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NOTE

From: General Secretariat of the Council
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 Spain

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 Spain regarding the recommendations that were made in the report 6601/1/19 REV 1 for the Eighth Round of Mutual Evaluations.

EIGHTH ROUND OF MUTUAL EVALUATIONS

**‘THE PRACTICAL IMPLEMENTATION AND OPERATION OF EUROPEAN POLICIES ON
PREVENTING AND COMBATING ENVIRONMENTAL CRIME’**

FOLLOW-UP REPORT FROM SPAIN

Within the framework of the eighth round of mutual evaluations on the practical implementation and operation of European policies on preventing and combating environmental crime, the evaluation report on SPAIN (document 6601/1/19 REV 1) was approved by the LEWP/COPEN working party on 19 March 2019.

In accordance with the procedures established in document 15538/4/15, we hereby submit our follow-up report to the recommendations made to SPAIN.

Recommendation 1: Spain should work on a national strategy dedicated to the fight against environmental crime, inter alia by using risk analyses to focus on environmental problems.

First of all, attention should be drawn to the efforts that Spain is making in this regard, through several **initiatives** including the following:

- The post of **Deputy Prime Minister and Minister for the Ecological Transition and the Demographic Challenge** has been created in accordance with Royal Decree 2/2020 of 12 January 2020, which restructured the ministerial departments.
- The fight against criminal markets and serious forms of crime, explicitly including environmental crime, has been made a key focus of the **National Serious and Organised Crime Strategy (2019-2023)**. It should also be noted that the **National Security Strategy of December 2017**, referred to in the report on Spain, recognises environmental conservation as a security challenge in Spain, including it for the first time as one of the general objectives and lines of action for ensuring national security.

- The **Guardia Civil Strategic Plan for 2017-2021** includes environmental protection as one of its 11 strategic areas, addressing not only prevention, but also investigation and assistance in the event of emergencies, disasters, epidemics and pandemics.
- In addition to the above, in order to ensure continuous improvement in coordinated interdepartmental efforts, in 2018 the Directorate-General of the Guardia Civil and the Directorate-General for Environmental Quality and Assessment¹ and the Directorate-General for Biodiversity, Forests and Desertification under the Ministry of the Ecological Transition and the Demographic Challenge (MITERD) signed a **protocol setting out the operational procedure for collaboration between these Directorates-General**, with a view to mutually beneficial coordinated action. This has allowed for the comprehensive development of law enforcement capabilities, in terms of both prevention and support for administrative inspections (assisting the competent administrative authority), and for action on criminal matters through the exercise of criminal investigation powers.

Pursuant to Article 50(2a) of Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste, which requires Member States to ensure that plans are established in respect of their territory, in October 2017 Spain's Council of Ministers approved the adoption of the **national inspection plan for cross-border shipments of waste for 2017-2019**.

¹ Royal Decree 500/2020 of 28 April 2020 establishing the basic organisational structure of the Ministry of the Ecological Transition and the Demographic Challenge, and amending Royal Decree 139/2020 of 28 January 2020 establishing the basic organisational structure of the ministerial departments.

In order to meet the requirement that these plans be based on a risk assessment covering specific waste streams and sources of illegal shipments and considering, if available and where appropriate, intelligence-based data such as data on investigations by police and customs authorities and analyses of criminal activities, a methodology has been established for assessing the risks associated with cross-border shipments of waste, with the aim of identifying the minimum number of inspections that are required to be carried out in relation to notifiers and consignees of cross-border shipments of waste between Spain and non-EU third countries, based on the level of risk involved in the shipment. This methodology will be reviewed annually as new information on cross-border shipments of waste is incorporated and updated, or as regulatory changes are introduced.

In addition, this methodology served as the basis for drawing up the **national inspection plan for cross-border shipments of waste for 2020-2025**, which is currently pending adoption.

Working within their remit in accordance with Article 12 of Law 22/2011 of 28 July 2011 on waste and contaminated soils, the various Autonomous Communities have drawn up inspection plans or programmes in accordance with Article 50 of Regulation (EC) No 1013/2006.

