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From: Slovenian Delegation
To: Delegations

Subject: 8th Round of Mutual Evaluations - 'The practical implementation and operation of European policies on preventing and combating Environmental Crime'
Follow-up to the Report on Slovenia

As a follow-up to each Round of Mutual evaluations, each Member-State is requested to inform the General Secretariat of the Council of the actions it has taken on the recommendations given to it.

A follow-up report should be submitted within 18 months from the adoption of the report concerned.

Delegations will find in the Annex the follow-up report of Slovenia regarding the recommendations that were made in the report 8065/1/19 REV 1 for the Eighth Round of Mutual Evaluations.

**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 SLOVENIA

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

The evaluation report on **SLOVENIA** as set out in doc. no. 8065/1/19 REV 1 was adopted by the LEWP/COPEN WP on **22. 5. 2019**

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

- 1. Waste crime should be clearly identified as a national priority at political level, leading to the establishment of a national enforcement strategy involving all relevant authorities.**

A draft of a national strategy to combat environmental crime is currently being prepared, which is at the stage of coordination between all stakeholders. The draft will be forwarded to all the present for harmonization and supplementation. This is followed by adoption and implementation by political bodies.

2. Inter-ministerial cooperation should also involve the Ministry of Justice, prosecutors and judges, which are - as yet - not involved.

Since 2020, prosecutors and representatives of the judiciary have been involved in all activities of the inter-ministerial working group on waste. Cooperation with the Supreme State Prosecutor's Office and individual prosecutors has improved since the establishment of the Supreme State Prosecutor's Office working group to combat environmental crime. The working group was established in September 2020 with the aim of raising the qualifications and expanding the knowledge of state prosecutors and unifying prosecutorial practice, but it also acts as a contact point for cooperation with the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning (IRSOP) as well as with the Police. An important building block of cooperation is also the implementation of joint trainings that have been carried out and will be carried out. The past two years have been marked by measures to prevent the spread of the epidemic, which had a significant impact on the conduct of meetings.

3. Prosecutor offices should prioritise the fight against waste crime as it is a priority for the EU and for the Slovenian police.

The Attorney General adopted the Annual Work Program for Supreme State Prosecutor's Office for 2020 (no. VDT-Tu-2- 4/2/2019 of 28. 11. 2019) which envisages a change in law enforcement policy to include environmental crime among the priority areas. It is also explicitly envisaged to take into account the GENVAL recommendations from 2019 when defining priority crimes. With the Annual Work Program for Supreme State Prosecutor's Office for 2021 (no. VDT-Tu-2-4/1/2020 of 20. 11. 2020) a commitment was made that the State Prosecutor's Office will pay more attention in the future to the environmental field and strive to fulfil both its punitive and dissuasive role in the field of environmental protection. The work program also identifies the most serious environmental criminal offenses, which include e.g. illegal emissions or releases of substances into the air, water or soil, illegal trade in wild animals and plants, illegal trade in ozone-depleting substances and illegal transportation or disposal of waste.

In order to effectively prosecute environmental crime, it is also necessary, in addition to knowledge of criminal law matters, to have in-depth knowledge in the field of environmental legislation and knowledge of the specifics of preventing, detecting and investigating environmental crime. Therefore, the annual work schedule of Supreme State Prosecutor's Office of the Republic of Slovenia (<https://www.dt-rs.si/letni-razpored>) for monitoring and coordinating the work of the prosecutor's office in the field of environmental crime determines the Supreme State Prosecutor, who is also the head of the newly established working group on environmental crime.

The working group was established in September 2020 with the aim of raising the qualifications and expanding the knowledge of state prosecutors and unifying prosecutorial practice, but it also acts as a contact point for cooperation with the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning (hereinafter IRSOP) as well as with the Police. In addition to the head, the working group consists of one state prosecutor from each District State Prosecutor's Office and a state prosecutor from the Specialised State Prosecutor's Office. At individual state prosecutor's offices, cases of environmental crime are usually assigned to specialised state prosecutors – members of the working group.

The State Prosecutor's Office reports annually on its work in the field of environmental crime in joint annual reports for individual years (<https://www.dt-rs.si/letna-poročila>).

