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Follow-up to the Report on Latvia

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**EIGHTH ROUND OF MUTUAL EVALUATIONS ON 'THE PRACTICAL  
IMPLEMENTATION AND OPERATION OF EUROPEAN POLICIES ON  
PREVENTING AND COMBATING ENVIRONMENTAL CRIME'**

**FOLLOW-UP TO REPORT ON LATVIA**

In the context of the eighth round of Mutual Evaluations on 'the practical implementation and operation of the European policies on preventing and combating environmental crime'

The evaluation report on **LATVIA** as set out in doc. 11426/18, was adopted by the LEWP/COPEN WP on **14/09/2018**.

We hereby submit, according the procedures set out in doc. 15538/4/15, our report on the follow-up to the recommendations made to **LATVIA** in the above evaluation report.

## **GENERAL REMARKS**

Representatives of the Ministry of the Interior, the Ministry of Environmental Protection and Regional Development, the Ministry of Justice, the State Police, the State Border Guard, the National Customs Board of the State Revenue Service, the Prosecutor General's Office, the State Environmental Service and the Court Administration participated in the evaluation process. The same institutions were involved in preparing of current follow-up report.

The evaluation report identified nine recommendations for further action for Latvia. This follow-up report provides information on the current state of the implementation of the recommendations. Since the evaluation took place in 2018, several actions and initiatives have been taken at national level in Latvia to improve the fight against environmental crime and to contribute to the reduction of crime in general. According to the order of the State Police in 2022, one of the strategic priority directions of the State Police in the field of crime prevention and combating is the combating of criminal offences directed against nature and the environment.

A structural and organisational reforms have been carried out and continue in law enforcement institutions, legislative changes have been adopted in order to increase the efficiency of pre-trial investigations and activities are taking place in implementing information and communication technology projects for improvement work processes in the digital environment.

### ***Structural and organisational reforms***

In order to prevent the economic and social damage caused by the COVID-19 pandemic, to stimulate the resilience of the European economy and, in accordance with Cabinet of Ministers Order No. 292 of 28 April 2021, the “Plan for the Recovery and Resilience Mechanism of Latvia” has been approved, which provides, inter alia, for strengthening the capacity of criminal police units in the field of combating environmental crime, expanding the involvement of regional investigators in the pre-trial investigation of environmental crime, and strengthening technical capacity. Measures to strengthen the capacity of the State Police aim at detecting 60% of criminal offences against the environment in 2024.

## ***Legislative changes***

### ***Criminal liability***

In 17 December 2020 the Law “Amendments to the Criminal Law” was adopted, which came into force on 1 January 2022 and provides for new types of criminal punishments – Probationary Supervision and Community Service.

These types of punishment may also be applied for environmental crimes (for example, for the importation of waste into the territory of Latvia or the transit traffic thereof through the territory of Latvia in violation of provisions, if substantial harm has been caused thereby to the environment, human health or property or economic interests).

### ***Administrative liability***

Law on Administrative Liability entered into force in Latvia on July 1, 2020. Consequently, administrative violations in Latvia are no longer codified in one law, but are included in specific sectoral laws. Administrative offences relating to the management of waste are covered in Chapter IX of the Waste Management Law “Administrative Offences in the Field of Waste Management and Competence in Administrative Offence Procedures”.

## *Challenges*

### *COVID pandemics*

Since 2020, the situation has been significantly affected by the pandemic caused by COVID-19, which has affected both the crime situation as a whole and the work of law enforcement authorities.

At a time when severe restrictions and reinforced external border controls were in place in the context of COVID-19, this clearly had an impact on criminality, leading to a reduction in cross-border crime. However, in these circumstances, the situation with regard to illegal cross-border shipments of waste did not change significantly and the number of such crimes committed in Latvia remains very low (up to 6 offenses per year).

### *Cross-border cooperation*

With regard to the challenges related to cross-border cooperation in criminal matters with the competent authorities of the Russian Federation and the Republic of Belarus, the situation has not improved since 2018. Moreover, in view of the hybrid attack by the authorities of the Republic of Belarus on the Latvian-Belarus border since summer 2021, and situation in Ukraine since 24 February 2022, cooperation with the authorities of the Russian Federation and the Republic of Belarus has practically been suspended.

