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Report on Lithuania

**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 LITHUANIA

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1. EXECUTIVE SUMMARY

The visit was organised well by the Lithuanian authorities and included meetings with the relevant bodies in charge of preventing and combating environmental crime, as well as those in charge of the implementation and operation of European policies, such as the Ministry of the Environment, the Environmental Protection Department (EPD), the Environmental Protection Agency (EPA), the Prosecutor-General's Office, the Lithuanian police, the Financial Crime Investigation Service, the customs authorities and the Ministry of Energy's State Nuclear Safety Inspectorate.

During the onsite visit, the Lithuanian authorities did their utmost to provide the evaluation team with information and clarifications regarding the legal and operational aspects of preventing and combating environmental crime and cross-border cooperation. They organised visits to the EPA laboratory in Vilnius and to Toksika, the only hazardous waste incineration plant in Lithuania, which offered insights into the whole waste management system and work coordination at administrative level. All meetings were efficient and provided the evaluators with the material needed to assess the legal and operational aspects of the Lithuanian system.

Environmental protection is covered by the Lithuanian Constitution (e.g. Articles 53 and 54), thus the Ministry of the Environment and the government have set up a very effective waste management system, which in particular has made it possible to decrease landfilling by 50 % over five years. To achieve this, Lithuania drew up action plans/programmes which were implemented by different institutions/authorities within the scope of their ordinary competences. Nonetheless, so far no strategic programmes focused on enhancing the level of compliance with EU waste regulations and tackling waste crime and which would define the roles of the most important actors involved in the protection of the environment have been developed at national level. Therefore, in the evaluators' view, a strategic document should be drawn up that sets out priorities as regards protecting the environment and fighting environmental crime more effectively and defines a multi-agency approach to enable agreement to be reached on an operational action plan to implement the strategy.

During the onsite visit all the different actors involved in the field presented their legal tasks relating to environmental offences and elements of the practical approach to their specific activity. The fight against environmental crime is taken into account within most of the authorities involved. However, the evaluators' impression was that the work of the various public actors could be better coordinated. The competencies of the law enforcement authorities and administrative agencies are well defined but it seems that the administrative and judicial paths run in parallel without joining effectively. In 2008 Lithuania set up an interinstitutional group (involving law enforcement authorities, the prosecution service, customs and the Ministry of the Environment) dedicated in particular to waste crime investigations. Nevertheless, the effects of this cooperative structure in the environmental field were not clear to the evaluation team. The evaluation team therefore believes that Lithuania should create a national platform, based on the existing interinstitutional group, involving all entities in this specific field (law enforcement authorities, administrative agencies, prosecutors), to define the threat level in relation to environmental crime by sharing their data, exchange information and experience, launch effective investigations, monitor the situation and publish an annual report on environmental crime in the country.

Environmental crime is handled by the prosecutors' offices and general courts. There are no specialised courts or judges for waste offences. It seems that only a few cases have been brought to court. The Constitution guarantees the independence of the prosecution service. Prosecutors carry out their duties in accordance with the principles of legality, impartiality and hierarchical control, under the authority of the Prosecutor-General's Office. Prosecutors involved in the fight against environmental crime are part of an economic and financial division; their specialisation comes as a result of their experience in waste crime cases.

Lithuania has set up an impressive secure electronic criminal case management system which ensures that all criminal cases are registered electronically and digitalised. This platform allows a quasi-real-time connection between investigators, prosecutors and judges, allows easy, secure access to the case and automatically generates forms. To enhance the fight against environmental crime, the experts think that it could be useful to integrate specific forms directly linked to environmental crime investigations into this powerful tool.

The Lithuanian law enforcement authorities have several units that seem to have some involvement in the fight against waste crime and crime related to hazardous substances. Files are sent to fraud units (regional or county police, the Financial Crime Investigation Service (FCIS) or the Special Investigation Service (SIS)) which have the potential to fight environmental crime, but this does not seem to be a priority in the police administration. No specialised unit for combating waste crime has been set up within the Lithuanian police. Matters in this area usually have to be handled with support from EPD inspectors or other external experts. From the perspective of the Lithuanian police, based on the data collected, environmental crime is insignificant, with few cases being reported. In the evaluators' view, this analysis should lead to a different conclusion. Without adequate attention, serious environmental crimes could remain undetected. Therefore, the experts believe that enhancing cooperation and creating a specialised law enforcement unit to tackle environmental crime could lead to a new understanding of environmental crime in Lithuania.

The Ministry of the Environment is responsible for two complementary administrative bodies: the EPA and the EPD. The EPA monitors the environment, implements environmental regulations and collects, assesses and provides information on the status of the environment. The EPD coordinates the implementation of State environmental inspection, and analyses and evaluates data submitted by institutions engaged in State environmental inspection. Thus, the approximately 420 EPD inspectors carry out checks on industrial facilities and waste management operators. Among them, only fourteen EPD inspectors are really specialised and deal with transboundary shipments of waste. The EPD operates a dedicated hotline where citizens can report environmental damage. Thanks to its structure, the EPD is able to respond swiftly by sending inspectors all over the country.

EPD inspectors have only administrative powers and take part in criminal cases as experts. It appeared to the evaluation team that administrative inspectors do not have useful criteria to assess when a case should be sent to the prosecutor's office. Knowing that the EPD is the main means to detect environmental crimes, it appears essential to secure its relationship with the judiciary and ensure that inspectors can rely on effective guidelines in this area. Therefore, the experts think that Lithuania should create a system which would allow environmental authorities to engage a more active communication with the competent Prosecutor's Office, for example by creating a channel for consultations linked to borderline situations, where it is not entirely clear whether the offense is an administrative infringement or criminal offense (not in criminal procedure order). The prosecutor's office, after examining those borderline situations, could thus develop guidelines and criteria to help environmental authorities identify and distinguish the features of criminal liability.

Regarding legislation, environmental crimes are covered by different articles of the Lithuanian Criminal Code. These are 'blanket provisions', meaning that they provide for criminal liability for similar criminal acts, because listing all of them would infringe the principles of laconic and defined wording of the criminal law. Infringements are specified in various special laws and legal acts. The Lithuanian practitioners explained to the evaluation team that they feel comfortable with blanket provisions because all the related laws/regulations are mentioned in each article. On the other hand, the Lithuanian representatives stressed the fact that environmental criminal law does not take into account the economic and financial aspects of this type of crime. Furthermore, the penalties do not take the economic benefit into account as an aggravating factor. Thus, the experts believe that there is an opportunity to integrate into environmental law the importance of economic benefit and financial damage as a reason to investigate or as an aggravating factor.

Moreover, the Lithuanian legislation provides for criminal liability of legal persons, which is necessary when facts demonstrate a systemic modus operandi or in the event that an individual's guilt cannot be proved. The legal instruments presented to the evaluation team demonstrated that Lithuania can use a wide range of sanctions against companies, ranging from recommendations to injunctions, suspending licences, stopping facility activity, fines and even dissolution. Lithuanian law makes a distinction between the levels of sanction which could be imposed on natural or legal persons. However, even if most of the time it is higher than for natural persons, the level of fines for legal persons generally seems low, especially in the administrative field. In particular, the relationship between the possible scope of damage caused and the revenue of the legal person should be taken into account when establishing the levels of financial penalty. For this reason, consideration should be given to reviewing national legislation to find out if binding sanctions are effective, proportionate and dissuasive.

As regards training, the evaluation team considers there to be a lack of training at all levels. This concerns all the entities in charge of combating environmental crime, from the environmental agencies to customs, police bodies (tactical and forensic) and prosecutors. Fortunately, Lithuania has managed to use international training opportunities such as those provided by CEPOL, the Network of Prosecutors on Environmental Crime in the Baltic Sea Region (ENPRO) and Interpol. Nevertheless, such efforts should be significantly strengthened.

Lithuania cooperates with Europol and Eurojust on waste crime, though cooperation with the latter through its national desk is very limited. No joint investigation team (JIT) has been yet established in this area. Lithuania is a member of the IMPEL network for environmental inspections in Europe but does not participate in joint operation and information-sharing projects in the field of waste regulations, such as the enforcement action projects. Its participation in other European networks (EnviCrimeNet, the European Network of Prosecutors for the Environment (ENPE) and the EU Forum of Judges for the Environment (EUFJE)) seems neglected. In 2018 Lithuania was involved in the international operation DEMETER IV organised by the World Customs Organisation, the aim of which was to prevent hazardous/non-hazardous illegal waste from entering the European Union market. Due to the fact that Lithuania has common borders with countries surrounding the Baltic Sea, it has built up successful operational cooperation with them. The Council of the Baltic Sea States (CBSS), the Helsinki Commission for the Protection of the Marine Environment of the Baltic Sea (HELCOM) and ENPRO are good examples of structural cross-border cooperation in the field of environmental crime.

Taking all factors into account, the evaluation team believes that Lithuania has some useful tools to combat environmental crime. The entities involved are well structured, waste management appears successful, legislation is mainly designed to combat this phenomenon efficiently, Baltic cooperation seems efficient and investment has been made in adequate new technologies (e.g. electronic criminal case management system and United products, packaging and waste accounting information system (GPAIS)). By strengthening its training capacity, setting up a national strategic plan and platform, creating a dedicated law enforcement unit and participating in all the relevant European networks, Lithuania will be able to go further in tackling environmental and waste crime. In the evaluators' opinion the outlook is promising.

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 14 December 2016 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 environmental crime, it was agreed that the evaluation would focus on those offences which Member States felt warranted particular attention.

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

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

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

² OJ L 312, 22.11.2008, p. 3.

³ OJ L 328, 6.12.2008, p. 31.

⁴ OJ L 190, 12.7.2006, p. 1.

In accordance with the decision taken by GENVAL, the evaluation round does not cover 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, Directive 2008/98/EC requires the Member States to create waste management plans and waste prevention programmes, the latter by 12 December 2013. The objective of these programmes is to present a coordinated national approach to waste prevention, defining targets and policies, and aiming to decouple economic growth from the environmental impacts 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 Member States that may not have sufficiently implemented all aspects of the various instruments.

Moreover, the Council conclusions of 8 December 2016 on countering environmental crime⁵ recognise that combating environmental crime requires a comprehensive multidisciplinary approach at all levels, better cooperation and exchange of information between the competent authorities, including third countries, and enhanced dialogue and cooperation with relevant international organisations. Also, the Council conclusions of 18 May 2017 on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021⁶ establish the fight against environmental crime as one of the EU's priorities.

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

⁶ 9450/17, COSI 107 ENFOPOL 247 CRIMORG 107 ENFOCUSTOM 133.

Taking all the above elements into consideration, the evaluation aims to be broad and interdisciplinary and to focus not only on the implementation of various instruments for fighting environmental crime, but mainly on the related operational aspects in the Member States. Therefore, it will encompass cooperation among environmental, police, customs and judicial authorities at national level, as well as with Europol, Interpol and Eurojust. The evaluation will also cover operational practices in the Member States with regard to waste treatment operations and establishments and undertakings which collect and transport waste.

The order of visits to the Member States was adopted by GENVAL on 5 May 2017. Lithuania was the 26th Member State to be evaluated during this round of evaluations. In accordance with Article 3 of Joint Action 97/827/JHA, a list of experts with substantial practical knowledge in the field and prepared to participate in the evaluations, designated by the Member States, has been drawn up by the Presidency.

The evaluation teams consist of three national experts, supported by 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 Lithuania were Mr Edwin Lakerveld (Netherlands), Mr Janne Järvinen (Finland) and Mr Christos Naintos (Greece). One observer was also present: Mr Mathieu Bertola 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 Lithuania between 18 and 22 February 2019, and on Lithuania's detailed 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 against environmental crime

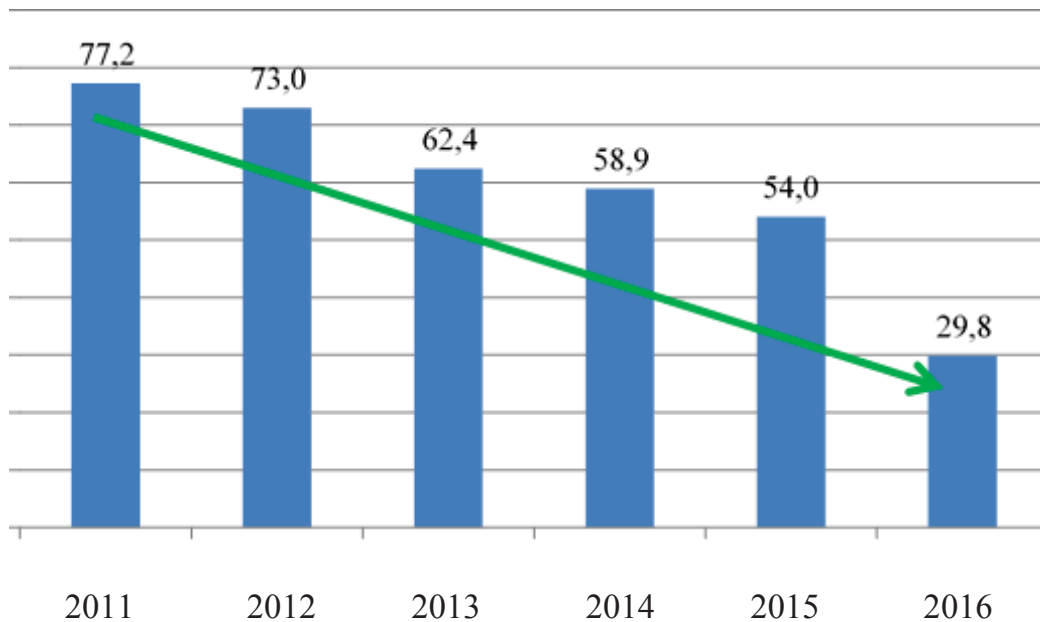
Lithuania does not have an action plan or similar strategic document against environmental crime.

Nevertheless, Lithuania uses the National Strategic Plan for Waste Management which was approved by Resolution No 519 of the government on 12 April 2002, as last amended on 7 April 2018. This plan is public and is available on the internet. It was prepared by the Ministry of the Environment and adopted by the Lithuanian government.

The purpose of the plan is to define the strategic objectives for waste management up to 2020, the tasks and measures necessary to achieve those objectives, the national waste management targets and waste management targets for municipalities, national and EU structural assistance and the criteria for assessing the implementation of the plan. The plan applies to municipal waste, waste production and other economic activities concerning waste, and waste management within Lithuania. This national plan has been further developed at regional and municipal level. Regional waste management plans must meet the requirements of the National Waste Management Plan for 2014–2020, while municipal waste management plans have to comply with regional ones.

The evaluation team noticed that the waste management system in Lithuania has decreased municipal waste landfilling by 50 % over five years.

Municipal waste landfilling in Lithuania from 2011 to 2016 (in %)



Lithuania also introduced a landfill tax in 2016 (increasing from EUR 3/t in 2016 to EUR 27.51/t from 2020 onwards). The evaluation team recognises that Lithuania has sent a strong signal by increasing the landfill tax several times in order to reduce landfilling. Lithuania now has 11 modern landfills, one per county.

3.2. National programmes/projects with regard to waste crime

Besides the National Strategic Plan for Waste Management (see 3.1) and the National Waste Prevention Programme (see 3.5), Lithuania has taken two other national measures with regard to waste crime:

- the transboundary waste shipments inspection plan for 2017–2019 was approved by Order No D1-974 of the Minister for the Environment of Lithuania on 30 December 2016 and last amended on 25 May 2018;
- an interinstitutional working group has been set up to investigate potentially illegal activity by waste management companies and other actors in the fields of hazardous waste, non-hazardous waste recycling and waste electrical and electronic equipment management in Lithuania, in the form of fictitious waste management, document falsification and tax evasion (see 4.4.1).

3.3. Statistics

3.3.1. *Main trends with regard to waste crime*

According to the administrative authorities, the most frequent violations in the field of waste relate to non-compliance with Integrated Pollution Prevention and Control (IPPC) or emission permits, environmental pollution, non-compliance with waste accounting requirements, illegal waste incineration, etc. The EPD also explained to the evaluation team that waste treatment companies have an interest in declaring much larger amounts of recycled or exported waste than they in fact recycled or exported. It mainly concerns ‘green list waste’ – packaging waste and waste of taxed goods. The more waste they ‘recycle’, the more money they get. Thus, companies lie about the amount of waste and use forged documents (JSC METRAIL case).

Although the law enforcement authorities did not mention specific trends in waste crime, they shared information on the various ongoing or completed pre-trial investigations in the last five years.

The FCIS underlined the links between waste crime and fraud. Companies use different (hazardous or non-hazardous) waste trades in order to illegally receive funds. The perpetrators can use international streams (e.g. Poland, Ireland or Lithuania) and forged documents to carry out such infringements.

The police also mentioned several cases, including the following:

- Unlawful activity allegedly carried out by company 'X' in Vilnius in relation to the storage of hazardous substances is under investigation on the basis of a complaint. Used oil was collected from catering establishments and sold as fuel after some additional substances were added. Chemical substances (fusel oil) were alleged to have been discharged into a surface wastewater system (well). Detailed conclusions regarding the investigation are awaited (which chemical substances are hazardous and which of them are fusels).
- One company in Kaunas caused significant environmental damage by discharging into the Nemunas River untreated industrial wastewater produced during technological procedures and failing to properly maintain wastewater piping. It involved a very large quantity of contaminants harmful to the environment, i.e. 132 730 tons of organic substances (BOD7), 140 483 tons of nitrogen compounds and 19 589 tons of phosphorus compounds. The damage caused to the aquatic environment amounted to EUR 4 639 800.74.
- Over three days, from 15 to 18 July 2016, 210.5 tons of hazardous waste (broken glass) were shipped without a licence from the production premises of company 'X' in Jonava to Poland.

- Unlawful storage of a large quantity of hazardous waste with no licence for such activity. The investigation revealed that the periodic violation of environmental legal regulations through the actions of certain persons caused significant damage to soil, water, fauna and flora. The damage was estimated at EUR 3 198 847 482. An area of 350 m² and 105 m³ of soil were contaminated with zinc, the concentration of which was 1.43 to 14.4 times the limit value, resulting in the contamination of 89 637 tons of soil by heavy metals and the release of 238 245 tons of hazardous waste into the environment.

- In order to avoid record-keeping related to wastewater, company 'X' installed a narrower pipe in the main pipe within the wastewater piping, with the narrower pipe being used to pump wastewater. In this way, 4 808 tons of chromium with tanning liquor and waste were spilled. After this hazardous waste was dumped, it spread on the surface of the land and beneath the surface. The concentration of chromium in the soil was 350 times the established background value of 51.3 mg/kg, and 30 times the established limit value. There were two reasons for doing this: to avoid recording large quantities of wastewater and to avoid showing that the wastewater was treated properly. The damage was estimated at EUR 240 555.18.

- In 2017 the police conducted a pre-trial investigation into the suppression of serious and organised crime in the European Union in the field of the environment and waste handling. Circumstances regarding chains of fictitious transactions reflecting collection, recycling, sale and shipment of waste subject to taxation to another state within the European Union, document forgery, double-entry accounting and payments amounting to several hundred thousand euros based on forged documents were investigated (e.g. documents relating to one glass waste consignment contained information on over 3 597 tons of glass containers shipped to a Polish company and purportedly recycled, but no such purchase or recycling actually took place).

- Waste handlers (three companies) issued false statements on certain quantities of hazardous waste (oil) that were purportedly managed and the Manufacturers and Importers Association paid the companies for the services which were not actually performed using funds obtained from manufacturers and importers (no less than EUR 309 349.02).

These cases demonstrate that many companies dump hazardous and non-hazardous waste in order to avoid the recycling or disposal cost. Thus, the financial impact is still the main motivation behind waste crime.

3.3.2. Number of registered cases of waste crime

The Information Technology and Communications Department, under the Ministry of the Interior of Lithuania, drafts official statistical reports on criminal offences, persons suspected (accused) of committing criminal offences and victims of criminal offences in Lithuania, on the basis of data from the Departmental Register of Criminal Offences. These statistical reports are published on the Information Technology and Communications Department's website: <https://www.ird.lt/lt/paslaugos/nusikalstamu-veiku-zinybinio-registro-nvzr-paslaugos/ataskaitos-1/nusikalstamumo-ir-ikiteisminių-tyrimų-statistika-1/> (website available in English). The data are provided by law enforcement officers when a pre-trial investigation begins or other decisions on criminal procedure are made. Judicial statistics are kept separately.

- Police data:

The police point out that waste offences make up an exceptionally small proportion of the criminal offences registered (approximately 0.02 %) and are not treated as a growing threat. Up to the year 2017 a consistent decrease in the number of criminal offences registered was observed.

Evolution of the total number of criminal offences registered by the police

Year	Total number of criminal offences registered
2013	80 349
2014	78 398
2015	69 062
2016	56 169
2017	61 451

Statistics on waste crime are kept in accordance with separate articles of the Criminal Code (CC): Articles 270, 270² and 270³.

Data on crimes in accordance with Articles 270, 270² and 270³ of the Criminal Code

	2014		2015		2016		2017		2018	
	registered	forwarded to courts	registered	forwarded to courts	registered	forwarded to courts	registered	forwarded to courts	registered	forwarded to courts
Article 270	14	10	21	3	6	2	13	5	12	3
Article 270 ²	0	0	2	0	1	0	0	1	0	0
Article 270 ³	–	–	0	0	0	0	0	0	0	0

Source: Departmental Register of Criminal Offences

The police have shared more details regarding the evolution of all the cases included in the table above. Firstly, on the basis of Article 270 CC:

- in 2013 the police conducted nine pre-trial investigations, none of which were related to waste issues;
- in 2014 the police conducted 15 pre-trial investigations, four of which were waste-related: one pre-trial investigation was finalised by a bill of indictment, one was suspended with reference to paragraph 1 of Article 3-1 of the Criminal Procedure Code (CPC) and two were discontinued in accordance with point 1 of paragraph 1 of Article 3 CPC;
- in 2015 the police conducted 17 pre-trial investigations, five of which were waste-related: two were combined and finalised by a bill of indictment, two were suspended in accordance with paragraph 1 of Article 3-1 CPC and one was discontinued under point 1 of Article 212 CPC and point 1 of paragraph 1 of Article 3 CPC;
- in 2016 the police conducted 10 pre-trial investigations, one of which was an investigation of a waste-related crime that was discontinued under point 1 of Article 212 CPC and point 1 of paragraph 1 of Article 3 CPC;
- in 2017 the Lithuanian police conducted 12 pre-trial investigations but only four could be considered waste crime investigations; two of them are still ongoing and two were discontinued under point 1 of Article 212 CPC and point 1 of paragraph 1 of Article 3 CPC.

Secondly, as regards Article 270² CC, in 2015 the police conducted one pre-trial investigation, which was discontinued with reference to point 1 of Article 212 CPC and point 1 of paragraph 1 of Article 3 CPC. In 2016 one pre-trial investigation was conducted, which was finalised by a penal order. In 2013, 2014 and 2017 no pre-trial investigations were conducted by the police on the basis of Article 270² CC.

Finally, there is no information on the commencement of pre-trial investigations on the basis of Article 270³ CC in the last five years.

The police conducted pre-trial investigations in which allegedly improper waste handling was related to other criminal offences such as fraud (Article 182 CC), forgery of documents or possession of forged documents (Article 300 CC) and fraudulent management of accounts (Article 222 CC). Nevertheless, it should be emphasised that these were not considered to be waste crimes as such.

- FCIS data:

The FCIS presented all the investigations it has conducted in the last five years that are directly linked to waste crimes.

The Vilnius Regional Department of the FCIS has conducted three waste-related pre-trial investigations:

- No 02-6-00046-16 concerning UAB FERALITA. The investigation has not been concluded yet;
- No 06-1-00069-13 concerning UAB METRAIL. On 21 June 2018 the investigation was referred to Vilnius City District Court with the indictment;
- No 02-6-00012-18 concerning UAB ATLIEKŲ TVARKYMO CENTRAS. On 9 November 2018 the investigation was terminated in accordance with point 1 of Article 212 and point 1 of paragraph 1 of Article 3 CPC.

The Special Task Department of the FCIS has conducted one pre-trial investigation related to environmental crime (Article 270 CC: ‘Infringement of regulations governing the protection of the environment or use of natural resources or the maintenance or operation of structures wherein hazardous substances are used or stored or wherein potentially hazardous installations are kept or potentially dangerous works are performed’). The investigation has been concluded and will be handed over with the indictment to the court in the very near future.

The Šiauliai Regional Department of the FCIS is in the process of conducting investigation No 05-2-00178-17 in accordance with Article 222(1) ‘Fraudulent management of accounts’. UAB METALOIDAS, engaged in tyre destruction, recorded larger amounts of destroyed tyres than were actually destroyed.

The Panevėžys Regional Department of the FCIS is conducting:

- a pre-trial investigation into fraudulent management of accounts by two companies involved in waste recycling;
- a pre-trial investigation into fraudulent management of accounts by a company engaged in tyre recycling.

- SIS data:

Since 2012 the SIS has initiated seven pre-trial investigations related to waste management activities where criminal offences were classified as serious offences under the provisions of the CC: abuse, fraud and bribery.

Of the seven pre-trial investigations, two were discontinued without any data to support the suspects’ guilt or the absence of a crime having been obtained, one is currently underway and four have been closed and cases brought to court. Regarding the four cases brought to court, in two cases the defendants were acquitted, in one case the defendants were convicted (not for serious crimes) and in one case the defendants were released from criminal liability (not for serious crimes).

Pre-trial investigations conducted by the SIS since 2012

	Investigations started	Investigations underway	Terminated investigations	Cases brought to court	No of convictions	No of acquittals	Exempt from criminal liability
2012	3			3		2	1
2013	2		1	1	1		
2017	1	1					
2018	1		1				

3.4. Domestic budget allocated to preventing and fighting waste crime and EU funding

There are no national budget allocations specifically dedicated to the prevention of and fight against waste crime. For example, the police do not have a specific budget line for preventing and fighting waste crime and use common allocations for the prevention, investigation and detection of crimes. For this reason the police set priorities, giving preference to the most serious crimes and those which cause major damage.

3.5. Prevention of waste crime

The objectives and tasks of waste prevention and the implementing measures are set out in the National Waste Prevention Programme (approved by Order No D1-974 of the Minister for the Environment of Lithuania on 30 December 2016, last amended on 29 June 2018). The purpose of the programme is, based on analysis of the current situation in the field of waste prevention, to define waste prevention priorities, objectives and targets, as well as measures for implementation of the programme, in order to ensure that, in accordance with the waste hierarchy, the highest priority in the area of waste prevention and management should be given to waste prevention, promotion of sustainable consumption and rational use of resources and materials. The programme sets out the waste prevention objectives, the aims and targets under the National Waste Prevention Programme 2014–2020, and the measures to achieve those aims, as well as the quantitative criteria for the evaluation of the programme, expected results and the institutions implementing the programme.

Furthermore, the Law on Waste Management (No VIII-787, adopted on 16 June 1998, last amended on 12 August 2018) sets out the main requirements for waste prevention and management, with a view to avoiding any negative effects on public health and the environment, as well as the 18 key principles for the organisation and planning of waste management systems, requirements for waste holders and waste managers, economic and financial measures for waste management and the rights and duties of institutions and persons operating in the field of waste management.

Moreover, Lithuania involves the private sector in awareness-raising measures. This topic is covered in more detail in paragraph 6.4.1.

3.6. Conclusions

- Lithuania has a National Strategic Plan for Waste Management, on which the National Waste Management Plan and the National Waste Prevention Programme are based. This set of national documents is mainly aimed at waste prevention and management in accordance with the waste hierarchy. They have led to a strong reduction in the number of landfill sites since 2011, from a situation with over 100 landfill sites of different sizes scattered around the country to one with eleven sites owned, operated and controlled by the government. Furthermore, there has been an impressive reduction in the amount of municipal waste going to landfill, 50 % over five years, together with a significant increase in separate collection of waste. The final goals of the plans, which cover the period up to 2020, have not yet been reached, but major steps have been taken in a short period of time. Therefore, the evaluation team commends Lithuania for its effective waste management system and the introduction of a landfill tax in 2016.

- Lithuania does not have a national strategy to tackle infringements of waste regulations or administrative non-compliance. As a consequence, no common or specific guidelines have been developed to define the roles of the most important actors involved in the protection of the environment at national and regional level. For this reason the experts believe that Lithuania should draw up a national strategic plan to enhance compliance with environmental regulations, and specifically waste regulations, involving all law enforcement authorities, administrative agencies and prosecutors.
- Various authorities in Lithuania collect statistics on environmental violations and offences, but there is no central method or authority/working group responsible for monitoring the full sequence of actions, including reported violations, suspected environmental crimes, the number of prosecutions and final convictions, and the nature of the violations.
- The number of criminal cases presented to the evaluation team was low, as was the number of administrative infringements. Based on these statistics, it appears that Lithuania does not see the need to tackle waste-related crimes and non-compliance as a priority. Therefore, it seems that limited resources are allocated specifically to the fight against waste crime.
- Because of the limited statistics, Lithuania does not have a national intelligence assessment of waste crime. Therefore, it is hard to identify trends in environmental crime in Lithuania on a statistically proven basis. The EPD gave an overview of the controls and inspections it carried out in 2017, showing the number in total as well as the number of inspections concerning waste, the sum of the administrative penalties issued and the number of cases forwarded to the Prosecutor-General's Office. They did not have information on the outcomes of the environmental cases reported to the public prosecutor. The law enforcement agencies provided an insight into the limited number of environmental crime cases. Because of the limited data, the experts were not able to assess developments with regard to different categories of environmental crime (e.g. waste shipment, waste dumping, handling of dangerous substances, water pollution, operation of facilities without a permit, etc.) or administrative offences over the years.