Specifically:

- **Catalonia:** waste shipment inspection plan drawn up on an annual basis.
- **Extremadura:** environmental monitoring and inspection plan for 2014-2020.
- **Galicia:** multiannual plan for 2013-2018. There are annual environmental inspection programmes. The latest to be adopted was the 2018 programme.
- **Navarre:** inspection programmes adopted by regional order since 2004; since 2017 they have included checks on and inspections of waste shipments.
- **Asturias:** environmental inspection plan for 2018-2020, adopted by the Decision of 13 March 2018 (Asturias Official Gazette, 28 March 2018). This environmental inspection plan is implemented through annual inspection programmes and core sub-programmes with specific objectives.

- **Cantabria:** Order UMA/2/2017 of 1 February 2017 adopting the Autonomous Community of Cantabria inspection plan for cross-border shipments of waste and the risk assessment methodology in connection with the inspection plans for cross-border shipments of waste (Cantabria Official Gazette number 32 of 15 February 2017). The plan is applicable for six years, although it will be reviewed every three years and updated whenever circumstances so require.
- **Castile-La Mancha:** inspection plan for cross-border shipments of waste for 2017-2020.
- **Andalusia:** Autonomous Community of Andalusia inspection plan for cross-border shipments of waste (2017-2019).
- **Rioja:** the environmental inspection plan for 2013-2018 was adopted by Decision No 199 of 15 February 2013 of the Regional Department for Agriculture, Livestock and the Environment. A decision amending the 2013-2017 environmental inspection plan (Decision No 168/2017 of 14 February 2017 of the Regional Department for Agriculture, Livestock and the Environment reviewing and updating the Rioja environmental inspection plan for 2013-2018) added an Annex II on the waste shipment inspection plan, applicable as of 2017.
- **Balearic Islands:** Autonomous Community of the Balearic Islands inspection plan for cross-border shipments of waste for 2017-2019 (Balearic Islands Official Gazette, 10 April 2018).
- **Aragon:** the Autonomous Community of Aragon inspection plan for cross-border shipments of waste (2017-2019) came into effect on 1 January 2017.
- **Valencia:** Valencian Community inspection plan for cross-border shipments of waste (2017-2022). Adoption of annual plans: Valencian Community inspection programme for ‘cross-border’ shipments of waste for 2018 (Decision of 4 January 2017, Official Gazette 2017/177)

Recommendation 2: Appropriate databases and statistics within each administration, based on reliable collected data, should be built up, then collected by one institution and made available to all the relevant authorities. Feedback is considered essential to assess the work of each institution and adopt future strategies.

The national inspection plan for cross-border shipments of waste for 2017-2019 and the plan for 2020-2025 (which is pending adoption) are implemented through annual programmes setting out the arrangements for inspections, and in particular the specific priorities for inspections, the inspections planned, and the checks to be carried out.

The results of the inspections carried out under each annual programme are set out in an **annual monitoring report on the national inspection programme for cross-border shipments of waste**. All information is kept in the archives of MITERD's Subdirectorate-General for the Circular Economy and is available to the authorities on request.

The monitoring reports include all the information provided by the bodies responsible for the operations and inspections relating to cross-border shipments of waste that have been carried out during the course of each year. They also include the results of all the international cooperation programmes, projects and operations that have been carried out on national territory, and those carried out in collaboration with other countries.

In addition to the above, before the end of each calendar year Spain submits a report to the Basel Convention Secretariat pursuant to Article 13(3) of the Basel Convention, and to the European Commission in accordance with Article 51 of Regulation (EC) No 1013/2006. The report contains information on cross-border shipments of waste, including both shipments under the responsibility of the state and shipments under the responsibility of the Autonomous Communities, and information on inspections.

All the information submitted annually to the Secretariat can be found on the Convention's website:

<http://www.basel.int/Countries/NationalReporting/NationalReports/BC2018Reports/tabid/8202/Default.aspx>

Furthermore, within the remit of the law enforcement authorities, the **Guardia Civil's National Central Office for the Environment**, established in 2018, brings together this information in order to produce intelligence that will enable investigations to be conducted for the benefit of all stakeholders, maximising the results and optimising the resources available, with a view to providing statistics that more faithfully reflect the reality of environmental crime in Spain, thereby facilitating the adoption of future measures in this area.

In addition, the **Coordinating Prosecutor's Office for the Environment and Town Planning** has been producing statistics since 2007, as mentioned in the report for the eighth round of mutual evaluations.

