



Council of the
European Union

036249/EU XXVI. GP
Eingelangt am 26/09/18

**Brussels, 26 September 2018
(OR. en)**

**11621/1/18
REV 1**

**ENFOPOL 421
COPEN 278
ENV 556**

REPORT

Subject: Evaluation report on the eighth round of mutual evaluations "The practical implementation and operation of European policies on preventing and combating environmental crime"
- Report on Denmark

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1. EXECUTIVE SUMMARY

The visit took place in a very open and constructive atmosphere thanks to excellent preparation by the Danish authorities. In particular, the scheduled meetings with the main stakeholders exercising responsibilities in the field of preventing and combating environmental crimes, as well as in the implementation and operation of European policies, could be held as planned, as the Danish institutions showed flexibility by adapting the programme on the spot and including a visit to the Court administration authority that had not initially been included in the programme.

The situation in Denmark is characterised by a globally high level of environmental awareness. Citizens are willing to report any waste crime of which they may be aware, while the private sector is actively involved in the prevention of waste crime.

Probably as a result of this comparatively rather favourable context, environmental crime has not yet been identified as a national issue.

In fact, there is no overall general plan or strategic document to combat environmental crime, and the planning and strategic approach are left to the local authorities, with a risk of a lack of uniformity in methods of preventing, detecting and punishing infringements.

The creation of strategies is even more difficult in cases where statistics are absent or insufficient, making it hard to establish trends and develop target-oriented action plans.

The only statistics available show a very low overall number of cases of environmental crime. From this, it might be inferred that a number of cases remain undetected and not investigated. In addition, the statistics reveal that the number of charges and convictions in the environmental field decreased in 2016 and 2017. From this it might be inferred that a lower priority has been accorded to combating waste crimes by the Danish authorities over the past few years. This conclusion can not only be inferred from the figures, but was also agreed on by the responsible persons of the Danish police who told the evaluation team that they had to focus on other incidents like terroristic attacks, though the police was working on a poor mandate even before.

It should be pointed out that, due to the high level of awareness of and general respect for the law among citizens, waste crime is not such an important issue with regard to crimes perpetrated in Denmark. However, as the country which is the subject of the evaluation could be used as a transit country, the main source of risks is international trafficking, and hence calibrating the survey measures in accordance with that paradigm seems essential.

In that context, a number of relevant initiatives have been identified with regard to preventing and combating waste crime. For example, one police officer has voluntarily compiled a collection of legal references and related links with the support of some colleagues. Nevertheless, such a system and its associated updates have not been adopted at a higher level (e.g. by order of the chief of the district office and the chief at central level), and it is unknown to the majority of the operators who could benefit from it.

Both the police and the prosecution service seem to be equipped with the relevant general knowledge to deal with almost any kind of case. However, this is based only on the investigation of one important case presented during the visit that showed the ability to cooperate at operational level. However, according to what was reported, no other relevant cases have been identified.

Due to the lack of a global strategy to tackle environmental crime, the few training courses provided very rarely include the involvement of varied expertise at one and the same time (such as the police, the Environmental Protection Agency - EPA, judges, etc).

In addition, some authorities such as the customs authority are not provided with any training whatsoever.

The various institutional players cooperate informally at an operational level. This seems to be particularly well adapted to the Danish context and also avoids the red tape and sluggishness of more bureaucratic organisations.

However, a system depending on interpersonal relationships and the personal qualities of the stakeholders may turn out to be fragile in certain unexpected circumstances, and in any event raises the issue of the transmission of know-how.

According to what was reported by the Danish authorities, cooperation with private stakeholders, is very good.

The private sector is involved in the prevention of waste crime through the producer responsibility schemes for WEEE, BAT and ELV. It contributes by conducting regular audits of the waste treatment operators which it chooses to cooperate with. The EPA already organises annual meetings with import and export undertakings to improve awareness and prevent crimes committed through negligence, and Denmark also promotes producer responsibility schemes for, among other things, the collection of e-waste, batteries and end-of-life vehicles.

Moreover, in 2018 a national forum for WEEE was established in order to combat the theft of WEEE from collection sites.

Furthermore, the EPA holds annual meetings with import and export undertakings to raise environmental awareness.

Denmark has established the Register of Environmental Liability, which is a good means of preventing any infringement of environmental law, as well as protecting the population and the environment from further offences, and hence should be recognised as a good practice that may inspire the legislation of other European Union member states.

A specific risk assessment is conducted prior to the EPA inspections. To that end, those concerned trust in the experience of their caseworkers and technicians as typically no samples are taken or analysed. On the contrary, the controls conducted by the municipalities, which also play an important role in the field of prevention, were reported to be carried out at random and notified to the target undertakings beforehand in the absence of any previous risk assessment.

Furthermore, the evaluation team has not been able to check the existence and the content of risk assessments carried out (especially by the local authorities) prior to the implementation of inspection schemes for plants and facilities handling hazardous materials.

In addition, the police reported that it is for the municipalities to decide whether controls are previously announced to the target undertakings and whether the case handler of the authorisation process will conduct the inspections as well.

The number and level of controls on waste exports and waste transiting do not seem sufficient, nor is there a strategic approach on the basis of a predefined risk assessment, involving all the relevant authorities such as the EPA, the police, the customs authority and the municipalities.

On the other hand, statistical data from the EPA road inspections show that there are a significant number of breaches of the duty to notify, and that this figure has been substantially reduced over a seven-year period in correlation with consistent road inspections within the same timeframe (before then, road inspections were rare).

Regarding the management of hazardous waste, the risks to the environment in Denmark generally seem to be low as most of the incineration plants are state-owned, run by the municipalities and well controlled.

Regarding international cooperation, the police, the customs authority and the prosecution authority are familiar with the international tools of cooperation and reported good experience. However, as Denmark could figure as a transit country for waste shipments, there is probably scope for closer and more formalised international cooperation.

In addition, while the EPA plays an important active preventive role, it could be more involved in international cooperation. Currently, its staff seem to have no access to any EU information databases dedicated to cross-border waste crime.

The risks of having a 'weak link' inside the EU and the need for Denmark to anticipate organised fraud and trafficking is evident. However, despite the need for improvement, the evaluators consider that the high level of environmental awareness together with the almost non-existent corruption make the situation in Denmark promising, subject to compliance with the recommendations.

2. INTRODUCTION

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

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

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

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing a certain Directive² (date of transposition 12 December 2010),

Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law³ (date of transposition 26 December 2010), and Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste⁴ (entry into force on 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.

In accordance with the decision taken by GENVAL, the evaluation round does not cover transnational criminal activities linked to other types of environmental crime, such as illicit wildlife trafficking, the illicit timber trade, the illicit fish trade or air pollution.

Furthermore, the Directive on Waste requires the Member States to create 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 impact of waste generation. National waste prevention programmes should support Member States in decoupling economic growth from the environmental impact of waste generation.

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

Moreover, the Council Conclusions on Countering Environmental Crime of 8 December 2016⁵ recognise that combating environmental crime requires a comprehensive multidisciplinary approach at all levels, better cooperation and the exchange of information between the competent authorities, including third countries, and the need to enhance dialogue and cooperation with the relevant international organisations.

Taking all the above elements into consideration, the evaluation aims to be broad and interdisciplinary and to focus not on the implementation of various instruments relating only to combating environmental crime, but rather on the operational aspects in the Member States. Therefore, apart from cooperation between the prosecution services and Eurojust, this will also encompass how the police and the customs authority cooperate at national level with Europol or Interpol and how information from the relevant stakeholders 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, establishments and undertakings which collect and transport waste on a professional basis.

⁵ 15412/16, ENFOPOL 484 ENV 791 ENFOCUSTOM 235.

The order of visits to the Member States was adopted by GENVAL on 5 May 2017. Denmark was the tenth Member State to be evaluated during this round of evaluations. In accordance with Article 3 of the Joint Action, a list of experts participating 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 submitted to delegations on 28 January 2017 by the Chairman of GENVAL.

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

The experts charged with undertaking the evaluation of Denmark were Mr Marc Sotelsek, Mr Benjamin Thywissen and Mr Hendrik Uithol. 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 arising from the evaluation visit that took place in Denmark between 6 and 9 March 2018, and on Denmark's replies to the evaluation questionnaire, together with its detailed answers to ensuing follow-up questions.

3. GENERAL MATTERS AND STRUCTURES

3.1. Action Plan or similar strategic documents on combating waste crime

Denmark has not adopted any action plan or similar strategic document.

The only existing document is the inspection plan concerning shipments drafted on March 2017 by the Environmental Protection Agency (EPA).

However, a more thorough reading of the Plan for the surveillance of imports and exports of waste (only available in Danish) has revealed that it is more a practical guide on the relevant legislation and the main institutions and procedures involved rather than a real risk assessment-based plan for control actions.

Furthermore, the EPA stated that the 98 local municipalities, which play a crucial role in waste management, rely on similar inspection plans. However, the evaluation team was unable to meet with any representative of the local municipalities or examine any specimen copy of those plans in order to obtain a more precise idea of the way in which the municipalities tackle this issue.

Every four years, a political agreement concerning the Danish police and prosecution service is negotiated between the political parties in the parliament. The main purpose of the agreement is to set out the budget for the police and the prosecution service for the next four-year period. The multiannual agreements thereby define the overall priorities and focus of the police and the prosecution service.

The main objective of the agreement for 2016-2019 is to strengthen the police and the prosecution service, inter alia via a new training facility for the police and enhanced police education. Reference is also made to taking stronger action against terrorism, stepping up efforts in border areas and strengthening the fight against organised and cross-border crime.

Thus, at present, combating environmental crime is not a strategic priority in Denmark.

3.2. National programmes/projects with regard to waste crime

No national programmes or projects have been or are being carried out with regard to waste crime in Denmark.

3.3. Statistics

3.3.1. Main trends with regard to waste crime

Due to the way in which crimes are recorded in Denmark, it is difficult to identify the trends with regard to waste crime. However, Denmark could figure mainly as a transit country.

On the one hand, a high proportion of domestic waste (around 11 million tons per annum) is disposed of by means of incineration (around 3 million tons per annum). In addition, Denmark imposes very strict controls on its undertakings as regards how they treat and manage hazardous waste, even specifying lists of accepted domestic disposers. Those dealing with waste which is most dangerous for the Danish environment – i.e. incineration plants, shredding facilities for metals and landfill sites (the latter dealing with around 500 000 tons of waste per annum) – are mostly state-owned and run by the municipalities. While this in some respects contravenes the free movement of services, it ensures that the most dangerous types of waste are disposed of legally under close supervision by the relevant public authorities. Moreover, the amount of domestic industrial waste is decreasing as Danish industry becomes increasingly specialised, while heavy traditional industries (such as paper mills and steel and glass works) are gradually closing down.

On the other hand, Denmark exports large amounts of waste, while the quantities of imported waste (mainly from Norway) destined to remain in Denmark are insignificant. Consequently, only a relatively small amount of waste remains within Danish territory, which is hardly likely to seriously endanger the domestic environment. As the overall mass of waste is rather small, the Danish waste disposal industry is likewise rather small.

However, due to the above, Denmark is unlikely to have a strong self-interest in combating waste crime; other EU member states have to rely on the classification of waste conducted by Danish municipalities or (in exceptional cases involving incineration plants, metal and car shredders or landfill sites) by the EPA. The same applies to information provided by Danish undertakings as well as the EPA during notification proceedings for hazardous waste preceding waste shipments to or through other EU member states. Criminals could target Denmark as an easy gateway for illegal waste shipments to the common market if border and road inspections are insufficient.

The National Centre of Investigation (NEC) of the Danish National Police estimates that, as a general rule, environmental crime is reported to the police only if it involves persistent or serious offences or if the police or other authorities responsible for environmental legislation are handling the inspections themselves.

Although few statistics were available, the police reported that they had observed the following trends from a practical, non-representative point of view:

- ELVs being transited from Norway via Denmark and Germany to destinations in Africa,
- illegal shipments of plastic waste to China,
- WEEE being stolen from recycling facilities in Denmark and then exported to third world countries.

From 2009 to 2016, cases concerning waste dumping constituted 12 % of all environmental crime cases. Over the same period, 20 564 cases were reported within the field of environmental crime (i.e. not limited to waste crime).

Statistical data from the EPA road inspections show that there are a significant number of breaches of the duty to notify, and that this figure has apparently been substantially reduced over a seven-year period in correlation with consistent road inspections within the same timeframe (before then, road inspections were rare).

Prior to this seven-year period, 30% of all observed non-green listed waste (corresponding to 15% of all observed waste) was not notified as it should have been. After the seven-year period, those figures were down to 10% of all observed non-green listed waste, corresponding to 3% of all observed waste. Shipments of waste in breach of the duty to notify have been observed twice as frequently in harbours than in other places.

As to what kind of waste is shipped in breach of the duty to notify, more than 25% of the waste observed to be in breach of the legislation was made up of ELVs. The other 75% is non-identifiable in our statistical data. Recent experiences show, however, that ELVs are very rarely seen in road inspections nowadays and that such occurrences were mainly observed at the beginning of the seven-year period.

Regarding actual misclassifications, where waste subject to the notification procedure has been shipped as supposedly green-listed waste, EPA mainly sees such waste classified as green-listed metals (B1010) and green-listed glass (B2020). Wood and plastics are also seen. As this is based on very few observations, there are not enough data to draw any statistical conclusions.

The police are aware of only a few cases of waste being misclassified. Police districts have experienced cases of hazardous waste being classified at a lower level, for example construction waste. There are examples of waste being classified as 'Green List Waste' (not subject to notification) instead of 'Orange and Red List Waste' (subject to notification) or 'Unlisted Waste' (subject to notification).

In one local police district, for example, some construction waste had been classified incorrectly. The environmentally harmful waste had not been subject to notification according to statutory notice, whereby the waste was incorrectly classified as non-hazardous and consequently managed as such and thereby caused environmental damage. Lower levels of classification occur, for example, in connection with the inadequate sorting of waste.

Other examples of waste could also include end-of-life vehicles (ELV) that are not treated as environmentally sound. There is also one example involving the disembarkation of waste from a ship, which was full of mixed iron containing ELVs (not environmentally treated), small components of electronic waste and other unclean waste. The disembarkation was halted following an on-the-spot verification, and charges have been brought in that case, which was an example of international transport having been attempted from Denmark.

Furthermore, there is knowledge of a small number of cases where waste turned out to be 'dangerous goods' in accordance with the ADR Convention despite not having been classified as such.

3.3.2. Number of recorded cases of waste crime

Both the police and the prosecution service stated that they do not maintain statistics targeting waste crime specifically, such a situation arising quite naturally as a result of the lack of a national strategy to combat environmental crime.

Some statistics on the number of charges and final convictions over the period from 2013 to 2017 are available, drawn from POLSAS (the management system of the police) and processed in QlikView (the management information system used both by the police and the prosecution service). However, there is some uncertainty concerning the data on pre-trial detention as, according to the Danish National Police, mistakes may have occurred in the information updates, as well as problems with the application used to collect the data.

The National Police also declared that it has no general overview of the extent of environmental crime and the damage it causes. However, its National Centre of Investigation (NEC) estimates that, as a general rule, reports to the police regarding environmental crime are made only in cases involving persistent or serious offences or if the police or other authorities responsible for environmental legislation are handling the inspections themselves.

The table below contains information on the number of reports of illegal waste shipments over the period from 2013 to 2017. The table shows the total number of reports in relation to the following crime codes: 81581 (Violation during domestic/international transportation of hazardous freight), 88120 (Cross-border waste shipments, 'green-listed'), 88124 (Cross-border waste shipments, reportable), 88126 (Directive on Waste, violation) and 88128 (Waste Register, violation).

2015	2016	2017
159	112	92

A more in-depth exchange of views with the police revealed that those fluctuations primarily reflect the prioritisation of police activities due to the terrorist shootings in Copenhagen and an increased public order burden during certain periods (terrorist threat).