- Consequently, the data submitted by the Lithuanian authorities does not allow the overall environmental crime figures, and in particular those relating to waste crime, to be checked. Thus, an overall assessment of the effectiveness of the legal system in protecting the environment cannot be made. Therefore, integrated statistics should be collected in order to give an overall picture of the environmental crime rate, which would also help the authorities to prioritise the allocation of resources to address these issues.
- There is no national intelligence assessment on environmental crime, or on waste and hazardous substances specifically. As a result, there is no overview of the most important trends with regard to waste crime. There is an overview of the number of inspections carried out and the administrative and criminal offences observed. There is very limited transfer of information from the administrative activities of the EPD (and EPA) via the Prosecutor-General's Office (PGO) to law enforcement in Lithuania. There seems to be a strict division between administrative and law enforcement (investigating) organisations. It can be assumed that this situation is not helping Lithuania to get a better intelligence picture of waste crimes and non-compliance with waste regulations. There is no national intelligence/threat assessment on waste. To strengthen the exchange of information and improve the overall national insight into waste crime and developing trends and possible threats, Lithuania should create a national platform, based on the existing interinstitutional group, involving all entities in this specific field (LEAs, administrative agencies, prosecutors), to define the threat level in relation to environmental crime by sharing their data, exchange information and experience, launch effective investigations and monitor the situation.

4. NATIONAL STRUCTURES

4.1. Judiciary (prosecution and courts)

4.1.1. Internal structure

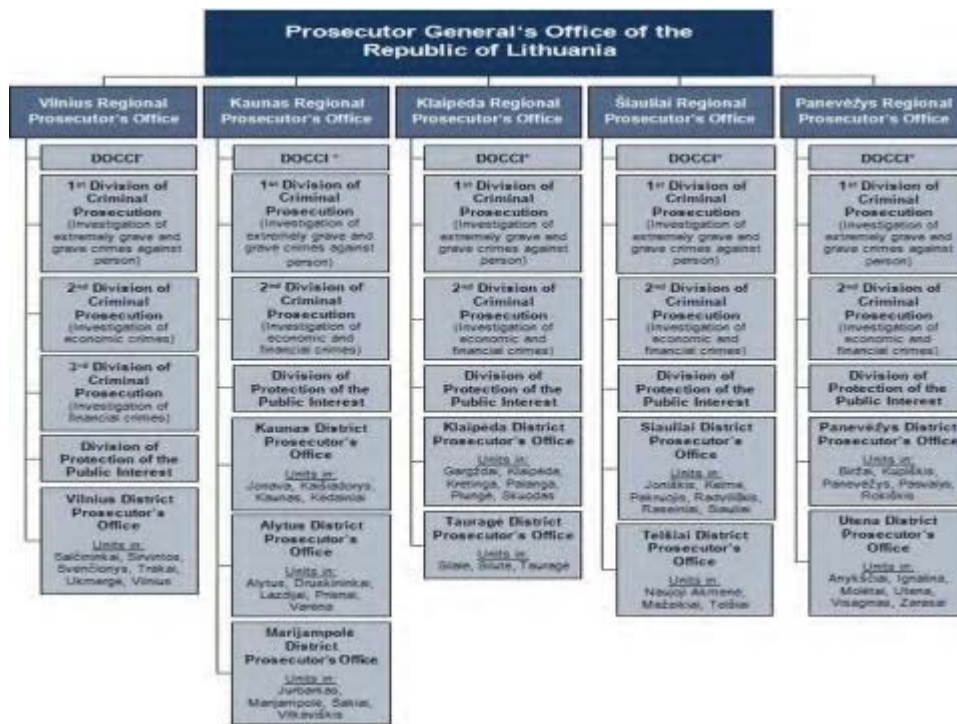
Judges and prosecutors are part of the judiciary, which is an autonomous power in Lithuania. They are independent: for prosecutors, this rule is mentioned in Article 118 of the Constitution.

There are approximately 650 prosecutors working in Lithuania under the responsibility of the PGO. The Prosecutor-General is appointed and dismissed by the President of the Republic, with the consent of the Seimas (Lithuanian Parliament).

The main tasks of the Prosecutor-General's Office are to:

- organise and direct pre-trial investigations,
- monitor the activities of pre-trial investigation officers in criminal proceedings,
- prosecute on behalf of the state,
- supervise the submission of judgments for enforcement and the enforcement thereof,
- coordinate the actions of the pre-trial investigation bodies,
- conduct pre-trial investigations or individual pre-trial investigation actions,
- protect the public interest,
- examine petitions, applications and complaints submitted by individuals,
- take part in the drawing up and implementation of national and international crime prevention programmes,
- take part in the legislative process.

The structure of the Prosecutor General's office is described below:



Prosecutors in charge of pre-trial investigations into criminal offences against the environment and human health (Articles 270 to 277 CC), which also include criminal offences related to waste, are part of the division in charge of investigations into economic and financial matters. At regional level there are 50 prosecutors working in the area of fraud, and two or three prosecutors at the PGO. Prosecutors do not undergo specific training in the environmental field, and acquire specialised knowledge by dint of their experience in dealing with cases involving this area.

Such cases are judged by a general criminal court, so judges are not specialised in environmental crimes.

Administrative cases brought by the EPD are sent to non-specialised administrative courts. Those courts are competent for offences resulting in fines of EUR 2 500 and above.

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

For the pre-trial stage, Lithuania has developed an impressive e-case management system which ensures that all criminal cases are registered electronically and digitalised. This platform allows a quasi-real-time connection between investigators, prosecutors and judges. Magistrates, and subsequently lawyers, therefore have easy access to the whole case without having to ask investigators to take any specific action. The platform is secured by personal passwords and each practitioner who has consulted the e-case is mentioned in it; such information cannot be deleted. When the requested information is entered, the platform generates the specific documents (e.g. interviews with witnesses, seizure forms, etc.); an individual practitioner's work is thus recorded and swiftly shared among the others.

Because the e-case management system is so efficient, it is understandable that the prosecutor's representative wishes to integrate specific forms linked to waste issues. The information provided to the experts implies that there are plans to introduce a supplementary e-case module in 2019. This module would allow for automatic monitoring of all pre-trial investigations related to waste crime, the identification of problems and modus operandi pertaining to the category of such criminal offences, and effective distribution of the resources available to the prosecutor's office.

In Lithuania, Article 176 of the CPC establishes that the common terms of pre-trial investigation is five years . In all cases, efforts are made to comply with this deadline, and the institution that initiated the investigation informs the investigating officers thereof. The research process consists mainly of the collection of appropriate and irrefutable evidence and the categorisation of the violation. The years of judicial proceedings often involve various experts whose conclusions sometimes conflict with each other. Research is often carried out by foreign laboratories. These studies require public procurement procedures and the studies themselves are carried out for a fairly long period, which also affects the course of the investigations.

The Lithuanian practitioners also underlined several obstacles to the prosecution of waste crime. The most important of these is the lack of specialisation. The experts were told of the need for additional training (cf. 4.5). Meanwhile, there are very few precedents in the waste field, which makes it more complicated to define which evidence is relevant for the courts and which criteria should count when determining legal infringements - this is especially true when elements that require evaluation (e.g. serious damage (cf. 5.1.3) or grave consequences) are determined solely by the court. Furthermore, there are different interpretations of the scope of the authorisation to import and process (non)hazardous waste.

Other problems encountered during the investigation of transnational criminal offences in which waste transportation procedures are carried out by means of swindling and forgery of CMR bills of lading are related to the fact that such bills of lading are issued in paper format and there is no uniform accounting system for them within the EU. The Lithuanian authorities therefore suggested that consideration be given to developing a uniform system within the EU for bills of lading related to the transportation of non-hazardous and hazardous waste, which would make it impossible for persons acting in several different EU Member States to issue forged CMR bills of lading for the transportation of waste.

The representative of the prosecution service also pointed out that sometimes waste crime infringements cannot be prosecuted because they fall within the sphere of economic crime. He stressed that it would be useful if the law provided for the possibility for economic matters to be encompassed in waste crimes.

Finally, it should be pointed out that, at the end of a criminal case, if prosecutors consider that criminal offences are not proven, but in the meantime administrative liability is still at stake, they can refer the case to the administrative authority. Thus, perpetrators will not avoid punishment.

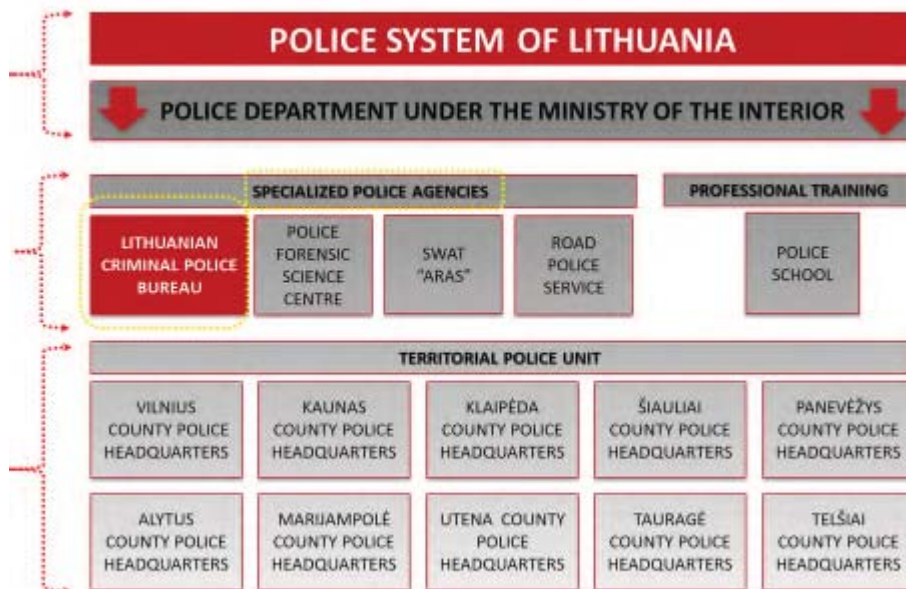
4.2. Law enforcement authorities

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

Overall, Lithuania uses law enforcement authorities which are competent for general criminal matters to combat infringements of environmental law. They have the capacity to investigate environmental crime but it is not their core task. Those authorities - the FCIS, the Lithuanian police, the SIS and the customs service - are not specialised in waste crimes.

Police

To prevent and combat criminal offences, the Lithuanian police carry out criminal prosecution and prevention activities. The Lithuanian police system comprises the Police Department under the Ministry of the Interior and police agencies subordinate to it (specialised police agencies and county police headquarters).



The Lithuanian Criminal Police Bureau (a specialised police agency) and territorial police agencies (10 county police headquarters) conduct criminal intelligence, pre-trial investigation and prevention activities to detect and combat criminal offences.

The ‘Description of procedure on the definition of pre-trial investigation priorities in the police’, approved under Order No I-270/5-V-1061 of 8 December 2014 of the Prosecutor General of Lithuania and the Lithuanian Police Commissioner General, governs the procedure and the criteria for defining priorities for criminal offence investigations as well as work arrangement procedures for officers and pre-trial investigation units in line with the priorities established. Criminal offences are categorised according to their level of seriousness and threat to society, depending on the potential for investigating a criminal offence. Pre-trial investigations are prioritised in line with the criteria laid down in the Order. The description stipulates that the investigation of criminal offences by the police must be organised according to the principles of economy and proportion – funds and human resources are first assigned to the pre-trial investigations which have higher priority.

The field of activities (remit) of police units conducting pre-trial investigations to implement the functions defined for the police in relation to the combating, detection and investigation of criminal offences defined under the Criminal Code of Lithuania is set out in the ‘Description of the remit of police agency units to conduct pre-trial investigations’ approved under Order No 5-V-890 of 17 October 2017 by the Lithuanian Police Commissioner General. The combating, detection and investigation of waste crimes fall within the remit of the county police headquarters. Generally, environmental crime is handled by structural units within the county police headquarters. But when there is large-scale damage, the headquarters chief, in agreement with the prosecutor, can decide to give the case to the county police. The police representative pointed out that each county has its own forensics team. He added that there are no investigators within the police who would be involved exclusively in the environmental crime investigations. The investigation of such crimes, depending on the nature of offences, damage and other circumstances, is assigned to the specialized criminal police units of the County Police Headquarters – Serious Crime Unit or, in case criminal offence is classified as economic crime – Economic Crime Investigation Unit.

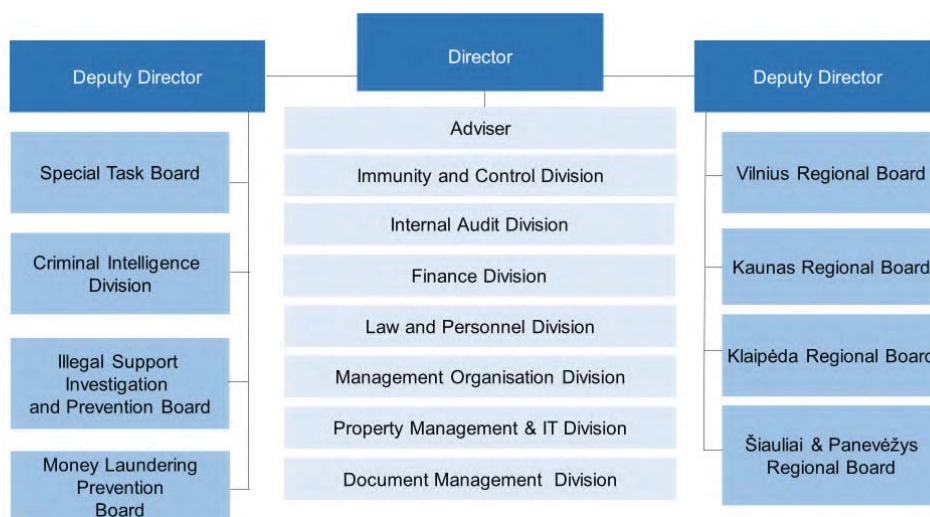
The Lithuanian Criminal Police Bureau's remit is to implement strategic and tactical coordination and control of the activities of county police headquarters in the fields of criminal intelligence and pre-trial investigation. The Lithuanian Criminal Police Bureau is a specialised police institution established on a non-territorial basis and is the central criminal police agency.

The Lithuanian Criminal Police Bureau has the following tasks:

- prevention, detection and investigation of serious and grave crimes of an inter-regional and international character, as well as high-profile criminal acts and offences that are seriously detrimental to society or individuals,
- helping to frame and implement the Lithuanian police's strategy in the field of criminal intelligence and pre-trial investigation,
- coordination and control of territorial police agencies in the field of criminal intelligence and pre-trial investigation,
- provision of necessary assistance in criminal offence investigations conducted in territorial police agencies,
- arranging and conducting training sessions with a view to developing the specialist competences of criminal intelligence officers.

FCIS

The FCIS is a law enforcement institution accountable to the Ministry of the Interior. Its role is to detect and investigate crimes against the national financial system. The FCIS has central headquarters in Vilnius and four regional units. This law enforcement authority has about 150 investigators and handles 400/500 cases per year. The FCIS is structured as follows:



The main tasks of the FCIS are the detection, investigation and prevention of criminal acts related to money laundering, VAT fraud and undue receipt/use of financial assistance from the European Union and foreign countries. These offences are especially detrimental to the state budget and foster a negative image of the country.

The activities of the FCIS are regulated by the Law on the Financial Crime Investigation Service which establishes the principles and legal basis of its activities, and lays down provisions relating to its tasks and functions, supervision of its activities, the framework for interinstitutional cooperation, its powers, rights and duties, the liability of employees, financing and other matters.

The FCIS is endowed with all the powers for crime detection and investigation that the CPC assigns to all pre-trial investigation institutions: it has the power to institute pre-trial investigations, carry out all investigative acts such as interviews, detentions, searches, inspections, etc. and, upon completion of the pre-trial investigation, to hand over the case file to the prosecutor for adoption of the final procedural decision. The FCIS has no specialised units dealing with waste. Such offences are investigated on the basis of territorial distribution, depending on where the crime was actually committed.

The Special Investigation Service of Lithuania (SIS)

The Special Investigation Service (SIS) of Lithuania is a statutory law enforcement institution, accountable to the President and Parliament of Lithuania, that detects and investigates corruption offences and develops and implements corruption prevention measures.

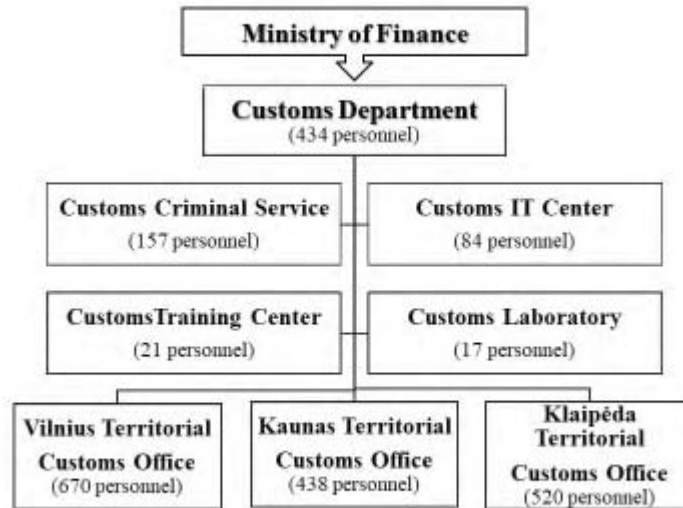
The main tasks of the SIS are:

- criminal prosecution for corruption-related criminal acts,
- Analytical anti-corruption intelligence
- corruption prevention,
- anti-corruption education and awareness-raising.

Customs service of Lithuania

The Lithuanian customs service is a public institution that monitors and supervises international trade. As one of the customs authorities of the European Union Member States, the Lithuanian customs service contributes to the promotion of fair and open trade, the functioning of the European Union's internal market and the implementation of the common trade policy and other trade-related European Union policies as well as to ensuring the security of the whole trade supply chain.

The structure of the customs service in Lithuania is described below:



The Customs Criminal Service is a specialised customs office with powers of enforcement. This special unit carries out criminal intelligence activities, brings criminal cases, and has the ability to collect evidence or detain persons.

4.2.2. *Investigative techniques/tools*

In the administrative field

When carrying out waste-related inspections, EPD officers are guided by Order No D1-145 of February 18 2011, approved by the Lithuanian Minister for the Environment, which sets out the requirements for planned and non-scheduled inspections of the activities of economic entities in the performance of state control of environmental protection. In accordance with waste management rules and the plan for transboundary waste shipment inspections for 2017–2019, which describes the procedure for transboundary shipments of waste, it is mandatory for waste transporters to provide information about the planned shipment of waste via the Uniform Products, Packaging and Waste Accounting Information System (GPAIS). The EPD is thus able to monitor the shipment of waste using the GPAIS and to check whether waste is properly managed. Information provided by companies makes it possible to set up roadside enforcement checks and unscheduled inspections in companies. When analysing the data provided, checks can be carried out to see whether there is any mismatch in the information provided by the sending and receiving companies. It is a useful instrument for analysis, prevention and control (through accounting, registration of waste movement entities, etc.) and helps create a map of ‘waste’ and ‘waste producers’ on the basis of which the EPD can plan and act. It should be underlined that the GPAIS is a new platform that is still being implemented. The EPD is keen to share access with the other law enforcement authorities and hopes that this possibility will be soon available.

It should be noted that environmental offences can be reported by any natural or legal person. The fire department and the EPD have an agreement on the management of a dedicated hotline for waste crime. When people contact the emergency number phone (112) and describe the environmental damage, the fire department will transfer the call to an EPD operator. Then, after analysing the information, the administrative officer can send inspectors into the field. In order to respond quickly, the EPD has units in each region (cf. 4.3) and one or two inspectors can handle the situation.

In the judicial field

The techniques used for the investigation of criminal offences and the tools for collecting crime-related information, as well as the grounds and procedure for the use of these tools and techniques, are governed by the CPC. There are no special provisions regarding the techniques/tools applicable for the investigation of waste crime. However, there is a legal framework for the use, in a general procedure, of relevant techniques for a specific investigation.

Pre-trial investigation actions, as provided for in Article 154 (Monitoring, recording and storing of information transmitted over electronic communications networks), Article 158 (Actions of pre-trial investigation officers not disclosing their identity), Article 159 (Authorisation to simulate a criminal offence) and Article 160 (Covert surveillance) of the CPC, are based on the principle of proportionality, i.e. they are carried out solely in cases where it would otherwise prove impossible to achieve the required aims of the process, i.e. to investigate a criminal offence speedily and exhaustively.

Lithuania provided detailed comments on each article and the links with waste infringements.

Article 154 CPC makes it possible for a pre-trial investigation officer to intercept personal communications transmitted over the electronic communications network, to make recordings thereof and to monitor, record and store any other information transmitted via that network, if there are grounds to believe that, in this way, information may be obtained regarding criminal offences of differing levels of seriousness that are being planned, are in the process of being committed or have already been committed, or regarding lesser offences, or if there is a danger that violence, rape or other unlawful acts will be inflicted against a victim, witness or other participants in proceedings or their family members. The pre-trial investigation actions provided for in Article 154 CPC may be carried out by police officers in the investigation of offences undertaken on the grounds of Article 270(2) CC.

Article 158 CPC allows a pre-trial investigation officer to conduct an investigation without disclosing their identity. The activities of pre-trial investigation officers not disclosing their identity are authorised by a ruling of the pre-trial judge and only on condition that there is sufficient information about the offence committed by the individual who is the subject of the investigation. If there is a possibility that the inviolability of the home and the secrecy of written communications or other communications transmitted by means other than the electronic network may be jeopardised as a result of the actions of pre-trial investigation officers who do not disclose their identities, such actions are only allowed in investigations of differing levels of seriousness, i.e. investigations of waste crime conducted solely on the grounds of Article 270(2) CC.

Article 159 CPC regulates the procedure for authorisation of actions simulating a criminal offence. The authorisation to carry out actions simulating an offence is granted by a pre-trial judge who adopts a ruling for that purpose. The CPC does not lay down any restrictions regarding the type of criminal investigation for which the pre-trial investigation actions provided for in Article 159 CPC may be carried out.

Article 160 CPC lays down the procedure for authorising the surveillance of a person, a motor vehicle, or an object. The CPC does not lay down any restrictions regarding the type of criminal investigation for which the pre-trial investigation actions provided for in Article 160 CPC may be carried out.

In urgent cases the procedural coercive measures defined in Articles 154, 158 and 159 CPC may also be applied if the prosecutor so decides, whereas the procedural coercive measure defined in Article 160 CPC may be applied if either the prosecutor or the pre-trial investigation officer so decides; however, in all these cases the ruling of the pre-trial judge, approving the legitimacy of the application of the procedural coercive measure, must be obtained within three days of the adoption of the decision.

Additionally, the use of other procedural coercive measures, such as search (Article 145 CPC (Search)) and seizure (Article 147 CPC (Seizure)), should also be mentioned.

Lithuania's legislation and regulations stipulate when expert's reports, forensic examinations and cyber or financial assessments can be used in investigations. The different criteria described below are applicable in waste crime proceedings.

The description of the procedure for priority identification of police pre-trial investigations, approved by Order No I-270/5-V-1061 of 8 December 2014 of the Prosecutor General and Police Commissioner General of Lithuania, sets out the procedure and criteria for prioritisation of criminal investigations, including the procedure for organising the work of police pre-trial investigation units and officers on the basis of the identified priorities. Criminal offences are categorised according to their degree of seriousness and the danger they pose to society. They are also classified in terms of certain levels, depending on whether the criminal offence can be proved. Priorities are assigned to pre-trial investigations in the light of the specified criteria. The description stipulates that investigations of offences by the police must be based on the principles of economy and proportionality, i.e. financial and human resources are primarily diverted to pre-trial investigations having the highest priority.

Waste crime is investigated in line with the abovementioned legal acts. Lithuanian law lays down criteria for the use of the case-specific capabilities of different divisions, including forensic, financial and cyber units, for investigations which meet certain requirements.

Article 208 CPC (Grounds for assigning a forensic examination) stipulates that a forensic examination is assigned in cases where the pre-trial judge or court holds that in order to establish the facts surrounding an offence, it is essential to conduct a special analysis requiring scientific, technical, artistic or any other specialist knowledge. Article 209 CPC (Procedure for assigning a forensic examination) contains detailed provisions on the process of assigning a forensic examination.

Article 205 CPC (Procedure for examination of items) stipulates that in order to discover evidence of a criminal offence and other items relevant to the investigation and to establish the situation of the incident and other relevant circumstances pertinent to the case, an examination of the scene of the crime, the human body, the cadaver, the location, premises, documents and other items must be conducted. Items, documents or any other items the examination of which takes a long time or requires the use of technical tools may be analysed in a laboratory or another place with the necessary facilities. The analyses of items are carried out by specialists. A specialist other than a pre-trial investigation officer is given a written assignment to carry out the examination of an item.

The procedure for the examination of objects provided for in Lithuania's CPC, and the procedure for the assignment and conduct of forensic examinations as part of a pre-trial investigation, including the specifics of examinations of certain types of objects or the specific arrangements for assigning forensic examinations, are defined in the 'Recommendations for assigning tasks to specialists and experts' approved by Order No I-14 of 18 January 2011 of the Prosecutor General of Lithuania.

Examinations of items and forensic examinations are carried out on the basis of written instructions issued by a pre-trial investigation officer or prosecutor assigning the task of carrying out an examination of objects, or on the basis of a ruling by a pre-trial judge or a court order assigning the task of carrying out a forensic examination. When assigning a task, methodological recommendations on the assignment of tasks and the conduct of forensic examinations of different types must be followed. In the absence of such recommendations, specialists in the appropriate field are generally consulted.

All pre-trial investigation institutions conduct financial investigations as part of investigations of alleged criminal assets derived directly or indirectly from crime. Not only the acquisition of property of any kind but also the avoidance or annulment of property-related obligation (saving of expenses) may be considered as a criminal financial gain. In line with the 'Recommendations on financial investigations' approved under Order No I-173 of 19 March 2013 by the Prosecutor General of Lithuania, financial investigations are also launched in the following circumstances:

- data is available indicating that a person with no official income or a disproportionately low income has bought, gifted or transferred immovable (movable) property, or shares thereof, built immovable property, etc., given loans exceeding 500 Minimum Standard of Living amounts (MSL) to natural or legal entities, or spent considerable sums of money on living costs, entertainment (e.g. trips), etc.;
- data is available indicating that a person has incurred expenditure that exceeds their official income by more than 500 MSL, where that person, not having such amounts of officially received income (salaries, income received from the sale of immovable or movable property, dividends, revenues for activities pursued, etc.), has bought, gifted or transferred immovable (movable) property or shares thereof, built immovable property, etc., given loans to natural or legal entities, spent considerable sums of money on living costs or entertainment (trips), etc.;

- money in excess of 500 MSL, which does not appear to have been acquired by lawful means, is discovered and seized in the course of a search or another procedural coercive measure;
- data is available showing that a person has received an amount of 500 MSL or a higher amount of income which has not been declared in accordance with the procedure laid down by law.

In addition, Lithuanian representatives explain to the experts after the onsite evaluation that Order No 2018-06-27 of the Prosecutor General of Lithuania No I-219 on recommendations on property investigation have been adopted (came into force from 2019-02-04.)

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

According to the Lithuanian police, given the small number of waste-related investigations, no crucial difficulties or shortcomings could be identified with regard to this specific category of investigation.

The FCIS said that there are a number of issues relating to waste crime investigations in Lithuania:

- There is almost no tradition of legal proceedings being brought for such cases, as testified by the fact that from 2014 to 2018 only eight pre-trial investigation on environmental crimes were performed by the unit. It is therefore difficult to ascertain what the aforementioned investigations should focus on, i.e. what evidence might be crucial for the court in determining whether the crime was committed.
- The implementation of requests for legal assistance or an EIO (European Investigation Order) takes a long time.
- Environmental specialists should be involved in the investigations, forensic examinations are complex and their subsequent reports are time-consuming.
- The specific characteristics of the offences related to waste and the large number of legal acts regulating waste management pose a challenge.

- It is difficult to calculate damage to the environment.
- It is difficult to manage waste during and after investigations.

The FCIS also explained that pre-trial investigations were supported by experts and equipment provided by specialised units in the form of inspections of suspected computers and computer files, forensic investigations, audit reports provided by forensic accountants, and analyses of unpaid environmental taxes. The Special Task Board of the FCIS has commissioned reports by various specialists of the Ministry of the Environment and ordered audits to be carried out by forensic accountants of the FCIS and tax authorities.

In practical terms, the Special Task Board of the FCIS carries out investigative actions provided for in the CPC. It is difficult to measure the effectiveness of the investigative actions because only one investigation of this kind has been conducted by the unit.

4.3. Other authorities/institutions

The Ministry of the Environment (ME)

The ME frames state policy in the fields of state environmental control and pollution prevention, the use of natural resources, climate change, environmental monitoring, management of chemical substances and preparations, environmental impact assessment, waste management (except for radioactive waste), protection of the landscape and biodiversity, the subsoil, hydrometeorology, forestry, territorial planning and supervision, urban development and architecture, construction and its supervision, housing, water supply and waste water, management of genetically modified organisms and inland fisheries. The Ministry is responsible for environmental policy regulation, coordination and implementation. It also supervises the activity of the EPA and the EPD - eight departments that were remodelled in the summer of 2018.