## *Conclusions*

Overall, it can be concluded that **four out of the nine recommendations are fully implemented** (namely, recommendations 1, 2, 5, 7), **two recommendations are largely implemented** (recommendations 3 and 6), while **three has not been implemented** (recommendations 4, 8 and 9).

As regards recommendations 4 and 9, it should be noted that they are not implemented as Latvia concludes that a different solution is possible.

However, it is worth to note that the **implemented and largely implemented recommendations by its very nature must be performed on a permanent basis.**

## Recommendation 1

*It should increase the number of inspections carried out by the police together with the State Environmental Service in order to have a more pro-active approach that could lead to an increase in the number of cases detected;*

### Latvian response

During the on-site visit the evaluation team noticed that there is good communication between competent authorities (police, customs, State Environmental Service and port authorities). The common inspections conducted by the police with the State Environmental Service at least three times a year constitute a good cooperation practice. Other good practices are the common inspections performed with Estonia and sometimes with Lithuania at the borders.

However, experts recommended that the number of inspections made by the police together with the State Environmental Service should be increased.

In August 2020 the State Environmental Service approved the Waste Shipment Inspection Plan 2020-2022 (replacing the Plan for 2017-2019). The plan provides for cooperation between the State Environmental Service and competent authorities and implementation of joint control measures in the field of waste management.

Initially, at least 80 inspections of shipments of waste in 2020, 90 inspections in 2021 and 100 inspections in 2022 are planned according to the Waste Shipment Inspection Plan. However, the COVID-19 pandemic and national restrictions led to fewer inspections. As a result, the State Environmental Service in cooperation with the State Police in accordance with the Waste Shipment Inspection Plan carried out inspections of shipments of waste:

- 78 inspections in total in 2019 (of which 44 transport inspections),
- 67 inspections in total in 2020 (of which 24 transport inspections on roads and in ports, also with the participation of the Customs Board of the State Revenue Service).

In addition, the State Police has participated in inspections at waste generation, management or illegal dumping sites in order to jointly investigate illegal activities. Overall, there is no increase in the number of infringements detected.

The State Environmental Service revised its approach to transport inspections reducing the number of such inspections. Given that transport inspections and inspections in ports have been ineffective during the implementation of the previous inspection plan the State Environmental Service concludes that it is necessary to carry out more inspections at waste processing facilities including inspections on actual shipments, and documentary inspections on the premises of the companies. The analysis of the inspections carried out shows that the optimal number of transport/port checks would be no more than 20% of the total number of cross-border inspections of waste shipments and at least 80% would be physical inspections of waste managers' facilities. It was also decided that the State Environmental Service could develop information exchange with the State Border Guard, as well as cooperate in carrying out inspections on roads.

In 21 January 2021 the Cabinet of Ministers approved the Waste Management Plan for 2021-2028. The plan identifies the need to strengthen monitoring and control skills and capacity in the field of waste. The Waste Management Plan also provides that control of cross-border waste shipments shall be performed by the State Environmental Service in coordination with the State Revenue Service, the State Police and control institutions of other States. At the same time, it is noted that State Environmental Service currently does not have sufficient human resources for more intensive control and monitor the above. In order to strengthen the State Environmental Service analytical and control capacity in waste shipment control, a specialised waste management control unit under the State Environmental Service is planned to be established in 2022, which will also carry out waste management inspections.

Overall assessment of activities carried out jointly have proved their effectiveness and promoted inter-institutional cooperation. Therefore, the State Environmental Service will continue to perform joint inspections in cooperation with the State Police as well as the Customs Board and the State Border Guard. In view of this, **Latvia has implemented recommendation 1**. As the number of inspections carried out in the coming years will increase the number of infringements detected are also expected to increase.