Among the statistics available, it may be noted that the number of reports of illegal waste shipments has not increased proportionately, even though Denmark's waste imports have risen quite significantly over the past few years. The rise in import of waste is mainly due to a greater import of RDF waste for incineration at municipal plants generating heat and electricity. This trade is notified and the plants are under public control, and so the import does not impose a greater risk of illegal shipments. As mentioned at p. 19, Denmark exports most of the waste that is generated here. Lorries inspected on the road are almost exclusively inspected on their way out of Denmark.

Based on the above, a rising import does not seem to affect the occurrence of illegal shipments detected.

Checks on waste shipments are carried out at random and approximately 22.5% of those inspected by the authorities receive a fine for one or more violations. Most violations committed in connection with waste shipments concern incomplete or absent documentation, erroneous waste categorisation or the lack of conveyor registration in the Danish national waste register.

The Director of Public Prosecution does not compile any statistics on waste crime. However, it is possible to obtain information on the number of criminal cases based on the code under which each case has been registered.

The table below contains information on the number of charges and final convictions in the period from 2015 to 2017. The table shows the total number of prosecutions and convictions relating to the following crime codes: 88120 (cross-border waste shipments, 'green-listed'), 88124 (cross-border waste shipments, reportable), 88126 (Directive on waste, violation) and 88128 (Waste Register, violation). The Director of Public Prosecution has not collected any data on the crime codes relating to the violation of environmental legislation in general.

The data are analysed based on information from POLSAS and processed in QlikView. According to what is reported in the answers to the questionnaires, there is a certain degree of data uncertainty associated with compiling data on pre-trial detention due to mistakes in information updates and problems with the application used to collect the data from POLSAS. Therefore the data contained in the table must be regarded with a certain degree of caution. The data were updated on 4 January 2018.

	2015	2016	2017
Prosecutions	15	28	16
Convictions (guilty decisions only)	133 (including 121 ticket fines imposed out of court)	88 (including 69 ticket fines imposed out of court)	81 (including 60 ticket fines imposed out of court)

The data are analysed based on information from POLSAS and processed in QlikView. According to what is reported in the answers to the questionnaires, there is a certain degree of data uncertainty associated with compiling data on pre-trial detention due to mistakes in information updates and problems with the application used to collect the data from POLSAS. Therefore the data contained in the table must be regarded with a certain degree of caution. The data were updated on 4 January 2018.

	2013	2014	2015	2016	2017
Prosecutions	87	139	117	79	41
Convictions (guilty decisions only)	317 (including 239 ticket fines imposed out of court)	507 (including 399 ticket fines imposed out of court)	561 (including 434 ticket fines imposed out of court)	341 (including 244 ticket fines imposed out of court)	313 (including 270 ticket fines imposed out of court)

As the rise in the figures for the years from 2014 to 2016 indicates, a higher pressure of prosecution for waste crime in those years led to higher case numbers. The numbers of reported cases shows the same decline from 2014 to 2017 (see the table on page 23). Hence the number of cases detected in recent years has to be considered very low. Consequently it is difficult to extrapolate trends with regard to waste crime from the statistics provided.

Moreover, neither the Director of the Public Prosecution Service nor the police nor the courts authority was able to provide the evaluation team with any reliable data covering the full range of environmental offences in Denmark, regardless whether regulated in the Danish Criminal Code or in special law. This is because the crime codes applied in the statistics only cover parts of the offences regulated in Danish legislation.

However, the figures for cases governed by special law seem to be very important in terms of a comprehensive review of Danish efforts to combat waste crime, as only a small number of environmental offences are defined in the Criminal Code.

It should be stressed that, according to what is stated, these figures are uncertain since the statistics held by the prosecution service and police are not based on the article violated, nor do the courts maintain any statistics based on the criminal violation concerned (they compile statistics based on the composition of the courts).

Statistical data provided by the EPA show that during a seven-year period the number of respective detected illegal transports has fallen significantly. This is a possible consequence of the road inspection decreasing resulting from the statistical data provided by the EPA. Consequently, the number of respective detected illegal transports has fallen significantly. Prior to this period, road inspections were rare, while 30% of all observed non-green listed waste (corresponding to 15% of all observed waste) was not notified as it should have been. After that seven-year period, these figures were down to 10% of all observed non-green listed waste, corresponding to 3% of all observed waste. Shipments of waste in breach of the duty to notify have been observed twice as frequently in harbours than in other places.

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

Like other European Union member states, according to the authorities interviewed, Denmark does not receive EU funding to tackle waste crime.

The costs of the EPA with regard to the notification procedure are fee-funded, which seems to be an interesting means of involving the economic stakeholders and should be highlighted as a best practice.

Other costs incurred by the EPA for general administration in this area are government-funded.

The proportion of the national budget allocated to preventing and combating waste crime does not seem to be available in accounting terms or even on the basis of cost accounting principles and therefore could not be provided.

As for the local municipalities, the evaluation team were not provided with any information.

3.5. Prevention of waste crime

Waste crime is in general prevented by the regulatory set-up and ongoing supervision.

With regard to waste shipments, waste crime is further prevented by the EPA's road inspections.

Companies engaged in the activity of collecting, transporting, recovering or disposing of waste require an environmental permit, which is delivered by the EPA or the municipalities, depending on the case. This permit defines the criteria and standards the company has to meet, including for ensuring proper self-monitoring. It must be renewed if significant changes are made to the company's production methods.

Both the EPA and the municipalities monitor compliance with the requirements specified and use various enforcement tools to ensure such compliance: warnings and injunctions in the initial phase, which usually turn out to be sufficient, and - if necessary - administrative sanctions such as fines or even the shutdown of the company in the event of a breach of the regulations. In particular if a criminal offence has been committed, the case is transmitted to the police and the judicial authority.

Waste conveyors, brokers, dealers and collectors, including foreign entities working with waste in Denmark, are also required to join the Danish national waste register, subject to payment of an admission charge and an annual fee to remain on the register. Such registration in the register cannot be extended to subcontractors. Nevertheless, it seems that no supporting documentation is required, and therefore there is little opportunity for supervision by the administrative authorities at this initial stage. However, the existence of such an authorisation system potentially has an important preventive role which advocates for a higher level of control, even during this registration phase.

Waste collectors also need to obtain a 'proof of collection' from the EPA. One condition for a company being granted this certificate is that a minimum of one person per company site must pass an e-learning course, which provides an overview of the relevant waste regulation, e.g. shipments of waste, handling of hazardous waste and reporting of data to the national waste data system.

This system, which to some extent has the advantage of raising environmental awareness within undertakings, could possibly be improved on via an intensified mobilisation of the relevant EPA resources and regular updates of this training course, while awareness among more people within each company could be enhanced, especially among the key players regarding waste management.

In that regard, it may be noted that the EPA already organises annual meetings with import and export undertakings to raise awareness and prevent crimes committed through negligence; moreover, Denmark also promotes producer responsibility schemes for, among other things, the collection of e-waste, batteries and ELV.

Moreover, in 2018 a national forum for WEEE was established in order to combat the theft of WEEE from collection sites.

Awareness-raising campaigns on ELVs as well as on WEEE have been organised in recent years. These campaigns should raise public awareness of WEEE and ELVs being problematic waste that should be disposed of in a non-polluting way. In addition, the Danish EPA has conducted campaigns under the headings of 'Know your waste' and 'Recycle energy-saving lightbulbs'. The awareness-raising campaigns comprised educational material for 4th to 6th grade pupils. There are apparently no plans to repeat those measures.

Moreover, a partnership has been established in Denmark steered by the Danish Ministry of the Environment and producers of electronic equipment for the collection of WEEE. The partnership has mapped WEEE waste streams and assessed exports of used electronic equipment as well as consumer behaviour and, where appropriate, thefts of WEEE from municipal collection sites and subsequent 'shadow streams'.

Once a year, the EPA organises a meeting with representatives of undertakings importing and exporting waste to or from Denmark and representatives of freight forwarding organisations. On that occasion, the EPA regularly presents lectures concerning amendments to the environmental law.

3.6. Conclusions

- There are no overall general plans or strategic documents to combat environmental crime. The planning and strategic approach are therefore left to the local authorities. This could give rise to the risk of a lack of uniformity in the strategic approach to preventing, detecting and fighting crime.
- Both the administrative organisation and the existing tools concerning infringements of environmental legislation reveal that environmental crime has not yet been identified as a national issue in Denmark, probably as a result of a comparatively rather favourable context, characterised by a very high level of global environmental awareness. This is also confirmed by the statistics, which fell dramatically in 2016 and 2017.
- On the other hand, the evaluation shows that the main source of risks is international trafficking, being possible that Denmark figures as a transit territory. While the evaluation team is aware that establishing the order of priorities is a matter for the individual country concerned, that choice 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 Danish municipalities' waste classification and on the information provided by the EPA (which is in turn supplied with information by Danish undertakings) in notification proceedings. It is therefore recommended that its survey measures be calibrated in accordance with this paradigm.
- From the statistics it may readily be inferred that cases remain undetected and are not being investigated at present. Accordingly, the overall number of environmental crime cases is very low. The evaluation team was not introduced to the way inspections are carried out therefore it has to be left to the Danish authorities have to leave if their inspections do not catch a significant number of perpetrators when seen in relation to their frequency (efficiency of the inspections carried out) or if – however effective they are – are too rarely carried out.

- Apparently, the pressure exerted on waste criminals by LEAs (Law enforcement Agencies) in Denmark is low. Consequently, waste criminals may regard Denmark as an attractive crime scene or even as a safe haven. Such an impression is strengthened in view of the fact that environmental crime (at least on an industrial scale) is frequently committed at transnational level.
- However, the statistical fluctuations in the number of charges and convictions in the environmental field suggest that the visibility of breaches of the environmental regulations is closely linked to the set-up of a policy specifically designed to curb them, through regular targeted inspections, adequate tools to detect fraud and an effective data collection system, which means interoperability and interconnected databases.
- At present, Denmark has no overarching plan enabling coordinated action to be taken against environmental crime. Consequently, local governments are traditionally free to decide the way they want to fight environmental crime, as long as the meaning of the national and European regulation is fulfilled. Nevertheless, the evaluation team believes that the Danish authorities should assess if a national structure, upholding the discretion of local governments, could be helpful in order to assure a strategic approach to preventing, detecting and combating environmental crime. An overarching plan could as well help to avoid the allocation of insufficient resources, which may, for instance, take the form of a lack of appropriate training for inspectors and investigators or cooperation between the authorities.
- The annual meetings organised by the EPA with import and export undertakings to raise awareness and prevent crimes committed through negligence, together with the national forum for WEEE, the authorisation system for collectors, brokers and transporters, the awareness-raising campaign launched in schools and the establishment of producer responsibility schemes for the collection of e-waste, batteries and end-of-life vehicles are undeniably best practices that deserve to be carried out on a regular basis in order to reach the widest relevant population possible. In fact, clear instructions given to undertakings on how to deal with their waste – in line with the free movement of services – constitutes a best practice as it can contribute significantly to reducing the number of criminal cases, at least in relation to crimes committed through negligence.

- Having said that, the setting up of an overarching framework at national level, defining the main action taken to combat environmental crime, including the criteria, organisation and agenda for targeted controls, as well as capacity-building and training, would be helpful.
- Statistics are scarce and poorly organised. No institutions compile statistics which may be used to assess the situation. It is therefore recommended that statistical instruments should be developed in order to have an exhaustive overview of the phenomena and develop a strategy. In fact, in order to guarantee a proper risk assessment and measurement of the outcome of the public policies pursued in the field of preventing and combating environmental crime, the creation of a workable shared database among Police, EPA, Customs and municipalities which would permit an effective follow-up, based on significant statistics, seems inevitable.
- More specifically, random checks could be advantageously replaced by targeted actions on the roads and vehicles identified as most relevant, including actions to prevent the deviation of traffic. Such checks should also be more frequent in order to be really effective.
- Moreover, since the largest number of illegal shipments have been observed to occur twice as frequently in harbours than in other places, more inspections should be carried out in harbours and the customs authority should be better trained.
- The compulsory e-learning course, aimed at companies dealing in waste, could possibly be expanded through an intensified mobilisation of the suitable means of the EPA, and regular updates of this training could be provided, while awareness could be raised among more people within the same company, and especially among the key players regarding waste management.

4. National structures

4.1. Judiciary (prosecution and courts)

4.1.1. Internal structure

In Denmark, there are twenty-four district courts. As a general rule, all court cases start at one of the district courts. In special cases, the district court can refer a civil case to the high court if the case concerns principles of general interest.

Cases before the district courts are normally heard by one judge, but a small number of cases are heard by three judges. In criminal cases in which the prosecution is calling for a term of imprisonment, lay judges are also involved.

The use of lay judges in court (in around 15 000 cases per annum) is mandatory in criminal cases in which the accused pleads not guilty and the prosecution is calling for a term of imprisonment. Lay judges, appointed for only approximately four cases per annum in order to prevent them from acquiring professional legal knowledge and expertise, are generally not used if the prosecution is only calling for the imposition of a fine. In special cases which require advanced knowledge of certain aspects of life, experts will be used as lay judges.

The Danish legal system is based on the 'two-tier' principle, which means that the parties in a case generally have the option of appealing against the ruling of one court to a higher instance. The higher court can then either reach the same conclusion (uphold the ruling) or change the ruling.

Most cases begin at district court level with the option of appealing to one of the high courts. In most cases, a district court ruling can be appealed against to one of Denmark's two high courts: the Western High Court in Viborg, which handles cases from Jutland, or the Eastern High Court in Copenhagen, which takes on cases from the rest of the country.

In special cases, a case initially heard at district court level may be brought before the Supreme Court.

High court cases are normally heard by three judges. In criminal cases, lay judges may also be involved. If a jury was used in a district court case and the judgement is appealed against, a jury – comprising nine jurors plus three legal judges – will also be used in the high court case.

The Supreme Court is located in Copenhagen and is a court of appeal dealing with rulings by the high courts and precedent-setting cases from the Maritime and Commercial High Court. If a case was initially heard at district court level and then appealed against to the high court, an application must be submitted to the Appeals Permission Board for permission to bring the case before the Supreme Court. Their cases are normally heard by five judges. The Supreme Court must mainly determine, through its rulings, what the legal position should be, and it lays down guidelines on how judges in the district courts and high courts should handle similar cases in the future. It is responsible for establishing clarity as to how Denmark's courts of law should interpret the law, which means that the Supreme Court most often hears precedent-setting cases. The Supreme Court never takes a position on guilt or innocence in criminal cases: only on the sentence.

There are no specialist judges for environmental crimes or for any other criminal matters. However, judges often preside over local boards of preservation and complaints boards. Thus, some of them are experienced in environmental matters. Criminal cases within the competence of the Western High Court are assigned to different sections of the court based on the subject of the case. The judges in sections that process environmental crimes therefore generally have more experience with these cases than judges in different sections. However, judges regularly shift between sections and as a result the experience must be build up again from time to time. This is done by the judge processing cases as there exists no training courses or the like and the judges are not to be seen as specialist judges.

Public Prosecutors and State Prosecutors can call in expert witnesses or initiate expert statements, testimonies or the like during criminal cases in respectively one of the district courts or the high courts. In the Supreme Court, there is no production of evidence. It is the prosecutor who must meet the burden of proof in a criminal case. Until the burden of proof is met, the court cannot convict the indicted person. The possibility to call in specialist knowledge seeks to ensure that criminal cases are thoroughly presented to the court, especially in case of complex, technical matters. The purpose of an expert witness or testimony is to present the case factually to the judges and lay judges. Expert witnesses are therefore used to present complex, technical matters to laymen.

The prosecution service consists of 12 local prosecutor's offices, two Regional State Prosecutors and the Director of Public Prosecution.