The ME defines the strategic directions for the allocation of EU funds, and administers budget funds (Waste Management Programme, Environmental Protection Support Programme, etc.).

Environment Protection Agency (EPA)

The EPA carries out state monitoring of air quality and the status of surface water bodies, wildlife and ecosystems. The purpose of monitoring is to obtain information that helps to evaluate natural processes and the anthropogenic impact on the natural environment in an integrated manner, as well as to estimate the quality of the environment and forecast the status of the natural environment and the impact of economic activities thereon. The EPA implements measures to prevent ambient air pollution and maintain good air quality, as well as to preserve and improve the status of surface water bodies. One important function of the Agency is to collect, assess and provide information on the status of the environment, flows of chemical substances and preparations, and pollution and pollution prevention measures. The Agency implements environmental regulations relating to economic activities and the management of chemical substances and preparations, and ensures the rational use and protection of wildlife resources.

The EPA is also responsible for issuing the IPPC permit and other permits and licences related to environmental protection (licences for hazardous waste management, permits for import and export of protected species of flora and fauna, permits for special and commercial fishing, etc.).

All data in the waste sector is collected by the EPA. The national waste statistics are determined by reporting obligations to EU and international institutions as well by national needs. Those statistics are based on administrative data sources (annual reports of companies, municipalities, organisations, etc.). About 20 000 reports are collected each year.

The EPA can call on the services of several laboratories throughout Lithuania. The evaluation team had the opportunity to visit one of those facilities located in Vilnius. This laboratory can analyse many types of sample: radioactive, soil, air or water. However, the instruments used by the EPA's laboratories are unable to analyse waste samples, which are generally sent to a German laboratory. It should also be stressed that the laboratory officers can be called on to carry out urgent samples 24/7.

Environment Protection Department (EPD)

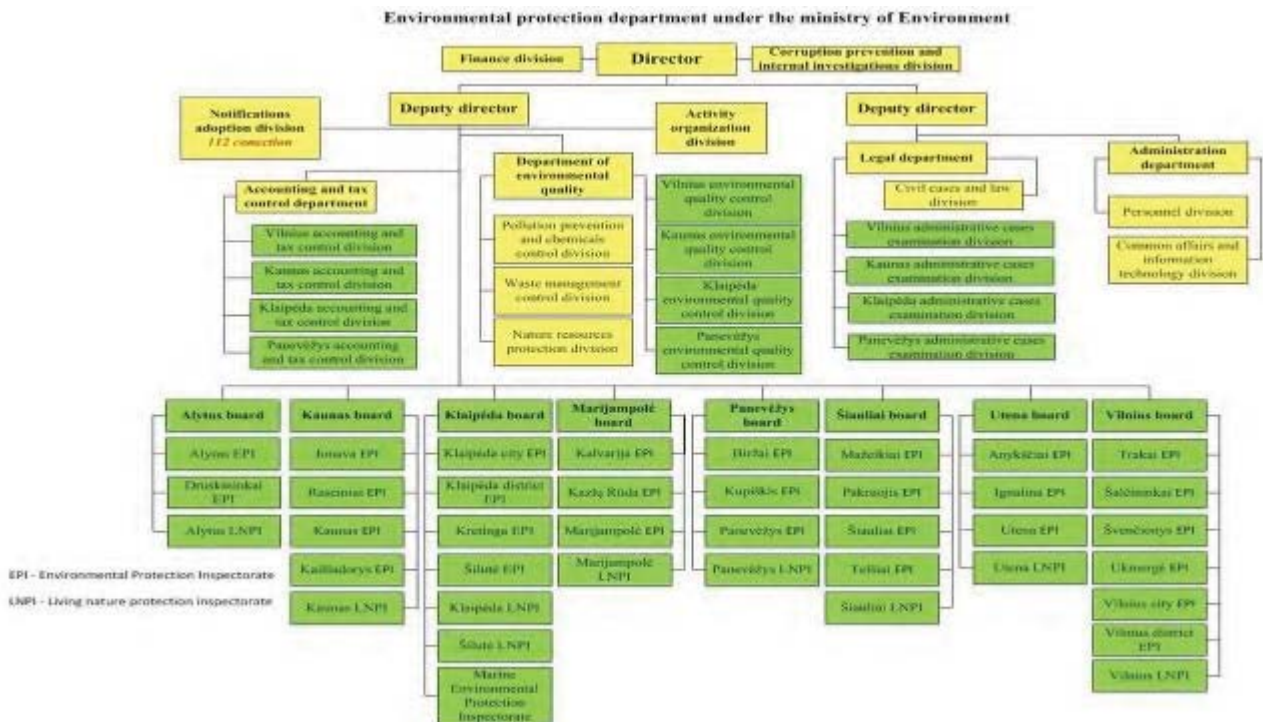
The EPD coordinates the implementation of state environmental inspection and analyses and evaluates data submitted by institutions engaged in state environmental inspection.

The EPD is structured at central, regional and local level in Lithuania as represented below:



Subdivisions located in the territories of municipalities carry out state environmental inspections and implement state policy in the fields of state environmental control and pollution prevention, the rational use of natural resources, environmental monitoring, waste management (with the exception of radioactive waste), protection of the landscape and biodiversity, the subsoil, water and waste water management. There is nearly one inspection unit per county, with a total of 420 inspectors in the environmental field. There are 10 or 11 inspectors specialising in waste at local level, and three at central level.

The evaluation team was provided with a plan showing the organisational structure of the EPD:



EPD officials carrying out state environmental control in the territory of Lithuania, including the coastline, are responsible for the identification and investigation of environmental violations. They follow an annual inspection plan, which is publicly available on the EPD website. The Waste Management Control Unit of the Environmental Quality Department of the EPD provides official assistance in interpreting offences related to the waste sector, performing inspections to identify potential waste offences.

This administrative authority also organises training for state environmental inspectors and runs the call-centre for citizens who report environmental violations.

The EPD investigates all environmental offences, including in the field of waste management. During its inspections, the EPD is guided by the description of the requirements of planned and non-scheduled inspections of the activities of economic entities in the performance of state control of environmental protection (approved by Order No D1-145 of 18 February 2011 issued by the Lithuanian Minister for the Environment, as last amended on 25 May 2018). The proceedings relating to the administrative offence must be wound up and the administrative file completed within two years of the infringement being detected.

The overall structural organisation of the EPD means that territorial boundaries do not affect investigations. The activities of all territorial divisions are coordinated by the heads of the territorial divisions of the respective area and the deputy director of the EPD. In cases where the investigation covers an area extending beyond the territory of the supervising officer, a formal letter of notice must be drawn up for the senior manager who must decide on further action: the assignment of other officers of that unit and/or other subdivisions, transfer of the case to another unit or authority for further investigation, etc.

Environmental inspectors have powers laid down in Article 12 of the law on state control of environmental protection. Thus they can:

- carry out scheduled inspections of companies and, in the case of information on irregularities, unscheduled inspections of all natural or legal persons,
- access all areas and objects,
- seize the necessary items and documents,
- stop and inspect ships.

Having identified violations, they have the power to impose sanctions - to give a binding order (instructing the subject to take certain actions or to refrain from carrying out certain actions) to stop environmentally harmful activities. Environmental inspectors (except in certain matters assigned to the courts) deal with administrative cases involving natural and legal persons and impose sanctions.

The EPD representatives informed the evaluation team of the different fines that could be imposed for administrative infringements:

Infringement	Fine for a natural person	Fine for a legal person
Activity without an IPPC permit	From EUR 300 to 1 150	From EUR 3 000 to 8 000
Activity without a pollution permit	From EUR 300 to 1 150	From EUR 600 to 1 400
Failure to comply with the conditions laid down in the IPPC or pollution permit	From EUR 300 to 1 150	From EUR 150 to 600
Failure to provide waste treatment accounting data	From EUR 230 to 430	From EUR 700 to 1 400
Failure to comply with legal requirement when executing accounting for generation and/or management of waste	From EUR 230 to 430	From EUR 150 to 300
Failure to submit the waste treatment report within the legal deadline	From EUR 120 to 220	From EUR 250 to 450

Reporting incorrect or false data in the waste generation report	From EUR 300 to 850	From EUR 250 to 600
Non-compliance with, or improper performance of, waste sorting requirements	From EUR 20 to 80	From EUR 150 to 300
Waste disposal without the right to dispose	From EUR 800 to 850	From EUR 300 to 30 000*
Violations of requirements for identification, declaration and/or packaging of waste and labelling	From EUR 140 to 440	From EUR 300 to 14 000*

* Depending on the amount of waste and its hazardousness

4.4. Cooperation and exchange of information among national authorities

4.4.1. Cooperation and coordination

It should be noted that, according to the legislation in force in Lithuania, crimes can be investigated only by law enforcement institutions. Administrative authorities can investigate administrative offences only. Offences under criminal law are subject to stricter sanctions, and administrative sanctions are softer than criminal sanctions. Once the infringement has been identified, it is investigated. If the offence appears to be criminal in nature, the material is transferred to the prosecutor's office and the administrative procedure is terminated. If an offence is found to be an administrative infringement (by a natural or legal person), only administrative liability is imposed (one violation may result in administrative liability for both the natural and the legal person). In the same way, the administrative case is stopped if a pre-trial investigation is started.

Listening to the EPD representatives, the evaluation team noticed that the administrative officers do not have specific criteria enabling them to decide whether or not they should send their cases to the prosecution service. It seems that the inspectors take this decision on the basis of a personal assessment weighing up whether or not the case will succeed in a criminal court. Furthermore, the EPD does not record the number of cases it sends to the prosecutor's office.

Cooperation involving the prosecutors

Prosecutors decide whether to conduct the whole pre-trial investigation or a part thereof on their own. In the course of the pre-trial investigation, the prosecutor is entitled to form a JIT made up of representatives of the different investigation institutions. Article 164 CPC (Subjects of pre-trial investigation) stipulates that pre-trial investigation is to be conducted by pre-trial investigation officers. The pre-trial investigation must be organised and headed by a prosecutor. To appoint the relevant entities, prosecutors follow the 'Guidelines on the assignment of criminal offences investigation to pre-trial investigation agencies' (approved under Order No I-47 of 11 April 2003 of the Lithuanian Prosecutor General). When the EPD is involved in a criminal case, it has the status of an expert.

Lithuania has also set up an interinstitutional working group dedicated to investigating potentially illegal activity by waste management companies and other persons in the fields of hazardous waste and non-hazardous waste recycling and waste electrical and electronic equipment management in Lithuania; such illegal activity may take the form of fictitious waste management, document falsification and tax evasion. The working group (approved by Order No D1-218 of the Lithuanian Minister for the Environment and Order No I-76 of the Lithuanian Attorney General on 24 February 2016) was established by representatives of the ME, the PGO, the state tax inspectorate, the FCIS, the Lithuanian Criminal Police Bureau and the customs service. This interinstitutional working group meets quarterly and some of the participants, especially those in the judicial bodies, know each other personally and can therefore get in touch without formalities, by a simple phone call.

Cooperation among law enforcement authorities and administrative bodies

The EPD cooperates with the customs service, the state tax inspectorate, the Lithuanian Transport Safety Administration (former VKTI) and other supervisory authorities in gathering the information necessary for carrying out inspections. Collaboration takes place via correspondence, covering both specific cases and specific control areas (e.g. waste shipment control, environmental taxes). For example, the purpose, date and place of the inspection are agreed in writing when planning roadside enforcement checks with the customs service. By appointing responsible officials in both institutions, they can form an action plan directly (by telephone or e-mail), detailing times and movements, aims of the inspection, division of responsibilities, etc.

Cooperation between the customs service and the Ministry of the Environment and the institutions subordinate to them takes place in accordance with Agreement No BS-2017-2/15B-1 of 16 January 2017 signed between the customs service and the ME on cooperation in the field of control of cross-border shipments of waste.

Moreover, it is stipulated in point 3.4 of Decree No 90 of the Lithuanian Government of 25 January 2016 (transposing Regulation (EU) No 660/2014 of the European Parliament and of the Council of 15 May 2014 amending Regulation (EC) No 1013/2006 on shipments of waste) and in the transboundary waste shipments inspection plan for 2017–2019, that environmental officers, together with other law enforcement authorities, may organise shipment inspections to verify compliance with international waste shipment requirements.

According to sub-section 2 of point 2 ('Plan measures and Tasks') of the inspection plan, for joint cross-border waste shipment checks falling within its responsibility (and with the participation of other state authorities), the EPD conducts raids/inspections with the customs service and the Lithuanian Transport Safety Administration (the former State Road Transport Inspectorate).

The Lithuanian police explained that there are no special cooperation agreements between law enforcement authorities in the field of prevention or investigation of waste crime, but there are general agreements for cooperation in other areas which might be applied if necessary. The police underlined that no practical cooperation difficulties had occurred in connection with the small number of investigations carried out.

The FCIS stated that there had been no need so far to set up JITs for waste-related pre-trial investigations. However, the Special Task Board of the FCIS was cooperating with the Ministry of the Environment and the EPD in Vilnius and in the city of Utena. Their representatives were invited to participate in pre-trial investigations by providing expertise and relevant information.

4.4.2. Access to information and focal points on intelligence

At national level, Article 8 of Lithuania's Police Law states that police forces are entitled to acquire information from state authorities, legal entities and organisations, including entities with other legal status (all registers and information systems). Moreover, those entities may, in accordance with the procedure established by legal acts, ask other state institutions for information on the companies involved in waste management.

At international level, Article 12 of the Police Law makes provision for international police cooperation and Article 19 provides for the exchange of criminal information with partners, law enforcement agencies of foreign states, international organisations and EU agencies. In practice, Lithuania's law enforcement agencies exchange information with foreign law enforcement agencies through the Secure Information Exchange Network Application (SIENA), which allows the exchange of all available information with EU countries and third countries that have concluded operational agreements on data exchange with Europol. The SIENA network allows the exchange of unclassified and 'Restricted' information (the unit works 24/7). Information may also be exchanged via Interpol.

There is no specialised national contact point in Lithuania for criminal intelligence on waste crimes. A 24/7 contact point has been established within the International Liaison Office of the Lithuanian Criminal Police Bureau. The key functions of the International Liaison Office are:

- to implement and coordinate international cooperation of the police agencies and other law enforcement authorities of Lithuania with the General Secretariat of Interpol, Europol and international organisations, as well as with Interpol, Europol and SIRENE national units and the competent law enforcement agencies of other states, and with accredited overseas police and customs liaison officers to ensure 24/7 information exchange;
- to conduct and coordinate international searches for wanted people who have absconded from law enforcement agencies or judicial institutions, as well as searches for missing persons and other persons and objects.

The Lithuanian police therefore have access to all national registers and information systems and to the following international databases: INTERPOL, SIS, VIS, EIS, PRUM, EURODAC, ECRIS, PNR.

4.5. Training

There is no body or entity in Lithuania responsible for the provision of training on environmental crime and waste crime.

Officers in the administrative entities used to be given training in the environmental field. However, such training is being scaled down due to a lack of funds. The EPD's representatives stressed that new inspectors need training, and that the focus must be on the major issues in the fight against waste crime.

Initial police training courses do not include environmental crime, nor does ongoing police training. The police representative added that there is no cooperation with the Ministry of the Environment, the EPA or the EPD in the field of training.

Lithuania nevertheless uses opportunities provided by the EU to fill this gap. In 2018, one police officer took part in the CEPOL ‘Environmental Crime’ training course aimed at building advanced capabilities and cooperation to tackle environmental crime from a European perspective. The course took place in France on 23-27 April 2018. Several enforcement officers (from the police, the national security service and the prosecution service) also participated in the CEPOL webinar ‘Environmental Crime – Illicit waste trafficking’, which was broadcast on 5 June 2018.

Training for prosecutors comes under the responsibility of the PGO. No training has been provided in the waste crime field for the past five years. The Lithuanian authorities explained to the evaluation team that efforts are currently under way to strengthen prosecutors’ specialist knowledge by arranging training in the relevant areas. In 2017, prosecutors participated in the following training courses:

- Conference of the Network of Environmental Prosecutors from the Baltic States held in Oslo, Kingdom of Norway (one prosecutor);
- training course on crimes against the environment which was arranged by Interpol (one prosecutor);
- continuous training on organised crime in the area of environmental protection, which was arranged by the *Scuola Internazionale di Alta Formazione per la Prevenzione ed il Contrasto del Crimine Organizzato* (one specialised prosecutor from the Prosecutor General’s Office).

4.6. Conclusions

- The public prosecutor plays a central role in the Lithuanian system, as every pre-trial investigation is registered in the public prosecutor's office. He or she also decides if an infringement constitutes an administrative offence or a criminal case to be investigated by the law enforcement authorities. It is also the public prosecutors who decide which law enforcement unit will conduct the investigation; they therefore have an important coordination role.
- With a few exceptions, Lithuania does not have specialised prosecutors in the field of the environment. In a way this is understandable because of the limited number of cases. On the other hand, if non-specialised prosecutors are having to assess cases brought to the PGO by the environmental authorities for possible criminal investigation, they could easily miss the importance and environmental impact of the information. Moreover, investigating environmental crime is a complex task both from a legal and procedural point of view and also because of the factual/scientific aspects. In the evaluators' view, public prosecutors with specialist knowledge of environmental crime are essential for the successful conduct of investigations and court proceedings in that field, given the prominent role public prosecutors play in Lithuania's system of criminal investigation. Their judgment on the facts at the very start of a case can be decisive. They also have to know how to build up the case, as they have to guide the police and coordinate the action of other authorities in the preliminary investigation, and oversee the collection of evidence.
- The experts were impressed by the Lithuanian electronic case management system and wish to flag up some of the benefits of using it: digitalising the protocols makes the process easier and faster; links can be generated for the immediate freezing of bank accounts; online procedural communication among police, prosecutors and judges ensures better supervision of cases; and taking electronic copies of the case files is a lot faster and easier than making paper copies. The evaluation team believes that the use of such a system should be expanded across the whole of the EU. The cost of establishing such a system will be more than offset by the benefits it will bring.

- The EPA carries out state monitoring of air quality and the status of surface water bodies, wildlife and ecosystems. The law enforcement entities involved are the police, the FCIS, the SIS and prosecutors working with the administrative inspectors of the EPD. The EPD is an administrative structure which coordinates the implementation of state environmental inspection. Crimes are also investigated by the Customs Criminal Service. There is no police specialisation when it comes to combating environmental crimes. The regional police are responsible for environmental crimes, since such crimes are considered to be less serious.
- The EPD uses a wide range of supervisory tools but does not have criminal enforcement powers. It conducts all kinds of inspections, such as non-routine inspections, routine inspections, ‘desk inspections’, ‘on-site’ inspections, cross-checks (combined) and ‘review checks’.
- The EPD and the customs service should be encouraged to ask the police to help them in conducting criminal investigations into environmental crimes.
- During the evaluation, the experts learnt about several significant environmental crime cases with elements of serious and organised crime, showing that Lithuanian legislation does make provision for the necessary legal and procedural instruments if it is properly applied. These cases also show that waste crime and environmental crime with elements of organised crime take place and are an actual threat in Lithuania.
- Even though no special provisions exist regarding the techniques/tools applicable for the investigation of waste crime, the Lithuanian judicial authorities can use relevant techniques for a specific investigation under general procedure. The more serious the waste crime is, the more power the judicial authorities can use. The investigative techniques/tools used to investigate pollution are therefore sufficient and allow for proper investigations to be conducted.

- Lithuania has set up an environmental hotline under the responsibility of the EPD. The evaluation team believe that this tool helps to raise public awareness of environmental infringements. The calls to this dedicated hotline can provide a fully anonymous source of information on possible violations of environmental law by individuals or legal persons. It must be stressed that people reporting illegal activities relating to the environment in this manner will have their identities protected. It is obvious that the guarantees of anonymity and security afforded to private data sometimes provide an even greater motivation for citizens to use the hotline as a tool offered directly by the state institutions. As a consequence, citizens could perceive it as a means of support provided by the relevant authorities, which helps to create a more positive image of state institutions in the eyes of society. Furthermore, the environment hotline helps ensure that dedicated forces can quickly reach any areas in the country which have suffered damage, take early samples and possibly arrest perpetrators *in flagrante*.
- There is no specialised intelligence and investigation service on waste-related environmental crime within the EPD, such as can be found for instance in environmental inspectorates in England, Scotland and the Netherlands. There are no specialised units for environmental crime at national or regional level within the police. Where the police (and the judiciary) do conduct investigations into environmental cases, the focus seems to be on traditional wildlife crimes such as poaching, illegal fishing, wood theft, etc. Lithuania could follow the example of the Italian Carabinieri, the Spanish and Portuguese Guardia Civil, the Dutch national police or the French and Belgian Gendarmerie. In order for the fight against environmental crime to be really effective, the evaluators believe that a unit specialising in environmental crime is needed somewhere in the organisations involved. Lithuania is therefore encouraged to create a specialised law enforcement unit tackling environmental crime.

- The lack of a central strategy in the area of the fight against environmental crime, the strict delineation of activities between administrative agencies and law enforcement agencies, the piecemeal organisation of responsibilities and the lack of a national comprehensive approach weaken the efficiency of actions carried out by the Lithuanian authorities in this field. Environmental and waste crime matters need to be anchored within the remit of, or to be made the responsibility of, one central department. The evaluators therefore believe that a cooperation platform established at central level for combating environmental crime could strengthen the resilience of the system. The experts accordingly think that Lithuania should create a national platform, based on the existing interinstitutional group, to define the level of threat of environmental crime; the platform should involve all entities in this specific field (law enforcement authorities, administrative agencies, public prosecutors), making it possible to gather data, exchange information and experience, launch effective investigations and monitor the situation.
- The administrative activities of the EPD, the EPA and the customs service, and the information and ‘intelligence’ gathered from their work on waste inspections, permits and waste exports, seem to be used only incidentally to launch criminal cases or make a criminal analysis report. The evaluators believe that this information, if combined, could potentially be a valuable source of intelligence making it possible to gain a better insight into legal and illegal activities in (international) waste crime.

- Although information is provided to the prosecutor's office if the EPD discovers signs of a possible criminal offence in the course of an inspection, in practice it does not always seem clear when a criminal offence must be investigated. Due to the lack of judicial precedents in cases falling into this category, the staff of the EPD are not adequately informed of the type of cases they should send to the competent prosecutor's office for further criminal investigation. Informative guidelines should therefore be drawn up on what may be considered a crime under Article 270 CC and what is simply an administrative offence. The term 'guidelines' in this context does not mean 'mandatory instructions' but rather legal advice and information. The environmental agencies should be better informed on what is considered to be an environmental crime under Article 270 CC. However, they should be able to identify whether certain substances can be considered 'hazardous', which installations are characterised as 'potentially hazardous', and which works should be considered 'potentially dangerous'. Lithuania should therefore encourage the environmental agencies to send a copy of their reports on waste regulation violations to the competent prosecutor's offices to enable the latter to assess the possibility of initiating a pre-trial investigation; alternatively, the prosecution service could define guidelines to help environmental agencies to bring relevant criminal cases.
- The EPD carries out waste inspections and collects the necessary information to draw up the national transboundary waste inspection plan. According to the EU Waste Regulation, this inspection plan needs to be risk-based. The EPD waste inspectors (around 14 in number) are probably the only government officials in Lithuania who possess the expertise needed to assess the full extent of the EU's complex regulations in the field of waste. Sufficient in-depth training on this legislation is needed for these inspectors and the specialised prosecutors who handle these cases. Basic training on waste regulation is also needed for the police and customs service so that they can better detect possible environmental crimes. The evaluation team therefore considers that Lithuania should strengthen its level of training for all the entities involved in tackling environmental crime, especially the environmental agencies, customs service, police (tactical and forensics units) and prosecutors.

- The Financial Crime Investigation Service has no specialised units for the detection and investigation of environmental crimes, and has investigated only eight environmental crimes. To increase the number of criminal investigations, the experts encourage the FCIS to work more closely with the EPD and other organisations with relevant expertise.
- Given the predominance of the police forces in the investigation of environmental crimes, resulting from their (exclusive) investigative competences, a basic training course or training module on environmental crime for police officers should be organised soon and should be made available for a sufficiently large number of participants in relation to the total capacity of the Lithuanian police.
- Joint training sessions, bringing together all relevant stakeholders involved in combating environmental crimes, such as specialised prosecutors, police officers, the FCIS, the customs service and the EPD, would be very useful.
- No specific budget is allocated for tackling environmental crimes. In the evaluators' opinion, an increase in the budget specifically dedicated to these crimes would be advisable.

5. LEGAL ASPECTS

5.1. Substantive criminal law

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

The main legislation on waste crime is Article 270 CC.

Article 270: Infringement of regulations governing the protection of the environment or use of natural resources or the maintenance or operation of structures wherein hazardous substances are used or stored or wherein potentially hazardous installations are kept or potentially dangerous works are performed

1. A person who infringes regulations, as stipulated by legal acts, for the protection of the environment or use of natural resources or the maintenance or operation of structures wherein hazardous substances are used or stored or wherein potentially hazardous installations are kept or potentially dangerous works are performed, where this poses a hazard to human life or health or could lead to significant damage to air, soil, water, fauna or flora or causes other serious consequences for the environment, shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

2. A person who commits an act of the kind referred to in paragraph 1 of this Article or systematically infringes regulations, as stipulated by legal acts, for the protection of the environment or use of natural resources or the maintenance or operation of structures wherein hazardous substances are used or stored or wherein potentially hazardous installations are kept or potentially dangerous works are performed, where this leads to significant damage to air, soil, water, fauna or flora or causes other serious consequences for the environment, shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A legal person may be held liable for acts of the kind referred to in this Article.

4. Acts of the kind referred to in paragraph 1 of this Article shall be criminal acts even where committed through negligence.

Lithuania considers Article 270 CC a 'blanket provision'. That means that Article 270 provides for criminal liability for many identical criminal acts, because listing all of them would infringe the principles of laconic and defined wording of the criminal law; particular crimes are specified in special laws or legal acts.

In this case, with the blanket provision of the Article, one has to rely on other laws or legal acts governing environmental protection matters that establish specific rules for permissible or compulsory conduct (e.g. resolutions of the government, ministerial orders etc.), rather than on the provisions of Article 270. The Lithuanian practitioners explained to the evaluation team that they can apply it easily, because under the blanket provision all related laws/regulations are covered.

In deciding on criminal liability under Article 270 CC, in each case the special legal act that establishes which environmental protection provision has been violated must be identified (in this case, the Waste Management Regulations. Usually such special legal acts are only generally referred to in this provision of the Article. Consequently, the 'environmental protection regulations established by legal acts' include all the environmental rules and regulations that are provided for in all legal acts of the Republic of Lithuania (which should be relied on in clarifying the content of Article 270 CC) and a violation of which (provided that it has resulted in the consequences specified in Article 270 CC) incurs criminal liability under the said Article.

The special terms used in Article 270 CC have to be interpreted taking guidance from the special (environmental protection) legal acts in which the terms are defined. Accordingly, in the case of waste crimes referred to in Article 3(b) of Directive 2008/99/EC, the wording 'environmental protection regulations established by legal acts' in Article 270 CC refers directly to provisions of the Law on Environmental Protection (which establishes the general principles of environmental protection) and the Law on Waste Management (in which lawful waste management methods and rules are established).

Furthermore, Article 23 ('Waste Management') of the Law on Environmental Protection states that: 'Persons shall comply with the waste management requirements laid down in the laws and legal acts of the Republic of Lithuania. Waste management costs shall be paid by the polluter'. The Law on Waste Management is highly relevant, as the main law in the area of waste management. The concept of waste management defined in Article 2(18) of this law ('waste management means the collection, transport, recovery and disposal of waste, including the organisation and supervision of such operations and the after-care of disposal sites, and including actions taken as a waste dealer or broker') is fully in line with the waste management concept set out in Article 3(b) of Directive 2008/99/EC (i.e. the collection, transport, recovery or disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including action taken as a dealer or a broker (waste management)). Furthermore, Article 2 also contains definitions of waste collection, transport, recovery, disposal etc. Further sections of the law are designed for the detailed regulation of all aspects of waste management: Chapter III of the law sets out detailed methods and rules for waste management (including waste recovery, storage, disposal and supervision); Chapter IV covers the specific features management of hazardous waste etc. Finally, Article 35 ('Liability') of the law states that 'Persons in breach of requirements of this Law shall be held liable in accordance with the procedure established by the laws of the Republic of Lithuania', which means that violations of that law, provided that they give rise to consequences referred to in Article 270 CC, incur criminal liability (or, in the absence of such consequences, administrative liability).

Also highly relevant in this context is the Order of the Minister for the Environment No 217 of 14 July 1999 'On the approval of the Waste Management Regulations' (new version of the Order: from 1 January 2018, Order No D1-831), which, having regard to Article 23 of the Law on Environmental Protection, provides a very detailed description of lawful waste management methods and rules, failure to comply with which incurs legal (including criminal) liability for offenders.