4. Common guidelines should be drafted for law enforcement agencies and prosecutors in order to avoid the ineffectiveness caused by the different priorities of the authorities involved in the fight against waste crime.

Common priorities will be covered in the strategy to combat ecological crime.

5. More formalised and systematic cooperation should be achieved at operational level.

Cooperation is improved by holding regular meetings of all stakeholders. The systematic implementation of joint trainings has also begun, but due to the Covid-19 epidemic, they have not yet started to operate in full. More operational meetings and consultations are planned in the future. Annual trainings for all stakeholders are also programmatically prepared, which will further strengthen mutual knowledge and cooperation.

6. Regular meetings of prosecutors and investigative judges with representatives of the IRSOP as well as their involvement in joint training should be ensured.

Cooperation and the organization of joint educational programs have become very difficult in the last two years due to the Covid-19 epidemic. Nevertheless, we have established constructive cooperation with the IRSOP at the Supreme State Prosecutor's Office. In August 2020, representatives of the Supreme State Prosecutor's Office attended a meeting at the IRSOP, which stressed the need for more in-depth operational cooperation. The IRSOP also pointed out the good practice of educational programs in Gotenica, which they intend to continue, if the epidemiological situation allows it.

In October 2020, the representatives of the IRSOP were then invited to the first collegial body of the newly established Supreme State Prosecutor's Office Working Group on Environmental Crime, and they were provided with the names of state prosecutors who will take over the prosecution of environmental crimes by individual prosecutor's offices. At the collegial body, the representatives of the IRSOP presented to the members of the working group the issue of prosecuting environmental crime from the inspectorate's point of view and expressed the need for education in the field of legal knowledge. They also expressed the intention to organize a joint meeting of representatives of the State Prosecutor's Office, the Police, and the Financial Administration of the Republic of Slovenia (hereinafter FURS), in order to delimit competencies and shed light on other issues.

7. Central guidelines should be issued to resolve any difficulties in interpreting the waste classification system.

In their work, administrative bodies (IRSOP, Ministry of the Environment and Spatial Planning, and Slovenian Environment Agency) apply the existing legislation in the field of waste, i.e. Directive 2008/98/EC on waste and Regulation 1013/2006 EC on shipments of waste. The Police and the judiciary are bound to follow the guidelines and instructions regarding the classification of waste by the administrative body.

8. The establishment of a workable shared database, or at least of a better system for sharing information, is recommended. Exhaustive statistics including all relevant information should be kept by all the relevant authorities.

Data is crucial for the implementation of environmental policy. As part of the activities of the Slovenian Environment Agency, the Ministry of the Environment and Spatial Planning has started implementing the IS ENVIRONMENT project. The project is intended for applied support to the process of issuing environmental permits for IED and SEVESO devices. The project includes support in the management of administrative procedures, i.e. from the submission of the application to the issuance of the environmental permit (administrative module).

Data in IS ENVIRONMENT will be accessible to all relevant stakeholders (inspectorate, supervisory authorities, prosecutor's office and police). Due to the complexity and importance of environmental data, the Slovenian Environment Agency cooperates with various state bodies in upgrading the IS ENVIRONMENT project and upgrades individual information systems.

- 9. It is recommended that each authority provide more training to its staff and build on cross-cutting training established through close cooperation between the IRSOP, the Police and Customs, as well as some prosecutors and judges involved in this sector.**

In addition to the activities already described under point 6, the working group also established cooperation with the Police. At the collegial body in June 2021, a representative of the Police presented to the members of the working group police work, particularly the difficulties and challenges in dealing with environmental crimes. He emphasised at the meeting that the cooperation with prosecutors in these cases is ongoing and coordinated, and that there are several challenges in the cooperation with inspectors, mainly due to the understaffing at the IRSOP.

In terms of educating state prosecutors, members of the working group, the representatives of the non-governmental organization DOPPS also presented their work in the field of environmental issues at the collegial body.

General education in the field of environmental issues was also provided by the Association of State Prosecutors of Slovenia, which in cooperation with the Judicial Training Centre organised a lecture entitled (Un)Successful Prosecution of Environmental Crimes at the Educational Prosecutors' Days in December 2020, and a set of lectures in the field of environmental crime is also planned to be held at the Educational Prosecutors' Days in December 2021.