The prosecutor's offices are located at the Police District office. Public prosecutors and police officers work together in local prosecution and police districts (North Jutland, Central and West Jutland, South Jutland, East Jutland, South East Jutland, Fynen, North Zealand, Western Copenhagen, Copenhagen, Central and West Zealand, South Zealand and Lolland-Falster police) under the responsibility of twelve commissioners.

Superior to the local commissioners with regard to the prosecution service are the two Regional State Prosecutors. The same applies within the police to the National Commissioner of Police.

Both the National Commissioner of Police as well as the Director of Public Prosecutions are under the responsibility of the Danish Minister for Justice.

This organisation is particularly remarkable at local level, in the police districts, where police officers work hand in hand with prosecutors specialising in special law (including environmental law), who provide them with legal advice and guidelines for conducting their investigations.

Although public prosecutors do not conduct investigations, they do have the last word on any investigating measure proposed by the police. While public prosecutors do not lead investigations in Denmark, they can order further investigations. Public prosecutors must however be involved in investigations at the earliest possible stage. Due to the low number of criminal cases in Denmark in general, but in particular with regard to environmental crime, there are no specialist prosecutors or specialist prosecution units.

Due to the low number of cases in general, there are no specialist units within the public prosecution service handling cases involving special law (i.e. penal provisions outside the Danish Criminal Code). However, there is a State Prosecutor for special economic and international crime who may deal with cases in which environmental crime is connected to economic crime.

Since cooperation with the police is close, the prosecutor will be involved at an early stage.

The prosecutors lodge any indictments with one of the 24 district courts, depending on the place where the crime was committed, regardless of the criminal charge.

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

With a view to strengthening the capacity to prosecute, the Director of Public Prosecution has issued guidelines for handling cases concerning infringements of environmental legislation. Those guidelines provide for the following:

- A prosecutor should be involved in a case as soon as possible after the case has been registered, and should participate in the planning and organisation of the investigation.
- Both the investigator and the prosecutor should be experienced and (if possible) have special skills and experience in that area.
- Other authorities such as the EPA, the customs authority and local municipalities should be involved in the investigation and should be consulted before a decision is taken on whether or not to prosecute. If the local prosecutor and the national authorities disagree on this question, the case must be submitted to the State prosecutor.
- Complicated cases must always be submitted to the State prosecutor.

No particular obstacles to the prosecution and sanctioning of waste crime with regard to the judicial system were reported to the evaluation team. As the workload is generally low – a judge will handle approximately 250 cases (50 civil cases and 200 criminal cases) per annum – there is enough opportunity to gather information on environmental law on a case-by-case-basis. According to a self-assessment by Danish judges, they are doing rather well in ordinary environmental cases. Once the public prosecutors have presented the case in court and the defence lawyers have responded, the Danish judges consider whether the legal and factual positions have been sufficiently discussed in court.

Based on experience acquired through the only related case investigated in Denmark, the coordination of investigation can be challenging when waste has been dumped in different places pertaining to different police districts within the country. In such cases, it can also be a challenge for the prosecutor to prove who dumped the waste as it is necessary to find evidence within the waste itself, and to find items which lead to the person/persons who dumped it.

It is interesting to note that environmental permits may be dismissed in criminal cases. In practice, proceedings might also be temporarily stayed pending a corresponding ruling by the court dealing with the permit.

4.2. Law enforcement authorities

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

Criminal investigations are conducted only by the Danish police. The administrative authorities (the EPA, the customs authority and the local municipalities) have only administrative (not investigative) powers.

The Danish police consists of twelve police districts and the National Police, which is the highest police authority.

Each police district is free to organise matters differently in respect of each of the stakeholders responsible for preventing and combating environmental crime. Such cases are normally handled by the police investigators in close cooperation with prosecutors who specialise in special laws, as such special law cases can be legally complex and may require a thorough knowledge of the administrative procedures as well as acts and regulations in the field in question.

There is no specialist body within the Danish police for the investigation of waste crime. Waste crime cases are typically handled by the police districts in their special law units.

Major cases of particular complexity or involving more than one police district may be handled by one of the two special investigative units in Denmark: Special Investigation East (SEØ) and Special Investigation West (SEV), which mostly deal with major cases of organised crime.

The organisation of the police districts may vary; in one district, several units deal with the fight against environmental crime: the Heavy Vehicle Centre, the central investigation unit dealing with special law (in connection with substantial and complex cases) and the patrol unit, whereas in other police districts, the prevention of and fight against environmental crime are handled in the same way as other special law cases, for instance via a local investigation or in a patrol unit.

In some police districts, waste crime will be investigated in an organised crime unit, whereas other police districts handle such cases in special law units. In one particular police district, the prevention of environmental crime is handled by the crime prevention unit.

Another characteristic of the way in which the Danish police are organised is the high level of informal relationships between administrative services, an aspect which seems to work quite well, although it is probably not transferrable to larger administrations.

Besides the police, the EPA, the municipalities and the customs authority - according to their specific roles - can detect waste crime (see paragraph 4.3.).

4.2.2. Investigative techniques/tools

In the environmental field, the police make use only of ordinary investigative tools such as interrogations, the consultation of relevant databases and the use of the police automatic number plate recognition system. Moreover, surveillance and telephone tapping can be used for instance via constant observation, and human intelligence (HUMINT) may also be used if the conditions are met.

Pursuant to the Danish Administration of Justice Act, certain types of investigative measures may be used only in connection with criminal offences of a certain degree of severity and magnitude. Therefore, the use of special investigative techniques/tools such as telephone tapping, undercover operations and controlled delivery will be proportionate investigative measures only in relation to the most serious environmental offences, which for instance will cause immediate danger to the lives or well-being of humans. The typical penalty range stated in the Criminal Code (up to six years' imprisonment) does not in any case and without additional reasons enable LEAs to implement invasive investigation measures such as wiretapping.

So far only one police district has made use of electronic surveillance.

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

As mentioned in the previous paragraph, the Danish police use ordinary investigative tools. They also can use the capabilities and equipment of the National Forensic units and the National Cyber Crime Centre (NC3). Nevertheless, the National Forensic Center (NKC) has not yet received any requests for support from the Danish police.

Cooperation with financial units has also begun enabling financial transactions to be investigated in connection with these kind of criminal offences, too.

With regard to extraordinary investigative measures, most of the environmental crimes are minor offences regulated by specific legal provisions that do not authorise LEAs to take invasive investigation measures such as wiretapping. This can impede the scope for gathering sufficient evidence. In fact, related to waste crime, it is probable that minor crimes hide major crimes and that this is the reason why extraordinary measures should be used to detect major crimes from minor crimes.

Another problem encountered concerns the limited detection rate for crimes. This is mainly attributable to the absence of clear guidelines and a lack of training offered to EPA staff, who accordingly often fail to identify criminal offences. Their ability to detect crimes is essential owing to the fact that the police do not have powers to enter the premises of enterprises except in the cases they either have a warrant – based on a founded suspicion – or if they assist the EPA in the EPA’s inspections, if this inspection cannot be carried out without the practical assistance of the police. As a matter of fact, the municipalities and (in exceptional circumstances) the EPA are the only bodies that are authorised to conduct inspections on company premises.

The EPA reported that supervising the facilities is not enough to ascertain whether the companies receive only the types of waste that they are permitted to receive and it can also be difficult to ‘follow the trail’ since waste is typically pre-treated and then sent to different receiving facilities.

Consequently, the environmental authorities often need to rely on the waste-handling companies own control measures, which include a number of obligatory measures under Danish law.

In addition, waste legislation is quite complex and waste is a complex material in itself. Therefore, supervision and enforcement requires specialised expertise in classifying waste and in determining the origin of waste. Currently, this expertise is concentrated within the EPA and a small number of police officers of the national police.

In addition, specialisation can be a challenge for the prosecutor's office. Owing to the low number of criminal cases, there are no units that are specialised in combating specific areas of crime. At some of the prosecutor's offices, environmental cases are allocated to special law units which work, as a rule, on criminal cases and which are governed by specific laws.

As Denmark does not consider combating environmental or waste crime as a high priority, resources are scarce according to the police and the customs officers interviewed by the evaluation team. At the moment, there are seven police officers who have an in-depth knowledge of the legal framework for waste crime. At the customs agency, currently trainings are almost inexistent and the official should anyway do some self-training.

With regard to cross-border crime, typical challenges comprise the identification of the person legally responsible for an illegal shipment and the detection of the source of waste. However, according to the Danish authorities, participating companies cooperate to a large degree, as there is generally a high degree of trust between Danish companies and the Danish authorities.

The investigation of specific illegal shipments is particularly challenging when companies have acted illegally intentionally and try to avoid detection.

Challenges or obstacles identified by the police districts are as follows:

- identification of suspects and their criminal role,
- a complex regulatory framework;
- the capabilities, experience etc. of the police in this field,
- the preservation of evidence related to action taken prior to the moment when the authorities were alerted to the case, and
- challenges in general in obtaining information from countries which do not participate in EUROPOL cooperation.

According to information provided by the Danish Authorities only after the visit on the spot, Maritime authorities do exist in Denmark, i.a. the Danish Maritime Authority.

Defence Command Denmark conducts monitoring of pollution of Danish waters.

In the case of a ship itself being waste, the supervision and classification obligation is distributed as follows:

- The municipality: Ships with a weight of up to 1500 tons.
- The Danish Environmental Protection Agency: Ships weighing over 1500 tons.

If the ship's cargo is waste, it is the Danish Environmental Protection Agency which has the supervisory and classification obligation, but the municipality has a corresponding obligation in relation to the waste generated in the municipality for shipment.

4.3. Other authorities/institutions

The Danish Environmental Protection Agency (EPA) plays an important role in the prevention field. So, too, do ninety-eight municipalities who play a key role in the monitoring of waste-related activities.

Generally, the municipalities oversee compliance with waste law at companies producing and handling waste within their area.

The EPA is responsible for the inspection of the most dangerous plants and facilities nationwide. These include incineration plants, metal shredders and landfill sites. Additionally, the EPA is responsible once the waste has left company premises and is on transit.

The municipalities are in charge of overseeing all waste exports. Regarding waste imports, the authority responsible for the importing company (municipality or EPA, according to the aforementioned) will oversee the import.

Unfortunately, the EPA and municipality staff responsible for carrying out such inspections could not be interviewed. Additional information from other sources but the EPA could not be gathered.

The EPA is responsible for inspections at the Danish-German border, as in these cases the waste is on transit. Then, the EPA carries out its inspections in cooperation with Danish police and the Danish customs agency. The EPA has established an inspection plan regarding their inspections. This has been published on the EPA's website and covers such matters as main objectives and challenges, waste streams and statistical data from inspections. A part of the inspection plan is kept confidential and includes information about planned inspections and targets.

Despite the important role of the EPA and municipalities, there are no guidelines or enforcement strategies to help the authorities determine when a violation should be reported to the police.

The Danish customs agency also plays a supervisory role with regard to waste shipments. If the supervisory authority suspects that an environmental crime has been committed, the case is handed over to the police and court system for further investigation and prosecution of the possible offender.

4.4. Cooperation and exchange of information among national authorities

4.4.1. Cooperation and coordination

A special forum or formalised cooperation between the authorities has not been established for waste crime. However, it can be established on an ad hoc basis in connection with the investigation of a specific case. The Danish authorities consider that a more formal forum with the participation of all relevant authorities is considered to potentially be of great value, as there are many different actors involved in the fight against environmental crime.

Such a forum was presented in EnviCrimeNet in 2016 as a recommendation from the IPEC (Intelligence Project Environmental Crime), which recommends the Member States to set up a National Environmental Security Taskforce (NEST). The designation of such a forum is not essential, but it is considered to be a very suitable framework for gathering, developing and sharing knowledge / intelligence. It [would also play a useful role in facilitating the contribution of valid cross-organizational information to the Serious Organized Crime Threat Assessment (SOCTA).

Cooperation between the authorities is mainly based on informal networks. This seems to work quite well within police districts, but does have some drawbacks in respect of transmission of information and the capacity to deal with unexpected situations. The EPA and the Danish Customs Agency has drawn up a MoU on the cooperation between the two entities. In addition to a number of formal sections, the MoU also contains sections on the division of responsibilities in the area of waste as well as an annex with the legislation of the respective two authorities.

The absence of organised procedures for cooperation is evident as regards the difficulties the national police and customs agency have in contacting the relevant competent authorities, such as the EPA, outside normal working hours. As a result, when the police or customs agency detect a possible illegal shipment of waste outside normal working hours, they will have to hold the transport until the next office day or even, in some cases, allow the shipment through .

Moreover, the number of coordinated road inspections carried out remains rather low, at 15 road inspections/controls of cross-border shipments of waste every year.

Cooperation is normally established following a request made by the Danish customs agency or the environmental authorities to the police whenever they suspect a criminal offence or from customs to the EPA. In this connection, the police receive all available information, gathered by these authorities, for their investigation. Once the investigation is concluded, the police or the prosecutors will inform the relevant authorities about the outcome of the investigation. The purpose is to obtain a specialist assessment from the relevant environmental authority with a view to assessing whether charges should be brought.

The exchange of information between the authorities involves the transmission of case information to, for instance, the municipality or the EPA. The purpose of this is to obtain an assessment.

In minor cases reported by the relevant authority, the exchange of information between the authorities is governed pursuant to the Public Administration Act and the Act on the Processing of Personal Data.

However, the evaluation team did not receive data regarding the number of proceedings that were initiated on the basis of complaints filed by the EPA or the municipalities. This is because the Danish authorities did not have any data up front that show if a particular case was initiated on basis of a complaint from EPA. Though Denmark reported in its questionnaire that complaints filed by the EPA or the municipalities were the most common way in which environmental crime proceedings are initiated, Danish authorities indicated during the discussion of the drafts of the report that cases the police was not aware of and had to be informed about by the EPA or the municipalities are rare. On road inspections, police were present and no formal complaint was considered necessary for the police to act.

However, the low number of cases may rather be caused by the fact the EPA and the municipalities do not have specific guidelines or internal rules governing the circumstances under which suspected environmental crime needs to be reported to the LEAs. There should be a significant number of cases initiated by the EPA and by the municipalities, as these authorities know the plants and facilities much better than the police. Consequently, the EPA and the municipalities should – not only seen from a legal, but also from a practical perspective - be predominantly the authorities to file complaints

The police pointed out that special cooperation exists between environmental authorities. This involves informal working procedures. The existence of any hierarchy does not restrict or impede cooperation between staff from different authorities.

With regard to practical examples, the various ways in which authorities cooperate are described below.

As regards environmental permits, the authorities cooperate on a case-by-case basis. For instance, the Danish customs agency would notify the EPA if a shipment of hazardous waste that is on its way to a given treatment facility within Denmark is selected for control.

When inspections are made on waste shipments, the Danish police also carry out road inspections in as regards NOx-values, driver's working hours, residence permits and more. The police inform the EPA of future inspections and invite the EPA to participate. The customs agency also participates in joint inspection initiatives with the EPA and the police.

The police normally liaise with the prosecutors and with the district, customs and environmental authorities, including the Danish Energy Agency and the EPA. They may also work with the Danish Emergency Management Agency. Both the police and prosecutor reported that cooperation between police and prosecutors and other stakeholders in this field works very well.

Road inspections are carried out on the initiative of the police and involves the EPA and the customs agency, which usually provide merely technical assistance (for instance, by deploying teams with mobile container scanners).

Each year the EPA carries out 15 days road inspections/controls of cross-border waste shipments in cooperation with the municipalities, the customs authorities and the police. It seems that road inspections are carried out at random rather than on a predefined risk assessment basis.

The customs agency has concluded a mutual agreement with the EPA covering waste, chemicals, REACH (European regulation on registration, evaluation, authorisation and restriction of chemicals) and ODS (ozone depleting substances). Accordingly, the customs agency carries out border controls by inspecting means of transport (incl. containers), whereas the EPA manages the administrative tasks concerning authorisation and the issuing of permits in both the waste and chemicals area. There were cases in which the customs agency referred to the EPA and then handed over a suspicious transport case to the police. The customs agency will also be involved in legislation procedures, as far as its specialist knowledge is helpful. To that end, a mutual hearing process will be started before new legislation is introduced.