In view of the foregoing, it should be pointed out that criminal liability arises under Article 270 CC (to the extent related to the offences referred to in Article 3(b) of Directive 2008/99/EC) if a violation of the waste management regulations established in the special environmental legal acts (the Law on Environmental Protection, the Law on Waste Management etc.) has been committed, provided that the violation has given rise to criminal consequences under Article 270 CC (which are fully in line with the consequences set out in Article 3(b) of Directive 2008/99/EC), i.e. where that infringement poses a hazard to human life or health or could lead to significant damage to air, soil, water, fauna or flora, or causes other serious consequences for the environment (Article 270(1)) or where that infringement leads to significant damage to air, soil, water, fauna or flora, or causes other serious consequences for the environment (Article 270(2)).

In cases where none of the consequences referred to in Article 270 CC have arisen (i.e. no danger to human life or health, no substantial damage to the air, soil, water, fauna or flora, and no other grave consequences for the environment, and no threat of the occurrence of such consequences has arisen), the offender may be subject to administrative liability rather than criminal liability. To establish the former, normally it is sufficient merely to establish a violation of environmental protection legal acts and not to establish the existence of damage caused by the violation.

Article 270 CC is the general standard with respect to other provisions on criminal liability for criminal acts against the environment. Consequently, certain crimes against the environment are criminalised in individual articles of the CC (special provisions of the CC) in cases where the offender encroaches upon concrete and/or specific natural objects (e.g. protected areas are being destroyed, a forest is illegally cut down, etc.), or due to specific features of the crime itself. In particular, the offences referred to in Article 3(c) of Directive 2008/99/EC (i.e. the shipment of waste, where such activity falls within the scope of Article 2(35) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste and is undertaken in a non-negligible quantity, whether executed in a single shipment or in several shipments which appear to be linked) are criminalised in Article 270² CC.

Article 270²: Unlawful transportation of waste across the state border

1. A person who, without an authorisation or by otherwise violating provisions of legal acts, transports across the state border of the Republic of Lithuania fifty or more tonnes of non-hazardous waste intended for handling or disposal shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.
2. A person who, without an authorisation or by otherwise violating provisions of legal acts, transports across the state border of the Republic of Lithuania fifty or more tonnes of hazardous waste intended for handling or disposal shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.
3. A legal person may be held liable for acts of the kind referred to in this Article.

Article 270² CC provides for criminal liability for the transportation of fifty tonnes or more of non-hazardous or hazardous waste for recovery or disposal, which is in line with the requirement laid down in Article 3(c) of Directive 2008/99/EC that such activity (for the purposes of imposition of criminal liability) must be carried out on a large scale (in large quantities), whereas transportation of less than fifty tonnes of non-hazardous or hazardous waste would lead to administrative rather than criminal liability according to Article 251 of the Administrative Code of the Republic of Lithuania ('A violation of the regulations on the entry or import of waste into the Republic of Lithuania, removal or export of waste from the Republic of Lithuania and carrying waste in the territory of the Republic of Lithuania by transit').

Minimum and maximum penalties or administrative penalties for natural and legal persons:

The offence referred to in Article 270(1) CC imposes a fine, or restriction of liberty, or arrest, or imprisonment for up to three years; the offence referred to in Article 270(2) is punishable by a fine, or arrest, or imprisonment for up to six years.

Accordingly, the offence referred to in Article 270²(1) CC is punishable by community service or a fine, or restriction of liberty, or arrest, or imprisonment for up to one year, and the offence referred to in Article 270²(2) by a fine, or arrest, or imprisonment for up to three years.

According to Article 11 CC, a criminal act under Article 270²(1) and (2) is a minor crime (a crime of low seriousness), whereas a criminal act under Article 270(2) CC is a crime of medium seriousness. Having regard to this and to Article 50 CC (which states that the minimum length of the term of custodial sentences is three months), the most severe punishment for the crime specified in Article 270²(1) CC is a custodial sentence of between three months and one year; for the crime specified in Article 270²(2) CC it is between three months and three years; for the crime specified in Article 270(1) CC it is between three months and three years; and for the crime specified in Article 270(2) CC, between three months and six years.

Apart from a custodial sentence for this crime, alternative punishments can be administered, namely community service or a fine, or restriction of liberty, or arrest. It should be pointed out that the levels of these penalties are not specified in the sanctions under Articles 270 and 270² (just as in all other articles of the CC), and courts establish those levels taking guidance from the minimum and maximum levels of the punishments specified in Articles 46, 47 (notably, in this case, the level of punishment also depends on the seriousness of the crime as defined in Article 11 CC), 48 and 49. Thus, community service for a period ranging between one month and one year may be imposed on the offender for a crime of the type specified in Article 270²(1) CC (Article 46(2) CC). For the crimes specified in Article 270²(1) and Article 270(1) CC, a sentence of restriction of liberty for between three months and two years may be imposed on the offender (Article 48(2) CC). For the crimes specified in Articles 270²(1) and (2) and Article 270(1) CC (as all these crimes are regarded as minor crimes under Article 11 CC), the offender may receive a fine ranging between 50 and 2 000 Minimum Subsistence Figure (MSF), one MSF being equal to EUR 50. (second subparagraph of Article 47(3) CC), and for the crime specified in Articles 270(2) CC (which is regarded as a crime of medium seriousness under Article 11 CC), the offender may receive a fine of between 100 and 4 000 MSF (third subparagraph of Article 47(3) CC). For the crimes specified in Articles 270 and 270² CC, the offender may also be punished by arrest for 15 to 90 days (Article 49(3) CC). Notably, the specific level of the penalties is established by the court in accordance with Articles 46, 47, 48 and 49 CC and the provisions of Chapter VIII CC ('Imposition of Penalties'), which imposes a specific penalty and specifies the level of the penalty in the sentence.

5.1.2. Other rules or judiciary instructions

Article 11: Crime

1. A crime shall be a dangerous act (act or omission) forbidden under this Code and punishable with a custodial sentence.
2. Crimes shall be committed with intent and through negligence. Premeditated crimes shall be divided into minor, less serious, serious and grave crimes.

3. A minor crime shall be a premeditated crime punishable, under the criminal law, by a custodial sentence with a maximum duration of three years.

4. A less serious crime shall be a premeditated crime punishable, under the criminal law, by a custodial sentence with a maximum duration of more than three years, but not exceeding six years in prison.

5. A serious crime shall be a premeditated crime punishable, under the criminal law, by a custodial sentence with a duration of more than three years, but not exceeding ten years in prison.

6. A grave crime shall be a premeditated crime punishable, under the criminal law, by a custodial sentence with a maximum duration of more than ten years.

Article 42: Types of penalties

1. The following penalties may be imposed on a person who commits a crime:

1) community service;

2) a fine;

3) restriction of liberty;

4) arrest;

5) a fixed-term custodial sentence;

6) a custodial sentence for life.

2. The following penalties may be imposed on a person who commits a misdemeanour:
 - 1) community service;
 - 2) a fine;
 - 3) restriction of liberty;
 - 4) arrest.
3. Only one penalty may be imposed on a person for the commission of one crime or misdemeanour.
4. In the cases provided for in Articles 63 and 64 of this Code, two penalties may be imposed.
5. If more than two penalties of different types are imposed for several crimes committed, a court shall, when imposing a final combined sentence, select two penalties from those imposed, one of them being the most severe penalty, and the other one selected at the discretion of the court.
6. A person who has committed a criminal act may, together with a penalty and in accordance with Articles 67, 68, 68¹, 68², 72, 72¹, 72² and 72³ of the Code, incur one or more of the following penalties: prohibition of the exercise of a special right, deprivation of public rights, deprivation of the right to be employed in a certain position or to engage in certain activities, confiscation of property, the obligation to reside separately from the victim and/or prohibition from approaching the victim more closely than a prescribed distance, participation in programmes addressing violent behaviour, extended confiscation of property.
7. The types of penalties in respect of legal entities and details concerning the imposition of penalties upon minors are stipulated by Articles 43 and 90 of this Code.

Article 46: Community service

1. Community service shall be ordered by a court in the cases provided for in the Special Part of this Code. The penalty of community service may be imposed only with the consent of the convict.
2. Community service may be imposed for a period of from one month to one year. The term of the penalty shall be counted in months. A person sentenced to perform community service shall be required to work for the community without remuneration from ten to 40 hours per month during the period set by the court.
3. The penalty laid down in an article shall not indicate the time of performance or the number of hours of community service. This shall be determined by a court when imposing the penalty; however, that time may not exceed 480 hours for a crime or 240 hours for a misdemeanour.
4. The service to be performed by the convict shall be selected by the institution executing the penalty, assisted by executive institutions of municipalities.
5. Where, for objective reasons, a person is not able to perform the community service imposed upon him under this Article, a court may release him or her from that penalty by imposing in lieu thereof a penal sanction provided for in Chapter IX of this Code.
6. Where a person fails, for valid reasons, to perform the required number of hours of community service within a time limit laid down by a court, the court may extend the time limit for performing community service until the person performs the required number of hours.
7. Where a person evades performance of community service, the institution executing the penalty shall warn the convict of possible legal consequences. Where the person continues evading the serving of the penalty of community service after receiving the warning, a court may, on the recommendation of the institution executing the penalty, replace community service with a fine or arrest. Community service shall be replaced with a fine or arrest in accordance with the rules specified in Articles 47, 49 and 65 of this Code.

8. Where, after a judgment becomes effective, a person refuses to perform community service, a court shall, on the recommendation of the institution executing the penalty, replace community service with a fine or arrest in accordance with the rules specified in Articles 47, 49 and 65 of this Code.

Article 47: Fine

1. A fine shall be a pecuniary penalty imposed by a court in the cases provided for in the Special Part of this Code.
2. A fine shall be calculated in the amounts of minimum standard of living (MSL).
3. The amounts of a fine shall be determined as follows:
 - 1) for a misdemeanour – in an amount from 15 MSLs up to 500 MSLs;
 - 2) for a minor crime – in an amount from 50 MSLs up to 2 000 MSLs;
 - 3) for a less serious crime – in an amount from 100 MSLs up to 4 000 MSLs;
 - 4) for a serious crime – in an amount from 150 MSLs up to 6 000 MSLs;
 - 5) for a grave crime – in an amount from 20 MSLs up to 750 MSLs.
4. The amount of a fine for a legal entity shall be from 200 MSLs up to 100 000 MSLs.
5. The sanction of an article shall not indicate the amount of a fine for a criminal act. That amount shall be specified by a court when imposing the penalty.

6. A fine imposed for the criminal acts provided for in Chapter XXXIII of this Code may not be lower than the amount of the property damage caused by the subject of a criminal act or the offender or the amount of property benefit received or sought by the offender for himself or for another person. Where there are several criteria for calculating the amount of the fine, the amount of the fine to be imposed shall be calculated on the basis of the criterion whose value, as expressed in money terms, is the highest. Where a fine is imposed in accordance with the rules laid down in this paragraph, the final fine imposed by a court for the criminal acts provided for in Chapter XXXIII of this Code may exceed the maximum amounts of a fine specified in paragraphs 3 and 4 of this Article, but may not be lower than the minimum amounts of a fine provided for in paragraphs 3 and 4 of this Article.

7. Where a person does not possess sufficient funds to pay a fine imposed by a court, the court may, in compliance with the rules stipulated in Article 65 of this Code and subject to the convict's consent, replace this penalty with community service.

8. Where a person evades voluntary payment of a fine and it is not possible to recover it, a court may replace the fine with arrest. When replacing the fine with arrest, the court shall act in compliance with the rules stipulated in Article 65 of this Code.

Article 48: Restriction of liberty

1. The penalty of restriction of liberty shall be imposed by a court in the cases provided for in the Special Part of this Code.

2. Restriction of liberty may be imposed for a period of from three months to two years. The term of the penalty shall be counted in years and months.

3. Persons sentenced to restriction of liberty shall be required:

1) not to change their place of residence without notifying the institution executing the penalty;

2) to comply with mandatory and prohibitive injunctions of the court;

3) to give an account, in accordance with the established procedure, of compliance with the prohibitive and mandatory injunctions.

4. A court may impose one or more prohibitive or mandatory injunctions in respect of a person upon whom the penalty of restriction of liberty has been imposed.

5. A court may impose the following prohibitive injunctions:

1) to refrain from visiting certain places;

2) to refrain from communicating with certain individuals or groups of individuals;

3) not to own, use, acquire, store on one's own or transfer for safekeeping to other persons certain items.

6. A court may impose the following mandatory injunctions:

1) to stay at home at a certain time;

2) to provide full or partial compensation for the property damage caused by a criminal act or to eliminate such damage with his or her own work;

3) to take up employment or register at a labour exchange; to study;

4) to undergo a treatment against alcohol addiction, drug addiction, addiction to toxic substances or a sexually transmitted disease, where the convict agrees therefor;

5) to work for no remuneration for up to 200 hours within a period laid down by a court, but not exceeding the term of restriction of liberty, at health care, social-care or guardianship establishments or non-state organisations caring for the disabled, the aged or other persons in need of assistance.

7. At the request of a person or other participants in criminal proceedings, a court may impose upon him or her other prohibitive or mandatory injunctions not provided for under a criminal law in place of those indicated in paragraphs 5 and 6 of this Article, where, in the opinion of the court, this would have a positive effect on his or her behaviour.

8. The number of prohibitive and mandatory injunctions imposed by a court in respect of the convict shall not be specified; however, they must be coordinated.

9. Where, for objective reasons, the convict is not able to comply with the specified mandatory injunctions, a court may, on the recommendation of the institution executing the penalty, release him or her from this penalty and impose in its place a penal sanction provided for in Chapter IX of this Codes.

10. Where a person evades the serving of the penalty of restriction of liberty, this penalty shall be replaced with arrest in accordance with the rules specified in Articles 49 and 65 of this Code.

Article 49: Arrest

1. Arrest shall be imposed by a court in the cases provided for in the Special Part of this Code.
2. Arrest shall mean a short-term custodial sentence served in a short-term detention facility. The term of arrest shall be counted in days.
3. Arrest shall be imposed for a period of from 15 to 90 days for a crime and from ten to 45 days for a misdemeanour.
4. The term of arrest for a criminal act shall not be indicated in the sanction of an article. That term shall be specified by a court when imposing the penalty.
5. If arrest is imposed for a period of 45 days or less, a court may order that it be served on days of rest. Where a person violates that procedure for serving arrest, the court may decide that the procedure be changed to the regular procedure for serving arrest.
6. Arrest shall not be imposed upon pregnant women and may be not imposed upon persons raising a child under the age of three years, taking into consideration the interests of the child.

It should be noted that for the commission of criminal acts as provided for in Articles 270 and 270² CC, the following penalties may be imposed on a legal entity: a fine (Article 47(4) CC: 200 MSLs to 100 000 MSLs); restriction of operation of the legal entity; liquidation of the legal entity.

Article 43: Types of penalties in respect of legal entities

1. The following penalties may be imposed upon a legal entity for the commission of a criminal act:
 - 1) a fine;
 - 2) restriction of operation of the legal entity;
 - 3) liquidation of the legal entity.

2. Having imposed a penalty upon a legal entity, a court may also decide to announce its judgment in the media. A judgment whereby the court imposes a penalty upon a legal entity for the crimes provided for in Chapter XXXIII of this Code must be announced in the media.
3. Only one penalty may be imposed upon a legal entity for one criminal act.
4. Sanctions under the articles in the Special Part of this Code shall not specify the penalties to which legal entities are subject. In imposing a penalty upon a legal entity, a court shall refer to the list of penalties specified in paragraph 1 of this Article.

Article 52: Restriction of operation of a legal entity

1. When imposing the penalty of restriction of operation of a legal entity, a court shall prohibit the legal entity from engaging in certain activities or order it to close a certain division of the legal entity.
2. The operation of a legal entity may be restricted for a period from one year up to five years. The term of the penalty shall be counted in years and months.

Article 53: Liquidation of a legal entity

When imposing the penalty of liquidation of a legal entity, a court shall order the legal entity to terminate, within the time limit laid down by the court, the entire economic, commercial, financial or professional activity and to close all divisions of the legal entity.

5.1.3. *Determination of the seriousness of waste crime*

The seriousness and dangerousness of the crimes referred to the Article 270 CC, to the extent related to the offences referred to in Article 3(b) of Directive 2008/99/EC, depend, in substance, on criminal consequences arising from these crimes, as specified in Article 270 (1) and (2) CC, i.e. the graver the consequences, the more dangerous and serious the waste crime.

Accordingly, if a violation of the environmental regulations established by the special legal acts (as referred to in Article 270 CC) and related to unlawful management of waste has given rise (only) to a threat to human life or health, or could have caused (but has not caused) substantial damage to the air, soil, water, fauna or flora, or could have given rise to other grave consequences for the environment, such a crime is regarded as a crime of lesser dangerousness, is punishable by a maximum penalty of imprisonment for up to three years and is classified under Article 11(3) CC as a minor crime (Article 270(1) CC).

However, where a violation of the environmental regulations established by the special legal acts (as referred to in Article 270 CC) has caused actual substantial damage to the air, soil, water, fauna or flora, or has given rise to other grave consequences for the environment, such a crime is regarded as a much more serious one, is punishable by a maximum penalty of imprisonment for up to six years and is classified under Article 11(4) CC as a crime of medium seriousness (Article 270(2) CC).

Where none of the consequences referred to in Article 270 CC has arisen from the violation of the waste management regulations, the offender is subject to administrative liability, which is imposed on the basis of establishment of a violation of environmental protection legal acts, and it is not necessary to establish the fact of damage caused by the violation.

Aggravating circumstances, which are introduced in Article 60 CC, undoubtedly have a negative impact on the determination and gravity of the criminal sanctions (with regard to the criminal offences established in Articles 270 and 270² CC), since, pursuant to Article 54 CC, when imposing a penalty, a court has to take all mitigating and aggravating circumstances into consideration.

The main provisions, including basic principles as well as the detailed rules/instructions for judges concerning the imposition of a criminal penalty, which judges must consider when imposing penalties, are introduced in Chapter VIII CC ('Imposition of a penalty') :

Article 54: Basic principles of imposition of a penalty

1. A court shall impose a penalty in accordance with the sanction laid down in an article of the Special Part of this Code providing for liability for a criminal act committed and in compliance with provisions of the General Part of this Code.
2. When imposing a penalty, a court shall take into consideration:
 - 1) the degree of dangerousness of a criminal act committed;
 - 2) the form and type of guilt;
 - 3) the motives and objectives of the criminal act committed;
 - 4) the stage of the criminal act;
 - 5) the personality of the offender;
 - 6) the form and type of participation of the person as an accomplice in the commission of the criminal act;

7) mitigating and aggravating circumstances;

8) the damage caused by the criminal act.

3. Where imposition of the penalty provided for in the sanction laid down in an article clearly contravenes the principle of justice, a court may, taking into consideration the purpose of the penalty, impose a commuted penalty subject to a reasoned decision.

Article 55: Imposition of a penalty upon a person prosecuted for the first time for a negligent or minor or less serious premeditated crime

The court shall generally impose a non-custodial sentence upon a person prosecuted for the first time for a negligent or minor or less serious premeditated crime. If a custodial sentence is imposed, the court must justify its decision.

Article 56: Imposition of a penalty upon a dangerous repeat offender for the commission of a premeditated crime

For the commission of a premeditated crime, a dangerous repeat offender shall incur a penalty more severe than the average custodial sentence prescribed by the sanction laid down in an article for the crime committed. Another penalty may be imposed upon a dangerous repeat offender only on the grounds provided for in Article 62 of this Code.

Article 57: Imposition of a penalty for preparing to commit and attempting to commit a criminal act

1. A penalty for preparing to commit or attempting to commit a crime or a misdemeanour shall be imposed in accordance with the general procedure and having regard to the dangerousness of the actions performed by the offender, the degree of accomplishment of the criminal intent and the reasons for which the criminal act was not accomplished.

2. Preparing to commit or attempting to commit a criminal act may, on the basis of Article 62 of this Code, be subject to a more lenient penalty than that provided for a completed criminal act.

Article 58: Imposition of a penalty upon accomplices in a criminal act

1. A penalty shall be imposed upon accomplices in a crime or misdemeanour in accordance with the general procedure and taking into consideration the type and form of participation of the person as an accomplice in the commission of the criminal act as well as the role and nature of the person's participation therein.
2. Members of a group organised for the commission of a crime shall generally incur more severe penalties than members of a group of accomplices.

Article 59: Mitigating circumstances

1. The following shall be considered mitigating circumstances:
 - 1) the offender has provided assistance to the victim or otherwise actively prevented or attempted to prevent more serious consequences;
 - 2) the offender has confessed to the commission of an act proscribed by a criminal law and sincerely regrets or has assisted in the detection of that act or the identification of the persons who participated therein;
 - 3) the offender has voluntarily compensated for or eliminated the damage caused;
 - 4) the criminal act was committed due to a very difficult financial condition or desperate situation of the offender;
 - 5) the act was committed as a result of mental or physical coercion, where such coercion does not eliminate criminal liability;
 - 6) the commission of the act was influenced by provocative or dangerous behaviour by the victim;

- 7) the act was committed at the request of the victim, the latter being in a desperate situation;
 - 8) the act was committed in violation of the conditions of arrest of a person who committed the criminal act, through direct necessity, in the discharge of professional duty or performance of an assignment imposed by law enforcement institutions, in conditions of industrial or economic risk or lawfully in the context of a scientific experiment;
 - 9) the act was committed by exceeding the limits of self-defence, where criminal law provides for liability for exceeding the limits of self-defence;
 - 10) the act was committed in a state of extreme agitation caused by unlawful actions of the victim;
 - 11) the act was committed by a person of diminished legal capacity;
 - 12) the act was committed by a person intoxicated by alcohol or drugs against his will;
 - 13) a voluntary attempt to renounce commission of the criminal act has been unsuccessful.
2. A court may also recognise other mitigating circumstances which have not been indicated in paragraph 1 of this Article.
3. When imposing a penalty, a court shall not take into consideration a mitigating circumstance which is provided for in a law as constituting the body of a crime.

Article 60: Aggravating circumstances

1. The following shall be considered aggravating circumstances:
- 1) the act was committed by a group of accomplices. Taking into consideration the nature and extent of participation of each accomplice in the commission of the criminal act, a court shall have the right not to recognise this circumstance as aggravating;
 - 2) the act was committed by an organised group;

- 3) the act was committed by reason of disorderly conduct or for mercenary reasons;
 - 4) the act was committed by torturing the victim or subjecting him or her to taunting;
 - 5) the act was committed against a young child;
 - 6) the act was committed against a person who, as a result of illness, disability, old age or other reasons, was in a helpless state, without that person requesting it, or against a minor, taking advantage of his or dependency or through abuse of trust, authority or influence;
 - 7) the act was committed against a woman known to be pregnant;
 - 8) the act was committed by taking advantage of a public disaster or the misfortune of another person;
 - 9) the act was committed by a person under the influence of alcohol, narcotic, psychotropic or other psychoactive substances, where those circumstances influenced the commission of the criminal act;
 - 10) the act was committed in manner dangerous to the public or with the use of explosives, explosive materials or firearms;
 - 11) the act inflicted serious damage or a real threat to the victim's life;
 - 12) the act was committed in order to express hatred towards a group of persons or a person belonging to such a group on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views;
 - 13) the act was committed by a repeat offender.
2. When imposing a penalty, a court shall not take into consideration an aggravating circumstance which is provided for in a law as constituting the body of a crime.

Article 61: Imposition of a penalty in the presence of mitigating and/or aggravating circumstances

1. When imposing a penalty, a court shall take into consideration whether only mitigating circumstances or only aggravating circumstances or both mitigating and aggravating circumstances have been established, and shall assess the relevance of each circumstance.
2. Having assessed mitigating and/or aggravating circumstances, the amount, nature and interrelation thereof, as well as other circumstances indicated in Article 54(2), a court shall make a reasoned choice of a more lenient or more severe type of a penalty as well as the level of the penalty with reference to the average penalty.
3. The average penalty provided for by a law shall be determined as the sum of the minimum and maximum levels of a penalty provided for in the sanction of an article, divided by two. Where the sanction of the article prescribes no minimum level of a penalty for a criminal act, the average penalty shall be determined on the basis of the minimum level of a penalty fixed for that type of penalty.
4. Where the offender voluntarily confesses to the commission of a crime, sincerely regrets it and actively assists in the detection of the crime, and there are no aggravating circumstances, a court shall impose upon him or her a custodial sentence not exceeding the average penalty provided for in the sanction laid down in an article for the crime committed or a non-custodial sentence.
5. A court may impose a custodial sentence not exceeding the average penalty provided for in the sanction laid down in an article for a crime committed upon a person who participated in the commission of a premeditated murder, where that person makes a confession regarding all the criminal acts committed by him or her and actively assists in the detection of the premeditated murder committed by members of an organised group or a criminal association.
6. Paragraph 5 of this Article shall not apply to the organiser or leader of an organised group or criminal association responsible for a premeditated murder.

Article 62: Imposition of a more lenient penalty than provided for by a law

1. Where a person who has committed a criminal act freely and voluntarily gives himself up or reports that act, confesses to the commission thereof and sincerely regrets and/or assists pre-trial investigators and a court in detecting the criminal act and has fully or partially compensated for or eliminated the property damage caused, a court may, having considered all the circumstances of the case, impose, for every criminal act, a more lenient penalty than provided for by a law.

2. Having considered all the circumstances of a case, a court may also impose, for every criminal act, a more lenient penalty than provided for by a law in the presence of mitigating circumstances, at least partial compensation for or elimination of property damage, if any has been caused, and where:

1) the offender maintains persons who suffer from a grave illness or are disabled and no one else can look after them, or

2) the offender maintains young children and there would be no one to look after them if the penalty provided for by a law was imposed; or

3) the offender as an accomplice had only a secondary role in the commission of the criminal act; or

4) the act was discontinued at the stage of preparation to commit the crime or at the stage of an attempt to commit the criminal act; or

5) the act was committed by exceeding the limits of self-defence, or

6) the act was committed in violation of conditions of arrest of the person who committed the criminal act, through direct necessity, in the discharge of professional duty or performance of an assignment imposed by law enforcement institutions, in conditions of industrial or economic risk, or lawfully in the context of a scientific experiment.

3. In the presence of the conditions indicated in paragraphs 1 and 2 of this Article, a court may:

1) impose a more lenient penalty than the minimum penalty provided for in the sanction laid down in an article for a criminal act committed; or

2) impose a more lenient penalty than stipulated in Article 47(3), (4) and (6), Article 56 and Article 90(3) of this Code, or

3) impose a more lenient type of penalty than is provided for in the sanction laid down in an article for a criminal act committed.

4. A court may also, in accordance with paragraph 3 of this Article, impose a more lenient penalty than provided for by a law upon a person who participated in the commission of a premeditated murder, where that person makes a confession regarding all the criminal acts committed by him or her and actively assists in detecting a premeditated murder committed by members of an organised group or criminal association and where:

1) the murder was committed as a result of a threat or coercion; or

2) the offender as an accomplice had only a secondary role in the commission of the murder, or

3) the act was discontinued at the stage of preparing or attempting to commit the murder.

Article 63: Imposition of a penalty for the commission of several criminal acts

1. Where several criminal acts have been committed, a court shall impose a penalty for each criminal act separately and subsequently impose a final combined sentence. When imposing a final combined sentence, the court may impose either a consolidated sentence or a fully or partially cumulative sentence.

2. Where a consolidated sentence is imposed, a more severe penalty shall cover a more lenient penalty and the final combined sentence shall be equal to the most severe penalty imposed for all the separate criminal acts.

3. Where a fully cumulative sentence is imposed, all more lenient sentences imposed shall be added to the most severe penalty imposed for one of the criminal acts committed.

4. Where a partially cumulative sentence is imposed, more lenient penalties shall be added in part to the most severe penalty imposed for one of the criminal acts committed and reasons for selecting each of the parts of the penalty to be added shall be indicated. A part of the penalty to be added may not be below the minimum level for a penalty of that type, with the exception of cases where the part of a sentence not served yet which is to be added is below the minimum level of the penalty.

5. A court shall impose a consolidated sentence:

1) where there is full concurrence of criminal acts;

2) where the committed criminal acts differ markedly in their degree of dangerousness and are assigned to different types or categories of criminal acts under Articles 10 or 11 of this Code;

3) where a custodial sentence for a period of twenty years or life custodial sentence has been imposed for the commission of one of the criminal acts.

6. Where imposing a final sentence, part of the imposed sentences may be consolidated, whereas others may only be fully or partially accumulated; a court shall combine sentences by way of consolidation and accumulation of sentences. A court shall make a choice of the procedure for combining sentences upon assessing the nature and dangerousness of the criminal acts committed.

7. When a penalty is imposed on the grounds provided for in paragraph 1 of this Article, a final combined sentence may not exceed a twenty-year custodial sentence, whereas in cases where a penalty of another type is imposed, with the exception of a fine, the penalty may not exceed the maximum level of a penalty established for that type of penalty in this Code.

8. A court may not impose a combined sentence of a type which has not been imposed for the individual criminal acts.

9. A penalty shall also be imposed according to the rules laid down in this Article in the cases when following the passing of a judgment it is established that a person had committed another crime or misdemeanour prior to the passing of the judgment in the first case. In that case, the sentence fully or partially served under the previous judgment shall be included in the term of the sentence.

10. A person shall not be considered to have committed several criminal acts where he has committed a continuous criminal act.

Article 64: Imposition of a penalty in the event of commission of a new criminal act before a sentence is served

1. Where a convicted person commits a new criminal act before serving an imposed sentence, or where a person who has been given a suspended sentence commits a new criminal act during the period of suspension of the sentence, a court shall impose a combined sentence upon imposing a penalty for the new crime or misdemeanour. When imposing a combined sentence, the court may impose a fully or partially cumulative sentence.

