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NOTE

From:	Irish 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 Ireland

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 Ireland regarding the recommendations that were made in the report 7139/1/18 REV 1 for the Eighth Round of Mutual Evaluations.

**FOLLOW UP TO THE EVALUATION REPORT ON THE
EIGHT ROUND OF MUTUAL EVALUATIONS**

**'Practical implementation and operation of European policies on
preventing and combating Environmental Crime'**

IRELAND

	Recommendations to Ireland	Update
1	should work out a method to collect systematic, reliable and updated statistics relating to the number of investigations, prosecutions and convictions recorded to enable an assessment of the efficiency of the actions taken by bodies involved in the protection of environment;	The Garda organisation uses Pulse as a tool to gather data relative to the organisation's operational activities. This computer system incorporates crimes relating to environmental and wildlife matters under specific crime category headings such as 'criminal damage' and 'animals', with various subheading available to contextualise individual crimes. The Garda Pulse computer system is available for interrogation in relation to environmental and wildlife crimes wherein this process has been completed by the Garda Síochána Analysis Service allowing the organisation to develop a wider intelligence picture based on detailed information and operational data.
2	should consider evaluating the benefits of specialised judges in waste crimes or providing judges with structured and continued training in waste crime;	The Judicial Council is independent. If there is a policy recommendation for training on waste crime, it would be for the Department of the Environment, Climate Change and Communications to make, and take forward with the Judicial Council's head of training.
3	should keep under review the capacity of the EPA and the NTFSO with regard to the human resources to allow them to continue to fulfil more effectively their tasks regarding the detection and the handling of environmental crime cases;	The question of resources is reviewed regularly between DECC and all agencies under its aegis.

4	should continue to involve Revenue's Customs Service in the national and European cooperation in combatting illegal waste shipment more effectively;	This is achieved through the involvement of Revenue/Customs in the National Waste Enforcement Steering Committee (NWESC). Revenue, in agreement with Dublin City Council (the designated national authority for WSR (EU) 1013/2006), have recently updated our staff guidance on Waste Movements under EU Waste shipment Regulation 1013/2006 and continue to cooperate on the implementation of this Regulation. We have a Memorandum of Understanding and a Data Exchange Agreement in place to support this.
5	should enhance the capacity of the DPP prosecutors to handle environmental crime cases more effectively by providing them with formal and continuous training in waste crime-related issues, by strengthening cooperation with the Law Enforcement Authorities and by involving DPP prosecutors in the activities performed by the European Network of Prosecutors for the Environment (ENPE);	No update.
6	should improve the specialisation of Garda's officers in handling environmental crime cases, e.g. by providing them with sufficient training;	<p>Members of the Garda National Bureau of Criminal Investigation have attended all available CEPOL residential courses relating to environmental and wildlife crime.</p> <p>The Garda National Bureau of Criminal Investigation took a lead role in the development and moderation of a wildlife crime training programme, working with CEPOL and the NGO 'WWF/TRAFFIC' throughout 2019 and 2020. This training focussed on tackling wildlife through the cyber domain. The training was originally set to be delivered through in-person workshop but was modified and successfully delivered online due to Covid-19 restrictions.</p>

		<p>Separately this Bureau played a lead role working with the European Crime Prevention Network (EUCPN) in developing a campaign to raise awareness for European law enforcement officers not directly working in wildlife crime, of what constitutes a wildlife crime and established points of contact with regional stakeholders. This project was rolled out to all Garda members via the Garda internal network facility ('Newsbeat') on the 15th February inst.</p>
7	<p>should review the definition of <i>serious crime</i> in the context of environmental crime so that all the authorities empowered to carry out investigations adopt a uniform approach and involve the DDP in determination of it, as the body responsible for prosecuting serious criminal cases;</p>	<p>Offences under environmental protection law and waste management law are for the Department of the Environment, Climate Change and Communications to legislate for. If they wish to provide more clarity in terms of what is a summary and what is an indictable offence, they can legislate separately for each type of offence (offences don't all have to be hybrid summary/indictable). The legislation can also provide (legally binding) guidance to the Courts on matters it has to have regard to in particular circumstances. I presume it also open to them to update the Code of Practice referred to. The point being made is not a general one about what makes "any" crime minor or serious, it is specific to particular environmental crimes.</p> <p>The Gardaí will investigate the offences established in law and will rely on the definition of the offence in the relevant legislation and the DPP is independent and the legislation establishing that independence doesn't come under this Dept. I genuinely don't see what role this Dept. has in any of the issues raised. The appropriate place to establish the seriousness of an offence is in the legislation creating the offence, which in this case is for D/Environment.</p>

