboration: Shaping the future of regulation, compliance and enforcement together”** challenged delegates to consider the ways in which working together and sharing knowledge might contribute to better environmental protection at all levels.

The opening of the conference included an official welcome from an Aboriginal Elder, Major Sumner AM, of the Ngarrindjeri/Kaurna people known as Uncle Moogy (pictured right). In opening the conference, its organisers acknowledged and recognised the historic claims and rights of the first peoples of Australia. They in turn, through Uncle Moogy provided a Welcome to Country explaining the relationship between local people and the land, welcoming conference delegates and setting out their view that all people should tread gently and foster their relationship with the land and the local environment.

The conference provided a unique opportunity for environmental practitioners, academics and leaders in the pollution, wildlife and conservation and marine subject areas to come together to discuss common issues. There were a number of capacity building workshops, some excellent presentations about the origins and handling of the recent Australian bush fires, water compliance, disrupting wildlife smuggling, intelligence for regulation, illegal dumping and modern regulation to pick out just a few subject areas. There was an interesting panel session on Women in Environmental Regulation which Anne was involved with. All conference papers and presentations can be found on the AELERT website.



New Members to the ENPE network

We are delighted to have received an approved applications for Membership of ENPE from prosecuting organisations in Hungary, Lithuania, Morocco, Finland and Malta.

Our colleagues in the Finnish Prosecution Service will represent Finland, with a new point of contact with previous experience of working with ENPE. Hungary is represented by the Office of the General Prosecutor of Hungary and Lithuania will be represented by The Prosecutor General's Office of the Republic of Lithuania and all three are Full Members.

We have our first African member with The Presidency of the Public Prosecution of the Kingdom of Morocco joining as Observer Members, <https://www.coe.int/documents/25935982/28970804/News+Maroc/00de1cd1-ce35-0c4f-8cea-90c90fd31e86?t=1556878245000> as well as the Malta Police Force <https://pulizija.gov.mt/mt/Pages/Home.aspx> also joining in this capacity. We warmly welcome all our new Members and look forward to working closely with them in the coming months and years.

Interesting Cases

Urgenda case, Netherlands

With thanks to our colleagues in EUFJE for directing us towards this, please find below the unofficial English translation of the decision of the Dutch high Council in the “Urgenda” case:

<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2019:2007&showbutton=true>

The issue in this case was whether the Dutch State is obliged to reduce, by the end of 2020, the emission of greenhouse gases originating from Dutch soil by at least 25% compared to 1990, and whether the courts can order the State to do so.

The link is from the Rechtspraak website used by the Supreme Court of the Netherlands, courts, courts of appeal, and the Special Colleges with information about legal proceedings, judgements and the organisation of the judiciary.

Fishery owner fined for shooting a protected otter, England, UK

A fishery owner who killed a protected otter to stop it from eating his fish, has today been fined.

Stuart Jones, 54, owned the Lyons Gate Caravan Park and Fishery near Dorchester in Dorset, boasting of well-stocked lakes for people wanting to fish on their holidays.

When local otters found Jones’ lakes and started eating the fish, he complained about it to his partner and visitors to the campsite, as he was unhappy about losing valuable fish.

Jones illegally set a trap between to try to catch the otters, because he didn’t want to spend thousands of pounds on fencing that would deter the animals from fishing in his lake.

When an otter became caught in a fisherman’s net by accident in July last year, Jones used this opportunity to shoot the otter in the head with his rifle.

He did this in full view of holiday-makers, who reported Jones to the UK Wild Otter Trust and to the police.

Jones admitted he had shot the otter despite knowing they were protected. He pleaded guilty to setting an illegal trap and to killing a protected wild animal on 10 February 2020 at Weymouth Magistrates’ Court.

Today he has been given a 2 month prison term and our prosecutors are pursuing a confiscation order to deprive Jones of the money he saved by shooting the otter instead of building a fence.

Mark Gammon of the CPS said: “Otters are a well-loved and important part of British wildlife and Jones knew that when he shot the animal he was killing a protected species.

“Jones had plenty of options to stop the otter from eating his fish, but he decided that he would save himself the expense of a fence by shooting the otter.

“He did this with no regard for the otter or the holiday-makers who were witness to this traumatic incident.

“In addition to today’s sentence, we are looking to get a confiscation order for the cost of the fencing, which he had saved by acting illegally.”

Notes to editors

Mark Gammon is a Senior Crown Prosecutor for CPS Wessex.

On 10 February 2020 at Weymouth Magistrates’ Court, Stuart Jones (23/06/1965) pleaded guilty to killing a wild animal contrary to section 2 of the European Communities Act and setting a trap for the purpose of taking or killing an otter. Today he has been sentenced to 2 months imprisonment.

ENPE website crimes database

As a reminder, we welcome submissions for inclusion on the ENPE crimes database. The database is part of the ENPE website <https://www.environmentalprosecutors.eu/> and is building a collection of case law for all three ENPE working group subject areas (wildlife crime, waste crime & air pollution). The database is of a non-operational character and concerned with legal aspects only. Names of defendants and other identifying information are left out. Because the main function of the database is supporting the ENPE network of prosecutors, access to it is not public, but is subject to authorisation by ENPE. Environmental prosecutors in Europe are invited to request an authorisation - please contact Rob de Rijck or Lars Magnusson on r.de.rijck@om.nl or Lars.Magnusson@aklagare.se. Case law, with identifying details omitted and together with the relevant database keywords and a summary in English, can be submitted via the national ENPE contact points.

Contact

For all queries, please contact Shaun Robinson, ENPE aisbl secretariat and LIFE-ENPE project manager at: shaun.robinson@environment-agency.gov.uk Mob:+44 (0)7771 940690 Tel:+44 (0)203 025 2880; or visit our website: www.environmentalprosecutors.eu



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