2. When imposing a fully cumulative sentence, a court shall add the entire part of the sentence not served yet to a penalty imposed by a new judgment.

3. When imposing a partially cumulative sentence, a court shall add a part of the sentence not served yet to a penalty imposed by a new judgment. Where the part of the sentence not served yet is larger, a part of the penalty imposed by the new judgment shall be added to the former part. A part of the penalty to be added may not be below the minimum level of a penalty of that type, with the exception of the cases where the part of a sentence not served yet which is to be added is below the minimum level of the penalty.

4. Where a penalty is imposed on the grounds provided for in paragraph 1 of this Article, a combined sentence may not exceed a twenty-five-year custodial sentence, whereas in cases where a penalty of another type is imposed, the penalty may not exceed the maximum level of a penalty established for this type of a penalty in this Code.

5. Where a penalty of a life custodial sentence is imposed for one of the crimes committed, sentences shall be combined by consolidation and the combined sentence shall be a life custodial sentence.

The substantial damage done to the air, soil, water, fauna or flora, or other grave consequences for the environment, referred to in Article 270 CC are evaluative features that grant the court the discretion to determine whether the violation of environmental protection regulations (and other special rules referred to in Article 270 CC) has actually caused 'substantial damage' or given rise to 'other grave consequences for the environment' (Article 270(2) CC), or has merely given rise to a threat of such substantial damage and/or other grave consequences (Article 270(1) CC). The CC does not provide (as in many other analogous cases, where the concepts of 'substantial damage', 'substantial benefits', 'grave consequences' or other evaluative features are used) definitions of these concepts or criteria for establishing substantial damage or grave consequences caused by the criminal offence concerned (including the notions of substantial damage or grave consequences referred to in Article 270 CC). Therefore, the consequences of the crime referred to above are matters for evaluation with respect to the circumstances of the specific case.

According to the case law and criminal law doctrine, the content of constituent elements of the criminal act concerned should be evaluated ad hoc. The Supreme Court of Lithuania (SCL) has held (in its judgment of 11 April 2006 in criminal case No 2K-376/2206) that during consideration of the case and application of the evaluative feature, the courts must first of all determine the content of that feature and then evaluate it in the context of the specific circumstances of the case. In its judgment of 29 October 2009 (criminal case No 1A-428-134/2009), SCL held that, in deciding on whether the damage caused to fauna or flora is substantial and in determining the gravity of other consequences, account must be taken not just of pecuniary damages but also of the type and scope of damage done to the ecosystem and specific components of the environment and the value of the damaged natural objects for the ecosystem (e.g. protected species of fauna or flora), the scope of the damage done and the possibilities for neutralising the dangerous consequences caused by the crime must be assessed.

At the same time it should be noted that Article 1(21) of the Law on Environmental Protection contains the definition of the concept of damage to the environment (i.e. 'environmental damage shall mean a directly or indirectly occurring adverse change in the environment or elements thereof (surface and interior of the Earth, air, water, fauna, flora, other live organisms, organic and inorganic substances, and natural and anthropogenous systems common to them including protected areas, landscape, biodiversity and habitats) or impairment of the functions or qualities thereof'), and Article 323 contains detailed criteria for determining a significant adverse impact upon the environment.

In the consideration of specific criminal cases, the court takes guidance from provisions of this special law in establishing whether substantial damage has been done to the environment. Substantial damage to the environment is also assessed and determined according to the Methodology for the Calculation of Indemnification for the Damage Caused to the Environment (Order of this Minister of the Environment No 5-75). It should be stressed that environmental protection control authorities and officers are responsible for the assessment of such damage and for the filing of lawsuits for its indemnification as well as for expert conclusions on the scope and type of the damage. The court relies on the expert conclusions on substantial damage submitted by such officers in the consideration of specific criminal cases.

In those cases where, in the court's opinion, a violation of the environmental protection regulations (including the Waste Management Regulations) has not given rise to substantial damage to the air, soil, water, fauna or flora, or other grave consequences for the environment, the court must establish whether the violation of the environmental protection regulations, due to its nature, could have caused the said substantial damage or other grave consequences for the environment and whether grounds for the incrimination of Article 270(1) CC exist; establishing the existence of a threat of substantial damage is sufficient for establishing such grounds. However, it must be noted that in such a case the court must establish that an actual and not merely a presumed threat existed. For the purposes of qualification of a crime under Article 270(1) CC, the court must also evaluate and identify the type, scope and dangerousness of the threat of environmental damage, identify the component of the environment or part thereof that has been actually endangered, quantify the potential threat in monetary terms, etc. It must be stressed that the type of substantial damage to the environment (and its consequences) and the level of potential damage can only be established by highly qualified specialists who are authorised to issue expert opinions, on which the court relies in the consideration of the criminal case concerned.

It should also be noted that evaluative features such as 'substantial damage', 'grave consequences' etc. are very widely used in CC without definitions of those features being provided, and the use of them in corpus delicti is a usual practice of formulating provisions of the Articles of the Special Part of the CC.

5.1.4. Links with other serious criminal offences

Constant monitoring of Lithuanian organised crime groups as well as situation assessment in Lithuania are implemented. Lithuanian organised crime groups active both in Lithuania and foreign countries are assessed with respect to the level of threat they pose, following the guidelines approved under the Order of 2 February 2016, No. 5-V(S)-3(RN), by the Lithuanian Police Commissioner General; the threat level posed by organised crime groups varies. The assessment of information available indicates that criminal offences committed by the members of organised crime groups in Lithuania are not related to waste crimes.

Otherwise, waste crimes are connected with forgery and fraud infringements.

5.1.5. The role of the NGOs

Pursuant to Article 166 of the CPC, a pre-trial investigation shall be opened:

- upon receipt of a complaint, submission or report of a criminal act (i.e. in response to a complaint submitted by any natural and/or legal person, including NGOs),
- where a prosecutor or a pre-trial investigation officer establishes elements of a criminal act.

In fact, in the cases separately specified in CPC, a pre-trial investigation is to be opened solely upon receipt of a victim's complaint. Upon receipt of a complaint, submission or report of a criminal act (as well as upon establishing elements of the criminal act), a prosecutor must immediately open a pre-trial investigation. When opening a pre-trial investigation, a prosecutor has either directly to carry out all the required pre-trial investigation actions or to assign that task to a pre-trial investigation body (Article 169 CPC).

According to Article 170 CPC, the prosecutor shall have the right to conduct the entire pre-trial investigation or individual pre-trial investigation actions directly. When a pre-trial investigation is, or individual pre-trial investigation actions are, conducted by pre-trial investigation officers, a prosecutor must oversee the conduct of the pre-trial investigation. A prosecutor must give mandatory instructions to pre-trial investigation officers and overturn any unlawful or unjustified decisions they may make. Furthermore, pursuant to Article 171 CPC, where a complaint, submission or report about a criminal act is received by a pre-trial investigation body or where the pre-trial investigation body itself establishes elements of the criminal act, an officer of the pre-trial investigation body shall immediately open a pre-trial investigation and at the same time notify a prosecutor thereof. Upon receipt of a report from an officer of a pre-trial investigation body, a prosecutor shall decide who is to conduct an investigation.

The prosecutor may decide:

- to conduct the entire pre-trial investigation or individual actions thereof directly,
- to assign the task of carrying out pre-trial investigation actions to the pre-trial investigation body, which must report to the prosecutor about the opening of the pre-trial investigation,
- to assign the task of carrying out pre-trial investigation actions to another pre-trial investigation body.

Bearing all the above provisions into account, it should be stated that during criminal proceedings NGOs have equal rights (among others) and unrestricted opportunities to submit a complaint or report regarding the commission of the criminal offence.

Moreover, in accordance with Articles 109 and 110 CPC, if any natural or legal person (including NGOs) has suffered material or non-material damage as a result of a criminal act, that person has the right to make a civil claim in criminal proceedings against the suspect or the accused or against persons materially liable for the acts of the suspect or the accused. Such a civil claim may be submitted by filing a claim with a pre-trial investigation officer, a prosecutor or a court at any time during the proceedings, but not later than the commencement of the examination of evidence by the court. Such a civil claim filed within criminal proceedings shall be exempt from stamp duty. As a result of this, the natural or legal person who has suffered material or non-material damage as a result of a criminal act and therefore submitted a civil claim in criminal proceedings is recognised under Article 110 CPC as a civil claimant. In the CPC a civil claimant is understood as a natural or legal person who, in a criminal case, claims compensation for material or non-material damage suffered as a result of a criminal act by the suspect or the accused. A person may be recognised as a civil claimant by decision of a pre-trial investigation officer or a prosecutor, or by a court order.

A civil claimant has the right:

- to provide explanations regarding the substance of a civil claim,
- to provide evidence,
- to file applications and recusals,
- during a pre-trial investigation and in the court, to get access to the case file, to take extracts from and copies of the required documents in accordance with established procedure,
- to participate in the hearing of the case in a court of first instance,
- to appeal against the actions and decisions of a pre-trial investigation officer, a prosecutor, a judge or a court insofar as they relate to his civil claim,
- to participate in the hearing of the case under appellate review.

The court examines such a civil claimant's civil claim together with the criminal case. A civil claim filed in criminal proceedings is examined in accordance with provisions of the CPC unless questions arise during the examination of a civil claim in criminal proceedings which are not governed by the CPC. In such cases, the relevant provisions of civil procedure apply, unless they are in conflict with the provisions of criminal procedure. When passing a judgment of conviction, the court must, on the basis of the evidence of the validity and amount of a civil claim, fully or partially satisfy the civil claim filed or dismiss it. It should also be emphasised that if a civil claim is dismissed by a judgment in criminal proceedings, the civil claimant loses the right to submit the same claim in civil proceedings. If the claim is dismissed in civil proceedings, the claimant loses the right to file the same claim in criminal proceedings.

NGO members participate in criminal proceedings as experts and/or witnesses. However, NGOs are rarely injured parties, so they cannot be civil claimants. Therefore, they cannot exercise the rights of a civil claimant.

5.2. Procedural, jurisdictional and administrative issues

5.2.1. Difficulties encountered with regard to evidence

At the administrative level, the EPD's representatives underlined several problems with waste inspections:

- regarding mixed waste, the difficulty of finding the appropriate waste classification,
- the large quantity of forged documents, which make investigations more complicated,
- the origin of waste, which could be difficult to determine,
- the definition of ELVs; Lithuania faces a large waste stream of ELVs from the USA, and even if jurisprudence exists, the EPD is working with customs on guidelines to help them handling this phenomena.

5.2.2. *Measures other than criminal or administrative sanctions*

In the case of administrative fines, for legal persons, the EPD may issue a mandatory order for the elimination of violations (Article 18 of the Law on State Control of Environmental Protection The Law on Waste Management, to prevent their activities harmful to the environment (Article 25 of the Law on State Control of Environmental Protection).

The following alternative penalties have been imposed for offences related to violation of the waste regime :

- For natural persons : fines, community service, restriction of liberty, attachment, imprisonment (Article 42 CC).
- For legal persons : fines, limitation of the activity of the legal person and liquidation of the legal person (Article 43 CC).

In addition to the sentence, the court may impose the following criminal sanctions: Prohibition of special rights, deprivation of public rights, and deprivation of the right to work or engage in certain activities, confiscation of property (Article 67 CC).

Besides the criminal penalties already mentioned, additional criminal law sanctions, such as confiscation of property (Article 72 CC), extended confiscation of property (Article 72³ CC), payment of a contribution to a fund for crime victims (Article 71 CC), compensation for or elimination of property damage (Article 69 CC), deprivation of the right to be employed in a certain position or to engage in a certain type of activities, for instance the right to be employed in the field of the protection of the environment (Article 68² CC), prohibition on the exercise of a special right, for instance the right to hunt, to fish, etc. (Article 68 CC), temporary restriction of the right of ownership (only during pre-trial investigation – Article 151 CPC), can be imposed on the perpetrator for the commission of criminal offences set out in Directive 2008/99/EU (and in Articles 270 and 270² CC).

Article 68 CC: Prohibition on the exercise of a special right

1. A court may prohibit a person from exercising special rights (the right to drive land vehicles, air- or water-borne vehicles, the right to hold and carry a weapon, the right to hunt, the right to fish, etc.) in cases where a person has committed a criminal act while exercising those rights.
2. A court shall prohibit the exercise of special rights for a period of from one to three years. The term shall be counted in years, months and days.
3. When prohibiting a person from exercising special rights, a court shall specify which right or rights the person is prohibited from exercising as well as the term of validity of the prohibition.
4. A prohibition on the exercise of a special right, if imposed together with a penalty of a custodial sentence or arrest, shall apply over the entire term of a custodial sentence or arrest and a period following the custodial sentence or arrest, as specified by the court.

Article 68² CC: Deprivation of the right to be employed in a certain position or to engage in a certain type of activities

1. The court must order that a person be deprived of the right to be employed in a certain position or to engage in a specific type of activity in cases where that person commits a criminal act in the course of his/her occupational or professional activities or where, given the nature of the criminal act committed, the court deems that the person may not preserve the right to be employed in a certain position or to engage in a certain type of activity.
2. The right to be employed in a certain position or to engage in a certain type of activity may be removed for a period of between one and five years. The right to be employed in a certain position or to engage in a certain type of activity may be denied for less serious and serious crimes provided for in Chapter XXXIII of this Code for a period of between three and seven years. When issuing an instruction that a person be denied the right to be employed in a certain position or to engage in a specific type of activity, the court must indicate how long this sanction should apply. This needs to be counted in years, months and days.

3. Deprivation of the right to be employed in a certain position or to engage in a specific type of activity, if applied in conjunction with a custodial sentence or arrest, applies for the entire term of the custodial sentence or period of arrest and for a period after the term of the custodial sentence or period of arrest has been served, as instructed by the court.

Article 69 CC: Compensation for or elimination of property damage

1. The court must order compensation for damage to property when damage has been caused to a person, property or the natural environment as a result of a crime or misdemeanour.
2. The amounts received by the victim from insurance or other institutions to cover the damage incurred should not be included in the amount of the damage to be compensated for.
3. Damage must be compensated for or nullified within a time limit laid down by the court.

Article 71 CC: Payment of a contribution to the fund of crime victims

A court may order payment of a contribution of between 5 MSLs and 125 MSLs to the crime victim fund. The contribution must be paid within a time limit laid down by the court. This term may not exceed three years.

Article 151 CPC: Temporary restriction of the right of ownership

1. In order to secure a civil claim, a possible or confiscation of property or an extended confiscation of property, the suspect or the natural person who, under the law, is materially liable for the actions of the suspect or the natural person owning the property obtained or acquired by criminal means or owning the property that is subject to confiscation and has the characteristics set out under Article 723 of the Criminal Code of the Republic of Lithuania may be subject to a temporary restriction of the right of ownership by a decision of a prosecutor. The temporary restriction of the right of ownership may be imposed in conjunction with a seizure or a search.

2. The right of ownership of a legal person may be temporarily restricted by a decision of a prosecutor in cases where:

1) the aim is to secure a possible confiscation of property in those cases provided for under Article 72 of the Criminal Code of the Republic of Lithuania and a possible extended confiscation of property in the cases provided for under Article 72³ of the Criminal Code of the Republic of Lithuania;

2) the aim is to secure a civil claim where there are sufficient grounds for involving the legal person as the civil defendant.

3. An inventory of the property of the person whose right of ownership is temporarily restricted must be drawn up in the presence of the persons referred to in Article 145(4) of this Code. All property subject to the inventory must be shown to the persons in question when the inventory of the property is drawn up. A record of temporary restriction of the right of ownership must indicate the quantity and individual marks of the items subject to the inventory. There must be no temporary restriction of the right of ownership of those items which, in accordance with the list established by laws of the Republic of Lithuania, are necessary for the suspect or members of his/her family and his/her dependants.

4. The property with regard to which the right of ownership is temporarily restricted must, at the discretion of a prosecutor, be transferred for safekeeping to a representative of a municipal authority or to the owner of this property or his/her family member, close relative or another person. They must be informed about liability under Article 246 of the Criminal Code of the Republic of Lithuania in respect of the squandering or concealment of such property. In this regard, a written pledge must be obtained from such persons. If necessary, such property may be seized. Where the right of ownership of monetary deposits is temporarily restricted, all transactions involving such deposits must be terminated unless a decision on the temporary restriction of the right of ownership specifies otherwise.

5. The person whose right of ownership is temporarily restricted must have the right to lodge an appeal against a prosecutor's decision with a pre-trial investigation judge. The pre-trial investigation judge must examine this appeal within seven days of the submission of the appeal. It is possible to lodge an appeal against the decision of the pre-trial investigation judge; the order issued by this court must be final and not subject to appeal.

6. The temporary restriction of the right of ownership imposed through a prosecutor's decision may not exceed six months. This term may be extended through an order issued by a pre-trial investigation judge, but not more than twice within a period of three months. The order extending the term of temporary restriction of the right of ownership and the refusal of the pre-trial investigation judge to extend the term of temporary restriction of the right of ownership may be appealed against in accordance with the procedure laid down in Part X of the above Code. Where the case is referred to a court, the court hearing the case must decide on the imposition of temporary restriction of the right of ownership or an extension of the term thereof. The order of the court may be appealed against in accordance with the procedure laid down in Part X of this Code.

7. The number of extensions to the term of temporary restriction of the right of ownership in criminal proceedings concerning serious or grave crimes or in cases where the suspect is hiding must not be limited.

8. The temporary restriction of rights of ownership must be lifted by a decision of a prosecutor or a court order in cases where this measure becomes unnecessary.

5.2.3. *Treatment of seized objects*

Lithuania highlighted the relevant provisions for seizure.

Article 72 CC: Confiscation of property

1. Confiscation of property must be the compulsory and uncompensated taking into the ownership of any form of property subject to confiscation and held by the offender or other persons.
2. An instrument or a means used to commit an act prohibited by this Code or the result of such an act must be deemed to be property subject to confiscation. The property of any form directly or indirectly obtained/derived from the act prohibited by this Code must be deemed to be the result of the act.
3. The property held by the offender that is subject to confiscation must be confiscated in all cases.
4. The property held by another natural or legal person that is subject to confiscation must be confiscated irrespective of whether the person has been convicted of the commission of an act prohibited by this Code, where:
 - 1) when transferring the property to the offender or other persons, he/she was, or ought to have been, aware that this property would be used for the commission of the act prohibited by this Code;
 - 2) the property has been transferred thereto by means of a fraudulent transaction;
 - 3) the property has been transferred thereto by a family member or by close relative of the offender;
 - 4) the property has been transferred to him/her as well to a legal person, and the offender, his/her family members or close relatives is/are the legal person's executive, a member of its management body or hold(s) at least 50 % of the legal person's shares (member shares, contributions, etc.);
 - 5) when acquiring the property, he/she or the person(s) acting as executor(s) for, who represent or hold power of attorney for the legal person was/were, or ought and could have been, aware that the property is an instrument or a means used to commit an act prohibited by this Code.

5. Where the property which is subject to confiscation has been concealed, consumed, belongs to third parties or cannot be taken for other reasons or where confiscation of such property would not be appropriate, the court must recover from the offender or other persons set out under paragraph 4 of this Article a sum of money equivalent to the value of the property subject to confiscation.

6. When ordering confiscation of property, the court must specify the items subject to confiscation or the monetary value of the property subject to confiscation.

Article 72³ CPC: Extended confiscation of property

1. Extended confiscation of property must be the taking into ownership by the State of the property of the offender or a part thereof that is not proportionate to the legitimate income of the offender, in an instance where there are grounds for believing that the property has been obtained by criminal means.

2. Extended confiscation of property must be imposed provided that all of the following conditions are met:

1) the offender has been convicted of a less serious, serious or grave premeditated crime from which he/she obtained, or could have obtained, material gain;

2) the offender holds the property acquired during the commission of an act prohibited by this Code, after the commission thereof or within a period of five years prior to the commission thereof, whose value does not correspond to the offender's legitimate income, and the difference is greater than 250 MSL, or transfers such property to other persons within the said period;

3) the offender fails, in the course of criminal proceedings, to provide proof of the legitimacy of acquisition of the property.

3. The property referred to in paragraph 2 of this Article and that is subject to confiscation, if it has been transferred to another natural or legal person, must be confiscated from this person, in an instance where at least one of the following grounds exists:

1) the property has been transferred through a fraudulent transaction;

2) the property has been transferred to the offender's family members or close relatives;

3) the property has been transferred to a legal person, and the offender, his/her family members or close relatives is/are the legal person's executive(s) or hold at least 50 % percent of the legal person's shares (member shares, contributions, etc.);

4) the person to whom the property has been transferred or the person(s) acting as executors for the legal person, and who may represent or hold power of attorney for the legal person, was/were, or ought and could have been, aware that the property has been obtained by criminal means or with illicit funds provided by the offender.

4. The extended confiscation of property provided for in this Article may not be imposed on the property, or part thereof, of the offender or third parties if it is not recoverable under international treaties of the Republic of Lithuania and provisions of the Code of Civil Procedure of the Republic of Lithuania and other laws.

5. Where the property, or part thereof, which is subject to confiscation has been concealed, consumed, belongs to third parties or cannot be taken for other reasons or where the confiscation of this property would not be appropriate, the court must recover from the offender or other persons set out under paragraph 3 of this Article a sum of money equivalent to the value of the property that is subject to confiscation.

6. When ordering extended confiscation of property, the court must specify the items subject to confiscation or the monetary value of the property or part thereof that is subject to confiscation.

Article 170¹ CPC: Powers of a prosecutor in ensuring property confiscation

During the proceedings, a prosecutor must take measures to find the property with the characteristics referred to in Article 72 or 72³ of the Criminal Code of the Republic of Lithuania and to ensure its possible confiscation.

With regard to customs, confiscated goods are transferred to a type III (detained goods) customs warehouse which has agreements with the companies holding the right to dispose of goods. According to Article 198 (2) of the Union Customs Code, goods may be destroyed or transferred to the State. The related costs must be borne by any person required to fulfil the obligations concerned or who withheld the goods from customs supervision, or by the declarant, or the person required to comply with the conditions governing the release of the goods or the person who transfers the goods to the State.

5.3. Environmental restoration

According to Article 3 of the Law on Waste Management, persons who have caused damage to the environment must compensate for environmental damage and other related losses referred to in Paragraph 2 of Article 33 of this Law in accordance with the procedure established thereunder. The degree of environmental damage and other related losses is offset by the cost of the measures implemented by individuals at their own expense in order to restore the environment or reduce damage. Pursuant to Article 115 of the CPC, the court, when examining a criminal case, examines and submits a claim for compensation for the damage caused to the environment as a result of the crime.

In respect of Article 2 (10) of the law on environmental protection (No I-2223.), storage of waste means the storage, prior to treatment, of waste pending recovery for a period not exceeding three years and the storage, prior to treatment, of waste pending disposal for a period not exceeding one year, except for the temporary storage of waste on the site where it is produced pending its collection. Under Article 2(45), temporary storage of waste means the storage of hazardous waste for a period not exceeding six months or of non-hazardous waste for a period not exceeding one year on the site where it is produced pending its collection, while preparations are made for the transport of the waste for to a recovery or disposal facility.

Pursuant to Article 6(9) of the Law on Waste Management, the ME must lay down a procedure for the production and import, transit, export, use, storage, burial, decontamination and registration of hazardous chemicals and hazardous waste, genetically modified organisms and potential sources of biological pollution. In addition, the identification and declaration of as well as the specified requirements for mixing, packaging, labelling etc. of hazardous waste is identified by ME's order regarding the Approval of Waste Management Rules No. 217.

5.4. Jurisdiction

5.4.1. Principles applicable to the investigation of waste crime

Articles 5, 6 and 8 of the CC provide that Lithuania has full powers to prosecute crimes against the environment (including waste crimes) committed by a natural or a legal person abroad. In view of the provision on criminal jurisdiction, established in Articles 5, 6 and 8 of the CC, it should be clearly stated that even on the basis of the general rules on criminal jurisdiction, Lithuania has the jurisdiction over waste crimes committed partially and (or) entirely outside the territory of the state.

Moreover, the criminal jurisdiction provisions set out within the CC provide even broader and almost unlimited scope to prosecute crimes against the environment (including waste crimes), including those that are committed abroad. This scope exists, since criminal jurisdiction under the CC for such offences (Articles 270, 270¹, 270², 270³, 271, 272 and 274 of the CC) is implemented on the basis of the principle of universal jurisdiction (Article 7 of the CC). It should be emphasised that Article 7 of the CC provides the broadest possible criminal jurisdiction rules. Only a few criminal offences (of transnational nature) fall within the same category. These criminal jurisdiction rules enable prosecution without any further limitations.

In accordance with this principle, Lithuania must have jurisdiction to impose criminal liability on persons regardless of whether the crime (or part of it) was committed within the territory of the Republic of Lithuania or a foreign state, irrespective of the citizenship and place of residence of the perpetrator or whether the act committed is subject to punishment under the laws of the country where the crime was committed (i.e. without application of the requirement of dual criminality). In other words, the criminal jurisdiction of Lithuania over a person in respect of criminal offences provided for in Directive 2008/99/EU may be implemented irrespective of the perpetrator's place of residence, the place of where the crime was committed and without the application of the requirement of dual criminality. As a rule, the only condition for imposing criminal liability in such crimes is the non bis in idem principle. This is also confirmed by the case law (No 2K-256/2011) of the Supreme Court of Lithuania: 'A person who has committed a crime of international nature described under Article 7 of the Criminal Code may be held criminally liable on the basis of the criminal laws of the Republic of Lithuania, even when the state in which the criminal offence was committed does not provide for criminal liability for such offence. In other words, the application of criminal jurisdiction based on universal principle is not limited by the requirement of dual criminality <...>!'.

It should also be stressed that Article 7 of the CC (since it contains the broadest possible criminal jurisdiction rules of the CC) has priority over other criminal jurisdiction rules provided for in Articles 4, 5, and 8 of the CC. 'According to the pacta sunt servanda principle, priority is granted to the principle of universal jurisdiction, as provided for in Article 7 of the Criminal Code, over other principles of jurisdiction. Accordingly, a citizen of the Republic of Lithuania who has committed criminal offences abroad and who is subject to criminal liability on the basis of international treaties, must be held liable on the grounds of Article 7 of the CC, but not Article 5 of the CC. In such cases the prerequisite of dual criminality is not applied' (source – Commentary on the CC of the RoL. General Part. Concluded by assoc. dr. J. Prapiestis. Vilnius, 2004. page 59).

5.4.2. Rules in case of conflicts of jurisdiction

For illegal international shipments of waste the EPA is following Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 June on shipments of waste, Chapter 4.

Where any of the competent authorities concerned becomes aware that a shipment of waste cannot be completed as intended, it must immediately inform the competent authority of destination. The competent authority of dispatch must ensure that waste is taken back to its area of jurisdiction or elsewhere within the country of dispatch.

5.5. Conclusions

- Lithuania has in place the necessary legal provisions to prosecute environmental crime successfully. The main articles are Articles 270, 270¹, 270², 270³, 271, 272 and 274 of the CC. The seriousness of the crime is linked to the consequences of the offence, the more serious the consequences, the more dangerous and serious the crime is deemed to be.
- Following the principles of concise and defined wording of the criminal law, Lithuania uses 'blanket provisions'. Therefore, the CC provides the main infringement definition and the description and criteria of those infringements are specified in various special laws or legal acts. Even if this legal management system seems fragmented, the Lithuanian practitioners explained to the evaluation team that they feel comfortable with 'blanket provisions' because the related laws/regulations are mentioned under each article.
- Pursuant to Article 270 of the CC, an environmental crime that results in a significant illegal economic benefit or other advantages could be considered to be an additional factor justifying the imposition of a harsher punishment.
- Lithuanian law provides for the criminal liability of the legal person, which is useful in the event that individual's guilt cannot be proved. The practitioners reported that they have all necessary legal instruments and that, in practice, the sanctioning of companies in the field of environmental crime works well and efficiently. Fines can be imposed and it is also possible to close down the company in question. In the criminal procedure against an individual, the responsibility to restore the damage caused can also be imposed on the legal person, if the deed was committed in the interest of the legal person.
- It is difficult to assess and prove evaluative features such as 'substantial damage', 'grave consequences'.

- The evaluation team believe that the level of fines for a legal person could be reviewed. For example, as regards the violation of rules for the handling of chemical substances by legal persons, the administrative measures that could be taken comprise: a) a written warning or b) a fine of between EUR 150 to 17 000. Taking into consideration the fact that the illegal benefit could easily exceed EUR 17 000 in the most serious cases, this provision is not considered to be dissuasive and effective. Administrative economic sanctions for waste disposal imposed on a person who has no right to dispose amount to EUR 30 000 for more than 25 tonnes of hazardous waste. Moreover, with regard to certain infringements the fine for a natural person is higher than for a legal person (e.g. generation and/or management of waste without complying with legal requirements or reporting incorrect or false data in the waste generation report). There is a need to take into account the potential illegal gain in question in order to ensure the use of more dissuasive, proportionate and effective administrative fines.
- Non-governmental organisations have a limited role with regard to environmental/waste crime matters in Lithuania. The relevant provisions of the CPC allow persons with an interest to present evidence in line with the usual evidential requirements. Non-governmental organisations may also be a civil party in the criminal proceedings. But non-governmental organisations that do not suffer damage cannot participate in the court proceedings as a civil party and do not have the right to appoint a lawyer. Their representatives may only serve as witnesses or experts.
- In the evaluators' view, Lithuanian law enforcement authorities do not consider non-governmental organisations in the environmental field as a valuable in terms of gathering evidence or initiating pre-trial investigation (notitia criminis). However, such organisations can have relevant expertise on environmental crime and involve those interested in environmental compliance. That is why Lithuania is interested in developing cooperation with non-governmental organisations and in considering these as partners in the fight against environmental crime.