However, the customs agency stated that there was little cooperation in the fight against waste trafficking. Cooperation, as far as it exists, may be depended on individual initiative and may therefore be informal and on an ad hoc basis. As a rule, however, customs officers do not have any contact person to call at the EPA outside normal working hours.

The customs agency has no direct access to the police database on the legal framework for waste treatment, shipment and management. According to the police, the custom authority receive the information they are requesting. However the customs agency is interested in information exchange and a closer cooperation with the EPA and the police.

The EPA provides LEAs with expert opinions. In addition, it provides advice via telephone in urgent cases and may set up a team to assist in investigations across the country within one day. However, the police and customs agency stated that there were problems in the event of an unexpected incident outside normal working hours. In such instances, the police and customs have difficulties in contacting the relevant competent authorities as these do not necessarily have on duty officials at such times.

Even on working days during business hours, there is only one contact person available at the EPA. In relation to the Seveso-directive and specific high-risk companies, the EPA coordinates a task force comprising the EPA, the police and the Working Environment Authority. Joint supervision is carried out and risk inspections are planned one year ahead.

The representatives of the Director of Public Prosecutions stated that in environmental cases they cooperate closely with the competent authorities. In particular, they consult the EPA before a case is dismissed or an indictment is filed.

They also stated there was good cooperation with the police during the investigation and trial phase. In fact, a police officer often accompanies and supports public prosecutors in court, providing information where needed.

As an example of good cooperation between the prosecutor's office and the police, the representatives of the Director of Public Prosecution described a case involving the illegal disposal of asbestos waste. A demolition company had disposed of piles of house demolition waste at several dumpsites near Copenhagen. In doing so, it made use of fake identities and fictitious firm names. Invoices of the firms involved as well as mobile phone traffic data and telephone conversations of the suspects were investigated. This led the police to further dumpsites and to developing understanding the structure of the criminal gang. In the end, the police were able to identify a farm where the suspects had been dumping large quantities of asbestos and other hazardous waste. The evaluation team agreed that this case was very well investigated and resolved. The police had been able to collect the initial evidence and set up a joint investigation team. The public prosecutor had been involved from the very beginning and the legal handling of the case had been very good. The result was the police had been given the appropriate guidelines, and the charges were correctly drafted and presented to the court. All of the above shows that, as a rule, the police as well as prosecutors are given the information needed to deal with almost any kind of case. Since there were no reports of complications during the judicial proceedings, the above seems to apply to the Danish criminal courts as well.

Mutual or even multilateral exchange of information – besides common work on specific environmental crime cases – does not take place at all.

4.4.2. Access to information and focal points on intelligence

The EPA set up effective databases in their own fields of competence, which focused on the characteristics of the waste being handled, as well as the supplier and the recipient. Thus, the location of the waste and the (planned) treatment of the waste can be seen.

The police administration uses a data system that includes legal references and related links regarding waste legislation. Each process is linked to the legal act ruling it. Thus, even those staff who are not completely familiar with legal provisions have easy access to the legal framework. However, this useful tool which was developed through the voluntary contribution of a police officer and with the support of some colleagues, has never been institutionalised and it continues to be updated on a voluntary basis. In addition, neither the customs agency nor the EPA or prosecutors are aware of or can access this database in the police's intranet system.

During the discussions of the draft of the report, Danish authorities informed the evaluation team about a police environmental tool on the police's intranet system under the portal belonging to the National Traffic Centre ("POLINTRA"), providing access for the prosecution service as well. This tool is a collection of legal references in the environmental field.

The National Centre of Investigation of the Danish National Police – International Communication Section – serves as a Single Point of Contact (SPOC) in relation to all cross-border crime, including waste crime. Intelligence of a domestic character is primarily handled by the relevant police district via its own Local Intelligence and Analysis Unit (EAE).

The prosecutors' database is not focused on the fight against environmental crime.

The Danish Customs Agency uses the intranet to publish a set of internal instructions on how to deal with areas in the framework of prohibition and restrictions. These are typically areas which fall under the responsibility of other authorities not present at the borders and whose legislation contain a certain number of import, exports and transit provisions being thus enforced by customs. This set of instructions is called VAB (Varebestemmelser = Provisions on goods) and each chapter also contains a section with legal references, including the regulations of that particular authority. Even though services depend on each other for the exchange of and access to information, their respective databases are not connected, for legal (confidentiality of judicial investigations, protection of private data) and technical reasons. However, according to the police and the customs agency, they did not encounter any difficulty in obtaining information.

4.5. Training

As regards training, there is no exchange between the authorities responsible for combating waste crime. As a rule, lecturers are appointed from among the staff of the authority concerned to provide training to the staff of the same authority. However, according to the EPA, training seems to be run more in the form of on-site-training and takes the form of practical checks instead of lectures.

Each year, the EPA provides local authorities with training on waste regulation, for instance on how to classify waste. Training is run by a national waste organisation (DAKOFA) and approx. 50 local authorities participate every year. Questions from the local authorities are answered on a continuous basis by the EPA, and briefing meetings are held on specific topics. The EPA also develops guidelines, for instance, on the classification of waste and on how to supervise shipments of WEEE.

However, training at the EPA does not appear to be sufficient. The last training session took place three years ago and was not directly related to waste crime. There is no dialogue with other authorities about training and staff from the police, the customs agency and the municipalities are not invited as lecturers or participants to the training courses.

On the other hand, the EPA reported that there is one meeting with the police and public prosecutors per year. The EPA stated that it aims to develop closer cooperation with the police and the customs agency.

The National Traffic Centre of the Danish National Police is responsible for the training in waste shipments (both at basic and specialist level). The training is primarily aimed at police officers working at the country's heavy vehicle centres and focuses on environmental issues, including issues related to waste handling. Some staff members in National Traffic Centre teach, but the training course is offered at the Danish Police College.

The Danish Police College provides no specific training in environmental crime.

The police training given is provided by one police officer with knowledge about the issue of waste crime and about the legal framework. This officer has given intensive training to six police experts nationwide and even more police officers through one-day training courses. However, advanced training for the police officer responsible is not provided. In addition, police training involving public prosecutors and/or staff from the EPA or the municipalities does not take place.

However, special operations leaders and commanding officers are given training in crisis preparedness and crisis management in particular, as well as in how to cooperate with authorities in sudden emergencies. Special operations leaders and commanding officers are given this targeted training so that they are better able to liaise with other relevant qualified authorities.

Public prosecutors receive three years of general training on the job after five years of university study. This training does not cover environmental criminal law, but there is an additional optional three-day-training-course covering all areas of special law that is considered relevant. One or one and a half days of this course usually cover environmental criminal law. It varies how much time is spent on environmental law. Moreover, this course provides legal training only and does not cover criminalistics, tactics and trends. However, sometimes these topics will be part of the discussions on the course (which is open for other participants than legal staff, e.g. police officers).

Although there have been lecturers from the Ministry of Justice as well as from the EU, there were none from the EPA, the customs agency or the police. The Director of Public Prosecutions does not provide training to the above authorities either.

The Danish Court Administration is responsible for the training of all personnel at the Danish Courts. The Court Administration offers approximately 250 different courses annually for the judiciary. Currently, there are no specific courses or lectures offered with a focus solely on environmental law. Nevertheless, three specific 3 hour seminars were offered in 2013 to 2016 on “Interaction between Danish environmental law and EU environmental rules”.

In addition, the Court Administration offers international training activities on the subject through Danish international partners such as ERA (Academy of European Law), EJTN (European Judicial Training Network) and SEND (cooperation between the Nordic countries regarding training of judges).

The customs agency does not provide their staff with training on waste crime. However, some customs officers have an in-depth knowledge about waste crime as they are particularly interested in the phenomenon.

There is no central body or entity that is tasked with training personnel on waste crime. However, as the enforcement action is shared between the police, municipalities and the Danish EPA, the EPA provides for the collection and sharing of knowledge and for ad-hoc technical and legal assistance to police and municipalities in specific cases.

Danish staff have taken part in training provided by CEPOL.

4.6. Conclusions

- There are no waste crime specialists in the prosecution service, the EPA and the customs agency.
- The informal cooperation between different institutional players at operational level seems to be particularly adapted to a Danish context and can, to some extent, be considered as sound practice, as it avoids red tape and the sluggishness of more bureaucratic organisations.
- However, a system that depends on interpersonal relationships and the personal qualities of the stakeholders may turn out to be fragile in certain unexpected circumstances and in any event, raises the issue of the transmission of know-how.
- Currently, one problem concerns the different working times, organisations and tools used by each authority. It is likely that this is attributable to the lack of strategic approach of all the authorities as regards preventing, detecting and fighting environmental legislation infringements.
- The data system set up by EPA seems to be quite developed and to be very effective. On the other hand, the lack of access to the data system by the police and customs is a weak point; interoperable and shared databases could be developed, insofar as this is practicable with regard to the confidentiality of judicial inquiries and to the protection of personal data.
- The establishment of a collection of legal references and related links, at the lower level of the Danish National Police, is an instance of best practice. That system and its updating should be adopted at a higher level. It is also recommended that all relevant authorities have requisite access to information.

- It appears that, as a rule, the police and prosecutors are given the information needed to handle almost any kind of case. On the other hand, the evaluation team considers that the training provided by the prosecution office to prosecutors in environmental matters should involve more varied expertise (such as expertise from the police, EPA, judges etc.). A more comprehensive understanding of the issues could prosecutors supervise a police investigation.
- There are no guidelines or enforcement strategies in place to help the authorities determine when a violation should be reported to the police. It is recommended that a national enforcement strategy be developed, which involves all the relevant authorities.
- With regard to training in the field of waste crime, customs agency staff do not receive any kind of training. In addition, judges as well as police, municipality and EPA staff are only given limited training. Training should be provided by each authority to their own staff . There is a need to provide joint training, too, that is attended by staff from all the relevant authorities.
- The training provided by the prosecution office to prosecutors in environmental matters should also involve more varied expertise (such as expertise from the police, the EPA, judges etc.). A more general understanding of the issues would help police investigations.
- The criteria used by the Western High Court to assign the criminal cases to certain sections of the court has to be considered as best practice, although the judges process many other types of cases and regularly shift between sections.
- The system of lay judges does not seem to be appropriate for cases involving environmental crime owing to the technical nature of such cases. Denmark seems to be aware of this issue and expert lay judges may be appointed in such cases. However, taking into consideration the key role of the lay judges in the composition of the panel, there is a need to provide judges with training in technical matters. The possibility for the Prosecution Service to call in specialist knowledge in the production of evidence provides adequate remedy and reduces the need.

5. Legal aspects

5.1. Substantive criminal law

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

The organisational set-up relating to environmental legislation, as well as the supervision and enforcement of environmental crime in Denmark has been in place since the 1970s. It is continuously adapted to, for instance, EU regulations and directives and new knowledge that emerges regarding environmental problems. Environmental regulation in Denmark consists of over 100 pieces of legislation that regulates all kinds of acts that can cause risk to the environment and human health.

Waste crime is criminalised by the law of environmental protection and by the Criminal Code.

The law of environmental protection provides for enforcement measures applicable to violations of a European regulation (including the Waste Shipment Regulation), pursuant to section 110, paragraph 1, no. 12. Section 110, paragraph 2, states that the punishment for such environmental offences, as covered by paragraph 1, shall be more severe in cases where Where the offence was done intentionally or by gross negligence, and where either the environment has been endangered or a financial advantage has been gained.

On shipments of waste, the Danish EPA has developed a catalogue of fines for specific waste shipment crimes. The catalogue is based on parliamentary discussions prior to the enactment of the law and on specific court cases. The catalogue is used as a handbook giving guidance on enforcement.

Section 110, paragraph 3 of the Danish law of environmental protection also provides for the Minister of Environment and Food to issue enforcement legislation in many different areas of Danish environmental regulation.

Sections 192 b and 196 of the Danish Criminal Code criminalises offences within the definition of “waste crime”.

Pursuant to section 192 b (1), it is a criminal offence to receive, possess, deliver or modify radioactive materials or to manufacture or possess an explosive nuclear device or a device designed to spread radioactive materials capable of causing injury to another person or a device designed to cause considerable damage to the property of another or to the environment. Any person who violates section 192 b (1) is sentenced to imprisonment for a term not exceeding six years.

Furthermore, in accordance with section 192 b (2) (i)-(iii), it is a criminal offence to attempt deliberately to injure someone or to cause significant damage to the property of another or to the environment, or to (i) use *radioactive materials or devices emitting ionising radiation*; (ii) to *remove, modify or damage necessary protection* from the spreading of radioactive materials or from ionising radiation; (iii) *use or damage* a nuclear plant in such a way as to cause or risk the emission of radioactive material. Any person who violates section 192 b (2) is sentenced to imprisonment for a term not exceeding 12 years.

Pursuant to section 192 b (3) it is a criminal offence if any of the acts referred to in subsection (2) are *committed under the circumstances set out in section 180*, or the act causes serious damage to the environment or entails an imminent risk thereof. Section 180 states that any person who sets fire to his own or another person’s property under such circumstances that he/she is aware that the fire seriously threatens the lives of others, or does so with the intent of seriously damaging the property of another or does so in an attempt to incite insurrection, looting or cause a disturbance of the public order, is liable for any term up to life imprisonment. Any person who violates section 192 b (3) is liable for any term up to life imprisonment.

It is also a criminal violation if the offence is committed through negligence, cf. section 192 b (4). Any person who violates section 192 (4) is sentenced to imprisonment for a term not exceeding two years.

The main penal provisions on waste crime are set out in section 196 of the Danish Criminal Code. Section 196 (1) covers criminal offences in breach of environmental legislation and in aggravating circumstances pollute air, water, soil or subsoil resulting in significant damage to the environment or an immediate risk of such damage, or which store or dispose of waste or similar materials causing significant damage or immediate damage of damage to the environment. Such offence may carry imprisonment for a term not exceeding six years.

Section 196 (2) states that it is a criminal offence to pollute air, water, soil or subsoil or store or dispose of waste or similar materials where such an offence is committed in a systematic or organised manner. The question whether the offence was committed in a systematic or organised manner can be determined through the amount of waste disposed of, the time at which the offence was committed and the revenue generated. However, considerable damage to the environment or an imminent risk of such damage can only be proven by through consulting expensive expert opinion. The range of sentences in section 196 (2) is as stated above.

There are no minimum penalties in these sections of the Criminal Code.

In accordance with section 81 (i)-(xiv), when determining a sentence, it must normally be considered an aggravating circumstance –

- (i) that the offender has relevant prior convictions;
- (ii) that the act was committed jointly with others;
- (iii) that the act had been carefully planned or was a constituent element of a more extensive criminal offence;
- (iv) that the offender intended the act to have substantially more serious consequences than it had;
- (v) that the offender exhibited particular recklessness;
- (vi) that the act was related to the ethnic origin, religious faith or sexuality of others;
- (vii) that the act was related to the victim's lawful expressions in public discourse;

- (viii) that the act was committed in the exercise of a public function or office or through the abuse of a position or of trust and confidence;
- (ix) that the offender caused another person to participate in an offence by means of coercion, deceit or taking advantage of the other person's young age or of significant financial or personal problems, lack of knowledge and responsibility or a dependent relationship;
- (x) that the offender has been complicit in crime committed by a child under 15 years of age;
- (xi) that the offender exploited a victim's defenseless position;
- (xii) that the act was committed by a person serving a custodial penalty or subject to some other criminal legal consequence of custodial nature;
- (xiii) that the act was committed by a former inmate against the institution or a person employed by the institution;
- (xiv) that the act was based on the exercise of a public function or office by the victim or a significant other of the victim.