Recommendation 3: Spain should take measures to ensure that all authorities concerned have access to the necessary information concerning inspections, criminal and administrative cases, penalties etc. in the area of waste management and shipments, taking into consideration the development of e-SIR and what information that system will cover.

In order to make available to the relevant authorities all the information it has concerning inspections, criminal and administrative cases and penalties, MITERD's Subdirectorate-General for the Circular Economy has established various mechanisms that enable this exchange of information to take place. These include in particular the **protocol for collaboration** between the Directorate-General of the Guardia Civil, the Directorate-General for Environmental Quality and Assessment and the Directorate-General for Biodiversity, Forests and Desertification referred to in the reply to recommendation 1. The aim of this protocol is to establish a general framework for collaboration between the Ministry of the Interior and MITERD for the proper exercise of powers relating to the inspection of waste shipments, and to monitor proper compliance with the legislation in force on waste management at state level, in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.

As part of this collaboration, the SEPRONA (the Guardia Civil's nature protection service) team has been given access to the waste information system (e-SIR), which records the details of waste operators supplied by the Autonomous Communities and constitutes the waste production and management register (RPGR), as well as to the register of product producers (register related to extended producer responsibility). The fourth clause of the protocol specifically provides that the parties must facilitate the exchange of information necessary to ensure that the tasks assigned are properly carried out. The Guardia Civil's National Central Office for the Environment centralises this information, acting as a conduit for that information between the various data storage mechanisms of the entities represented in the office.

To the same end, an **operational protocol** is being drawn up **between the National Tax Agency (AEAT) and the Directorate-General for Environmental Quality and Assessment** in matters of cross-border shipments of waste. Under the protocol, the AEAT's Customs and Excise Department will make available to the Directorate-General for Environmental Quality and Assessment the information resulting from the checks and inspections provided for in accordance with applicable legislation within the scope of the operational protocol. In turn, MITERD will make available to the AEAT the IT tools that will enable computer communication between the two units, including in particular the abovementioned e-SIR.

Recommendation 4: The establishment of organised databases directly accessible by the LEAs is strongly encouraged.

As mentioned in the reply to recommendation 3, the **waste production and management register (RPGR)**, which is part of e-SIR, contains the database of the waste operators registered in each Autonomous Community. This database can be used by e-SIR users, including law enforcement authorities. Alongside the above, the **e-SIR system** will store, in a database, the repository of documents relating to national waste shipments, i.e. prior notifications and the related identification documents. Although this functionality is not yet operational, it will be made available to the law enforcement authorities as soon as it is.

In addition, an **electronic processing tool** has been developed for **cross-border waste shipments under the responsibility of MITERD**, available through its website and operational since March 2019. It can currently be used for cross-border waste exports; work is ongoing to make it available for imports. The tool, which is integrated with the system used by the AEAT's Customs and Excise Department, is intended to improve coordination between the two departments as regards checks on cross-border shipments of waste. When the tool is ready, law enforcement authorities will be given access to it.

Recommendation 5: Spain should consider enhancing the capacity of the public prosecutor's office for the protection of the environment and land planning, either by appointing more technicians at central level or by including technical staff in the local specialised prosecution office.

In order to improve its capacity to take initiatives and anticipate needs, the public prosecutor's office has asked MITERD to add another four staff members to the technical unit. SEPRONA has a unit attached to this public prosecutor's office, which is answerable hierarchically to the head of SEPRONA, and carries out investigations on the orders of the relevant public prosecutors. The national police and local police, which also carry out criminal investigations into environmental crimes, are likewise represented. In addition, locally deployed SEPRONA units carry out countless operations under the supervision of the regional departments of the public prosecutor's office for the environment and land planning, thus improving those departments' capacities.

Recommendation 6: The public prosecutor's office for the protection of the environment and land planning should focus more intensively on waste crime as, despite the responsibility of this unit and the thorough capability of its staff, this is obviously not a priority.