- The legislation provides for a very wide general jurisdiction over crimes committed abroad. Council Framework Decision 2009/948/JHA has been incorporated into Lithuanian law. For illegal international shipments of waste, the EPA follows Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 June on shipments of waste, Chapter 4.

6. COOPERATION

6.1. International cooperation

6.1.1. *Forms of the cooperation in cross-border cases*

Mutual legal assistance on, for instance, criminal cases on waste, is carried out in accordance with the provisions of the CPC and ratified international agreements. The international legal instruments, on the basis of which mutual legal assistance and extradition is granted in Lithuania, may be divided in several categories:

- Conventions ratified by Lithuania (of the Council of Europe, of the United Nations),
- Bilateral agreements (The Republic of Lithuania has concluded several bilateral treaties on legal assistance and legal relations, which include provisions on cooperation between law enforcement authorities in criminal matters, namely: the agreements with the Russian Federation, the Republic of Moldova, the Republic of Uzbekistan, the Republic of Armenia, the Republic of Azerbaijan, the People's Republic of China, the United States of America, the Republic of Kazakhstan, Ukraine, the Republic of Poland, the Republic of Belarus, the Republic of Latvia and the Republic of Estonia),
- EU legal acts.

At the judicial level, two entities are responsible for international cooperation. On the one hand, the PGO is responsible for the pre-trial stage, on the other hand, the Ministry of Justice is responsible for the trial and post-trial stages. The transmission of a request for extradition and a mutual legal assistance request or EIO is made by means of post, by fax, through Interpol or diplomatic channels. Requests can also be made by e-mail provided that authenticity is preserved; that means that proof must be given by the signature of the competent officer and seal of its office. Moreover, to enhance their level of expertise, the PGO has a translation division.

The Lithuanian legislation system, especially police law, describes police instruments used for the purpose of efficient and timely international cooperation and information exchange in such areas as waste crime issues where such investigations are and information gathered is in accordance with the criteria defined. Some provisions have been already mentioned (4.4.2) but it seems relevant to set this out as follows:

- Article 8 of the Police Law lays down the right of the police to acquire information from state authorities, legal entities and organisations including entities with other legal status (all registers and information systems).
- Article 12 of the Police Law defines the right and duty of the police to pursue international police cooperation.
- Article 19 of the Law on Criminal Intelligence entitles the exchange of criminal intelligence with partners, foreign law enforcement agencies, international organisations and EU agencies.

In the course of the exchange of information with international partners, appropriate provisions and conditions of EU and international legislation are respected which govern non-disclosure and non-communication of information to other entities.

The significant contribution made by legal attachés (liaison officers) helps keep and develop close contact between the Lithuanian police and foreign law enforcement agencies, i.e. in the context of exchanging information, planning joint operations and carrying other actions needed for the purposes of investigation, disclosure and the fight against crime, especially organised crime and terrorism. A liaison officer of the Lithuanian police is the head of the national liaison office at Europol. He/she is also assigned in the Kingdom of the Netherlands. Moreover, the legal attaché of the Lithuanian police for police issues is assigned to the permanent representative office of Lithuania in the European Union. Officers of the Lithuanian police keep close contact with the officers of the countries listed below. Accreditation in Lithuania is granted to liaison officers of the Kingdom of Belgium, Israel, Japan, the USA, Canada, the Republic of France, Finland, the United Kingdom, Germany and the Kingdom of Spain.

According to the FCIS, in the course of investigation of criminal offences, international agreements are followed as regards mutual assistance in criminal matters. If Lithuania does not have the above agreement with any other country, the principle 'good will of the country' is followed and the request for legal assistance is established to obtain information or any data. Furthermore, the FCIS cooperates with counterpart foreign law enforcement institutions and international organisations (Europol, Eurojust, OLAF and other) on the basis of bilateral cooperation agreements.

The Lithuanian law enforcement institutions implement the exchange of information with the law enforcement institutions of other countries through the Europol through the SIENA. This is used to exchange information with EU and third countries that have signed operative agreements with Europol on information exchange. The information exchange is possible through SIENA as regards information that is not secret and which is classified as 'official – sensitive', 'restricted' (the unit functions in 24/7 regime).

This above instruments allow for legal and practical preconditions for efficient international cooperation and information exchange both in the provision/execution of requests and the exchange of information.

For illegal international shipments of waste, the EPA is following Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 June on shipments of waste, Chapter 4. Competent authorities communicate, cooperate and share information by e-mail. At national level, the EPA cooperates with the Environmental Protection Department. These exchange information between and with other countries' competent authorities. For example: the EPA might receive information from Poland's Environmental Protection Agency regarding an illegal waste shipment. After that the agency would contact the owner of the waste (sending a copy of its communication to the EPD) instructing the owner to retrieve the waste from the Polish border authorities. It would provide documents that the owner needed to complete and return. If Lithuanian inspectors stop illegal waste, they inform the EPA. The agency informs the competent authority of dispatch and discusses how the waste can be recovered and returned in a safe way.

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

Lithuanian law enforcement agencies exchange information with foreign law enforcement agencies via Europol, Interpol and a network of liaison officers. As stated above, a 24/7 point of contact was established within the International Liaison Office, the Lithuanian Criminal Police Bureau, for purpose of information exchange. Even if this contact point is not specialised, it can take into account information on waste crime.

The PGO's contact point is the Network of Prosecutors on Environmental Crime in the Baltic Sea Region (ENPRO). The network aims to:

- promote practical cooperation and the regular and frequent exchange of information,
- collect information on legislation and on the prosecution of environmental crime in Member States,
- cooperate with other organisations such as the HELCOM and the CBSS,
- store data on environmental cases investigated in participating countries.

During the Lithuanian Presidency of ENPRO in 2016, the annual meeting focused on the issue of waste.

The PGO also participates in the activities of various other networks and expert group meetings, e.g. the European Judicial Cooperation Network for Criminal Matters, the Eurojust Network of JITs, the Asset Recovery Network, CARIN, EJTN, CPCE, NADAL, the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union, Evidence Expert Group Meetings, etc. These serve to establish personal contacts to help promote international cooperation and informal requests through direct contacts. The meetings sometimes cover waste issues.

6.1.3. Difficulties faced in judicial cooperation relating to waste crime

With regard to the small number of investigations, the police have not encountered practical difficulties in pursuing judicial cooperation in criminal cases related to waste crime.

However, the prosecutor service's representative has highlighted the following issues:

- Difficulties in the implementation of international cooperation instruments such as the EIO in foreign states, e.g., incomplete searches conducted in foreign states as a result of which not all items, documents, etc. that are significant for the investigation of the criminal offence, are available. One way in which to address the above could be a pre-trial investigation No 01-1-25140-17 in which police officers from Lithuania participate directly in the procedural acts (searches) conducted on the basis of the EIO in another Member State of the European Union.
- Problems related to the transfer of criminal proceedings and the surrender of persons with regard to criminal offences committed in certain EU Member States. For example, Poland refused to surrender a person by claiming that the criminal offence in question was committed not only in Lithuania but also in Poland. This is deemed to be a serious obstacle in the effective and successful criminal prosecution of transnational crimes.

6.1.4. Operational performance of JITs in waste crime

The PGO makes effective use of joint investigative teams to investigate various crimes. However, JITs on waste crime have not been established.

6.2. Cooperation with EU Agencies and networks

6.2.1. Cooperation with Europol and Eurojust

Europol:

The Lithuanian police is a member of Europol. The functions of the Interpol National Unit in Lithuania are performed by the country's national Europol Unit, regarding the fact that there is a joint Europol and Interpol Unit. The International Liaison Office of the Lithuanian Criminal Police Bureau pursues and coordinates the cooperation of police agencies and other law enforcement agencies of the Republic of Lithuania with Europol and SIRENE. Europol is a significant partner for the Lithuanian police. Nevertheless, Lithuania does not participate in EMPACT (European Multidisciplinary Platform Against Criminal Threats), Europol's environmental project.

Officers from the Lithuanian Police conduct strategic analysis in the context of serious crime and organised crime within the EU that is coordinated by Europol (EU SOCTA). They prepare National Serious and Organised Crime Threat Assessments (NSOCTA) for the Lithuanian Criminal Police Bureau once a year. Officers of county police headquarters conduct Territorial Serious and Organised Crime Threat Assessments (TSOCTA) twice a year.

With regard to customs, before the international DEMETER IV operation - the aim of which was to prevent the entry of hazardous/non-hazardous illegal waste into the European Union - meetings were held at Europol to discuss problematic issues in the field of waste control.

Eurojust:

Assistance received in 2018 through Eurojust membership resulted in more expeditious procedures in respect of the European Investigation Order and the European Arrest Warrant.

The PGO values the assistance of Eurojust, as it allows Lithuania to coordinate investigations with competent authorities in other Member States. Eurojust helps Member States with regard to international MLAs and the implementation of extradition requests. The PGO also benefits from the assistance of EJM, EJTN, European contact points and other networks. The assistance provided by the said networks and the tools they employ are very valuable in terms of the gathering of important evidence over a short period.

6.2.2. Experience resulting from the use of various environmental networks

Until 2014 the EPA was involved in IMPEL and exercised control over economic operators. From 2014, EPA IMPEL has been involved as a competent authority in the regulation of economic activity by issuing permits for pollution prevention and control. EPD is also member of IMPEL.

The Lithuanian police and FCIS do not take part in the activities of European networks and more specifically EnviCrimeNet.

The PGO has its contact point in the Network of Prosecutors on Environmental Crime in the Baltic Sea Region (ENPRO). In 2016, during the Lithuanian Presidency of ENPRO, the annual meeting was devoted to the topic of waste. Moreover, Lithuania is not member of ENPE.

6.3. Cooperation between Lithuania and Interpol and WCO

The Lithuanian police is a member of Interpol. The functions of the Interpol National Unit are performed by the International Liaison Office at the Lithuanian Criminal Police Bureau. The International Liaison Office pursues and coordinates international cooperation of police agencies and other Lithuanian law enforcement agencies with the General Secretariat of Interpol, international organisations, national units of Interpol and the other competent law enforcement agencies of other countries as well as liaison officers of foreign countries for the Lithuanian police and customs authorities. Interpol is a significant partner for the Lithuanian police.

There is no involvement of Lithuania in Interpol's environment security working groups, such as the pollution crime working group that aims to tackle waste crime and crimes related to vessel and marine pollution.

Customs took part in 2018 in the international operation DEMETER IV, organised by the World Customs Organisation. The purpose of this was to prevent the entry of hazardous/non-hazardous illegal waste into the European Union market. The customs control of hazardous/non-hazardous waste was strengthened during the operation. No violations were detected.

6.4. Cooperation with the private sector

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

In order to prevent waste generation and increase awareness-raising, different measures for waste prevention are implemented in Lithuania:

- Active participation in European Waste Reduction Week (EWWR) since 2015. EWWR is an initiative aiming to promote the implementation of awareness-raising measures on sustainable resource and waste management over a single week. Usually EWWR events are held in the last week of November. A specific topic is chosen each year. For example, the thematic focus in 2017 was on how to prevent waste creation. A lot of different kind of events is held during waste reduction week. These included films viewings on waste prevention and reuse in kindergartens, the making of Christmas decorations from different types of waste (paper, plastics, glass, clothes) exhibitions and fashion shows entitled 'The new life of fashion'. The participants are administrative/governmental institutions, business organisations, universities, schools, kindergartens, communities, day-care centres, NGOs.
- The campaign to reduce the amount of lightweight plastic carrier bags – a voluntary agreement between the ME and the retail sector. In order to reduce the amount of lightweight plastic carrier bags generated in Lithuania, the ME organised meetings involving representatives from different retail companies in Lithuania. An agreement was made to create video and audio adverts and broadcast these in supermarkets. Following an agreement between the ME and Lithuanian Trade Companies Association, video and audio adverts were broadcast free of charge. Video and audio adverts were created using funds from the Waste management programme (national fund).
- Since 1 September 2018, there has been an awareness-rising campaign to reduce the amount of throw-away, single use cups. This has been promoted on public transport screens (buses and trolleybuses) in Kaunas, Vilnius, Klaipėda and Šiauliai as well as on cinema/theatre screens.

- The promotion of rational use of resources and waste prevention. The Ministry of the Economy has approved the Programme on Investment Promotion and Industrial Development for 2014–2020 and the Action Plan for its implementation. This Programme provides an overview of the major challenges the industry is facing. To address the challenges a strong focus is placed on sustainable development, the creation of high quality jobs in industry and a shift towards the more efficient use of sustainable resource. In addition, the Ministry of Economy has approved the 'Eco-Innovation LT +' measure. In order to mitigate the adverse effects of climate change and greenhouse effects, investment in tangible assets (equipment, technology) is planned. The aim is to reduce the negative impact of economic activities on the environment. Cooperation with private companies is promoted to help coordinate environmental action, i.e. investments in cleaner production and in techniques promoting the rational use of resources and the prevention of pollution (e.g. process modernisation/optimisation). The aim is to reduce negative environmental impact and/or conserve natural resources. In addition, the promotion of waste-free production, the reuse/recycling of waste, the use of residual heat (recuperation, regeneration) and other activities are important. Following the call for proposals, 56 contracts to fund projects were signed, 11 contracts of which were awarded to production companies in the plastics sector. The projects envisage the manufacture of new products based on waste materials. Moreover, a more efficient use of raw materials is planned. Some of these projects will be completed before 2020.

6.4.2. Liability regarding the obligation to pass on information to competent authorities

According to the FCIS, in the private sector the failure to carry out instructions entails liability.

Article 163 CPC: Coercive measures in respect of persons who fail to comply with the directions of a pre-trial investigation officer, prosecutor, judge or the court.

1. The suspect, the accused, a witness or any other person who, without good reason, does not make an appearance at proceedings or who fails to comply with the directions of a pre-trial investigation officer, of a prosecutor or of the court in respect of this Code or other legislation, or who obstructs an investigation and hearing of a criminal case, may be subject to a fine of up to 30 MLS, and in cases laid down in this Code - detention for a term of up to one month. The right to impose a fine must rest with the prosecutor, the judge or the court and the right to impose detention must rest only in the judge or the court.

6.4.3. Experience of cooperation with the private sector

Cooperation in the course of the investigation of criminal offences is strictly regulated. Usually private institutions are asked to provide information, data or documents on waste management. They may have to comply with specific requests as regards waste management. This is done in all the pre-trial investigations. However, the information collected in the course of a pre-trial investigation is not forwarded to the private sector, as this is forbidden by the CCP and by the law on the protection of personal data. If necessary, only impersonal, statistical data may be provided to the private sector about the conducted pre-trial investigations.

6.5. Conclusions

- In general, Lithuania praised the cooperation with Eurojust and Europol in various areas. As regards cooperation with Eurojust, the PGO representative explained that Lithuania has made use of its National Desk at Eurojust to a limited extent in waste crime cases and has not yet established cooperation based on a JIT in that regard.
- Lithuania shares an interest with states surrounding the Baltic Sea; therefore it has built up a successful operational cooperation with those countries. The Network of Prosecutors on Environmental Crime in the Baltic Sea Region (ENPRO) with third countries from outside the EU is a good example of structural cross-border cooperation. The evaluation team is convinced that local international cooperation is a useful tool in order to implement effective action in the environmental field.
- As a member of ENPRO, Lithuania can share experience from other countries or store data on environmental cases investigated in the participating countries. Furthermore, in 2016 during the Lithuanian Presidency of ENPRO, the annual meeting was devoted to the issue of waste. Prosecutors are not members of the ENPE, the EU network of prosecutors in the environment.

- Lithuania is a member of the IMPEL network for environmental inspections in Europe and is represented there by the EPA as the competent authority. The EPD is not part of IMPEL's activities in the enforcement action project in which regular EU-wide control activities are undertaken, information is shared and peer-to-peer training and experiences are shared. Lithuania is not a member of the Envicrime network for environmental law enforcement organisations in Europe where good practices and strategic developments in the field of environmental crime are shared. This includes the environmental crime part in SOCTA and participation in EMPACT environmental crime which also seeks the more effective combating of environmental crime through joint intelligence projects, joint operations and training. Furthermore Lithuania is not an active participant in the Interpol Pollution crime working group which focuses on waste-related topics, gathers intelligence, works on capacity building and training, assesses global trends and shares experience as regards globally coordinated operations.
- The experts are sure that there is a lot to be gained by participating in these networks, international operations and projects. The sharing of best practices, modus operandi and cross-border intelligence help facilitate networking in the field of environmental crime fighting. Therefore Lithuania should consider joining the relevant European networks in the environmental field such as IMPEL, EnviCrimeNet, ENPE or EUFJE.
- Even if it does not specifically focus on waste crime, the ME and the Ministry of the Economy have developed successful action plans and cooperation with the private sector to raise awareness in waste management. Several campaigns are launched each year, using all the information networks available and focusing on civil society.

7. ILLEGAL TRAFFICKING OF WASTE

7.1. National structure

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

The EPA is the competent authority implementing Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste. The functions of the EPA (as the competent authority) have been approved by order of the Minister for the Environment. Among various competences, the EPA issues consents to ship hazardous waste, is responsible for the notification of transboundary shipment and cooperates with foreign countries to send back waste which has entered Lithuania illegally.

The EPD carries out checks on waste shipments. In the event of violations of the requirements for the shipment of waste, a fine is imposed in accordance with Article 251 of the Code of Administrative Offences and Article 18 of the Law on State Control of Environmental Protection. An order to transfer waste to a legitimate waste manager may be issued. The EPD informs the competent authority about illegal waste shipments, pursuant to under Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.

The Lithuanian Customs authorities implement the procedural requirements laid down in Regulation (EC) No 1013/2006 of the European Parliament and the Council of 14 June 2006 on shipments of waste for goods carried from third countries to the Community customs territory and from the Community customs territory to third countries.

7.1.2. Detection of illegal shipment of waste

The AAD (EPD) detects irregularities as a result of reports received from operators (natural or legal persons) and other institutions (Customs Department, State Border Guard Service, State Tax Inspectorate), and roadside inspections. The main problems in detecting illegal shipments are the detection of mobile cargo, the gathering of evidence, and sometimes the loopholes in regulations.

Shipments of waste coming into EU territory from third countries have to be declared to Customs with all necessary supporting documents. MD (Customs) detects illegal shipment of waste by applying a risk assessment system. The representative of the Customs explained to the evaluation team that this risk assessment is automated. Customs start every inspection by checking the paperwork that accompanies the shipment; if necessary, physical checks follow. If Customs discover that a shipment of waste has been made without a permit, an infringement procedure is carried out.

According to the FCIS, illegal shipments of waste are detected on the initiative of the State authorities: through the inspections carried out by the State Tax Inspectorate, Environmental Protection Department or whichever law enforcement institution discloses the indications of the criminal offence after the investigation.

7.1.3. *Specificity of illegal shipment of waste*

In order to assess waste shipment between different countries, the EPD believes that more information about outgoing and incoming waste is needed. Furthermore, in the EPD's view the international exchange of information between environmental enforcement authorities takes too long. According to the Lithuanian authorities, the main reasons for this situation are:

- The lack of an international database;
- Too little shared information about specific companies/individual cases (outgoing and incoming quantities of waste, waste treatment facilities);
- Some companies do not supply waste reports at all.

No threat assessment to identify particular modus operandi or trends in the illegal shipment of waste has been carried out by the Police. Lithuanian police officers prepare strategic analysis according to the EU SOCTA coordinated by Europol. They prepare a NSOCTA coordinated by the Lithuanian Criminal Police Bureau once a year and officers at county police headquarters conduct a Territorial Serious and Organised Crime Threat Assessment (TSOCTA) twice a year. Data analysis does not reveal active involvement of organised criminal groups in illegal shipment of waste.

In the words of the FCIS, the general tendencies are: waste collectors and management operators forge the documents concerning the quantities of waste collected. The forged documents usually indicate a false larger amount of waste collected and managed. Therefore, waste managers can issue fictitious certificates for an allegedly larger quantity of waste managed and sell those certificates for the importers or producers. In that way without waste management, without incurring any costs, waste managers earn more proceeds and the importers and producers are exempt from pollution tax.

7.1.4. Measures on shipment of wastes

The EPA follows Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste. To obtain consent to ship waste, a financial guarantee, or equivalent sum insured should be approved. The beneficiary of the sum insured is the competent authority in the country of dispatch, in the event of unforeseen circumstances. The movement document and copies of the notification document containing the written consents or completed Annex VII must accompany the waste during shipment.

To determine the financial guarantee or equivalent sum insured the EPA refers to the national Order No D1-663 issued by the ME 'Regulation (EC) No 1049/2001 of the European Parliament and of the Council: On the approval and description of the procedure for calculating and adjusting the amount of the guarantee or surety provided for in Regulation (EC) No 1013/2006, and the lodging and return of the guarantee or surety documents'.

During transportation of waste inside the territory of Lithuania, a bill of lading is required, by virtue of the Cross-border waste shipments (Regulation (EC) No 1013/2006 on waste transport) and Waste transportation procedures description (approved by Order No D1-207 of the ME of the RoL on 27.04.2004).

In order to achieve efficient management of information and in accordance with waste management rules, under Chapter V, 'Collection, shipment of waste', waste managers provide information on waste shipment operations through the United Product, Packaging and Waste Accounting Information System (GPAIS). Via GPAIS, the EPD is automatically informed about the planned waste shipment and other stages in the process (dispatch, receipt). Thus, the EPD is in a position to better control the shipment of waste and waste management.

The Lithuanian authorities provided the evaluation team with statistics on transboundary shipments of waste:

Authorisation for shipments of waste subject to the prior written permission and consent procedure according to Regulation (EC) No 1013/2006

Nature of transboundary shipments of waste	2013		2014		2015		2016	2017	2018
	Issued	Not issued	Issued	Not issued	Issued	Not issued	Issued/Not issued	Issued/Not issued	Issued/Not issued
Export	61	1	124	3	130	6	43/3	46	67
Import	22	1	34	0	34	2	23	30	25
Transit	24	3	58	0	58	1	20	22	13
Total	107	5	216	3	222	9	89	98	105

Authorisation for shipments of waste subject to the prior written permission and consent procedure according to Regulation (EC) No 1013/2006 (by type of waste)

Year	Battery waste	Fluorescent lamps waste	Filters waste (air, oil, fuel)	Electronic waste	Oil waste	Other dangerous waste	Non-dangerous waste	Total
2013	19	2	0	6	14	53	0	94
2014	14	2	1	14	8	53	4	96
2015	11	2	1	6	6	45	2	73
2016	16	3	1	4	4	48	13	89
2017	12	3	1	7	5	57	13	98
2018	9	3	3	7	5	70	5	102
Total	81	15	7	44	42	326	37	552

Actual number of transboundary shipments of waste*

Year	Export	Import	Transit	Total
2013	2 006	388	156	2 550
2014	2 169	576	128	2 873
2015	1 668	399	12	2 079
2016	1 396	588	82	2 066
2017	1 582	823	78	2 483

* Number of transboundary shipments of waste according to transboundary movement documents (Annex IB to Regulation (EC) No 1013/2006) and information on waste received by waste receivers

Illegal transboundary shipments of waste

Illegal shipments						
Year	Export		Import		Total	
	Identified cases	Quantity of waste, tons	Identified cases	Quantity of waste, tons	Identified cases	Quantity of waste, tons
2013	2	26	1	15,98	3	41,98
2014	2	563,77	1	15,98	3	579,75
2015	1	5,07	4	30,7	5	35,77
2016	3	About 3	0	0	3	3
2017	1	22,9	3	9,6	4	32,5

Main destinations of shipments of waste subject to the prior written permission and consent procedure according to Regulation (EC) No 1013/2006 (No of permissions)

Export						
No	Country	2013	2014	2015	2016	2017
1.	Latvia	15	14	12	6	14
2.	Poland	23	25	27	7	20
3.	Estonia	4	7	4	1	4
4.	Germany	9	8	8	2	2
5.	Sweden	20	20	34	3	0
6.	Denmark	3	0	0	0	0
Export						
1.	Norway	2	2	2	1	1
2.	Belarus	1	1	1	0	0
Import						
No	Country	2013	2014	2015		
1.	Latvia	12	8	7	4	4
2.	Poland	1	0	0	0	0
3.	Estonia	1	1	1	1	0
4.	Germany	1	0	0	0	0
5.	Sweden	1	0	1	1	0
6.	Denmark	1	1	0	0	2
Import						
1.	Norway	2	17	15	12	13
2.	Belarus	1	1	1	1	0

According to the EPA, the main export waste streams go to Poland, Latvia, and Sweden for disposal or recovery operations. This waste consists of oil, batteries/accumulators, EEE (electrical and electronic equipment) and fly ash containing dangerous substances. The main import waste streams (of plastics and EEE) come from Latvia and Norway for recovery operations.

7.2. Inspections

7.2.1. Methodology of inspections and follow - up

Within the EPA's responsibilities, when an illegal shipment of waste is identified, the competent authorities communicate, cooperate and implement Article 24 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste. Where a competent authority discovers a shipment which it considers to be an illegal shipment, it must immediately inform the other competent authorities concerned. If an illegal shipment is the responsibility of the notifier, the competent authority of dispatch must ensure that the waste in question is taken back by the notifier or taken back by the competent authority of dispatch.

The EPD conducts inspections in accordance with the regulations (Order No D1-145 of the ME of the RoL on 18.2.2011, as last amended on 25.5.2018), and a description of the requirements of the planned and unplanned inspections of the activities of the economic entities in carrying out state control of environmental protection (hereinafter referred to as 'the description') in the course of the annual inspection plan and in response to notifications from natural and legal persons. The frequency of scheduled inspections is determined on the basis of risk assessment and the priorities of State environmental control.

Non-routine inspections are carried out in accordance with Chapter IV of the Description, entitled 'Procedure for carrying out non-routine inspections', which specifies:

27. A non-routine inspection of an operator's activities is carried out on the basis of a reasoned decision by the head of the entity carrying out the check, or by a person authorised by the head of the entity, in the form of an instruction to carry out an inspection or an inspection decision. Under an instruction to carry out an inspection, the officials specified in that instruction inspect the operator; under an inspection decision, the official who took the decision inspects the operator. The instruction to carry out an inspection or the inspection decision is to be adopted on the grounds for non-routine inspections set out in point 271 of this Description of Requirements.

27¹. A non-routine inspection of operators' activities is carried out on one or more of the following grounds:

27¹.1. upon receipt of a written reasoned request or instruction from another competent public-administration entity to carry out an inspection of an operator's activities, or a request from a competent institution (hereinafter 'Institution') of another state;

27¹.2. if information is available or well-founded suspicions have arisen about possible activities on the part of an operator that may infringe, or fail to comply with the requirements of, legal acts;

27¹.3. in order to ensure that infringements of legal acts found during a previous inspection of the operator's activities have been eliminated and decisions adopted have been fulfilled;

27¹.4. if the grounds for the non-routine inspection are established by a law or a legal act adopted by the government.

The physical inspection and inspection of documents are carried out on the operator's premises or at the roadside. Where necessary, other supervisory bodies are invited to take part in the inspection. In addition, the EPD focuses on the description of goods, the ratio value (low)/net weight (high), the country of destination and the delivery conditions.

In the event of violations of the requirements for shipment of waste at the time of the inspection (if the action does not involve criminal liability), the EPD's officers review the administrative proceedings and impose fines, under the Code of Administrative Offences (Article 251 for natural persons and Articles 59-102 for legal persons), and/or under the Law on Environmental Protection; under Article 18 of the Law on State Control of Environmental Protection: 'Cases of Mandatory Order', a mandatory order for the transfer of waste to a legitimate waste manager may be issued.

Article 29 of the Code of Administrative Offences provides that the confiscation of assets can only be applied when it is provided for in the article on liability, and the seizure of property is not provided for in Article 251 of the Code of Administrative Offences. The Environmental Protection Act, which regulates the liability of legal persons, also does not provide for the possibility of confiscation of property, so it is not applicable in the administrative procedure.

The Customs follow similar steps. After a risk analysis based on forms they received (cf. 7.1.2), they carry out physical checks: they assess the smell, appearance and condition of the waste. If a Customs officer is not sure that the goods are waste, he needs to follow the cooperation agreement between the Customs administration and the ME. This agreement of 16 January 2017, No BS-2017-2/15B-1, explains the division of tasks between the bodies involved in the field of control of cross-border shipments of waste. As regards Article 198 (1) of the Union Customs Code, the customs authorities are required to take any necessary measures, including confiscation and sale, or destruction, to dispose of goods.

If an investigation reveals that an offence may have been committed (Article 270 (2) of the CC - Illegal shipments of waste through the State border of the RoL), the material is forwarded to the district or county prosecutor's office for the initiation of a pre-trial investigation and investigation of the crime. The environmental authorities provide methodological assistance to law enforcement authorities as the specialists and experts in criminal proceedings (providing expert opinions).