8	<p>should be frequently involved in the activities carried out at EU level to improve the effectiveness of the fight against environmental crime, in particular against the illegal shipment of waste, e.g. by playing a more active role in EnviCrimeNet, strengthening its cooperation with Europol and Eurojust, raising awareness of the Council Conclusions on Countering Environmental Crime of 8 December 2016 and participating in EMPACT on environmental crime;</p>	<p>The Garda National Bureau of Criminal Investigation was 'Action Leader' for EMPACT Environmental Crime Operational Action 7.1 for 2019, 2020 and 2021, along with significant contribution to various other Operational Actions through the role of 'Participant' during EMPACT policy cycle 2018-2021. The Bureau has continued this work into the current EMPACT policy cycle (2022-2025) wherein the Bureau have committed to the role of 'Co-Leader' for EMPACT Operational Actions 3.1 and 7.1 along with the role of 'Participant' for Operational Actions 1.1, 3.2, 5.1, 6.1, and 8.2. This work is also linked to ongoing investigative operational with both Europol.</p> <p>The Garda National Bureau of Criminal Investigation retain continued membership of 'Envicrimenet' having contributed to the debate of the newly adopted 'Terms of Reference' at the General Assembly in Madrid on the 17th November 2021. The aforementioned ultimately ratified the steering group to pursue 'Envicrimenet' as an 'International Non-Profit Association' within the jurisdiction of Belgium.</p> <p>The Garda National Bureau of Criminal Investigation as the Garda organisational point of contact relative to environmental crime, regularly work with Europol 'AP EnviCrime' on matters pertaining to the investigation of international environmental and wildlife crime.</p> <p>DECC are available to supply support to AGS as requested in these matters.</p>
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9	<p>should improve cross-border cooperation, in particular with countries that are the final destination for the illegal shipment of waste;</p>	<p>On the 10th February 2020, the Garda National Bureau of Criminal Investigation on behalf of the Garda organisation launched a structure of Regional Multi-Agency Forums to work with the regional Waste Enforcement Regulatory Lead Authorities (WERLA's), the Department of Communications, Climate Action and Environment, the Environmental Protection Agency and the Department of the National Transfrontier Shipment Office. The objective is to facilitate a co-ordinated approach to target all levels of criminality in these areas inclusive of the transfrontier shipment of waste. One such regional forum rests within the Garda 'North Western' Region.</p> <p>A point of contact has also been established with National Transfrontier Shipment Office based with Dublin City Council allowing for collaboration in various investigative matters.</p> <p>The international mutual legal assistance framework provides for cross-border cooperation under relevant international instruments. The relevant mutual legal assistance legislation in Ireland is the Criminal Justice (Mutual Assistance) Act 2008, as amended. This legislation allows for evidential material to be sought from or provided to designated states under relevant international instruments in the context of criminal investigations or proceedings. Such investigations or proceedings arise from alleged criminal offences, which could include environmental crime. Outgoing mutual assistance requests are initiated by the Irish police (An Garda Síochána), in conjunction with the Office of the Director of Public Prosecutions. The 2008 Act also provides for the establishment of a Joint Investigation Team between An Garda Síochána and a police force in a state designated under the Act for the purposes of mutual assistance.</p>
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