Pursuant to section 82 (i)-(xiv), when determining a sentence, it must normally be considered a mitigating circumstance if –

- (i) the offender had not attained the age of 18 years when the act was committed;
- (ii) the offender is elderly, where the imposition of an ordinary sentence is unnecessary or harmful;
- (iii) the offence is deemed almost not to merit punishment;
- (iv) the offender acted in excusable ignorance or through an excusable misunderstanding of rules of law prohibiting or ordering the relevant act;
- (v) the act was committed in an agitated state of mind provoked by unlawful assault or a gross insult on the part of the victim or individuals associated with the injured party;
- (vi) the act was committed as a consequence of coercion, deceit or of taking advantage of the other person's young age or of significant financial or personal problems, lack of knowledge and responsibility or a dependent relationship;

- (vii) the act was committed under the influence of strong compassion or emotion, or if other specific information is available concerning the offender's state of mind or the circumstances of the act;
- (viii) that the offender voluntarily averted or attempted to avert the danger caused by the criminal act;
- (ix) the offender voluntarily reported himself to the authorities and made a full confession;
- (x) the offender has provided information crucial to solving criminal acts committed by others;
- (xi) the offender has remedied or attempted to remedy the damage caused by the criminal act;
- (xii) the offender is denied a right mentioned in section 79 (the right to carry on activities under a special public license) or experiences other consequences comparable with punishment on account of the criminal act;
- (xiii) the case against the offender is not heard within a reasonable time frame and the excessive length of proceedings is not attributable to the offender;
- (xiv) or that so much time has passed since the criminal act was committed that the imposition of an ordinary penalty is unnecessary.

Moreover, the evaluation team learned that there are a number of penal provisions on minor waste crime that is covered by what special law (i.e. not in the Criminal Code). As yet, the evaluation team has not been given detailed information regarding these penal provisions.

5.1.2. Other rules or judiciary instructions

Based on Parliament hearings, the EPA has developed guidance documents on various issues of waste regulation. None of these can be seen as providing binding rules or judiciary instructions.

However, they serve as guidance in understanding the rules and, for instance, in the classification of waste. Examples of guidance documents are:

- Guidance to exporters on exports of used EEE
- Guidelines on classifying green-listed waste

The Director of Public Prosecution has also issued guidelines for the prosecution services on the handling of cases regarding violation of environmental legislation, including misuse of waste. The guidelines establish the following rules :

- a prosecutor should be involved in the case as soon as possible after the case has been registered, and be involved in the planning and organisation of the investigation ;
- both the investigator and the prosecutor should be experienced and (if possible) have special skills and experience in this area;
- other national authorities (EPA) should be involved in the investigation and should be consulted before the decision to prosecute or not is being taken ;
- if the local prosecutor and the national authorities disagree on the above question, the case should be submitted to the State prosecutor ;
- complex cases should always be presented to the State prosecutor.

The way in which the skills and experience of prosecutors are evaluated have not been documented. Training on environmental issues remain optional.

5.1.3. Determination of the seriousness of waste crime

As mentioned in paragraph 5.1.2. , article 196 (1) (i)-(ii) provides for *aggravating circumstances*; when *polluting the air, water, oil or subsoil or storing or disposing* waste or similar materials has resulted in considerable damage to the environment or an imminent risk of such damage.

However, it must be stressed that substantial environmental damage or a significant potential risk of this is only a prerequisite for applying the aggravating circumstances provided for by section 196 of the Criminal Code. In fact, section 196 does not cover every case of environmental degradation and its application depends on the extent and consequences of the damage. For instance, the costs needed for clean up, if the latter is necessary and feasible, can be taken into consideration in order to consider the damage.

Several criteria are used to assess whether there are aggravating circumstances. The assessment must be based on whether an environmental offence goes *far beyond* what is attributed to the *normal and usual operation of an otherwise legitimate company*. For example, section 196 applies to cases of significant, illegal dumping, contaminated waste in landfill or the discharge of hazardous chemicals. The assessment must also consider the extent of the violation, including whether it is a single breach of the environmental legislation, or an instance of *more systematic or persistent behaviour* that demonstrates *deliberate disregard* of significant environmental considerations. The assessment must also consider whether the defendant has hidden or attempted to conceal the pollution. Such an attempt increases environmental damage or risk thereof. A major consideration is whether a criminal offence, negligence, stems from an intent to secure an economic advantage, especially in cases where the breach of environmental legislation is a major part of the company's activities.

All documents collected by the environmental authority are handed over to the police and then used as evidence in Court.

The officials of environmental authorities may be called as witnesses to explain the environmental regulation, the criminal violation and the negative consequences for the environment.

The courts are responsible for determining the sanctions to be applied. To do so, they may refer to sanctions imposed in similar cases.

5.1.4. Links with other serious criminal offences

The police have not experienced cases showing links between waste crime and other kinds of serious criminal offences such as organised crime or corruption. It should be pointed out that corruption, as a rule, is considered to be almost inexistent in Denmark.

In the interviews, however, it emerged there were links between the illegal disposal of hazardous waste and fraud.

The evaluation team examined a case in which investigations into the invoice service of a demolition firm were successful. In this instance, wiretapping of the suspects was used. The evaluation team inferred from this that Danish LEAs adopt such methods on a cases-by case basis and are able to gather detailed information and work in a way that is both competent and effective.

5.1.5. The role of the NGOs

There are no restrictions on anyone, including NGOs, wishing to report a breach of environmental. NGOs are entitled, for instance, to register a complaint about an environmental permit issued by the authorities. However, they are not entitled to play any special role in criminal proceedings and are usually not called upon as expert witnesses.

In the context of WEEE, the national producer register has a whistleblower-function on its website in respect of BAT (waste batteries and accumulators) and ELVs. This may be used by anyone who suspects breaches of environmental legislation.

5.2. Procedural, jurisdictional and administrative issues

5.2.1. Difficulties encountered with regard to the admissibility of evidence

The Danish authorities did not report particular problems with regard to the admissibility of evidence. However, the evaluation team did detect a number of weak points in this regard. In respect of coordinated road inspections, the evaluation team learned that the police rarely takes actual samples of suspicious waste being shipped, but collects only photographic evidence. However, it is hardly possible to infer physical, chemical or other characteristics of waste on the basis of photographic evidence alone.

The customs agency stated that in many cases when they detain lorries and cannot immediately contact an EPA expert, they have to let the lorry go due to the lack of EPA experts on duty or to avoid possible damage claims.

Investigative measures imposed are proportional to the degree of suspicion and gravity of the suspected offence. Consequently, wiretapping is not often used in cases involving environmental crime alone. It can be used when suspects act conspiratorially. The Director of Public Prosecution cited one specific case to illustrate this, and explained that wiretapping can be used when environmental offences involve fraud.

Representatives of the Director of Public Prosecutions stated that, as a rule, investigations are carried out to assess whether waste crime is committed in an organised or systematic manner (see section 192b (2)), rather than to determine whether there is damage to the environment or an imminent risk thereof (see section 192b (1)). The reason is that the latter requires an expert opinion, which may be difficult and expensive. However, the question whether an offence has been committed in an organised or systematic manner can more easily be proven through investigative measures. Such methods are often used in cases of economic crime.

5.2.2. Measures other than criminal or administrative sanctions

One important measure is the use of what is known as the Register of Environmental Liability which was created in 1997. This is a record of the persons and companies found guilty of committing serious environmental crime and/or have committed serious breaches of environmental regulation. Those persons listed in the register are subject to certain restrictions as regards obtaining permission to run companies requiring an environmental permit. They may also have to satisfy stricter conditions when making a request for the renewal of an environmental permit.

The Environmental Protection Act sets out the criteria used for the registration of such persons and companies.

The name of such persons or companies are kept in the register for a period of 10 years, starting from the date on which they breached the environmental regulation.

Only municipalities and governmental agencies have direct access to the register.

Another measure used is the confiscation of profit generated by an illegal activity or the equivalent amount of money (paragraph 75 of the Danish Criminal Code).

The courts may also confiscate objects used to carry out an illegal activity in order to prevent further criminal activities.

Finally municipalities are entitled to withdraw the permits of undertakings whose representatives commit waste crime.

5.2.3. *Treatment of seized objects*

Objects are very rarely impounded. In addition - and as stated above - in most cases the police takes photographs of the suspicious material but does not impound it. This is also the case for the customs agency and the EPA. Subsequently, if costs for the seizure of objects arise, they will be imposed on the guilty party as legal costs.

The costs of temporary storage and subsequent removal or clean-up of the waste, or any other expenses incurred, will always be chargeable to the offender if convicted.

As regards waste for which notification is required pursuant to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, there is a requirement to establish a financial guarantee covering the shipment of waste. The financial guarantee shall cover the recovery of the waste and the possible treatment or disposal in case the owner/consignor is unable or unwilling to cover the expenses.

5.3. Environmental restoration

the "polluter pays" principle is the guiding principle in European and Danish environmental regulation. The offender will, in principle, bear the costs for restoring and repairing damage.

5.4. Jurisdiction

5.4.1. Principles applicable to the investigation of waste crime

Pursuant to section 6 (i)-(iii) of the Criminal Code, acts falling within Danish criminal jurisdiction are acts committed - (i) within the Danish state; or (ii) on board a Danish vessel or aircraft located within the territory of another state by a person belonging to or travelling on the vessel or aircraft; or (iii) on board a Danish vessel or aircraft located outside the territory of any state.

In accordance with section 7 (1) (i)-(ii), acts committed within the territory of another state by a person who was a Danish national or has his abode or habitual residence within the Danish state at the date of the provisional charge are subject to Danish criminal jurisdiction, if – (i) the act is also a criminal offence under the legislation of the country in which the act was committed (dual criminality); or (ii) (b) the offender had the aforesaid connection to the Danish state when committing the act and the act is aimed at someone having the aforesaid connection to the Danish state when the act was committed.

Furthermore, in accordance with section 7 (2), acts committed outside the territory of any state by a person having a connection to the Danish state as referred to in subsection (1) at the date of the provisional charge are also subject to Danish criminal jurisdiction, provided the acts of the kind described may carry a minimum sentence of a minimum of four months' imprisonment.

Subsections (1) (i) and (2) apply, with the necessary modifications, to acts committed by a person who is a national of or has his abode in Finland, Iceland, Norway or Sweden at the date of the provisional charge, and who is present in Denmark, cf. section 7 (3).

Pursuant to section 7 a (1), acts committed within the territory of another state and aimed at a person who was a Danish national or had his abode or similar habitual residence within the Danish state when the act was committed are subject to Danish criminal jurisdiction if any such act is also a criminal offence under the legislation of the country in which the act was committed (dual criminality) and may carry a sentence under Danish legislation of a minimum of 6 years' imprisonment. Section 7 a (2) states that Danish criminal jurisdiction under subsection (1) only applies to a number of criminal violations, including offences likely to endanger life or cause serious injury to property, cf. section 7 a (2) (iii).

Furthermore, in accordance with section 7 a (3), acts committed outside the territory of any state, but aimed at someone having such attachment to Denmark as referred to in subsection (1) when the act was committed are also subject to Danish criminal jurisdiction, provided that acts of the kind described may carry a sentence of a minimum sentence of four months' imprisonment.

Pursuant to section 7 b, where the application of Danish criminal jurisdiction to a legal person is subject to dual criminality, the criminal liability of legal persons need not be prescribed by the legislation of the country in which the act was committed.

Pursuant to section 8 b (i)-(ii), acts committed outside the Danish state are subject to Danish criminal jurisdiction where any such act falls within section 183a and the act was committed by a person who, at the date of the provisional charge – (i) was a Danish national or had his abode or similar habitual residence within the Danish state; (ii) or was staying in Denmark.

5.4.2. Rules in case of conflicts of jurisdiction

No mechanism specifically related to cross-border waste crime other than what is provided for by Council Framework Decision 2009/948/JHA of 30 November 2009 exists to resolve conflicts of jurisdiction with Denmark.

5.5. Conclusions

- Wiretapping is not allowed in cases involving waste crime only owing to the low penalties imposed. In the evaluating team's view, the use of wiretapping would ensure the proper investigation of such crimes.
- Evidence is often not secured when the police take photographs only. In the evaluating team's view, sample evidence needs to be collected more often.
- The Register of Environmental Liability is an effective way to prevent infringement of environmental law. It should be used as an example of good practice used to inspire legislation in other European Union member states with a view to ensure more effective protection of the population and the environment.
- The role of the NGOs could be strengthened by giving them more scope for taking legal action. This is particularly relevant given that they often have useful specialist knowledge. To ensure that such legal action is effective, they could be subject to accreditation by the State.

6. Cooperation

6.1. International cooperation

6.1.1. Forms of the cooperation in cross-border cases

The Danish police authorities stated that there is a large and well functioning network of informal contacts between the European countries.

The police reported that it has supported the German police in one waste crime investigation after a rogatory letter was filed by Dutch LEAs.

An outbound rogatory letter from Denmark has – as to yet – not been filed by Danish LEAs in an environmental or waste crime case.

Danish police cooperate in cross-border cases of waste crime within the framework of the EMPACT priority ‘Environmental Crime’, which is included in the policy cycle 2018-2021. Denmark is represented in the EMPACT priority ‘Environmental Crime’ by the Danish customs agency and participates in one of the measures. Danish police are also cooperating within the framework of EnviCrimeNet. The primary purpose of the participation is the exchange of experience.

Danish police are aware of the fact that EUROPOL established an analysis project (AP) EnviCrime in November 2017. Currently Denmark is not a member of AP EnviCrime, but, according to what was reported, it would contribute to this project in due course. Generally EUROPOL’s APs are considered important tools in the fight against organised cross-border crime.

The Danish customs agency performs checks on documents and carries out physical checks/inspections when these are deemed necessary. These are sometimes also carried out in cooperation with the EPA and the police.

If checks are carried out by the customs agency alone, the agency contacts the EPA when discrepancies are found between the accompanying documents and the actual waste being shipped. This is also the case if the customs agency discovers shipments of waste that have no accompanying documents; this also includes hazardous waste. Where the customs agency comes across a case necessitating a cross-border initiative, they contact the EPA.

Additionally, the Danish Customs Agency also participates in the Joint Customs Operations (JCOs) on waste organized by entities such as the World Customs Organization. Key factors in these operations are cross border cooperation and information exchange.

According to information provided during the visit by the police, currently, cross-border cases often involve the theft of used electronic equipment and domestic appliances removed from recycling centres and recycling collection units, exported in containers to non-European countries, especially in Western Africa, to be sold, either because the equipment and appliances are still in working condition or because the spare parts have monetary value. Electronic equipment is also turned into cash by scrapping it in order to extract metals. Pursuant to Article 36 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, an embargo on exports of WEEE to certain African countries could in some cases be justified.

Another significant concern is the trafficking of end-of-life vehicles out of Denmark to the port of Hamburg, to be shipped on to Africa: vehicles are handed in for environmentally sound treatment/scrapping in Denmark, with owners being paid a car scrapping bonus. However, the vehicles are not being treated or scrapped, but are in fact being exported to buyers in Africa. Some of these vehicles are loaded with electronic waste.

Pursuant to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, the actual vehicle export is illegal, but it might also be a case of environmental fraud, as the end-of-life vehicles are not treated in a proper, environmentally sound way.

Nonetheless, unsuccessful, on site, the evaluation team was told that nonetheless, no sanctions have been imposed to date and international dialogue with the African governments concerned remains unsuccessful. During the discussions of the draft of the report, Danish authorities objected that convictions have been delivered in cases relating to both illegal export and fraud, but without mentioning tangible figures. Thus, the evaluation team cannot definitely judge the number of relevant convictions

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

For the purpose of exchanging information in cross-border cases of waste crime, the Danish National Police uses the same channels as are used for the exchange of information in other types of cases. The majority of information exchanged in cross-border cases is exchanged via INTERPOL, SIENA and SIRENE. The Danish customs also has a number of channels which they use for their informations exchange.