## Recommendation 2

*It should consider the possibility of allowing the police and the customs to perform inspections of waste movement on a regular basis, making them part of the daily routine;*

### Latvian response

#### 1. Progress within the Customs Board

In Latvia, the competent authorities performing the management of hazardous and municipal waste is the State Environmental Service and the Customs Board. In order to ensure mutual cooperation in 22 July 2019 an inter-institutional agreement has been concluded regarding the exchange of information in the field of waste shipment circulation. The information on shipments shall be provided to the contact persons through appropriate channels for the transmission of information.

An electronic Electronic Customs Declaration System System (EMDAS) is intended for the submission of structured data in order to perform customs formalities has been established in Latvia. The EMDAS is connected to the Integrated Tariff Management System (ITVS) and when submitting a customs declaration with the Combined Nomenclature code of goods to which the provisions of Regulation No 1013/2006 regarding shipments of waste apply, it is automatically requested to attach waste shipment documents.

Random conformity checks of waste shipment documents shall be performed by the Customs Board, and if necessary physical checks of documents and cargoes shall be ensured, involving the State Environmental Service as the competent authority.



## 2. Progress within the State Police

The State Police, in accordance with the competence thereof, shall perform control of carriage by road in accordance with the procedures set by Cabinet of Ministers Regulation No. 411 “Procedures for the Organization and Implementation of Road Transport Control” (24 May 2011), also inspecting freight of the transport. In 2019, it was agreed with the State Environmental Service that the State Police on a daily basis will no longer perform administrative inspections, but such inspections will be implemented by the State Environmental Service.

However, upon receiving information regarding a possible violation of the law, the State Police have the rights to carry out cargo inspection. All road transport checks shall be recorded in the Road Transport Control Accounting System (AKUS). It can be noted as a shortcoming that the system does not list the type of vehicle inspection.

## 3. Other relevant info

Cross-border shipments of waste have been included in the State border threat (risk) analysis document of the Republic of Latvia since 2020 and waste shipments control issues are discussed in regional cooperation groups involving all competent authorities including State Border Guard.

However, in certain cases, in addition to their day-to-day duties, competent authorities also participate in wider control activities, such as:

- in March, 2020 EUROPOL operation “Retrovirus” took place, involving the State Environmental Service, which, together with the State Police examined the management of medical waste, including the assessment of cross-border shipments of waste;

- in March, 2021 INTERPOL Operation 30 Days at Sea took place during which the Customs Board, in cooperation with the State Environmental Service, carried out an in-depth inspection of cross-border waste shipments of lead batteries, plastic, electrical and electronic equipment, tyres and end-of-life vehicles.

Bearing in mind that the possibility for the State Police and the Customs Board to carry out regular inspections of shipments of waste making them part of daily routine is actually ensured, but the competent authority's right to carry out inspections on its own initiative is exercised when necessary **Latvia has implemented recommendation 2.**

### **Recommendation 3**

*It should improve the use of risk assessment and risk indicators in order to detect, in a focused way, suspicious movements of waste;*

#### **Latvian response**

##### **1. Progress within the State Environmental Service**

In order to prevent cross-border shipments of waste not complying with the requirements of regulatory enactments, the State Environmental Service in August 2020 has approved the Waste Shipment Inspection Plan 2020-2022.

Within the Waste Shipment Inspection Plan 17 different types of waste streams (e.g. waste electrical and electronic equipment (WEEE); wood waste; scrap metal; used tyres; construction and demolition waste; batteries and accumulators etc.) and the risks of such streams were analysed. Waste streams were selected using the methodology of the support tool developed under the IMPEL Waste Shipment Inspection Planning Project. A data matrix was created for the estimation of flows and the flows were assessed according to 11 risk criteria. As a result two streams – “Plastic waste” and “Waste electrical and electronic equipment (WEEE)” were selected. These two highest risk waste streams are considered as priorities within the Waste Shipping Inspection Plan implementation.

In addition, in December 2021 the State Environmental Service has established and implemented a Register of Risk Officials for prevention of environmental violations. This register shall include those officials who manage one or more companies meeting at least one out of eight certain risk criteria (e.g. during the last five years an administrative sanction has been imposed three times for violations of the laws and regulations regarding the environment; false or incomplete information previously provided for the State Environmental Service and recorded in the report; company has hindered the performance of the State Environmental Service inspections etc.).