Given the way that investigations and operations relating to illegal waste (section 4.1 of the evaluation report) are organised, the involvement of the technical unit of the Coordinating Public Prosecutor's Office for the Environment and Urban Planning is limited to receiving the information provided by law enforcement authorities or the administration, and prosecuting on the basis of that information. The Coordinating Public Prosecutor's Office for the Environment and Urban Planning is aware of the need for it to play a bigger role in the investigation of illegal waste cases, and has therefore considered its inclusion in the agreements referred to in sections 4.3 and 4.4 of the report on Spain, which must comply with the provisions of the code of criminal procedure. This would make it easier for the public prosecutor's office to obtain information on relevant complaints and thus allow for more investigations. It would also lead to better coordination between the coordinating public prosecutor's office in Madrid and the regional departments.

Recommendation 7: The number and quality of inspections of domestic and transboundary shipments of waste, both within the competence of MITECO and of the Autonomous Communities, should be increased.

MITERD and SEPRONA have been carrying out joint activities since 2017, which led to the signing in 2018 of the protocol referred to in the reply to recommendation 1. As a result of this collaboration, the number of inspections has been increasing every year. Inspections have been carried out both as part of SEPRONA's own investigations, and following the interception of shipments by the AEAT's Customs and Excise Department and the Office of the Deputy Director for Customs Supervision. In addition, other inspections have been carried out as part of Operation DEMETER V, in collaboration with both the customs authorities and SEPRONA. Similarly, operations have been conducted outside of Spanish territory in collaboration with the competent authorities of the shipments' destination and transit countries.

Furthermore, since 2018 **MITERD has signed management delegation agreements with the Autonomous Communities**, which set out the protocols for operations and collaboration with the regional governments in relation to inspections of cross-border waste shipments from or to third countries. To date, three agreements have been signed (with Castile-Leon, Asturias and Extremadura) and another, with Cantabria, is in the pipeline. Given the Autonomous Communities' growing interest in such agreements, the remaining Communities are expected to sign their own in the coming months.

It should be noted that in 2018 penalty proceedings were opened in 10 cases relating to illegal trafficking of waste, a figure that practically tripled in 2019, which saw proceedings initiated in 27 cases relating to illegal waste shipments. SEPRONA, as the inspection body under the protocol, carried out more than 15 inspections of plants of origin and destination, and of containers intercepted at customs.

The **national plan for cross-border shipments of waste for 2020-2025**, drawn up by MITERD's Subdirector General for the Circular Economy and covering a period of six years, lays down the information requirements involved in cross-border shipments of waste, the tasks assigned to the competent authorities and the resources at their disposal to properly carry out those tasks. Reviewed annually, the plan specifies the arrangements for the inspections to be carried out and includes an assessment of the extent to which objectives have been met.

In addition to the above, Spain and Portugal's AUGIAS operation, carried out annually since 2014, makes it possible to establish a schedule of coordinated inspections by both countries; the Guardia Civil's SEPRONA (coordinating with MITERD) is responsible for its implementation, in close cooperation with the Nature Protection Service of the Portuguese National Republican Guard.

In recent years, the Guardia Civil has carried out a number of waste inspections both independently and in ad hoc operations with MITERD. In 2018 it performed a total of 643 inspections of waste disposal facilities, of which 511 were carried out by SEPRONA. In addition, it performed 139 checks on shipments of dangerous waste, of which 110 were carried out by SEPRONA. In 2019 there were 729 inspections (605 by SEPRONA) and 126 checks (100 by SEPRONA). It is also worth noting the inspections carried out in customs areas in 2019, including as part of the ALINIUM operation conducted by SERPONA's Central Operational Unit for the Environment (UCOMA) – 41 inspections. As an example of this work, in 2019 the Guardia Civil filed more than 20 000 reports of administrative infringements of waste and dumping legislation, more than half of which were dealt with by SEPRONA. In addition, a total of 13 investigations were conducted in relation to alleged crimes, during the course of which eight individuals were investigated.

Recommendation 8: Spain should consider increasing the number and quality of inspections by local and regional authorities related to the management of waste in different aspects. As waste crimes are assessed as 'control crimes', a higher number and quality of inspections would, in the evaluators' view, most likely lead to more waste crime cases being detected.

In 2018 and 2019, the Autonomous Communities worked to improve checks both in plants and in transit, carrying out roadside checks and working with the customs authorities and MITERD.