In this regard, we would also like to highlight a good practice of the prosecutor's office, which in 2019 organised an expert visit of a Dutch prosecutor specializing in environmental crimes at the District State Prosecutor's Office in Ljubljana and Krško.

- 10. It is recommended to set up a specialist environmental unit at the police or, at least, to ensure that the officials assigned to this task, even if dealing with different crimes, give priority to environmental crime.**

In 2020, an intensive search for an appropriate solution to the recommendation took place. An operational working group has been set up at the Property Crime Section of the General Police Directorate. In 2020, we also hired a new investigator who will deal exclusively with the coordination of police activities in the field of combating environmental crime. The latter will also monitor the work of the operational task force and guide their work accordingly. In the future, we intend to establish a specialised group of three experts in the field who will perform the work of coordinators. Currently, by decision of the Director for exclusive work on ecological crime, two employees have been appointed at the national level and eight at the regional level.

- 11. Specialised police should also be established at local level, while the majority of inspections on the road could be implemented by local police.**

Within the framework of EU funding, a project for the establishment of a specialised group within the Police is confirmed and prepared with ISF-P funds. A group for illegal shipments of waste is established within Specialised Unit for Traffic Control and Motorway Police Directorate of Uniformed Police Directorate at General Police Directorate. The activities of the group will be focused on reviewing major traffic flows in the entire territory of the Republic of Slovenia. The perspective of EU funding for the period of 2022-2027 has not yet been approved by the EU Commission, and we are currently waiting for the funding to be approved in order to start implementing the project.

12. Special investigative measures should be used for waste crime offences.

In preparing the Police Work Program of Criminal Police Directorate in the field of covert investigative measures in 2020 and 2021, the Police highlighted and emphasised the field of environmental crime, particularly the growing trend of detecting illegal shipments of waste. In dealing with any pre-trial proceedings, the possibility of using covert investigative measures shall be considered.

13. It is recommended to enhance the number of legal advisors working in the IRSOP and to provide more legal training to officials.

Over the last two years, the IRSOP has hired two lawyers to provide legal advice to environmental inspectors in all work areas.

14. An on-call service should be established at the IRSOP.

Following the evaluation, an analysis was made of how many notifications of suspected illegal waste shipments were forwarded to the IRSOP outside regular working hours (including weekends and holidays), and it was established that the figure is negligible, so for this reason, no emergency service has been set up yet. However, in the event of any environmental disaster, the notification centres have the phone numbers of the heads of the IRSOP regional units at their disposal and can contact them at any time. In addition, the FURS and the Police have a contact number of an employee at the IRSOP, who can be contacted in cases of suspicion of illegal shipments of waste to provide them with professional assistance in resolving this kind of cases.

- 15. Guidelines should be drafted in order to clarify the distinction between waste crimes and administrative offences. In the meantime, inspectors are encouraged to report the case to the police whenever they are not able to assess if it is a crime or an administrative offence.**

Environmental inspectors regularly cooperate with the criminal police in this area. In 2020, a consultation was organised on the topic of dealing with criminal offenses in the framework of inspections. Also, a separate chapter on the detection and treatment of criminal offenses by the IRSOP and the FURS has been added to the joint training program.

- 16. Systematic inspection schemes for plants and facilities handling hazardous waste should be established on the basis of a prior risk assessment.**

The recommendation has already been realised. The Environmental Protection Act stipulates that a control program must be prepared for IED liable parties, SEVESO plants and liable parties who handle waste. It is also necessary to prepare three-year inspection plans in the field of transboundary shipments of waste by amending Regulation 1013/2006 of 1 January 2017.

The annual work plan for waste liable parties is prepared using the IRAM (Integrated Risk Assessment Method) tool, which was prepared within the IMPEL organisation. The tool contains criteria on the basis of which a risk assessment is calculated for each liable party and, consequently, the frequency of inspections. In addition, the preparation also takes into account the findings of inspections from previous years and the established situation on the field.

17. It is strongly recommended to enhance controls on waste transit through Slovenia in the interest of the single market.

The number of joint inspections has increased over the last three years. On average, between 50 and 60 joint inspections are carried out annually, with the participation of representatives of the IRSOP, the FURS and the Police.