The information in the Register shall be used for the activities of the competent authorities and shall not be publicly available. 48 persons are currently included in the Register of Risk Officials.

## 2. Progress within the State Police

Waste Shipping Inspection Plan 2020-2022 is a public document and the results of the risk assessment of the waste streams contained therein use the State Police when planning measures to be performed in combating violations of law.

Also, the State Police participates in the implementation of Project No. 869144-OPFA-WASTE-ISFP-2018-AG-OC/ISFP-2018-AG-OC-ENV “Operational Mechanism to Combat Illegal Waste Trafficking” (OPFA-WASTE).

The Italian Arma Dei Carabinieri is a leader of a consortium of partners including SAFE (Security and Freedom for Europe), Garda Nationala de Mediu (Romanian National Environment Guard), State Police of the Republic of Latvia, Europol and OLAF. The project OPFA Waste – Operational Facility for fighting illicit waste trafficking – is funded by the EU Commission, DG Home, within the scope of the ISF – Police Action Grant. The project started on 3 February 2020 and will end on 2 November 2022.

The Project aims at fostering international police cooperation and setting up harmonised investigation methodologies in the field of illicit waste trafficking. Within the framework of the OPFA-WASTE Project, it is planned to perform activities in order to facilitate investigation in criminal proceedings related to environmental crimes.

Additionally, the State Police implement the Project No. EEZ/VP/2020/1 “Support to the State Police for Accelerating and Improving the Quality of Investigation of Economic Crimes in Latvia and Improvement of Quality of Investigation in Latvia”.

The State Police partner within the scope of the Project is the Organisation for Economic Cooperation and Development.

The Project is funded by the programme “International Police Cooperation and Combating crime” of the financial instrument of the European Economic Area for the period 2014-2021. The project started on 30 June 2020 and will end on 30 April 2024.

Among the Project activities there is an international seminar “Combating environmental crime”, as well as the development of an investigation methodology for prevention and investigation of illegal trade in waste. These activities will allow the State Police to make better use of a risk-based approach for identifying and combating offences related to the circulation of waste.

In view of this, **Latvia has largely implemented recommendation 3.** Work towards implementation the effective risk based approach in order to detect suspicious waste shipments and investigate them will be continued.

#### **Recommendation 4**

*It could establish the percentage of waste shipments to be opened by customs for physical inspection;*

#### **Latvian response**

Since the use of risk profiles within the framework of control measures carried out by the Customs Board and the State Environmental Service is sufficiently effective, at this time there is no need to carry out physical inspections of waste shipments of a certain percentage.

Additional information with regard to the usage of risk profiles:

The Customs Board shall implement regular control measures regarding the waste shipments both through the use of risk information from other Member States and through the establishment of risk profiles.

Information regarding the control of the waste shipments, as well as accompanying documents to be attached to customs documents, shall be placed in the Integrated Tariff Management System (ITVS). When drawing up a customs declaration in the Electronic Customs Declaration System (EMDAS) and entering the relevant Combined Nomenclature code of goods, this information shall be indicated to the person making the customs declaration.

Upon detecting possible non-conformities or violations in a shipment, the Customs Board may send accompanying documents regarding the goods contained in the shipment to the State Environmental Service for the provision of an opinion.

The State Environmental Service shall act in accordance with the inter-institutional agreement of 22 July 2019 on exchange of information in the field of waste shipment circulation and ensure support to the Customs Board in order to determine the status of the shipment.

The agreement provides that the State Environmental Service shall:

- within three working days, upon evaluating the documents of the shipment and performing physical control of the goods, if necessary, shall provide an opinion regarding the conformity of the shipment with regulatory enactments and, in case of non-conformities, shall inform regarding the necessary further action: delivery of the goods to a safe management location or return to the sending state;
- send risk information, if necessary (information regarding a possible illegal shipment of waste) to Customs Board email address [muitas.riski@vid.gov.lv](mailto:muitas.riski@vid.gov.lv);
- send information on harmonised notifications for the import and export of waste to email address [IAUN@vid.gov.lv](mailto:IAUN@vid.gov.lv) within three working days after receiving the consent of all competent authorities.