The following **tables break down the inspections and checks carried out by the Autonomous Communities** in 2018 and 2019 into inspections of plants, brokers and dealers, roadside inspections, and inspections at ports and customs:

INSPECTIONS CARRIED OUT BY THE AUTONOMOUS COMMUNITIES IN 2018			
AUTONOMOUS COMMUNITY	INSPECTIONS OF TREATMENT PLANTS, BROKERS AND DEALERS	ROADSIDE CHECKS	PORTS, CUSTOMS AND RAILWAY
Andalusia	8	2	1 Document check in transit
Asturias	1	0	4
Balearic Islands	1 At facility	.	
Cantabria	3	.	
Castile-La Mancha	3	3	
Castile and Leon	5	3 Collaboration with Portuguese administration in its inspections	
Catalonia	86	.	
Extremadura	7 At treatment plants	6	

Galicia	10	5	Galicia: 3 roadside checks on Portugal-Galicia border; 2 roadside checks near border; 2 roadside checks as part of Guardia Civil programme (AUGIAS). 467 cars were stopped, of which 34 were carrying waste. In 3 cases the authorities ordered the cargo to be returned to its place of origin as it did not match the accompanying documentation.	5	Inspections at ports
Madrid	13	.			
Navarre	8	8 inspections at 5 facilities, 2 of which resulted in penalty proceedings	.		
Basque Country	12	Facilities	10		Collaboration in specific inspections at Bilbao customs
Valencia	1		1 270 Containers inspected by SEPRONA		5 shipments in port of Valencia, in a day-long operation

INSPECTIONS CARRIED OUT BY THE AUTONOMOUS COMMUNITIES IN 2019			
AUTONOMOUS COMMUNITY	INSPECTIONS OF TREATMENT PLANTS, BROKERS AND DEALERS	ROADSIDE CHECKS	PORTS AND CUSTOMS
Andalusia	8	2	
Asturias	7	0	3
Balearic Islands	11 At facilities		2 At ports
Cantabria	2		
Castile-La Mancha	8	3	
Castile and Leon	10	3 Collaboration with Portuguese administration in its inspections	
Catalonia			
Extremadura	11	7 7 roadside checks carried out in collaboration with Guardia Civil	

Galicia	7	6 3 roadside checks at Portugal-Galicia border (March, June and October); 3 roadside checks close to border (February, June and November); collaboration in checks as part of Guardia Civil's AUGIAS programme. 475 vehicles were stopped, of which 38 were carrying waste. 9 of those carrying waste were not in compliance.	5 5 inspections at ports
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Clause 3(a) of the protocol setting out the operational procedure for collaboration, referred to in the reply to recommendation 1, specifically mentions coordinated inspection operations involving the relevant directorates-general, based on the various plans established in this regard (waste management monitoring plans, national inspection plan, and associated annual programmes).

This includes collaboration in drawing up national inspection and monitoring plans for both waste shipments and waste management, and the carrying out of studies and chemical analysis of waste as required for inspections/investigations.

In addition to the above, **SEPRONA and MITERD provide coordinated ongoing training/refresher courses on waste for officials responsible for inspections/investigations.** This has helped improve efforts to tackle illegal activity relating to waste. In that respect there are four courses which include training modules on waste management, and three specific thematic activities on waste treatment and management involving 204 SEPRONA agents working in close cooperation with MITERD. In 2020, the planned training activity for 30 SEPRONA agents was postponed due to COVID-19; similarly, as regards training for 2021 it will be necessary to monitor the evolution of the pandemic in order to determine the courses, the arrangements, and the number of participants.

Recommendation 9: Spain should use existing working groups as much as possible to ensure a consistent approach to the prioritisation, planning and carrying out of inspections across the country, exchange of information and harmonisation of the implementation of the legal framework on waste management and waste shipments.

Article 13 of Law 22/2011 of 28 July 2011 on waste and contaminated soils provides for the establishment of the **Committee for Waste Coordination**. This committee is chaired by the Director-General for Environmental Quality and Assessment within MITERD, and includes representatives of other ministries with responsibility for waste matters, such as the customs authorities, all of the Autonomous Communities and the cities of Ceuta and Melilla, as well as representatives of local bodies through the Spanish Federation of Municipalities and Provinces (FEMP). The committee operates on the basis of working groups on the various topics. In particular, as regards shipments of waste there is a working group on shipments and inspection which meets once a year with a view to harmonising positions and interpretations and to providing support on issues that may arise among the various members. Technicians or experts in the subject, from the public sector, private sector or civil society, may take part in these working groups.