Controls are carried out in road, rail and maritime transport. In addition, all supervisory authorities participate in international actions organised by various organisations (WCO, EUROPOL, etc.). The FURS and the Police also carry out inspections, which are planned in accordance with their annual work plans.

The number of joint tighter controls of the FURS, the Police and the IRSOP is shown in the table below:

TFS ACTIONS IN THE
PERIOD 2010-2021

YEAR	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
ACTIONS IN TOTAL / ANNUALLY	6	8	10	16	19	16	16	23	26	46	59	71

18. Border controls and harbour inspections should be implemented more systematically.

The FURS is constantly adjusting the guidelines for RISK assessment. Guidance is added based on flow analysis.

The National Contact Point (NCP), designated in accordance with Article 50 (6) of Regulation 1013/2006 on shipments of waste, cooperates with other NCPs of neighbouring countries (except Italy) on a daily basis, and exchanges information and findings in individual cases.

Cooperation with third countries is difficult because in the vast majority of cases it is not known who the supervisory and competent authorities are, that is who are the persons who could be contacted. However, in these cases, information on contacts made by other NCPs across other European countries (e.g. the Netherlands) is also used.

The issue of cooperation with third countries on illegal shipments of waste is present at pan-European level.

- 19. Deeper cooperation should be achieved with the neighbouring countries' authorities, as well as with countries in western Africa and the Far East directly concerned by waste trafficking.**

Police have established regular annual consultations with neighbouring countries. An annual operational meeting of ecological crime investigators from neighbouring countries is organised every May. Not only neighbouring countries but also wider countries in the region are invited. In 2021, we invited and agreed to cooperate with third countries from the Balkans, which are the most influential and target countries for waste. Thus, we strengthened cooperation with Bosnia and Herzegovina, Serbia, Montenegro, and North Macedonia. In 2021, due to the Covid-19 epidemic, the meeting was held only partly. This year we are organizing a wider regional conference on strengthening the combat against ecological crime.

- 20. Cooperation with NGOs needs to be improved and more rights in court proceedings should be given to them. NGOs also need to be given a greater role in shaping work strategies. The role of NGOs could be strengthened, in particular by giving them more possibilities for jurisdictional actions and a more substantial role in shaping public policies.**

In the implementation of environmental policies, the Ministry of the Environment and Spatial Planning and the Police cooperate with various stakeholders, including non-governmental organisations. Cooperation depends on the content and scale of environmental issues.

The Police invited representatives of environmental organisations to the consultations. In 2020 and 2021, we also collaborated with the Bird Watching Society on a project to combat hunting and killing birds. In the future, the Police plan to increase the involvement of non-governmental organisations with the aim of education and preliminary detection of criminal offenses and misdemeanours, as well as forwarding reports to the competent authorities.

The Police are preparing a website to set up an effective complaint handling system to keep civil society safely informed of environmental offenses and will propose legislation against unfair litigation aimed at journalists and human rights defenders, including environmentalists.

FINAL REMARKS

Slovenia welcomes the implementation of the established evaluation and the recommendations. It is certainly in the EU's common interest that our most important value of environment must be preserved for our descendants as well. We are committed to completing recommendations that have not yet been finalised in the near future. In any case, the review of operations in Slovenia was useful for setting clear goals for further work on the issue of waste and environmental crime in general.

Illegal trade and transport of hazardous and non-hazardous waste pose a potentially high threat to the environment and the society as well. Organised criminal groups are trying to take over and break into companies that are legally engaged in waste trade and, under the guise of legality, continue to carry out illegal activities. These are new forms of crime that are difficult to investigate. The cost of treating hazardous and non-hazardous waste within the EU has risen sharply in the last two years. The countries that were until recently taking over the mentioned waste, processed it or stored it, have limited these activities. Thus, in 2018, China began restricting and banning the import of plastic waste, which further increased the issue of waste management in the EU. The problem of illegal shipments of waste is also increasing in Slovenia and its wider region. Slovenia is not just a transit country in this issue. A number of domestic companies import and "process" waste, and then they send it on to other countries. Like other EU countries, Slovenia also sends plastic waste abroad, especially to Africa, Eastern Europe, and SE Asia.

One of the priorities of the work of the Police, the IRSOP, the Prosecutor's Office, and the judiciary is certainly ecological crime.