The Danish police have a national contact point in the National Centre of Investigation (NEC) of the Danish National Police, namely the International Communication Section, which is the single point of contact for all cross-border crime, including waste crime. At Danish customs there is also a unit handling the day-to-day information exchange; this unit is called Customs National Coordination Center and is open 24/7/365.

The Danish police use EU information databases in order to prevent, detect, investigate and prosecute cross-border cases of waste crime to the extent relevant in the individual case. The Danish police could for example use Europol's databases.

The customs authority does not currently make use of EU information databases to prevent or detect cross-border cases of waste crime. In cases involving the seizure of waste, it enters non-nominal data into the CEN (Customs Enforcement Network) database of the World Customs Organization.

The EPA could be an international contact point, but it is rarely involved in international cooperation. Its representatives were not aware of any EU-based information databases specifically relating to cross-border waste crimes. In any case, the representatives of the EPA reported that it is a member of IMPEL and of a correspondent group dealing with issues relating to the Waste Shipment Regulation. Informal links with the environmental authorities of Germany, Sweden and Norway do exist.

6.1.3. Difficulties faced in judicial cooperation relating to waste crime

Concerning cross-border waste, there may be differences in the interpretation of legislation and in particular the definition of waste, specifically in the area of WEEE. Such differences are resolved in accordance with Article 28 (the strictest classification applies), usually following informal debates.

DK participated in the latest revision of the “Correspondents’ Guidelines no. 1 on shipments of Waste Electrical and Electronic Equipment (WEEE) and of used Electrical and Electronic Equipment (EEE) suspected to be WEEE.

DK also took an interest in the forthcoming revision of the Basel Technical Guidelines on the same issue, to be revised at the next COP.

However, so far, the Danish authorities have not encountered any waste crime case where cross-border judicial cooperation has been carried out.

6.1.4. Operational performance of JITs in waste crime

The Danish police have not participated in a JIT (joint investigation team) in connection with cross-border waste crime cases.

They have supported one JIT regarding waste crime within the EU, but support of the tangible case took the form of letters rogatory instead of involvement in the JIT. In fact, letters rogatory were considered more appropriate due to the limited Danish participation in the case.

6.2. Cooperation with EU agencies and networks

6.2.1. Cooperation with Europol and Eurojust

In general, the Danish police have had rather positive experiences in terms of cooperation with Europol and Eurojust. This applies to all crime areas. The Danish police have participated in EnviCrime within the framework of Europol.

Since 1 January 2004, two operational environmental crime cases have been registered by Denmark with Eurojust, and both are already closed. The cases were referred to Eurojust for coordination and facilitation of urgent MLA. They dealt with noise pollution and illegal fisheries.

In the same period, Denmark has been a requested party in six operational environmental crime cases. All the cases are multilateral, i.e. Denmark is one of several requested countries. Four of the cases are currently ongoing. Two deal with emission offences, three concern (hazardous) chemical pollution (polluted fuel oil, sea pollution) and one concerns illegal trafficking in protected plant species.

The cases were referred to Eurojust to facilitate the exchange of information and MLA, and to improve coordination and cooperation.

As regards the use of Europol products and tools, the Danish National Police is familiar with and makes use of SOCTA.

The customs authority is familiar with those products and has a few people who have access to the EPE on customs enforcement. However, use of that particular tool is limited.

The Danish Customs Agency also participate in EU-China Project Group on Waste under the auspices of the European Commission.

6.2.2. Experience resulting from the use of various environmental networks

Danish experiences with EU networks are as follows:

EnviCrimeNet (ECN)

In 2016, a representative from the Danish police participated in an EnviCrimeNet meeting in Bratislava. The Danish police consider ECN to be a relevant forum for the exchange of knowledge and are of the opinion that it promotes law enforcement programmes and projects for the police and the customs and tax authorities in particular.

IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law)

The Danish police are represented at IMPEL's annual conferences. Participation has been beneficial as both fact-based and present problems, including practical and legal problems, are debated at the annual conferences, and possible solutions to such challenges are presented. IMPEL is considered the primary source of insight into the international projects and initiatives which have been started in several different EU Member States. Europol, EnviCrimeNet, the World Customs Organization and others are also represented at IMPEL conferences. The Danish police have participated in IMPEL's annual conferences together with representatives from the Danish customs, municipalities, the customs authority and the EPA.

Furthermore, a representative from the Danish police has also participated in inspections in other countries, including inspections/controls in the Netherlands and Belgium.

The EPA is also an active participant in IMPEL and, depending on the subject, also gets involved in project work. IMPEL cooperation is considered very important and beneficial.

TECUM project

This is promoted by the ECN. Representatives from the Danish police have returned a questionnaire for use in the TECUM project, but further participation by the Danish police has not yet taken place. It has been assessed that the content of the project is approximately the same as in the AUGIAS project from 2010.

ENPE (European Network of Prosecutors for the Environment)

The Director of Public Prosecution has been represented in a few ENPE meetings. The meetings have been beneficial, mainly in terms of sharing experiences related to waste shipment cases under Regulation (EC) No 1013/2006 on shipments of waste. Various issues in relation to the interpretation of the Regulation have been discussed with other participants in the network both in the context of meetings and in email correspondence.

EUFJE (European Union Forum of Judges for the Environment).

The forum is also considered valuable for its contribution to the sharing of best practices and experiences in the area of training in environmental law as well as to raising awareness among judges of the key role of the judicial function in the effectiveness of sustainable development.

6.3. Cooperation between Denmark and Interpol

Generally, the Danish police reported rather positive experiences as regards cooperation with INTERPOL. The Danish police have participated in the Pollution Crime Working Group within the framework of INTERPOL, which they consider to be an important organisation for cooperation in the fight against crime.

6.4. Cooperation with the private sector

6.4.1. *The involvement of the private sector/public-private partnership (PPP)*

In general, there seems to be very high awareness in Denmark of environmental matters and the pernicious effects of environmental/waste crime, as indicated by the number of complaints filed by citizens or waste disposal market participants with regard to environmental crime.

The private sector is involved in the prevention of waste crime through producer responsibility schemes for WEEE, BAT and ELVs. It contributes by conducting regular audits of the waste treatment operators with which it chooses to cooperate. This system is not coordinated with the environmental authorities, but rather is seen as a supplement.

Furthermore, the Danish deposit and return system (DRS) is a privately operated organisation that collects and sorts all packaging from beverages, which by law must be included in the deposit and return system. DRS closely audits how waste treatment is performed by the operators with which it cooperates.

The EPA recently established a partnership with WEEE producers in the form of a national forum on how to prevent the illegal shipment and theft of e-waste from waste facilities.

Furthermore, the EPA holds annual meetings with import and export undertakings to improve awareness.

The Danish police do not make use of public-private partnerships (PPP).

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

A general obligation for citizens or undertakings to pass on information to competent authorities does not exist in Denmark. However, Section 185 of the Criminal Code states that a fine or a period of imprisonment not exceeding two years can be imposed on a person who fails to do his or her best to avert *inter alia* any release of harmful gases if these present a danger to human life.

6.4.3. Experience of cooperation with the private sector

In some specific cases, certain police districts have experienced successful cooperation with ferry companies and refuse disposal plants/waste sites, among others. Properly formalised cooperation between the police and the private sector on the prevention of and fight against waste crime has not been established, but generally speaking, there is effective cooperation with several private stakeholders, including within the telecommunications, data and video sectors.

Moreover, authorities stated that they receive numerous complaints about undertakings not complying with environmental law, filed by market participants.

6.5. Conclusions

- As Denmark must be regarded as a transit country for waste shipments, the extent and intensity of international cooperation does not seem to be sufficient. Moreover, criminals could consider Denmark an easy gateway for illegal waste shipments from non-EU states, including, but not limited to, Greenland and the Faroe Islands. Transfers from Greenland and the Faroe Islands are considered as national transfers when made to Denmark, whereas they are international transfers when made to other countries, including EU countries. This results in certain particular challenges for Greenland and the Faroe Islands as they are not members of the EU and therefore subject to more restrictive rules for the transfers.
- The evaluation team suggests that closer cooperation with EU agencies and networks could help to identify and risk-assess transit routes of hazardous waste through Denmark, detect many more cases and then combat the phenomenon more effectively.
- The producer responsibility schemes, the national forum for WEEE and the yearly meetings with import and export undertakings are considered best practice.
- In Denmark, there is a high level of trust between the authorities and the private sector, and this seems to work.

7. Illegal trafficking of waste

7.1. National structure

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

The authorities responsible for preventing and combating the illegal shipment of waste between Member States, as well as to and from Member States to third countries, are the EPA, the municipalities, the customs authority and the police.

The EPA handles all reports on waste subject to notification under Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.

As a qualified authority, the EPA prepares control and supervision plans in accordance with Article 50 of the aforementioned Regulation.

The EPA is involved in the work of IMPEL, and it participates in meetings on behalf of Denmark within the framework of the EU.

The EPA inspects state-owned waste facilities such as waste incinerators, landfills and large metal shredders. It is also responsible for contact and cooperation with the waste sector, the municipalities and other cooperating partners, and it holds informative meetings and workshops on this subject. Furthermore, the EPA carries out inspections/controls on cross-border waste shipments in cooperation with the municipalities, the tax and customs authorities and the police.

The EPA has the authority to classify cross-border shipments of waste, cf. Section 4(7) of Notification No 1309 of 18 December 2012 on waste.

The municipalities have a supervisory role and provide guidance in the field of waste. Their task in relation to cross-border shipments of waste is to guide and help companies and citizens with the correct classification of waste. Municipalities have the power to direct injunctions to particular companies, with punishment of administrative fine to follow if these are not carried out.

The municipalities have the authority to classify waste in accordance with Section 4 of Notification No 1309 of 18 December 2012 on waste, and are highly specialised in general environmental issues.

The customs authority acts in its capacity as the controlling authority at the borders and can detect illegal shipments of waste. It has approximately 200 uniformed officers for all of Denmark and is not specialised in inspections/controls on cross-border shipments of waste.

The customs authority assists the EPA with supervision and controls in relation to cross-border shipments of waste. In addition, it provides assistance during controls in the form of its mobile container scanner and scanner team.

The Danish customs authority has quite a lot of authority pursuant to the Tariff Act. In addition, Section 10a(1) of the Danish Customs Act authorises the Danish Customs and Tax Administration to carry out the necessary inspections and controls:

'The Danish Customs Agency carries out controls in order to ensure that no infractions of prohibitions on import, export or transit having been established for safety, health, veterinary, plant pathology, currency or other reasons are being committed. In this connection, the Danish Customs Agency carries out inspections of liquid assets contained in unaccompanied consignments.'

Section 27(2) also contains a mandatory obligation for importers and exporters of goods covered by various regulations: 'He who declares goods for customs clearance in accordance with the EU regulations must submit such information and declarations on the nature and characteristics of the goods as are necessary for the control of foreign trade statistics as well as of the specific import, export and transit provisions established for these types of goods for safety, health, veterinary, plant pathological, currency or other reasons'.

The customs authority is not specialised in inspections/controls on cross-border shipments of waste, but a number of its employees have some experience in the field.

The police (the traffic police – heavy vehicles) assist the environmental authorities with inspections/controls on cross-border shipments of waste. Pursuant to the Road Traffic Act, the police can stop a vehicle, examine it for faults and deficiencies and check whether the driver fulfils the conditions for legally driving it. This is ideal for carrying out inspections/controls as an extension of or in parallel with the ordinary controls that the police carry out. The police report any violations, press charges, issue on-the-spot fines and make arrests. Where an investigation is necessary, and possible, it is also initiated by the police.

The police have the authority to assist the environmental authorities with the inspections and controls pursuant to Section 2 of the Police Act, but there is also a more specific basis in special legislation, including in Section 87, paragraph 3, of the Environmental Protection Act. Police assistance can, for instance, enable the requesting authority to carry out inspections and controls, but can also involve the use of force, drafting reports, etc.

In order to participate in this work as qualified cooperating partners – and be able to provide a knowledge-based ground for suspicion – police officers need to have a certain level of specialisation. Therefore, the National Traffic Centre of the Danish National Police provides training in waste shipments and environmental topics (at both basic and specialist level). Training is primarily targeted at police officers in the heavy vehicle centres dealing with environment issues, including waste handling.

The prosecution service assesses whether there is a basis for pressing charges in cases and also conducts the cases in court.

Some prosecutors possess specialist knowledge on cross-border shipments of waste, *inter alia* based on experience. The National Traffic Centre and EPA helps prosecution service by providing professional and judicial guidance and assistance in connection with the court hearings.

7.1.2. Detection of illegal shipments of waste

The illegal shipment of waste is usually detected through routine border inspections and extended harbour inspections, contacts from foreign authorities, and complaints from municipalities and private individuals.

If the environmental authorities suspect a criminal offence has been committed and have problems getting the necessary access to relevant evidence, they contact the police and the prosecution service so that further investigative measures can be taken, such as obtaining a court order for a search and seizure, etc.

The illegal shipment of waste is also detected through police patrols and related controls, or through the police becoming aware in other ways of suspicious objects or behaviour and therefore initiating an investigation. Targeted actions in this field are initiated at the heavy vehicle centres, for example.

However, the number of routine inspections on the road established by the Danish Environmental Protection Agency seems to be quite low (only 15 days per year). Furthermore, there is a lack of training on waste crime within the police and the customs authority and, as shown by the statistics provided, many cases go undetected. However, Danish authorities are working on improved training schemes.

As already mentioned above, a problem has been reported in relation to the different working times of the institutions. In fact, whenever customs officers detain a lorry outside of working hours, they often feel obliged to release it quickly due to the lack of EPA experts on duty.

7.1.3. Specificity of illegal shipments of waste

According to what was reported in the answers to the questionnaire, the majority of illegal shipments involve electronics (WEEE) or end-of-life vehicles.

However, due to the general lack of statistics, it is not possible to ascertain numbers of criminal offences involving the illegal shipment of waste in the Danish LEAs' data processing systems. In particular, the customs authority reported that it does not record any statistics on waste trafficking. Consequently, all the information provided was based on practitioners' experiences.

Representatives of the Director of Public Prosecutions stated that a survey conducted among the prosecutors in charge did not reveal cases of illegal shipment of waste.

The police reported intelligence on plastic waste being illegally exported to China.

The EPA has not discovered any particular *modus operandi*. The extent of the problem cannot be estimated with much certainty.

7.1.4. Measures concerning the shipment of waste

Inspections of shipments of waste are primarily conducted by the EPA. The procedure of prior written notification and consent between the EPA and other competent authorities is used to document for all parties that the shipment of waste has been conducted in an environmentally sound manner. The EPA keeps records of completed Annex 1B movement documents showing that waste has been legitimately recovered or disposed of. However, most inspections consist of an inspection of the documents attached to a notification of shipment. It seems that targeted physical inspections of waste shipments are rare and remain limited to the 15 days of road inspections or random inspections.

According to new legislation that entered into force on 1 January 2017, the competent authorities may demand particular documentation proving the environmentally sound management of waste shipped abroad.

Harbour controls are not based on a previous risk assessment. Therefore, the probability of there being findings is lower than in the case of risk-assessed controls of particular lorries. This may explain the decrease in the number of findings described by representatives of the customs authority as occasional findings in ferry ports. Typically, trucks from Norway illegally carrying ELVs are found. The representatives of the customs authority reported only one case of criminal industrial waste disposal, in which hospital waste from Norway was being illegally imported into Denmark. The customs authority does not conduct targeted inspections, although it is the first contact at the borders. However, it is not specialised in inspections/controls on cross-border shipments of waste.

The representatives of the customs authority reported a lack of staff and training, and indicated that personnel are busy with the multitude of tasks assigned to the customs authority, such as weapons and drug controls. In addition, no investigative powers are granted to the customs authority and public prosecutors are not trained to handle waste crime cases.