Pursuant to the provisions of Article 155 of the CPC, the prosecutor, having issued the ruling and obtained the consent of the pre-trial investigation judge, has the right to enter any State or municipal, public or private institution, enterprise or organisation. He has access to the necessary documents or other relevant information, records or copies of documents and information, and is entitled to receive written information. In criminal proceedings, confiscation of property may be ordered for any offence at the discretion of the court. Article 72 of the CC stipulates that the asset, instrument or result prohibited by this Code shall be considered as a disposable asset.

7.2.2. *Specific inspections with regard to Waste Electrical and Electronic Equipment (WEEE) and End-of-Life Vehicles (ELV)*

Regarding WEEE and ELV, the EPA analyses the data on exports and imports of waste. This agency verifies its analysis with the other countries via the Copenhagen Resource Institute (CRI) and the European Commission - Eurostat. The EPA has not detected any illegal flows.

The EPD conducts inspections in accordance with Order No D1-145 of the ME of the RoL of 18 February 2011, as last amended on 25 May 2018. It replies to notifications from natural and legal persons and carries out the annual inspection in the WEEE and ELV field. The inspection methodology is the same as for waste shipment inspections (see 7.2.1). There are no specific methods or actions to control the movement of WEEE and ELV.

Following the Transboundary Shipments Inspection Plan of transboundary waste shipments inspections for 2017–2019, environmental officers carry out, with other regulatory authorities, inspections on freight transport to check compliance with the international ELV requirements. Companies managing ELV are inspected once every one or two years. Separate control statistics for this group of waste managers are not kept.

7.2.3. *First inspection plan*

According to Order No D1-444 of the ME, the EPD is responsible for drafting the plan for the inspection of transboundary shipments of waste, implementing the approved plan and coordinating its implementation. The EPD also reviews, evaluates and, if necessary, initiates and prepares an updated draft plan implementing Regulation No 660/2014.

The first inspection plan of transboundary waste shipments inspections for 2017-2019 is available online: <https://www.e-tar.lt/portal/lt/legalAct/f5e514708fdf11e8b93ad15b34c9248c> (Lithuanian version only).

To implement this plan, the EPD has analysed the number of transboundary shipments of waste, the illegal traffic statistics, the main orientations and flows of waste and the number and character of inspections of shipments.

As a strategic document, the plan sets or provides for:

- strategic goals;
- waste management tasks and targets to implement them;
- evaluation of the management of particular waste streams;
- analysis of waste management capacity;
- identification of needs;
- installed and planned waste management capacity;
- other information for the development of an efficient infrastructure for environmentally sound management of waste.

The aim of the inspection plan is to coordinate planning within the EPD, as well as with other authorities associated with the control process, in order to have consistent planning and actions, and improve cooperation and collaboration between authorities (including in training programmes). As a result, the plan improves the effectiveness of controls and the fight against illegal shipments of waste. The State plan is harmonised with the Police, the State Border Guard Service and the Customs, authorities under the Ministry of Transport and Communications of the RoL, the Lithuanian Transport Safety Administration, the State Road Transport Inspectorate under the Ministry of Transport and Communications, the Lithuanian Maritime Safety Administration and the Civil Aviation Administration.

For 2017-2019, the planned tasks and measures are :

- For EPD: 282 inspections of senders and 18 inspections of waste recipients at their place of waste management and loading/landing.
- Customs: 12 inspections of containers or transport vehicles, preventing offences, for which the financial sanctions are applicable under environmental law.
- several transboundary waste shipment inspections carried out jointly by the EPD and law enforcement authorities or other administrative bodies (Customs, State road transport inspectorate, Police, State border protection service, State railway inspectorate, Maritime safety administration, Aviation administration).

7.2.4. Challenges with regard to the taking back of illegal waste shipment

The EPA representative explained to the evaluation team that if it proves impossible to send back the waste, they are usually able to recycle it in the Lithuanian facilities.

The main challenge with regard to the tacking back of illegal waste shipments is the length of the process. This process depends on the negotiations with the authorities and companies of the country of origin and is unpredictable. Furthermore, the duration of the procedure raises financial problems.

7.3. Conclusions

- Lithuania is involved in the prevention of and fight against the illegal shipment of waste. The main role is played by the administrative bodies at national, regional and local level.
- Lithuania has drawn up one cooperation agreement between Customs and the ME entities: No BS-2017-2/15B-1 of 16 January 2017. It explains the division of tasks between the bodies involved in the field of control of cross-border shipments of waste. Except the inspection plan for transboundary waste shipments, there is no other memorandum of understanding between the administration and the law enforcement authorities. The experts believe that more integrated and coordinated actions bring together the various law enforcement authorities and the administrative bodies should strengthen the process of building up an efficient system for detecting and tracking illegal transboundary shipments of waste.
- The EPA is the competent authority for issuing waste export permits. The EPD is the main authority in the fight against non-compliance with waste regulation. They have the expert knowledge to perform inspections on waste management companies, transport companies and landfill owners. The EPD inspectors only have administrative powers, no criminal enforcement powers. In the event of criminal activities relating to waste the EPD has to rely on law enforcement partners within Lithuania such as the national police and the FCIS. There is limited capacity for the EPD waste inspectors and no capacity allocated specifically to the fight against environmental crime within the law enforcement agencies.
- The EPD has been drawing up the inspection plan prescribed in EU legislation for two years, setting out the EPD's risk-based work to combat waste crime.

- Lithuania has recently set up the GPAIS, which is a useful electronic platform dedicated to waste management. The EPD uses the data gathered by this platform to plan inspections. The EPD is automatically informed about the planned waste shipment and other stages in the process (dispatch, receipt). The EPD is thus able to better control the shipment of waste and waste management. The Lithuanian representatives explained to the evaluation team that the GPAIS will be implemented more fully and hope that law enforcement authorities will be able to access it.
- In the evaluators' view, the problem in the area of waste crime is not only of a cross-border nature but also relates to illegal storage of waste within the country, e.g. illegal landfills and illegal storage of various types of waste including hazardous waste.
- In practice, Customs checks on shipments entering or leaving the EU focus on the documentation and proceed to a physical control only when there are irregularities in the documentation. But it is known from criminal investigations in the past that when there are perpetrators shipping waste illegally on a larger scale, they usually take care to provide correct documentation accompanying the waste. These (fraudulent) documents will not raise any suspicions during a Customs check. In order to detect illegal waste shipments, physical inspections need to be carried out. The customs administration's physical inspections are especially needed in the field of import and export of waste. These inspections could be planned by a unit within the customs administration collecting information on import/export companies and intelligence from other agencies, such as the EPD and the police.

- No threat assessment to identify particular modus operandi or trends in the illegal shipment of waste has been carried out by the Police. However, waste managers may issue fictitious certificates for allegedly larger quantities of waste managed and sell those certificates for the importers or producers. In this way, without waste management, without suffering any costs, waste managers earn more proceeds and the importers and producers are exempt from pollution tax.
- Lithuania wants the EU institutions to come up with regulations to also cover transboundary shipment of waste under Annex VII. Due to international developments, such as China's waste import restrictions, more and more waste (covered by Annex VII) is moving around the EU. Without good registration, major streams of Annex VII waste could end up being moved illegally.

8. MANAGEMENT OF HAZARDOUS WASTE

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

The seriousness and dangerousness of the crimes referred to in Article 270 of CC, to the extent related to the offences referred to in Article 3(b) of Directive 2008/99/EC, depend essentially on criminal consequences arising from these crimes as specified in Article 270 (2) of CC, i.e. the graver the consequences, the more dangerous and serious the waste crime provided for in Article 270 of CC. Where a violation of the environmental regulations established by the specific legal acts (as stated in Article 270 of CC) has caused actual substantial damage to the air, soil, water, fauna or flora, or has given rise to other serious consequences for the environment, the crime is regarded as much more serious and is punishable by the maximum penalty of imprisonment for up to 6 years and classified, under Article 11(4) of CC, as a moderately serious crime (Article 270(2) of CC). Where no consequences referred to in Article 270 of CC have arisen from the violation of the waste management regulations, the offender is subject to administrative liability, which is imposed based on the establishment of a violation of environmental protection legal acts and it is not necessary to establish the fact of damage caused by the violation.

8.2. The system of inspections and the authorities involved

The EPD conducts inspections, scheduled or not, of operators involved in hazardous waste management. The frequency of scheduled inspections is determined on the basis of risk assessment and the priorities of State environmental control. Companies handling hazardous waste with integrated pollution prevention and control (IPPC) permission are inspected annually. The tools used to perform the inspections are the same as mentioned above (see 7.2.1)

According to the EPD, the concept of 'serious damage' is complicated to apply. The criteria for establishing serious damage are too vague and therefore cause problems both in criminal investigation and in assessing environmental damage. The EPD stated that in the absence of a detailed definition, it is difficult to characterise and prove the level of infringement.

Within the FCIS, the Special Tasks Department has conducted investigations into violations of the rules for hazardous waste management. When carrying out these investigations, the investigators have cooperated with representatives of the ME and the Regional EPD unit. This enabled them to obtain all the relevant information for the proceedings.

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

According to Paragraph 6 of Article 2 of The Waste Management Law No VIII-787: ‘Waste means any substance or object which the holder discards, or intends or is required to discard’. The Waste Management Law does not apply to radioactive waste and some other waste, as indicated in Paragraph 2 of Article 1.

Paragraph 54 of Article 2 of The Waste Management Law sets the definition of hazardous waste: ‘hazardous waste means waste which displays one or more of the hazardous properties listed in the Annex to Commission Regulation (EU) No 1357/2014 of 18 December 2014, replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste, and repealing certain Directives (OJ 2014 L 365, p.89)’. Paragraph 16 of Article 2 of The Waste Management Law defines 'disposal of waste' as any operation which is not recovery, even where the operation has, as a secondary consequence, the reclamation of substances or energy. Paragraph 11 of Article 2 indicates that ‘recovery of waste’ means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. According to The Waste Management Law, the Ministry of Environment is required to set out a non-exhaustive list of recovery and disposal operations. The lists of waste recovery and disposal operations (respectively, the R and D codes) are set out in Annex 4 of the Waste Management Rules.

A waste list (according to Commission Decision 2000/532/EC) is set out in Annex 1 of The Waste Management Rules. The Waste Management Rules establish the requirements and procedure for the identification of hazardous waste (Chapter IX and Annex 1).

Article 6 of The Waste Management Law states that: ‘undertakings which intend to carry out waste treatment or recycling, and ships and undertakings which store hazardous waste for a period exceeding six months or non-hazardous waste for a period exceeding one year on the site where the waste is produced must obtain a permit’. Thus waste management facilities have to be authorised and have to obtain the appropriate permit to conduct waste management activity, according to the national legislation. Article 6(1) of The Waste Management Law states that the following are to be included by the State Register of Waste Managers:

- 1) undertakings which collect and transport waste;
- 2) undertakings which treat waste;
- 3) waste dealers and brokers;
- 4) undertakings which store hazardous waste for a period exceeding six months or non-hazardous waste for a period exceeding one year on the site where the waste is produced.

Companies, waste dealers and brokers are registered in the State Register of Waste Managers. This registration serves as authorisation to conduct transboundary shipments of waste, and includes all information related to the operators previously mentioned (the legal status of the undertaking, information about the waste codes, hazardous properties and so on).

Before starting their activities, operators must carry out environmental impact assessment procedures. The procedures include an assessment of the direct and indirect impact of the proposed economic activity on the environment and public health.

The IPCC issue and/or pollution permits grants the right to operate a facility subject to their requirements. This means that permits explain how to manage a hazardous facility and include control of environmental impacts. Waste managers and waste producers keep records of waste generation and waste management and report using the GPAIS.

Lithuania offered the evaluation team the opportunity to visit the only hazardous waste incineration plant in the country, named Toksika. The premises are located in Šiauliai district, Jurgeliškės village, and occupy about 10 hectares. Toksika has 720 square meters of storage capacity for long-term hazardous waste. The plant's design capacity is 8 000 tonnes of hazardous waste per year. This capacity is now no longer sufficient and Lithuania has to find solutions to handle the waste in other countries. The plant also includes four hazardous waste landfill and a stabilization bar for hazardous waste has been built. The landfill's design capacity is 9 000 tonnes of waste. According to the polluter pays principle, the operating costs of the landfill and the incineration plant are covered by a charge for the collection of hazardous waste from industry and households. Toksika also has its own laboratory and carries out analyses on waste entering the facility and after the incineration process. The site visit showed a well-controlled, state of the art facility, which has to compete on the market with incineration plants throughout the Baltic and northern European region.

8.4. Trends in illegal hazardous waste management

Under the current legal framework (Description of the requirements for planned and non-scheduled inspections of the activities of economic entities in the performance of state control of environmental protection), the operator must identify the waste and classify it as hazardous or non-hazardous waste. Due to lack of knowledge and information among operators, inappropriate waste identification can have an impact on the risk of inadequate waste storage, mismanagement and environmental pollution (affecting water, soil, and the overall environment) and also on public health.

According to the EPD, a common modus operandi is collection and storage of waste (sometimes in an unspecified area) without a permit or without complying with the permit's conditions. The end result is the bankruptcy of the company, leaving untreated waste. This administrative body also points out the fact that companies try to illegally conceal the actual amount of hazardous waste generated or collected. This undeclared waste leads to legal or illegal storage areas not complying with the environmental protocols.

Another example, given by the Special Task Department of the FCIS, was a company which had stored waste in larger quantities than it was permitted to, and in a prohibited manner. The result was serious environmental damage. The managers of the company, instead of managing waste, used the income and led the company to bankruptcy.

The prosecutors' representative also stressed the fact that defining whether certain substances are hazardous waste or not is a major problem.

8.5. Conclusions

- The action Lithuania has formulated, based on the national waste management plan, to close down almost all the legal and all the illegal landfills has probably created an effective barrier to the illegal disposal of waste within the country. Only 11 government-owned landfills remain for regular waste streams and one specialised landfill for hazardous waste next to the brand new hazardous waste incineration plant Toksika. These remaining sites are well controlled and inspected by the EPD.
- The classification of hazardous waste is applied under the relevant European agreements and the national criminal law provides for infringements in this field by taking into account the consequences of the damage. Many of the offences detected in relation to hazardous waste are committed through misclassification.

- In order to ensure traceability from production to final destination and, thus, to control hazardous waste, operators handling waste are required to keep a record of the waste they handle and where it is transported. Despite this obligation, some companies tend to classify goods as non-hazardous.
- The authority responsible is the EPA, which issues permits for industrial installations and activities, licenses hazardous waste treatment activities, issues permits for transboundary shipment of hazardous waste, collects data on waste generation and treatment as well reporting to national and international institutions (European Commission, Eurostat, OECD, etc.), and publishes waste statistics. They issue about 50 consents for waste shipments for export per 1 year and about 30 consents for import. Most of the hazardous waste (asbestos, batteries and accumulators, end-of-life vehicles etc.) is recycled or is pre-treated.
- The EPD remains the most important player in the detection and inspection of hazardous waste. This entity uses the same tools as for 'ordinary' waste crime to carry out its inspections. Law enforcement authorities have to rely on the EPD's expertise. Only limited capacity in the EPD is available to perform this task.
- Listening to the EPA laboratory representative, it seems that hazardous waste and waste more generally cannot be analysed in Lithuania; samples are sent abroad. This could be time-consuming for investigations.
- In the experts' opinion, a more proactive attitude (e.g. through the use of intelligence sources and data analysis) would make it possible to detect and investigate more hazardous waste-related offences.

9. ILLEGAL PRODUCTION OR HANDLING OF DANGEROUS MATERIALS

9.1. The concept of dangerous materials

Legislation:

Lithuania uses both EU and national legislation to define the concept of dangerous materials:

- a) Definitions of substance and mixture are provided for in Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the registration, evaluation, authorisation and restriction of chemicals (hereinafter – REACH Regulation) (paragraphs 1 and 2 of Article 3);
- b) Definitions of dangerous substance and mixture are provided for in Article 3 of the CLP Regulation;
- c) Law on Waste Management (No. VIII-787 adopted by the Parliament of the Republic of Lithuania on 16.6.1998, as last amended on 12.18.2018, Article 2(53) – 'Dangerous waste - waste that has one or more dangerous properties in accordance with Regulation (EU) No 1357/2014'.

According to Article 6(9) of the Law on Waste Management, in carrying out the administration of environmental protection and state regulation of the utilization of natural resources, the ME of the RoL must lay down a procedure for producing and importing, carrying in transit, exporting, using, storing, burying, decontaminating, utilizing and accounting for hazardous chemicals and hazardous waste, genetically modified organisms and potential sources of biological pollution.

Regarding waste management rules (approved by Order No 217 of the ME of the RoL on 14.06.1999):

73. Waste marked with an asterisk (*) in the List of Wastes provided in Annex No 1 to the Rules is to be considered hazardous waste.

74. Companies which generate hazardous waste are required to identify the hazardous waste generated, determine its composition and declare the hazardous waste generated in the waste accounting records.

75. The identification of hazardous waste is to be carried out by the companies in compliance with paragraph 2 of Annex No 1.

76. In case of a failure to identify waste by the methods specified in paragraph 77, laboratory tests are to be conducted in order to determine the composition and properties of hazardous waste.

77. The reclassification of hazardous waste as non-hazardous waste may not be achieved by diluting or mixing the waste without observing the requirements laid down in paragraphs 78 and 79 of these Rules with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.

In accordance with the Law on Chemical Substances and Preparations (No VIII-1641 adopted by the Parliament of the Republic of Lithuania on 18.4.2000, as last amended on 14.4.2016) manufacturers, importers and downstream users are responsible for the classification of chemical substances and mixtures in accordance with the CLP Regulation (Title II) before placing them on the market. Manufacturers, importers and downstream users have a duty to collect the available information which forms the basis for determining whether a substance or mixture displays properties that lead to its being classified as hazardous. In this context, classification is the starting point for communication concerning hazards. When relevant information (e.g. toxicological data) on a substance or mixture meets the classification criteria provided for in the CLP Regulation, the hazards of a substance or mixture are identified by assigning a certain hazard class and category. The hazard classes in the CLP Regulation cover physical, health, environmental and additional hazards.

The hazardous chemical substances included in Part 3 of Annex VI to the CLP Regulation are to be classified in accordance with the classification of chemical substances specified in the corresponding entries of that Annex. In such cases a classification of that substance in accordance with Title II of the CLP Regulation need not be carried out for the hazard classes or differentiations covered by that entry. This method of classification (and labelling) of certain hazardous chemicals is described as harmonised classification at the EU level, i.e. is harmonised to ensure adequate risk management throughout the EU. The procedure for establishing the harmonised classification of chemical substances is defined in the CLP Regulation (Title V).

The procedures for the identification of Substances of Very High Concern (SVHC) and inclusion in Annex XIV of the REACH Regulation, laying down the marketing (and manufacturing) restrictions by adding hazardous substances to Annex XVII of the REACH Regulation, are defined in Articles 58, 59, and 68–73 respectively. The procedure referred in Article 133(4) of the REACH Regulation is applicable for the adoption of new restrictions, or amending current restrictions in Annex XVII, or the inclusion of new substances in Annex XIV.

The procedures for proposals to nominate new substances to be defined as meeting the criteria for persistent organic pollutants (POPs), and to be listed in the corresponding Annexes of the Stockholm Convention, are established by the provisions of the Stockholm Convention, and such proposals can be submitted by the Parties to the Convention. Lithuania, as an EU Member State, is involved in the development of the 'joint EU proposal' (agreed between all MS) on the nomination of new POPs. A decision to include new POPs in the Stockholm Convention is to be adopted by the Conference of the Parties (COP) to the Convention. The Decisions of the COPs on listing new POPs in the Stockholm Convention are to be transposed into Regulation (EC) No 850/2004.

Entities involved:

In Lithuania, the main institutions in charge of implementing legislations on dangerous materials legislations (act as Competent Authorities) are:

- The EPA which deals with chemicals policies (REACH, CLP, POPs....);
- The National Public Health Centre which acts in cooperation with the EPA implementing REACH, CLP Regulations and deals with Biocidal Products and Cosmetic Products Regulations and Poisonous Substances;
- The Health Emergency Situation Centre which provides information to be used for preventive and curative measures, exchanges information on health emergency situations with national and international institutions and ensures the functioning of early warning and response systems;
- The Fire and Rescue Department which prevents and responds to major industrial accidents.

The enforcement framework in the area of chemicals management is established by the Law on Chemical Substances and Preparations, the Law on State Control for Environmental Protection, the Law on Products Safety and the Law on State Labour Inspectorate.

When performing their duties institutions (responsible for the state control in chemicals management area), within competence defined, control *inter alia* whether the chemical substances and mixtures are compliant with requirements for classification, labelling and accompanying safety information for hazardous substances. The Environmental Protection Department under the Ministry of Environment (EPD) performs control in the area overall chemical management, including compliance with the established requirements classification labelling of chemicals and Safety Data Sheets (duty of the supplier to provide the recipient of chemical with a Safety Data Sheet and the quality/content of the Safety Data Sheet).

Responsibilities and tasks executed by the implementing institutions mentioned at the beginning of this Sub-section are also related to the prevention, response to accidents that may cause damage to human health and environment due to the in proper handling of dangerous substances and mixtures.

Regarding radioactive materials, two regulatory bodies are involved in this field : the Radiation Protection Centre, under the responsibility of the Ministry of Health, and the State Nuclear Inspectorate.

The Radiation Protection Centre (RPC):

The RPC is a regulatory body under the Ministry of Health. The RPC carries out control of human and environmental radiation exposure, except for activities concerning sources of ionizing radiation at nuclear facilities, which are carried out by the State Nuclear Power Safety Inspectorate. RPC performs the following functions:

- participating in the formulation and implementation of State policy in the field of radiation protection (except for the implementation of this policy in activities concerning sources of ionizing radiation at nuclear facilities);

- monitoring human exposure as a public health risk factor in planned, existing and emergency exposure situations;
- performing, within its competence, the hazard and risk analysis of radiological emergencies (except for radiological accidents at nuclear facilities) necessary for the preparation or modification of a national population protection plan for a nuclear or radiological emergency.

The main regulation in this field are the law on radiation protection and Hygiene Standard HN 73:2018 “Basic Standard of Radiation Protection” adopted by the Order No. 663 on 21 December 2001 by the Minister of Health Care, which transpose main EU directives and IAEA (International Atomic Energy Agency) standards into Lithuanian legislation. Order No. 285 of the Minister of Health on the approval of Regulation on State Radiation Protection Supervision (adopted in 2000, last amended in 2016) provides for state supervision of natural or legal persons involved with the practices with sources of ionizing radiation, including natural or legal persons that may encounter radioactive materials when performing their primary duties or where orphan sources, nuclear and fissile materials or objects contaminated with radionuclides may be found. This order also establishes the frequency of inspections depending on the risk category of the source possessed by the authorised person (from one to four times per year). The shipment of radioactive materials and radioactive waste is also strictly regulated by the Rules on import, export, transit and transport of radioactive material, radioactive waste and spent nuclear fuel approved by Order No. V-1271/22.3-139 of 24 December 2008 of the Minister of Health of the Republic of Lithuania and the Head of the State Nuclear Power Safety Inspectorate.

The law on radiation protection provides for training addressed:

- to workers, including emergency workers, persons responsible for radiation protection and persons responsible for security of sources;
- to civil protection forces (firefighters, police and paramedics) who will respond in case of radiological or nuclear emergency;
- any person, officer or legal entity that may encounter orphan sources or contaminated objects with radionuclides in the course of their duties (such as Customs, Border Guards, metal scrap yards...).

The RPC representatives explained that they have several cases involving inappropriate handling of low-activity radioactive materials each year. Some cases are registered after discovering orphan sources, at border crossing points, at metal scrap yards or following information provided by citizens. No cases of illicit discharges of radioactive materials to the environment, contraband or terrorism involving radioactive materials were registered.

All the cases are documented and registered in the Radiation Protection Information System (RSIS) managed by the RPC. Information is also transferred to the State Nuclear Power Safety Inspectorate which acts as a contact point for the IAEA Incident and Trafficking Database (ITDB).

The State Nuclear Power Safety Inspectorate (VATESI):

VATESI is state regulatory and supervisory authority in Lithuania for activities involving nuclear materials and other activities in the area of nuclear energy involving sources of ionizing radiation. VATESI sets safety requirements and regulations, supervises compliance with them, applies enforcement measures in case of incompliance with safety requirements and regulations, issues licenses, permits and temporary permits, assess safety of nuclear facilities. All radioactive waste management facilities in Lithuania are considered as nuclear facilities.

There is only one nuclear power plant in Lithuania - Ignalina Nuclear Power Plant (INPP). The INPP has two units of RBMK-1500 reactors. Unit 1 of INPP was shut down on 31 December 2004 and the second unit of INPP was shut down at the end of 2009. INPP is the main source of radioactive waste (more than 99 % of all radioactive waste in Lithuania). Other waste comes from isotope application – radioactive sources from medicine, research and industry.

Radioactive waste are collected, sorted, then treated depending to its characteristics (compacted, bituminised, incinerated, cemented) and put into containers. When final radioactive package (container with the waste) is formed it is placed in storage facilities. There are storage facilities at INPP for cemented waste, bituminised waste, short lived very low level storage facility, short lived low and intermediate waste storage facility and long lived waste storage facility. After storage all radioactive waste shall be placed to respective disposal facilities. It is planned to have disposal facilities for very low level waste, low and intermediate waste and deep geological disposal facility for long lived waste including spent nuclear fuel.

Currently, in Lithuania there is only one State enterprise with two radioactive units which were created in 2004 and 2009. That is why the representative of this agency explained to the experts that they only deal with new waste. There are 14 inspectors in this administrative entity, who carry out 40 inspections per year. In the remote future Lithuania will need to deal with nuclear fuel. Currently, only facilities in Finland and Sweden are used to treat this waste, so the Lithuanian authorities are waiting for their results to define future next strategy.

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

Prohibited or restricted acts related to the production or handling of dangerous materials are defined in several EU and national legal acts.

The REACH Regulation provides for restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles. Annex XVII of the REACH Regulation lists the restricted substances (on their own, in mixtures and articles) and conditions attaching to the restrictions. In addition, the authorisation procedure for SVHC is applied. Substances that are subject to authorisation are included in Annex XIV of the REACH Regulation (in accordance with the established procedure). These substances cannot be placed on the market or used unless they have been authorised in accordance with the REACH Regulation.

Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on POPs provides for a ban and restrictions on the manufacturing, placing on the market and use of POPs (substances). Regulation (EC) No 850/2004 implements the Stockholm Convention and the UNECE Convention on Long Range Transboundary Air Pollution (CLRTAP) provisions on POPs. This Regulation also lays down the requirements for Member States to take measures to prevent and minimize releases of such substances into the environment (air, water, soil), and sets out the obligations for dealing with wastes that contain, consist of or are contaminated with POPs.

Regulation (EC) No 850/2004 contains four Annexes:

- Annex I – List of substances subject to prohibitions;
- Annex II – List of substances subject to restrictions;
- Annex III – List of substances subject to release reduction provisions;
- Annex IV – List of substances subject to waste management provisions.

The specific additional measures are established by the legal acts regulating activities related to poisonous substances with a view to protecting human health from the impact of the most dangerous chemical substances. In this context the Law on Control of Poisonous Substances needs to be mentioned. This area falls under the competence of the Ministry of Health. The National Public Health Centre under the Ministry of Health of the Republic of Lithuania (NPHC) is the Designated National Authority for:

- 1) issuing permits to buy, sell or otherwise transfer poisonous substances;
- 2) issuing certificates of competence for persons dealing with poisonous substances;
- 3) performing enforcement tasks together with other institutions in accordance with the Law on Control of Poisonous Substances.

Several articles laid down in the CC deal with criminal offences against the environment, human health and the disposal of hazardous chemicals in general. Articles 267 and 268 of the CC also provide for criminal sanctions for unlawful possession of poisonous substances.

Offences described by the Special Tasks Department of the Financial Crime Investigation Service related to the unauthorised management and storage of hazardous waste.

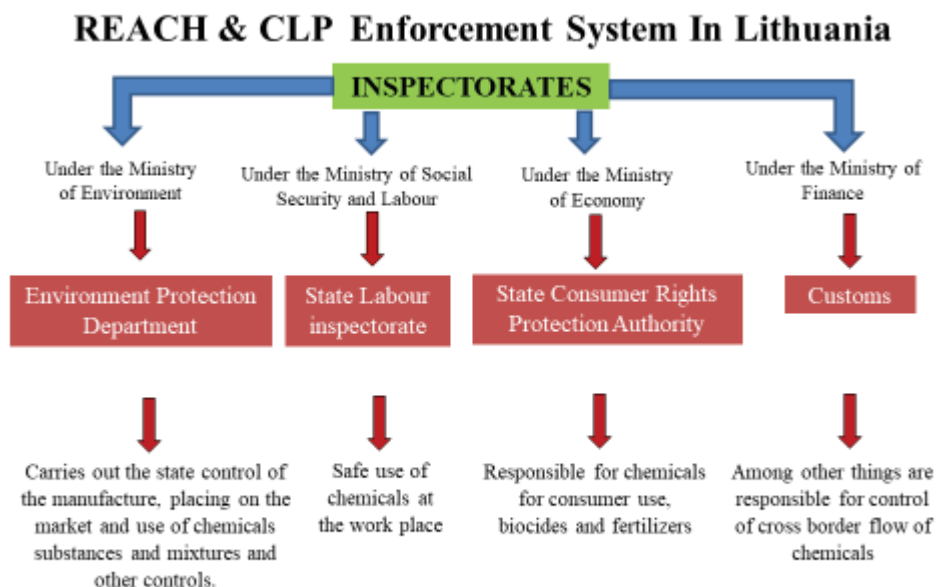
According to the information and data collected by the EPA, companies do not manufacture/import substances which are included in Regulation (EC) No 850/2004 (POPs) or the REACH Regulation. Companies using substances listed in Annex XIV to the REACH Regulation have authorisations from their suppliers. According to the information from custom the main chemicals imports are mineral fuels, mineral oils and products of their distillation: in 2017, 11 million tons were imported, and in 2018 13.4 million tons.