Risk information for possible control of a waste shipment to Customs Board officials shall be transmitted using risk profiles which are based on certain criteria. In view of this, **Latvia decided not to implement recommendation 4** by providing for physical inspections of a certain percentage of shipments of waste. Instead, the competent authorities will continue their work by carrying out physical checks on shipments, where necessary, on the basis of risk information.

## **Recommendation 5**

*It should consider organising special training for police and customs on waste identification and waste shipment; prosecutors should also be invited to participate;*

## **Latvian response**

1. Training **organized** by Latvian public authorities:
  - training of officials of the State Police, the State Border Guard and the Customs Board on cross-border shipments of waste, including the actual verification of cross-border shipments of waste, waste classification, and the applied control procedures organized by the State Environmental Service (March 2019);
  - within the framework of the State Administration School Project “Professional improvement of Human resources of the State Administration in the Field of Corruption Prevention and Reduction of the Shadow Economy”, officials of the State Police, Customs Board, Prosecutor's Office, etc. participated in specialised training “Criminal Offences Against the Natural Environment” regarding the requirements of regulatory enactments in the field of cross-border shipments of waste (September 2019);
  - Customs officials participated in training in the field of cross-border shipments of waste (requirements of regulatory enactments, classification of waste, practical examples in the verification of actual shipments organized by the State Environmental Service (March 2021);

- within the framework of the State Police Project No. EEZ/VP/2020/1 “Support to the State Police for Accelerating the Investigation of Economic Crimes and Improvement of Quality of Investigation in Latvia”, an international seminar “Combating environmental crimes” was held, in which approximately 120 participants from the State Police and other State institutions participated (March 2021);
2. Latvian **participation** in training organized by other entities:
- on the basis of an invitation from the European border and Coast Guard Agency (FRONTEX), representatives of the State Police participated in an information seminar organised within the framework of EMPACT priorities “Environmental crime” and “Firearms” (June 2019);
  - representatives of the State Police participated in “Radiation Detection and Investigative Techniques (RDIT)” training organised by the United States Department of Energy in cooperation with the US Federal Bureau of Investigation (September 2019);
  - representatives of the State Police participated in the training “On Procedures for Sampling and Measurement of Oil Products” organised by JSC “Inspecta Latvia” (October 2019);
  - officials of the State Environmental Service participated in an international seminar on violations of waste management requirements “Combating Environmental Crimes” within the framework of the Project OPFA-WASTE (March 2021);
  - officials of the State Police participated in training in the field of cross-border shipments of waste in order to carry out inspections of cross-border shipments of waste more effectively (July 2021).

**Latvia believes that the recommendation 5 has been implemented.** Further training of officials will be carried out according to the current necessity and taking into account the training offer.

## **Recommendation 6**

*It should improve cooperation between competent authorities and the private sector, including NGOs;*

### **Latvian response**

#### **1. Cooperation between competent authorities**

During the on-site visit, the evaluation team noticed that there is good cooperation between the competent authorities (Police, Customs, State Environmental Service and port authorities).

In practice, competent authorities exchange information, organize joint training sessions and implement joint projects. The implementation of control measures has ensured within the day-to-day cooperation at the expert level. As stated above inter-institutional agreement of 22 July 2019 on exchange of information in the field of waste shipment circulation has concluded between institutions.

A format for coordinated action in preventing and combating crime has established for law enforcement cooperation – the National Criminal Intelligence Model (NCIM), which has been in operation since 27 January 2017. This mechanism provides for the functioning of the high-level working group of the heads of the law enforcement institutions and expert groups on various issues. The high-level working group is chaired by the Head of the State Police and consists of representatives from the State Police, State Border Guard, State Revenue Service, the Prosecutor's Office and other institutions.

Within the framework of NCIM co-operation format, experts prepare a criminal intelligence analytical report on the state of crime in the country twice a year.

#### **2. Cooperation with private sector**

The State Environmental Service on a regular basis cooperates with the Latvian Waste Management Companies Association, the Baltic Scrap Recycling Association, by exchanging current information in the sector.