7.2. Inspections

7.2.1. Methodology of inspections and follow-up

Most waste shipment inspections are carried out during routine road inspections. During multi-agency inspections, sufficient instruments and methods seem to be available. For instance, mobile container scanners provided by customs are used during such inspections. Specific methods and practices are usually decided upon on the spot depending on the specificity of the case, in accordance with the legal framework and in line with the degree of suspicion and proportionality. These multi-agency road inspections seem to work very well.

When controlling lorries, the police may use container scanners provided by the customs authority. However, in-depth knowledge about chemical, physical and other characteristics and about legal provisions and permits granted is necessary to find illegal shipments of hazardous waste. This knowledge can hardly be obtained by police officers. Rather, when conducting road inspections, they follow an organoleptic approach.

The evaluation team does not fail to recognize that the required knowledge can be provided by EPA staff. Nonetheless, the EPA is neither responsible e.g. if a company overseen by the municipality is exporting waste nor is the EPA present at inspections carried out solely by the traffic police.

Moreover, the evaluation team is well aware that suspicion in Denmark is based on facts and not on weaker considerations or even a gut feeling. Yet, even an organoleptic approach including smelling, touching and seeing the waste itself is only one necessary stage of an inspection. As the circumstances require, there should be an additional chemical analysis as well.

Road controls are conducted at random without any previous risk assessment of particularly dangerous plants and facilities, transportation routes or waste flows. The measures carried out are reported to be merely based on the experience of the police officers involved. Though the customs authority is entitled to participate in the controls, it does not provide the EPA or the police with information on waste flows or typical illegal waste disposal routes as this information is not available. Only the number of border inspections of lorries carrying waste is recorded at the customs authority; the results of the inspections are not recorded.

In the ferry ports, inspections are conducted by the customs authority, which detains suspicious lorries. However, as the customs authority only checks the paperwork, and only perform random physical checks of the load on the lorries, and only 11 customs officers out of about 200 employees carry out inspections in ferry ports, the detection rate was reported to be very low. The representatives of the customs authority interviewed by the evaluation team knew of very few cases.

If an illegal export is detected, the Danish EPA contacts the relevant competent authorities abroad and cooperates to find a solution for managing the waste, usually by taking it back to Denmark.

Although there are a few motivated police officers who have an in-depth knowledge of the phenomenon of waste crime and of the legal framework governing it, carry out road inspections across the country and train other police officers, the number of inspections is low (15-20 days of road inspections per year with about 30 vehicles being controlled per day).

Though Denmark runs a forensic service, it is not used to take or analyse samples of suspicious waste or material. However, private laboratories are used to analyse samples taken by the police.

Even material and methodological information gathered during controls is not kept for the future as the customs authority only records the number of controls carried out, not the results. Nevertheless, representatives of the EPA considered the control work to be sufficient in view of the budget given.

The Danish relevant authorities does not usually confiscate waste as it does not consider confiscation to be a necessary or desirable solution in the case of illegal exports of waste. In fact, the party responsible is ordered to take back the waste from abroad and manage it in a sound and legal manner (which may be via a legal export), and confiscation would be counterproductive to that aim. If the party responsible does not take action, the Danish EPA has to take back the waste.

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

Denmark has established producer responsibility schemes for the collection and recycling of WEEE and ELVs. The producers conduct regular audits of waste treatment operators.

Road inspections are typically broad in scope, covering aspects such as driver overtime, NOX values and waste trafficking of WEEE and ELVs, among others. However, specific road inspections regarding WEEE and ELVs were not reported to the evaluation team.

With regard to WEEE, a national partnership for the collection of electronic waste conducted large-scale studies of national WEEE flows (legal and illegal) from 2014 to 2016. Based on those studies, a national forum was established in early 2018 to combat theft of WEEE from collection sites, increase legal reuse and, in general, provide citizens with several attractive options for returning WEEE to legal actors. At a political level, consideration is currently being given to implementing European standards for treating WEEE and preparing it for reuse in order to improve the enforcement of the EU regulation and clarify what constitutes and does not constitute legal collection and treatment activities.

Regarding ELVs, illegal shipments are also supervised and the relevant rules are enforced by the EPA and the police.

Data from the EPA road inspections show that ELVs account for more than 25 % of waste found to be in breach of the duty to notify. However, based on recent experiences, ELVs are very rarely seen in road inspections nowadays, and the aforementioned occurrences were mainly observed at the beginning of the seven-year period as mentioned in paragraph 3.3.1.

The Danish police are in possession of intelligence indicating that end-of-life vehicles are being exported to Africa. The vehicles are handed in for environmentally sound treatment/scraping in Denmark, with owners being paid a car-scraping bonus. However, the vehicles are not being treated or scrapped, but are in fact being exported to buyers in Africa. There are examples of vehicles being sent to Africa loaded with electronic waste – the handling of this is described above. Pursuant to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, the actual vehicle export is illegal, but it might also be a case of environmental fraud, as the end-of-life vehicles are not treated in a proper, environmentally sound way.

A special feature in Danish legislation on ELVs is the 'scrapping reimbursement', which is a monetary incentive for the owner of an old car to choose an authorised treatment facility for the waste treatment of the car. The owner is only entitled to the scrapping reimbursement if the car is treated by an authorised and certified treatment facility for the waste treatment of cars. A special feature in Danish legislation on ELVs is the 'scrapping reimbursement', which is a monetary incentive for the owner of an old car to choose an authorised treatment facility for the waste treatment of the car. The owner is only entitled to the scrapping reimbursement if the car is treated by an authorised and certified treatment facility for the waste treatment of cars.

The local authorities are responsible for the supervision of the authorised treatment facilities, which includes ensuring that ELVs are not re-sold as used cars and are scrapped properly. The EPA arranges educational workshops for local authorities with the aim of enabling local supervisors to recognise ELVs which have been properly environmentally treated and those which have not.

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

The EPA did not report take-backs carried out by the EPA itself, rather it reported that companies comply with the environmental legislation and the permits granted.

However, in general, a substantial challenge in the taking back of illegal waste shipments to the state of origin lies in placing responsibility with the right person or company, since the illegal export of waste is usually accompanied by an absence of people taking responsibility.

Once the party responsible has been established, the EPA encounters few problems in getting them to cooperate. Mainly, problems arise when discussing what is the best solution in the given circumstances (i.e. whether the waste should be treated in the country of import or taken back to Denmark).

7.2.4. First inspection plan

The first inspection plan – pursuant to the Waste Shipment Regulation – was published by the EPA in March 2017, only covering inspections for which the EPA is responsible.

The inspection plan has been published on the Danish EPA's website and deals with matters such as the main objectives and challenges, specific waste streams of interest and statistical data from inspections. A part of the inspection plan, containing information on planned inspections and targets, is confidential.

Representatives of the EPA told the evaluation team that they strive to conduct more targeted, risk-based inspections. To that end, risk profiling of third-country shipments was reportedly carried out by computer systems at the customs authority. However, this is not the case, as representatives of the customs authority confirmed. In general, inspections are random and dependent on the scarce resources provided.

The border controls conducted by the customs authority are random and are not based on a risk assessment or on information provided by cooperating authorities such as the police and the EPA. The customs authority does not have an inspection plan either.

The Danish Police refers that they do actually have an inspection plan. Normally it is prepared for one year at a time, but in view of the fact that the Environmental Protection Agency will soon be moving to a new location, the plan is presently being prepared for 6 months at a time.

However, the evaluation team was not provided with a plan either referring to road inspections run by the police. The EPA does not have general guidelines on the detection of waste crime, and EPA staff are not obliged to report environmental crime to the police. However, the evaluation team learned that work on a criteria catalogue is ongoing.

The police also reported that they conduct random road inspections without any previous risk assessment. However, the goal is to carry out risk assessments for future road inspections. As lorries carrying waste do not have to be tagged, the detection and inspection of lorries carrying illegal freight depends entirely on the experience or 'feeling' of police officers. These criteria are likely to fail if freight forwarders, whose lorries can be hired to carry a variety of goods and waste, are involved. There is no blacklist of undertakings or freight forwarders well known for environmental offences.

7.3. Conclusions

- The evaluation team detected a lack of strategic approach involving all the authorities which could be more effective in preventing, detecting and fighting waste crime. On the other hand, the multi-agency practical approach to carrying out inspections on the road is good practice.
- As regards the waste disposal sector, some weak points were detected. First of all, the level of controls on waste exports and waste transiting is very low. The customs authority, being the main authority with power at the border, does not have sufficient power, staff or expertise. On the one hand, support from the EPA is needed, and on the other hand, inspections related to waste are scarce.
- Due to the lack of training, the low number of routine road inspections (only 15-20 per year, each conducted on about 30 lorries) and the low number of available inspectors in all the authorities, the evaluation team takes the view that Denmark does not consider cross-border waste crime a priority.
- In addition, based on the monitoring of and intelligence on illegal ELVs-shipments and transports, the evaluation team did not see any re-prioritisation.
- It also seems that road inspections are carried out at random rather than being based on predefined risk assessments. As the authorities cooperate on a very informal basis, some risk assessment may be implemented informally, but the lack of statistics from almost all the authorities makes it impossible to assess this aspect. Therefore it is recommended that criteria for carrying out inspections be identified and that updated statistics be kept in order to be able to do a risk assessment whenever necessary.
- A problem has been detected with regard to the lack of EPA officials on duty outside of working hours as the EPA has no on-call service. Being unable to obtain an EPA expert's opinion in time may oblige customs and police officers to release suspect trucks in order to avoid potential costs should it transpire that said trucks are compliant with the law.

- The EPA inspection plan regarding inspections on cross-border waste is based solely on data available at the EPA and does not properly involve other relevant authorities.
- The annual meeting with import and export undertakings is a good way to improve awareness, prevent crimes committed through negligence and have a good impact in the field of prevention.

8. MANAGEMENT OF HAZARDOUS WASTE

8.1. The classification of hazardous waste and the challenges in terms of establishing the gravity of offences

Management of hazardous waste comes under the same regulation and supervision/enforcement structure as non-hazardous waste, as described in the previous sections.

Hazardous waste is primarily classified by the undertakings possessing or producing the waste after having assessed it themselves. The municipalities are only in charge of classifying waste if doubts or problems arise.

The Danish Waste Data System requires any company handling waste – hazardous or not – to keep a record of each time waste is accepted at their facility, whether it be for storage or treatment. A specialised kind of company, the collector, is authorised to take charge of waste and direct it to the correct treatment facilities, increasing the efficiency of the national waste market. Waste for incineration, waste for any kind of disposal and waste soil are exempt from the collector rules and are instead directed by the local authorities to the relevant treatment facilities. A multitude of special legislation applies, such as the producer responsibility, the beverages packing collection (DRS) and ELV's.

The Waste Data System keeps a record of which companies (including collectors) have received waste for treatment or collection, what kind of waste it was, where it came from and how it was treated.

Risks to environmental media in Denmark posed by the management of hazardous waste generally seem to be low as most of the incineration plants are state-owned, run by the municipalities and well controlled. Continuous measurements are taken of NO_x, CO, total dust, TOC, HCl, SO₂ and, for plants with NSCR, NH₃, as well as of the concentration of oxygen, pressure, temperature and water vapour content of the waste gas. Two measurements are taken per year of heavy metals and dioxins and furans, and HF, with certified operators carrying out both the sampling and analysis. The producer or possessor of waste pays a fee for the disposal or recovery of the waste to a pool run by the state, which in turn pays the disposer. Membership in this self-governing pool is mandatory for households and for possessors or producers of WEEE, batteries, tyres and ELV waste. Consequently, the rate of criminal offences should be low.

The municipalities grant permissions and inspect less dangerous undertakings. In this way, they maintain close contact with the undertakings as they are in charge of checking if the undertakings are using the correct disposal codes. To that end, they have to gather information on operations of undertakings on their premises. Moreover, a lot of operational information is collected through the authorisation process run by the municipalities. In unclear cases, the municipalities take the final decision on the disposal code.

No specific information was provided on the spot to the evaluators with regard to inspections run by the EPA and the municipalities.

However, according to what was reported in the answers to the questionnaire, statistical data from the EPA road inspections show that there are a significant number of breaches of the duty to notify, and that this figure has apparently been substantially reduced over a seven-year period in correlation with consistent road inspections within the same timeframe (before then, road inspections were rare).

Prior to the seven-year period, 30 % of all observed non-green-listed waste (corresponding to 15% of all observed waste) was not duly notified. Over the past seven-year period, those figures have come down to 10 % of all observed non-green-listed waste, corresponding to 3 % of all observed waste. Waste is shipped in breach of the duty to notify twice as often at harbours as in other places.

Regarding actual misclassifications, where waste subject to the notification procedure is shipped as supposedly green-listed waste, the EPA mainly sees such waste being misclassified as green-listed metals (B1010) and green-listed glass (B2020). Wood and plastics are also seen. As this is based on very few observations, there is not enough data to draw any statistical conclusions.

The police have knowledge of only a few waste misclassification cases. Police districts have encountered hazardous waste, such as construction waste, classified at a lower level. There are examples of waste being classified as 'Green List Waste' (not subject to notification) instead of 'Orange List Waste' (subject to notification) or 'Unlisted Waste' (subject to notification).

In one case in a local police district, some construction waste was classified incorrectly. A notification had not been submitted in respect of the environmentally harmful waste, the waste was incorrectly classified as non-hazardous and consequently was managed as such, thereby causing environmental damage. Lower levels of classification can occur, for example, as a result of inadequate sorting of waste.

Other examples of waste include end-of-life vehicles not treated in an environmentally sound manner. Another example involved the unloading of a ship which was full of mixed iron containing ELVs, small parts of electronic waste and other unclean waste fractions. The unloading was prevented through an on-the-spot verification, and charges have been made. This case is an example of international transport having been attempted from Denmark.

Furthermore, there is knowledge of a few cases where waste turned out to be 'dangerous goods' in accordance with the ADR Convention but had not been classified as dangerous goods.

8.2. The system of inspections and authorities involved

The EPA is responsible for inspecting waste incineration plants, metal and car shredders and landfill sites.

Management of hazardous waste comes under the same regulation and supervision/enforcement structure as described in Chapter 7.

The municipalities and the EPA are the relevant players. The EPA is responsible for waste management via its department for nature and resources, while the municipalities are responsible via their general responsibility for local undertakings. Consequently, the municipalities are generally in charge of monitoring plants and facilities treating and handling hazardous waste. Authorities cooperate, but inspections are carried out almost solely by the municipalities – with a few exceptions for the most dangerous facilities.

Though the evaluation team did not have access to people well informed about the EPA's inspections and had to rely what other EPA staff told us., the EPA staff interviewed reported that a specific risk assessment is conducted prior to the inspections. To that end, the EPA trusts very much in the experience of its caseworkers and technicians as typically no samples are taken or analysed. Nevertheless, the controls conducted by the municipalities were reported to be carried out at random and notified to the target undertakings beforehand. In addition, the police reported that it is for the municipalities to decide whether controls are announced in advance to the target undertakings and whether the case handler of the authorisation process also conducts the inspections. The number, scope and methods of inspections conducted at plants and facilities could not be assessed in depth.

The evaluation team considers the ongoing restructuring process of the EPA to be an obstacle to detecting and combating waste crime. While the EPA staff dealing with services to the ministries will be deployed to the Ministry for the Protection of the Environment, the EPA departments responsible for operational tasks will be relocated to Fynen. This has caused large numbers of operational staff to resign, as most of the personnel is unwilling to commute from Copenhagen. Consequently, the EPA will lack experienced operational personnel in the short term, and possibly even in the medium term.

The police are solely responsible for conducting road inspections of lorries carrying waste. Apart from search warrants in criminal proceedings, there is no legal basis for entering premises and carrying out inspections for the police. However Danish police provide assistance in connection with supervisory authority's inspections.