9.3. Procedural aspects

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

Entities involved and their management of the collection of evidence:

The enforcement system in Lithuania dealing with the REACH and CLP Regulations depends mostly on the administrative branch. The EPD, State Labour Inspectorate, State Consumer Rights Protection Authority and Customs coordinate their inspections in accordance with the scheme set out below:



When performing their duties, the institutions responsible for State control in the area of chemicals management, within their assigned competences, control, for instance, whether the chemical substances and mixtures are compliant with requirements for classification, labelling and accompanying safety information for hazardous substances. The EPD carries out controls in the area of overall chemicals management, including compliance with the established requirements for the classification and labelling of chemicals and Safety Data Sheets (duty of the supplier to provide the recipient of chemicals with a Safety Data Sheet and the quality/content of the Safety Data Sheet). The EPD's unit working in this field contains four officers who carry out around 200 visits each year.

The State Consumer Rights Protection Authority under the Ministry of Justice of the Republic of Lithuania (SCRPA), within its assigned competences defined, checks, for instance, whether consumer products meet the requirements laid down for the classification and labelling of chemicals.

The State Labour Inspectorate under the Ministry of Social Security and Labour of the Republic of Lithuania (SLI), within its remit, conducts controls on the safe use of chemicals in the workplace, for instance alia on compliance with the requirements on expanded safety data sheets and the application of the risk management measures.

The inspections carried out by these administrative bodies follow an annual inspections schedule implementing the National Inspection Plan. To target the relevant groups of entities to inspect, the administrative agencies perform a risk analysis focusing in particular on potentials effect of non-compliance, certain products or chemicals and an assessment of compliance behaviour. The administrative bodies then prioritise their action and carry out inspections. Inspectors use different methods of controls: non-routine inspections, routine inspections, 'desk' inspections, 'onsite' inspections or a combination of all of them. If possible, they carry out a 'desk investigation', meaning formal verification, but 90% of the investigations are 'onsite' which involves a more in-depth analysis. The legal basis for their actions is the EU Regulations (REACH and CLP) and the Law on chemicals substances and preparations. Also, depending on the administrative entity involved, the sectoral legislation or action plan can be applied, such as:

- for the health sector: Lithuanian Health Strategy 2014-2025, National Public Health Care Development Programme 2016-2023, Law on Control of Poisonous Substances or the Lithuanian Hygiene Regulations;
- for the Labour sector: Labour Code, Law on Occupational Safety and Health at Work, Law on State Labour Inspectorate and Implementing Resolutions.

The administrative enforcement authorities also participate in an interinstitutional group concerned with the REACH and CLP Regulations. Its members - the ME, EPA, EPD, State Labour Inspectorate, Customs, the State Consumer Rights Protection Authority and the Drug, Tobacco and Alcohol Control Department - meet 2/3 times per year.

According to the EPA, if the State Consumer Rights Protection Authority detects restricted substances in articles during the inspection, then the risk should be assessed and a report on the product must be submitted via the European Commission RAPEX (Rapid Alert System - Non-Food) or ICSMS (Information and Communication System on Market Surveillance) systems.

The EPD informed the evaluation team of the level of fines for infringements of the requirements for handling chemical substances. For a physical person, the fine is from EUR 150 to 4 300 and for a legal entity from EUR 150 to 17 000.

Regarding radioactive products, the State Nuclear Inspectorate representative explained to the experts that when they discover non-compliance with the safety regulations, they write an inspection report. The report describes the violations detected and indicates what should be done, leaving it to the perpetrator to handle the situation. This report is then sent to the operator. If the operator does not take the necessary action, the Inspectorate can impose fines or issue orders (suspend a licence or activity...), but, to date, this situation has never occurred in Lithuania.

In the criminal field, all the investigative actions are documented in accordance with the CPC. Samples of hazardous waste are taken and then handed over for examination to experts. Any accredited laboratory can analyse them. International organisations are not informed of the detection of waste or of the conduct of the investigation.

Handling dangerous materials:

In accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, the costs of handling and temporary storage of hazardous materials are covered by a financial guarantee or equivalent insurance (approved by Order No D1-663 of the ME of the RoL on 30.12.2005).

Dangerous substances are not confiscated. The law on waste management (No VIII-787 adopted in 16.6.1998, as last amended on 12.18.2018) obliges holders of materials/waste to store waste properly. Wastes dropped improperly are managed from the State budget, the management is organised by the respective municipality, or in exceptional cases an institution authorised by the ME. Article 25 of this law provides that municipalities shall organise municipal waste management schemes as necessary for the management of municipal waste generated in their territories, ensure the functioning of these schemes, organise the management of waste whose holders cannot be identified or do not exist and administer the provision of the service of municipal waste management.

In 2019, the Prosecutor General's Office is planning to set up recommendations within the context of criminal prosecution of the storage, transportation, keeping, distribution of expenses and response in relation to such substances. Currently, in dangerous waste investigations, criminal units work together with the ME to resolve the issues linked to the effects of criminal acts.

9.3.2. The cooperation with European and international partners

During the onsite evaluation, the ME underlined its participation at the international level. The representative of the Ministry stressed that they are Parties to four international conventions and nine protocols in the area of chemicals and participate in regional cooperation such as the:

- United Nations Environment Programme (UNEP);
- Food and Agriculture Organisation of the United Nations (FAO);
- World Health Organisation (WHO);
- International Labour Organisation (ILO).

They also highlighted the cooperation in the Baltic Sea region with HELCOM which brings together a Baltic Council of Ministers and has a Baltic Environmental Forum. The overall HELCOM goal concerning hazardous substances is to achieve a situation where life in the Baltic Sea is undisturbed by hazardous substances. In 2007, all the coastal states adopted the Baltic Sea Action Plan, an ambitious programme to restore the good ecological status of the Baltic marine environment by 2021. In order to address specific sources of hazardous substances, and to reach the goal of life in the Baltic Sea being undisturbed by hazardous substances, HELCOM has adopted five recommendations that are being implemented nationally through the relevant national regulations.

For the REACH and CLP Regulations, the EPD uses the European Chemicals Agency (ECHA) Forum which is a network of authorities responsible for the enforcement of the REACH, CLP and PIC Regulations in the EU, Norway, Iceland and Liechtenstein. When the EPD suspects a violation in another EU Member State, it immediately contacts the state authority via the ECHA Forum. This enables them to check the registered substance quantity, the list of operator's representative list, etc...

9.3.3. *Techniques of investigation*

Taking into account the fact that environmental crime is often linked with financial matters, the Lithuanian police presented the guidelines followed to launch a financial investigation. These guidelines are described in Order No I-173 of 19 March 2013 of the Prosecutor General of the RoL. The Order provides that a financial investigation should be started if:

- There is data available indicating that a person having no official income, or a disproportionately low income, bought, gave as a present or transferred immovable (movable) property, or shares, constructed immovable property, etc., gave loans to natural or legal entities exceeding 500 MSL (Minimum Standard of Living) or spent considerable sums of money on living expenses, entertainment (trips, etc.) and the like;

- There is data available indicating that the expenses incurred by the person exceed his/her official income by more than 500 MSL, where a person not having such amounts of officially received income (salaries, income received from the sale of immovable or movable property, dividends, revenues for activities pursued, etc.) bought, gave as a present or transferred immovable (movable) property or shares, constructed immovable property, etc., gave loans to natural or legal entities, spent considerable sums of money on living expenses or entertainment (trips) and the like;
- Money is discovered and seized in the course of a search or another procedural coercive measure, the value of which exceeds 500 MSL and is suspected not to have been acquired by lawful means;
- There is data available that a person received an amount of 500 MSL or more which has not been declared in accordance with the procedure prescribed by law.

In addition, Lithuanian representatives explain to the experts after the onsite evaluation that Order No 2018-06-27 of the Prosecutor General of Lithuania No I-219 on recommendations on property investigation have been adopted (came into force from 2019-02-04.)

As mentioned previously (see 4.2.1), whenever there is a situation provided for in Order No I-73, the investigation is carried out by the FCIS and meanwhile a pre-trial investigation is launched. It must also be pointed out that the Lithuanian legislation allows all useful investigation methods to be used. Thus, cybercrime and financial investigation methods could be employed if necessary.

9.3.4. Main obstacles to successful investigation and prosecution

The ENPRO network is accountable to the Network of Prosecutors General of the Baltic Sea Region countries and works closely with the Helsinki Commission for the Protection of the Marine Environment of the Baltic Sea (HELCOM) and the CBSS. Detailed information about ENPRO can be found on the CBSS website. By Order No I-242 of November 6, 2014 Simonas Minkevicius, Chief Prosecutor of Klaipėda Regional Prosecutor's Office, was appointed National Representative of ENPRO.

During the ENPRO annual conferences, it has been decided to create an ENPRO database to store data on environmental cases investigated in the participating countries, but this database is still quite empty (as it was created only a couple of years ago, but contains only cases where court judgments have come into force). In addition, it is part of the 'Restricted' page and visible only to network members. Sharing cases and subsequently experience in this field is one of the means Lithuania uses to enhance its capacity to prosecute people.

The Lithuanian law enforcement authorities highlighted two criminal cases to show the main obstacles in dangerous materials investigations:

- Pre-trial investigations encounter problems in determining whether certain substances are to be classified as hazardous waste. For example, pre-trial investigation No 01-1-13939-16 raised the issue of whether the glass of cathode ray tubes is to be recognised as hazardous waste. When it was recognised as hazardous waste, the case was completed by issuing a judgment. Meanwhile, in another pre-trial investigation (No 02-2-00252-15), a specialist's examination was performed and it was established that after the removal of luminophores, the glass of cathode ray tubes turned into non-hazardous waste and such raw material was consequently transported to the Republic of Poland in compliance with the established procedures (the pre-trial investigation was terminated due to non-commission of the act containing the elements of a crime or misdemeanour).

- pre-trial investigation No 06-2-00285-15 encountered problems related to different interpretations of the scope of the authorisation to import and process non-hazardous waste (the same problem is believed to be relevant also with regard to hazardous waste). Compiling the case law (judicial precedents) concerning such cases, and training on the issues of interpretation of the content of authorisations for the transportation and processing of such substances would contribute to eliminating this type of obstacle.

9.3.5. *Training*

Civil protection exercises are planned, organised and evaluated in line with the Description of the Procedure for Organising Civil Protection Exercises, approved by Resolution No 1295 of the Government of the Republic of Lithuania of 8.9.2010 'On the Approval of the Description of the Procedure for Organising Civil Protection Exercises'. During these exercises, staff of the civil protection system learn how to respond to an imminent or developing emergency event or situation.

According to Article 3 of the Law on Civil Protection (15 December 1998 No VIII-971, as last amended on 22 December 2009 – No XI-635) the civil protection system comprises the following entities: the Government of the RoL, the Government Emergency Commission, the Ministry of the Interior of the RoL, the Fire and Rescue Department under the Ministry of the Interior and the agencies subordinate thereto, ministries and other state institutions and agencies, municipal emergency commissions, municipal institutions and agencies, economic entities, other agencies, operations centres, and the forces of the civil protection system.

According to paragraph 11 of the Description of the Procedure for Organising Civil Protection Exercises, the participants in these exercises are the staff of the civil protection system who have to respond to the intended exercise situation. Plans for the national-level civil protection exercise are approved by the Ministry of the Interior. Article 6.2 of the Description of the Procedure for Organising Civil Protection Exercises stipulates that exercises at national level should be organised at least once every three years according to the Civil Protection Exercise Plan prepared by the Director of the Fire and Rescue Department under the Ministry of the Interior and approved by the Ministry of the Interior.

Currently national-level civil protection exercises are organised in line with the National Level Civil Protection Exercise Plan for 2018-2020, approved by Order No 1V-68 of the Ministry of the Interior on 19.01.2018. According to this plan, exercises were carried out in 2018, and are planned for 2019, e on 'Actions by the Staff of the Civil Protection System Following the Explosion of a Self-Prepared Explosive with Radioactive Materials in a Crowded Place' and 'Actions by the Staff of the Civil Protection System Following a Nuclear Accident in the Territory of the Republic of Belarus', as well as in 2020 'Actions by the Staff of the Civil Protection System in the Event of Major Industrial Accident in a Hazardous Establishment'.

The exercises are organised for the purpose of assessing the effectiveness of emergency management plans, emergency response, emergency response strategies and procedures, the resources required for forces, material resources, the level of preparedness of specialists in real-time situations, and improving the preparedness of the participating training institutions to respond to an imminent or developing emergency event or situation.

In accordance with Article 23 paragraph 2 of the Law on Civil Protection of the Republic of Lithuania the heads of state and municipal institutions and agencies, other agencies and economic entities must assign the persons falling within the categories specified by the government and employed at the state and municipal institutions and agencies, other agencies and economic entities headed by them for participation in a course in the civil protection training programme specified by the Fire and Rescue Department. These persons are trained and their professional qualifications in the sphere of civil protection are improved at the Fire Fighters Training School of the Fire and Rescue Department in accordance with the procedure laid down by the government.

The EPA does not provide such targeted training, but the European Chemicals Agency's forum for exchange of information on enforcement (Forum) organises annual training for enforcement trainers. This yearly training event focuses on the needs of the inspectors under the REACH, CLP (Regulation No 1272/2008) and PIC (No 649/2012) Regulations. These training events may also cover Annex XVII or Annex XIV of the REACH Regulation. The participants come from each Member State. Participants returning from these training events have to organise similar training in their Member State every year. Lithuanian inspectors take part in these training events and organise training nationally; the EPA coordinates these activities.

9.4. Conclusions

- The definition of 'dangerous materials' is provided by the relevant EU legislation (mostly the REACH and CLP Regulations) and the Lithuanian law on waste management.
- Regarding illegal production or handling of dangerous materials, this issue is primarily covered by the administrative bodies. To counter this phenomenon, Lithuania has involved a number of ministries (ME, Ministry of Social Security and Labour, Ministry of Economic Affairs and Ministry of Finance) and subsequently the administrative authorities: the EPD, the State Labour Inspectorate, the State Consumer Rights Protection Authority and Customs.
- The area of competence of these agencies is well defined and they manage to cooperate by following an annual inspection plan. They also work in an interinstitutional group for the REACH and CLP Regulations, and meet one another two or three times per year to enhance their collaboration.
- According to the information and data collected by the EPA and Customs, companies do not manufacture/import restricted and forbidden substances which are covered by Regulation (EC) No 850/2004 (POPs) or the REACH Regulations. Companies using substances listed in Annex XIV to the REACH Regulation have authorisations from their suppliers.

- The inspection methods concerning illegal production or handling of dangerous materials are not specific: risk analysis, non-routine inspections, routine inspections, 'desk' inspections, 'onsite' inspections or a combination of all of them. Most inspections are onsite which means that operators are investigated in depth.
- There have been no criminal cases involving illegal production or handling of dangerous materials in Lithuania. The cases presented show that, as in many countries in the EU, the classification of waste as dangerous or not is the most important issue.
- The main challenge in investigating and detecting criminal activities regarding the handling of dangerous materials gathering of sufficient evidence, which demands specialised expertise and adequate investigative measures.
- The ME has built up strong cooperation at international and European level with ECHA. It seems that the most efficient international cooperation takes place within HELCOM. HELCOM has been able to set up a Baltic Sea action plan and currently Lithuania is implementing recommendations made to it by HELCOM.
- In 2019, the Prosecutor General's Office is planning to set up recommendations within the context of criminal prosecution of the storage, transportation, keeping, distribution of expenses and response in relation to such substances.
- In the field of training, the EPA uses the annual training performed by the European Chemicals Agency's forum for exchange of information on enforcement. This event focuses on the needs of the inspectors concerned with the REACH, CLP and PIC Regulations. After that, the trainees are used to spread the information throughout the Lithuanian institutions; the EPA coordinates this activity.

10. FINAL REMARKS AND RECOMMENDATIONS

10.1. Suggestions from Lithuania

10.2. Recommendations

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

Lithuania should conduct a follow-up to 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 fit to make a number of suggestions for the attention of the Lithuanian authorities. In addition, based on the various good practices, related recommendations to the EU, its institutions and agencies, Europol in particular, are also put forward.

10.2.1. Recommendations to Lithuania

Lithuania:

1 - should draw up a national strategic plan to enhance compliance in relation to environmental legislation, specifically waste regulations, involving all law enforcement authorities, administrative agencies and prosecutors; and then implement this plan also at regional level.

2 - Should consider setting up a specialist environmental unit at the police or give law enforcement power to administrative agency, like EPD, to tackle environmental crime.

3 - is encouraged to strengthen its inspection capacity on transboundary shipment of waste within the EPD.

4 - should create a national platform, based on the interinstitutional group which already exists, to define the level of threat in environmental crime involving all entities in this specific field (law enforcement authorities, administrative agencies, prosecutors) by gathering their data, exchanging of information and experience, launching effective investigations and monitor this situation by also publishing an annual report on the environmental crime situation in the country.

5. should create the system which would allow environmental authorities to engage in more active communication with the competent Prosecutor's Office, for example by creating a channel for consultations under the borderline situations, where it is not entirely clear whether the offense is an administrative infringement or criminal offense (not in criminal procedure order). The prosecutor's office, after examining the borderline situations where the consultation was conducted, could develop guidelines and criteria to help environmental authorities identify and distinguish the features of criminal liability

6 - is encouraged to investigate the possibility of making use of non-governmental organisations, and more generally civil society, as a regular source of information on possible criminal activities in the environmental field. For example, the existing hotline could be modernised by introducing an anonymous web reporting platform.

7 - should consider joining the relevant international networks in the environmental field such as IMPEL, EnviCrimeNet, ENPE, EUFJE or the Interpol pollution crime working group.

8 - should significantly strengthen its level of training for all the entities involved in tackling environmental crime, especially environmental *authorities* customs, police (tactical and forensics) and prosecutors.

9 - is encouraged to take account, in environmental criminal law, of the importance of economic benefit and financial damage as an element to investigate or as an aggravating factor.

10. should revise the policies relating to penalties for legal persons for both administrative and criminal offenses in order to ensure that it is based on deterrence, proportionality and effectiveness

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

Member States

1- should consider setting up an effective national waste management strategy to reduce significantly the percentage of waste going to landfill, as Lithuania has done.

2 - should consider digitalising their criminal investigation protocols, as Lithuania has done.

3 - are encouraged to engage in regional international cooperation in the environmental field such as ENPRO.

4 - are encouraged to follow the Lithuanian example of ensuring the uniform application of environmental laws and regulations by using solely State or federal civil servants as environmental inspectors and regulators.

10.2.3. Recommendations to Eurojust/Europol/Commission

Due to international developments, such as China's waste import restrictions, more and more waste (covered by Annex VII) is moving around the EU. Without effective registration, major streams of Annex VII wastes could end up being moved illegally. The Commission should therefore draft a regulation to administer transboundary shipment of waste under Annex VII.

ANNEX A: PROGRAMME FOR THE ONSITE VISIT AND PERSONS INTERVIEWED/MET

Monday 18 February		
	Arrival of the evaluation team members	
14.00-14.30	Coffee	
14.30-15.30	<p>Official opening of the evaluation visit</p> <p>Opening remarks – who/which institution/s</p> <p>Ministry of Environment, A. Jakšto str. 4, 01105 Vilnius, 508 r.</p>	Representatives of all participating institutions
15.30-16.00	Waste management in Lithuania – institutional system and responsibilities	Presentation: Ministry of the Environment
17.30-19.30	<p>Welcome dinner</p> <p>Degustacinė vakarienė 8 žmonėms restorane-bistro Mykolo-4 (Šv. Mykolo g. 4, Vilnius)</p>	

Tuesday 19 February		
9.00-9.15	<p>Arrival and registration</p> <p>The Environmental Protection Department</p> <p>Smolensko str. 15, 03201 Vilnius*</p> <p>*Transport will be provided</p>	
9.15-10.00	<p>Chemicals management system in Lithuania</p>	<p><i>Presentation:</i> Ministry of the Environment</p> <p><i>Participants:</i> Environmental Protection Agency</p> <p>Environmental Protection Department under the Ministry of the Environment</p>

10.00-10.30	Coffee break	
10.30-11.15	Management of radioactive materials and waste	Presentation: Radiation Protection Centre; Ministry of Energy, State Nuclear Safety Inspectorate
11.15-12.15	Hazardous waste permitting, licensing, accounting and reporting	Presentation: Environmental Protection Agency
12.15-13.15	Lunch break	
13.15-14.15	Control of Waste and Dangerous Materials: functions, responsibilities, process	Presentation: Environmental Protection Department under the Ministry of the Environment
14.15-15.15	Customs Controls of Transboundary Shipments of Waste	Presentation: Customs of the Republic of Lithuania Participating: Environmental Protection Department, Environmental Protection Agency
15.15-16.00	Internal meeting of evaluation team	

Wednesday 20 February		
9.00-9.15	Arrival and registration Financial Crime Investigation Service, Šermukšnių str. 3, LT-01106 Vilnius	
9.15-10.15	Prosecution of environmental crime. Role of Prosecution Service	Presentation: Prosecutor's Office of the Republic of Lithuania
10.15-10.30	Coffee break	
10.30-11.30	Pre-trial investigations conducted trends in waste crime	Presentation: Lithuanian Police Participating: Environmental Protection Department
11.30-12.30	Detection, investigation and prosecution of waste-related (including dangerous materials etc.) crime	Presentation: Financial Crime Investigation Service Participating: Environmental Protection Department

12.30-13.30	Lunch break	
14.00-15.30	Onsite visit to Environmental Protection Agency laboratory Rudnios g. 6, IV a., Vilnius	Environmental Protection Agency Ministry of the Environment
15.30-16.00	Internal meeting of evaluation team	
Thursday 21 February		
09.00-16.00	Onsite visit to LLC Toksika, Hazardous Waste Incineration Plant* Jurgeliškių k. 10, Šiaulių kaimiškoji sen. *Transport will be provided	LLC Toksika
Friday 22 February		
9.20-9.30	Arrival and registration Ministry of the Environment, A. Jakšto Street 4, 01105 Vilnius	Representatives of all participating institutions
9.30-11.00	Wrap-up meeting	
11.00-12.00	Coffee break, informal discussions	
	Departure of the evaluation team	

ANNEX B: PERSONS INTERVIEWED/MET

Meetings on 18 February 2019

Venue : Ministry of the Environment

Person interviewed/met	Organisation represented
Rokas Jasaitis	Ministry of the Environment
Agnė Bagočiūtė	Ministry of the Environment
Jurgita Gaižiūnienė	Ministry of the Environment
Tomas Krušna	Prosecutor General's Office
Rita Kavaliauskienė	Prosecutor General's Office
Vytautas Kukaitis	Prosecutor General's Office
Andrius Valeika	Criminal police
Ingrida Rumšytė Zajankovskienė	Criminal police
Robert Šadianec	FCIS
Kristina Dimšienė	FCIS
Rima Ladygienė	Radiation Protection Centre
Vaidas Statkus	Radiation Protection Centre

Angelė Plančiūnaitė	EPD
Aurelija Bajoraitienė	Ministry of the Environment
Kristinea Mindonienė	EPD
Aldona Margerienė	EPD

Meetings on 19 February 2019

Venue: Environmental Protection Department

Person interviewed/met	Organisation represented
Ieva Lebednikienė	EPA
Justina Aukštinaitytė	EPA
Danguolė Kazlauskienė	EPA
Leva Stiulgytė	EPA
Andrius Naktinis	Ministry of the Environment
Rokas Jasaitis	Ministry of the Environment
Rima Ladygienė	Radiation Protection Centre
Vaidas Statkus	Radiation Protection Centre

Algirdas Vinskas	State Nuclear Power Safety Inspectorate
Marius Šulga	EPD
Aušrinė Stumbrytė	Customs
Andrius Kairys	EPD
Andrius Želvys	EPD
Tomas Kasperovičius	EPA
Angelė Plančiūnaitė	EPD
Vaidas Laukys	EPD

Meetings on 20 February 2019

Venue: Financial Crime Investigation Service

Person interviewed/met	Organisation represented
Tomas Kasperovičius	EPD
Vaidas Gričius	EPD
Rita Kavaliauskienė	Prosecutor General's Office
Vytautas Kukaitis	Prosecutor General's Office
Robert Šadianec	FCIS

Kristina Dimšienė	FCIS
Ingrida Rumšytė Lajankovskienė	Criminal police
Andrius Valeika	Criminal police

Venue: EPA's Laboratory

Person interviewed/met	Organisation represented
Juozas Molis	Head of Sampling and Operational Measurement Unit, Environmental Protection Agency (representative from central unit of the agency)
Juozas Dautartas	Head of Vilnius Analytical Control Division, Environmental Protection Agency (Head of laboratory)

Meetings on 21 February 2019

Venue : Toksika Šiauliai Division premises

Person interviewed/met	Organisation represented
Lukas Andronavičius	Commercial Manager of Toksika
Rita Paukštė	Head of Toksika Laboratory
Bronislavas Skarbalius	Director of Toksika Šiauliai Division

Meetings on 22 February 2019

Venue: Ministry of Environment

Person interviewed/met	Organisation represented
Agnė Bagočiūtė	Ministry of the Environment
Andrius Valeiika	Criminal police
Ingrida Rumšytė Zajankovskienė	Criminal police
Kristina Dimšienė	FCIS
Tomas Krušna	Prosecutor General's Office
Rita Kavaliauskienė	Prosecutor General's Office
Vytautas Kukaitis	Prosecutor General's Office
Vaidas Gričius	EPD
Jurgita Gaižiūnienė	Ministry of the Environment
Eimantė Lastovkaitė	Ministry of the Environment
Deividas Čėsnas	Ministry of the Environment
Rokas Jasaitis	Ministry of the Environment

ANNEX C: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

LIST OF ACRONYMS, ABBREVIATIONS AND TERMS	LITHUANIAN OR ACRONYM IN ORIGINAL LANGUAGE	ENGLISH
AAD		Environmental Protection Department
AM	Aplinkos Ministerija	Ministry of the Environment
CBSS		Council of the Baltic States
CC		Criminal Code
CEPOL		Collège Européen de Police (French)
CLP		Classification, Labelling and Packaging
CLRTAP		Convention on Long Range Transboundary Air Pollution
CMR		Contrat de Transport International de Marchandises par Route (French)
COP		Conference of the Parties
CPC		Criminal Procedure Code
CRI		Copenhagen Resource Institute
ECHA Forum		European Chemicals Agency Forum
ECRIS		European Criminal Records Information System
EIO		European Investigation Order

EJTN		European Judicial Training Network
ELV		End of Life Vehicles
EMPACT		European Multidisciplinary Platform Against Criminal Threats
ENPE		European Network of Prosecutors for the Environment
ENPRO		Network of Prosecutors on Environmental Crime in the Baltic Sea
EnviCrimeNet		Environmental Crime Network
EPA		Environmental Protection Agency
EPD		Environmental Protection Department
EUFJE		EU Forum of Judges for the Environment
EU SOCTA		Assessment of Threats of Crime of Serious Forms and Organised Crime in the EU
EWWR		European Waste Reduction Week
FAO		Food and Agriculture organisation of the United Nations
FCIS		Financial Crime Investigation Service
GPAIS		United Products, Packaging and Waste Accounting Information System
HELCOM		Helsinki Commission for the Protection of the Marine Environment of the Baltic Sea
ICSMS		Information and Communication System on Market Surveillance

ILO		International Labour Organisation
IMPEL		Implementation and Enforcement of EU Environmental Law
IPPC		Integrated Pollution Prevention and Control
ITDB		Incident and Trafficking Database
JIT		Joint Investigation Team
LCPB		Lithuanian Criminal Police Bureau
MD		Customs
ME		Ministry of the Environment
MJ		Ministry of Justice
MoI		Ministry of the Interior
MSF		Minimum Subsistence Figure
MSL		Minimum Standards of Living
NGO		Non-Governmental Organisation
NPHC		National Public Health Centre
NSOCTA		National Serious and Organised Crime Threat Assessment
PGO		Prosecutor General's Office
POP		Persistent Organic Pollutant
PNR		Passenger Name Record

PPP		Public Private Partnership
RAPEX		Rapid Alert System - Non-Food
REACH		Registration, Evaluation, Authorisation and restriction of Chemicals
RoL		Republic of Lithuania
RSIS		Radiation Protection Information System
SCL		Supreme Court of Lithuania
SCRPA		State Consumer Rights Protection Authority
SIENA		Secure Information Exchange Network Application
SIS		Schengen Information System
SIS		Special Investigation Service
SLI		Ministry of Social Security and Labour
SVHC		Substance of Very High Concern
TSOCTA		Territorial Serious and Organised Crime Threat Assessment
UNEP		United Nations Environment Programme
VAT		Value-Added Tax
WEEE		Waste Electrical and Electronic Equipment
WHO		World Health Organisation