Since 2015, the Ministry of Environmental Protection and Regional Development runs a working group on improvement of waste management laws and regulations, in which both the State Environmental Service and the NGOs of the waste management sector participate, which provides up-to-date information regarding current developments in the sector, including in the field of cross-border waste shipments.

A platform for cooperation with non-governmental organisations has been established in the Ministry of Interior. It is based on the Memorandum of Cooperation between the Ministry of the Interior and non-governmental organisations of 27 October 2021. A coordinating body - Cooperation Council – have established in February 2022. This platform allows any non-governmental organisation to engage on a voluntary basis in addressing topical home affairs issues. Environmental NGOs have not yet joined this platform.

**Latvia has largely implemented the recommendation 6** as the format of co-operation with NGOs is working in part, while preconditions (platform) for co-operation have been created in the internal affairs sector, which should be used effectively.

## **Recommendation 7**

*It should consider the possibility of opening financial investigations within criminal proceedings;*

### **Latvian response**

Given that environmental offences are most often linked to tax evasion they are considered predicate crimes of money laundering.

In each criminal proceeding initiated regarding crimes against the environment the State Revenue Service Tax and Customs Police Board shall evaluate the necessity of commencing parallel financial investigation within the scope of already existing criminal proceedings or new criminal proceedings shall be commenced.

According to the instructions of the State Police management, a financial investigation shall be performed in all criminal proceedings regarding particularly serious and serious crimes, which by their nature are directed towards obtaining a benefit of a material or other nature.

It is also intended to strengthen the capacity of law enforcement institutions in the field of parallel financial investigations in accordance with the Plan of measures for the “Prevention of money Laundering, Terrorism and Proliferation Financing for 2022” approved by Cabinet of Ministers Order No. 122 of 22 February 2022 in all law enforcement institutions performing pre-trial investigations. The plan also provides for the organization and conduct of training for investigators and analysts in the field of financial analysis and the organization of financial investigations. The measures are planned to be implemented by the end of 2022.

In view of this, **Latvia has implemented recommendation 7.**

## **Recommendation 8**

*It should involve also the police in the activities of IMPEL-TFS;*

### **Latvian response**

The State Environmental Service participates in various international cooperation and information exchange formats, including activities of the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) related to cross-border shipments of waste. During the on-site visit, the evaluation team noticed this as another positive aspect is the proactive participation.

Therefore experts recommended that the State Police representatives should also take part in IMPEL-TFS activities in order to broaden their knowledge in this field and to get an impression of the problems in other Member States concerning illegal waste shipments.

The recommendation has not been implemented due to circumstances beyond the control of the State Environmental Service as there have been no events in the expert group in which the involvement of the State Police would be useful.

For the reason outlined, **Latvia has not implemented the recommendation 8.** However, we look forward to the opportunity for the State Police to become practically involved in IMPEL-TFS activities in the future.

## **Recommendation 9**

*It should establish an electronic database relating to the cross-border shipment of waste, which should be accessible to police and customs authorities.*

## **Latvian response**

In accordance with Paragraph 13 of Cabinet Regulation No. 113 of 18 February, 2021 “Procedures for the Accounting of Waste and the Carriage thereof”, State and local Government institutions, which use the information included in the Waste Transport Accounting System (APUS) for the performance of the functions specified in regulatory enactments, shall receive the referred to information free of charge.

The State Police and the Customs Board have access to the Waste Transport Accounting System, which allows perform more efficient inspections of cross-border shipments of waste referred to in Article 3 (2) of Regulation (EC) No 1013/2006.

According to the national waste Management Plan 2021-2028, it is planned to integrate the inventory of waste, the importation of which is subject to the notification procedure, into the Waste Transport Accounting System until 2028. For this reason, it is not planned to establish another separate database in Latvia. The State Police also notes that currently the information necessary for carrying out inspections and pre-trial investigation of criminal proceedings is can be obtained within a reasonable time period.

Thus, **Latvia has not implemented the recommendation 9.** In order to implement the recommendation, Latvia will take measures to complement the functionality of the existing centralized Waste Transport Accounting System and will not create a new separate database. because such a solution would be economically unfavourable and would lead to a higher administrative burden.

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