The representatives of the Director of Public Prosecutions were not able to provide the evaluation team with numbers of cases concerning the illegal disposal of hazardous waste as there is no statistical code for waste crime in the software used.

With regard to inspections of cross-border waste carried out in accordance with the provisions of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, the EPA is the competent national authority. The customs authority facilitates inspections in close cooperation with the municipalities and police all over Denmark. The frequency varies somewhat from year to year, with approximately 15 inspection days per year.

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

Management of hazardous waste comes under the same regulation and supervision/enforcement structure as described in the previous sections.

In Denmark, the authorities give undertakings very clear instructions on how to treat their waste. To that end, undertakings have to inform the municipalities about any hazardous waste they produce or possess. After an assessment, the municipalities require undertakings to recover or dispose of the waste for incineration in a particular way, stipulated in detail by the municipalities. The municipalities even suggest suitable and admissible waste management undertakings to producers or possessors of hazardous waste. All other waste types and waste suitable for other recovery than incineration is freely traded. This is the domain of the collectors.

Moreover, the most dangerous plants and facilities are property of the Danish state. This applies in particular to most incineration plants, metal shredder facilities and landfill sites. As most domestic waste in Denmark is incinerated, undertakings handling hazardous waste will often be required to give the waste to a state-run incineration plant. Given that in 2017, Transparency International ranked Denmark as the second least corrupt state in the world, and in view of the near non-existence of bribery there, it is very likely that most domestic hazardous waste is being recovered or disposed of in an admissible and non-polluting way.

Representatives of the EPA told the evaluation team about provisions of Danish environmental law. Inter alia, undertakings have to keep balance sheets of the waste they treat. They are also obliged to report on any kind of waste they handle, as well as on its treatment. These documents have to be compiled at least once per year and have to be sent to the EPA. Consequently, the waste stream and the treatment conducted can be deduced.

Danish law assigns a very special role to waste collectors, as producers or possessors of waste can hand hazardous waste over to a state-authorized collector, with responsibility for the waste being passed on to the collector as well. Collectors have to attend an e-learning course on the basic legal framework for waste recovery and disposal.

8.4. Trends in the management of illegal hazardous waste

Though the EPA is aware of the fact that misclassified hazardous waste is being trafficked and illegally recovered as a substitute fuel, the inspections conducted by the EPA have reportedly not led to any findings.

As the number of environmental crime cases in Denmark is generally very low, trends in illegal hazardous waste management could not be reported to the evaluation team.

However, as mentioned in paragraph 4.3.1, representatives of the Director of Public Prosecutions did present one large case from 2014 investigated by one police district. In that single large organised case, three persons had dumped approximately 2 200 tonnes of building waste material in different locations across Zealand. The convicted persons generated income by accepting building waste materials, but instead of legally sorting, cleaning, recycling and disposing of the waste, they unloaded it in different locations. However, it is not possible for the Danish police to deduce any trends based on this single case.

8.5. Conclusions

- There are no specific systems or measures available for the inspection of hazardous waste.
- The lack of statistics makes it hard to identify trends and develop strategies. Statistical instruments should be developed in order to get an exhaustive view of the phenomena and to develop a strategy.
- The ongoing restructuring of the EPA might be an obstacle to detecting and combating waste crime. As it has led to a large number of resignations by operational staff, the EPA will be lacking experienced operational personnel in the short term, and possibly even in the medium term.

9. ILLEGAL PRODUCTION OR HANDLING OF DANGEROUS MATERIALS

9.1. The concept of dangerous materials

Section 192b(1) and (2) of the Criminal Code is narrow and covers only the management of radioactive material, the manufacturing of nuclear explosive devices or radiological bombs. However, merely having incendiary properties does not automatically qualify something as a dangerous material. Section 192 b also covers when you receive, possess, deliver or modify radioactive materials or to manufacture or possess an explosive nuclear device or a device designed to spread radioactive materials capable of causing injury to another person or a device designed to cause considerable damage to the property of another or to the environment.

According to the Criminal Code, both nuclear and radioactive materials are subject to regulations concerning authorisation, notification and dose limitation with respect to their manufacture, production, processing, handling, disposal, use, storage, holding, transport, import and export, where the materials and their use cannot be disregarded from a radiation protection point of view.

The manufacture, production, processing, handling, disposal, use, storage, holding, transport, import and export of such materials without adhering to these rules is illegal.

The legislative history behind Section 192b of the Criminal Code clarifies a number of terms mentioned in the provision. '*Radioactive materials*' are elements in which the atomic nucleus may undergo spontaneous transformation in a process followed by the emission of ionising radiation in the form of alpha, beta, neutron or gamma radiation. '*An explosive nuclear device*' is typically an atomic bomb. '*A device designed to spread radioactive materials or capable of emitting ionising radiation*' must be interpreted in accordance with Article 1 of the International Convention for the Suppression of Acts of Nuclear Terrorism.

The Danish Health Authority is the national competent authority in Denmark with respect to the legal use of radioactive materials and ionising radiation.

Section 196 of the Danish Criminal Code. Section 196 (1) covers criminal offences in breach of environmental legislation and in aggravating circumstances pollute air, water, soil or subsoil resulting in significant damage to the environment or an immediate risk of such damage, or which store or dispose of waste or similar materials causing significant damage or immediate damage of damage to the environment. Such offence may carry imprisonment for a term not exceeding six years.

Section 196 (2) states that it is a criminal offence to pollute air, water, soil or subsoil or store or dispose of waste or similar materials where such an offence is committed in a systematic or organised manner. The question whether the offence was committed in a systematic or organised manner can be determined through the amount of waste disposed of, the time at which the offence was committed and the revenue generated. However, considerable damage to the environment or an imminent risk of such damage can only be proven by through consulting expensive expert opinion. The range of sentences in section 196 (2) is as stated above.

In cases where it is not clear whether a given substance should be considered a dangerous material, the question is decided on through a legal assessment by a Danish judge.

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

Cases **relating to the illegal production and handling of dangerous materials** seem to be very rare. No person interviewed by the evaluation team knew of any case involving the illegal production or handling of dangerous materials. The legal framework of special law was not presented to the evaluation team, nor were any relevant cases of special law mentioned.

Most cases concern the transport of dangerous goods, with the offence being a failure to comply with mandatory registration.

Other illegal activities also observed in relation to dangerous materials mainly involve theft (with intent to resell) of equipment with radioactive sources for use in determining density and moisture levels.

According to the information reported in the answers to the questionnaire, one police district is aware of cases involving the export of non-processed waste, while another has identified two cases in the past five years (since 2013) involving the export to a non-OECD country of refrigerators containing ODS as well as another case from 2017 involving the export of 47 inoperative electronic devices (waste) to a non-OECD country.

The illegal manufacture, production, processing, handling, disposal, use, storage, holding, transport, import and export of radioactive materials in Denmark is sporadic, and no trend can be identified.

In view of the limited number of cases relating to the illegal production and handling of dangerous materials, the Danish police have no knowledge of the current trend in that area. The Danish Health Authority's Radiation Protection division (referred to as 'SIS') is the competent authority for all legal use of radioactive substances and ionising radiation in Denmark. Cases and situations involving illegal possession, use, etc. of radioactive substances come under the remit of the Danish police authorities.

SIS is the national Danish contact point for the IAEA when reporting incidents in the Illicit Trafficking Database (ITDB). SIS receives information from ITDB on an ongoing basis.

9.3. Procedural aspects

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

The Danish Health Authority's Radiation Protection division (referred to as 'SIS', the national Danish contact point for the IAEA when reporting incidents in the Illicit Trafficking Database (ITDB)) is the competent authority for all legal use of radioactive substances and ionising radiation in Denmark. Cases and situations involving illegal possession, use, etc. of radioactive substances come under the remit of the Danish police authorities.

The Ministry of Health in Denmark is authorised to cover all necessary expenses in relation to accidents involving radioactive materials.

In addition, in situations involving 'orphan' radioactive sources (such as lost, misplaced or stolen sources), the Minister for Health is also authorised (especially with respect to Council Directive 2003/122/EURATOM) to cover all necessary expenses in relation to securing those sources. Actions taken in response to such situations are taken (though not exclusively) by the Danish Health Authority in its capacity as the national competent authority with respect to radiation protection.

9.3.2. Cooperation with European and international partners

Due to the lack of known cases, no information could be provided.

9.3.3. Investigation techniques

Cyber investigation techniques could be used for this type of crime. This would, however, require a specific assessment of the individual case to determine whether such tools are required. There have not been any large cases in Denmark in which the national cyber crime centre of the Danish national police has been involved.

9.3.4. Main obstacles to successful investigation and prosecution

One typical obstacle could be that pollution is only detected long after the alleged crime has been committed (e.g. illegal disposal of polluted soil). In such cases, it can be extremely difficult to secure evidence of when and how the pollution took place. Another could be that a company connected with demolition work might use one or more subcontractors, making it difficult to establish the party responsible. Therefore, identifying the actual offender/liable party can often prove complicated.

9.3.5. *Training*

The Danish Health Authority participates in the national CBRNE (chemical, biological, radiological, nuclear, explosive) Risk Management strategy alongside several other government agencies. Regular training and coordination activities are included in the CBRNE Risk Management strategy.

As described in paragraph 4.5, the Danish Police College does not provide specific courses or training on dangerous materials but only on hazardous substances in general and some other related issues.

However, crisis management training consists of case teaching about unannounced incidents, primarily with a view to defining a danger area, an area of operation and interagency cooperation.

9.4. Conclusions

- No cases relating to the illegal production and handling of dangerous materials were known to the persons interviewed by the evaluation team.

10. FINAL REMARKS AND RECOMMENDATIONS

10.1. Suggestions by Denmark

Optional, provided that there is something to be reported on the basis of comments made by the country evaluated

10.2. Recommendations

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

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

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

10.2.1. Recommendations to Denmark

1. Waste crime should be clearly identified as a national priority at a political level, leading to the establishment of a national enforcement strategy involving all relevant authorities.
2. More formalised and systematic cooperation should be achieved at operational level.
3. Central guidelines should be issued to resolve current difficulties in interpreting the waste classification system.
4. The establishment of a workable shared database, or at least of a better system for sharing information, is recommended.

5. Exhaustive statistics including all relevant information should be kept by all the relevant authorities.
6. It is recommended that each authority provide more training to its staff and build on cross-cutting trainings established through close cooperation between the EPA, the police and the customs authority, as well as some prosecutors and judges involved in this sector.
7. Systematic inspection schemes for plants and facilities handling hazardous waste should be established on the basis of a prior risk assessment.
8. Border controls and harbour inspections should be implemented more systematically.
9. An on-call service should be established at the EPA.
10. Special investigative measures should be used for waste crime offences.
11. Deeper cooperation should be achieved with the neighbouring countries' authorities, as well as with countries in western Africa and the Far East directly concerned by waste trafficking.
12. The role of NGOs could be strengthened, in particular by giving them more possibilities for jurisdictional actions and a more substantial role in shaping public policies.

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

1. Other Member States should consider establishing a Register of Environmental Liability to prevent infringements of environmental law.

10.2.3. Recommendations to Eurojust/Europol/Commission

None.

A. PROGRAMME FOR THE ON-SITE VISIT

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

Programme of evaluation visit, 6 March 2018 to 9 March 2018

Tuesday 6 March 2018

09.40 Departure from the hotel (car) (approx. 10 min.)

10.00-11.30 Ministry of Justice

Justitsministeriet, Slotsholmsgade 10,

1216 Copenhagen K

11.30-12.30 Lunch

Travel (car) (approx. 30 min.)

13.00-15.30 Danish National Police

Rigspolitiet, Ejby Industrivej 125-135

2600 Glostrup

15.30 Transport to the hotel (car) (approx. 30 min.)

16.00-17.00 Internal meeting (evaluators only)

Dato: 2 March 2018

Kontor: Politikontoret

Sagsbeh: Sidsel Bøndergaard

Sagsnr.: 2017-304-0014

Dok.: 675536

Wednesday 7 March 2018

08.30 Departure from the hotel (car) (approx. 20 min.)

09.00-12.00 Environmental Protection Agency

Miljøstyrelsen, Haraldsgade 53,

2100 Copenhagen Ø

12.00-13.00 Lunch

Travel (car) (approx. 35 min.)

13.45-15.45 Customs

SKAT, Sluseholmen 8B

2450 København SV

15.45 Transport to the hotel (car) (approx. 15 min.)

16.00-17.00 Internal meeting (evaluators only)

Thursday 8 March 2018

09.10 Departure from the hotel (car) (approx. 10 min.)

09.30-11.30 Director of Public Prosecutions

Rigsadvokaten, Frederiksholms Kanal 16

1220 København K

11.30-12.30 Lunch

Travel (car) (approx. 30 min)

13.15-14.15 Danish Health Authority

Sundhedsstyrelsen, Knapholm 7

2730 Herlev

14.15 Transport to the hotel (car) (approx. 30 min.)

14.45-16.45 Internal meeting (evaluators only)

Friday 9 March 2018

09.10 Departure from the hotel (car) (approx. 10 min.)

09.30 Ministry of Justice – 'debriefing'

Justitsministeriet, Slotsholmsgade 10,

1216 Copenhagen K

11.00 End of visit

B. PERSONS INTERVIEWED/MET

Venue: Ministry of Justice

Person interviewed/met	Organisation represented
Head of Division Lene Sten (Police Division)	Ministry of Justice
Head of Section Sidsel Bøndergaard (Police Division)	Ministry of Justice
Deputy Head of Division Sidsel Kathrine Møller (Criminal Law Division)	Ministry of Justice

Venue: Danish National Police

Person interviewed/met	Organisation represented
Deputy Chief Superintendent Henrik Andersen	The Danish National Police
Chief Legal Advisor Bine Edeltoft	The Danish National Police
Police Inspector Freddy Enøe Agerskov	The Danish National Police
Legal Advisor Matilde Pedersen Blak	The Danish National Police

Venue: The Environmental Protection Agency

Person interviewed/met	Organisation represented
Deputy Head of Division Berit Hallam	The Environmental Protection Agency
Head of Section Johan Vestergaard Paulsen	The Environmental Protection Agency

Venue: Customs

Person interviewed/met	Organisation represented
Counsellor Jørn Sørensen	Customs
Head of Section Dorthe Lindberg	Customs

Venue: The Director of Public Prosecutions

Person interviewed/met	Organisation represented
Senior Prosecutor Nina Hjorth	The Director of Public Prosecutions
Prosecutor Rune Sorvad Rydik	The Director of Public Prosecutions

Venue: Danish Court Administration

Person interviewed/met	Organisation represented
Merethe Eckhardt	Danish Court Administration
Chief Justice Christian Lundblad	Frederiksberg District Court

C. LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

List of acronyms, abbreviations and terms	DENMARK or acronym in original language	Denmark or acronym in original language	English
EPA			Environmental Protection Agency
NEC			National Centre of Investigation
WEEE			Waste electric and electronic equipment
LEAs			Law enforcement agencies
SEØ			Special Investigation East
SEV			Special Investigation West
HUMINT			Human intelligence
NC3			National Cyber Crime Centre
ODS			Ozone depleting substances
SPOC			Single Point of Contact
EAE			Local Intelligence and Analysis Unit
ERA			Academy of European Law
EJTN			European Judicial Training Network
SEND			Cooperation between the Nordic countries regarding training of judges

List of acronyms, abbreviations and terms	DENMARK or acronym in original language	Denmark or acronym in original language	English
NGOs			Non-governmental organisations
BAT			Waste batteries and accumulators
ELVs			End-of-Life Vehicles
AP			Analysis project
ECN			EnviCrimeNet
IMPEL			European Union Network for the Implementation and Enforcement of Environmental Law
ENPE			European Network of Prosecutors for the Environment
EUFJE			European Union Forum of Judges for the Environment
PPP			Public-Private Partnership
ITDB			Illicit Trafficking Database
CBRNE			Chemical, biological, radiological, nuclear, explosive