Furthermore, in the specific area of inspections there is an **Environmental Inspection Network (REDIA)**, the purpose of which is to help protect the environment by continuously developing and improving the environmental inspectorates, and which involves inspectors from all the Autonomous Communities and technicians from the Directorate-General for Environmental Quality and Assessment. It holds two meetings a year at which participants can exchange experience, and provides a forum for consultation and support in developing common inspection strategies. The Guardia Civil's SEPRONA also frequently takes part in the network's meetings and activities.

SEPRONA is part of various working groups at both national and international level, addressing not only law enforcement matters but also academic and scientific issues as part of an integrated approach to tackling illegal waste management. Similarly, in order to coordinate with the Autonomous Communities on waste management and cross-border shipments, as well as the management of industrial oils, MITERD has set up some of the most relevant working groups at national level, including the abovementioned Environmental Inspection Network, the working group on construction and demolition waste, and the working group on the inspection plan for shipments of waste, as well as organising regular meetings with waste associations. At international level, MITERD participates in the IMPEL network (European Union Network for the Implementation and Enforcement of Environmental Law) and in SELEC (Southeast European Law Enforcement Center).

Recommendation 10: Spain should consider encouraging staff from the relevant institutions to attend joint training courses for judges, prosecutors, police and administrative units, and also customs officers, on a more regular basis.

As a complement to inspections, in 2019 and 2020 MITERD's Subdirectorate-General for the Circular Economy has carried out three training activities for SEPRONA staff with a view to fostering cooperation and the flow of information, and encouraging the transfer of knowledge between the various administrations involved in waste matters. These activities fall under the protocol for collaboration mentioned in the response to recommendation 3. In addition to SEPRONA, the activities involved representatives from the Subdirectorate-General for the Circular Economy, the AEAT's Customs and Excise Department, the Public Prosecutor's Office and the Autonomous Communities.

The main topics covered were:

Environmental crime	Agricultural waste and packaging of plant protection products
Construction and demolition (C&D) waste	Landfills
Batteries	Customs
Waste shipments (national and international)	Environmental inspection by the Autonomous Communities
Management of industrial oils	Control of ozone-depleting substances
Hazardous waste	Management of industrial oils
Management of refrigerated gases	End-of-life tyres
Waste electrical and electronic equipment (WEEE)	End-of-life vehicles

Moreover, from 25 to 28 November 2019 an event was held in Madrid which focused on training and exchange of experience and was attended by judges and SEPRONA officials.

The training organised by the Public Prosecutor's Office is open to members of the judiciary and law enforcement bodies, as well as to civil society and experts in the field.

In 2019 the following training was available:

DATE	COURSE
14-16 May 2019	Course for local police run by the Integrated Security and Emergency Training Institute (IFISE) of the Community of Madrid (Madrid)
18-19 May 2019	Course for local police in Valsáin (Segovia)
30 November 2019	Course for trainee public prosecutors in Valsáin (Segovia)
18 December 2019	Course for the 58th class of the public prosecution services (Madrid)

The following training is planned for 2020:

DATE	COURSE
30 September and 1 October 2020	Course for local police run by the IFISE of the Community of Madrid (Madrid)
7-8 November 2020	Course for local police in Valsáin (Segovia)
12-13 December 2020	Course for public prosecutors and judges in Valsáin (Segovia)

The Centre for Legal Studies will also offer a course on the protection of flora and fauna.

As regards training for judges, the Judicial School training plans for 2019-2020 prioritise training judges in environmental matters.

In 2019 there were five training courses dedicated to environmental topics.

Code	Course	Places
CU19116	Natura network and land use planning	15
EN19042	Meeting on environmental crime	12
ES19083	Residential course on the environment: forest fire control	10
EX19132	Environmental crime	1
MA1914	Challenges of environmental law in the city of Madrid	15

In addition, five other training courses dealt with cross-cutting environmental issues in 2019.

Code	Course	Places	Topic
CL1902	New case-law in administrative law	15	Recent case-law related to urban planning and the environment
MA1903	First aid	20	Environmental emergencies
FD19146	Valencian civil law	20	Environmental legislation in the Autonomous Communities
JO19060	Three-day event on the application of European Union law: the impact of European Union law on administrative justice	35	EU environmental law and its impact on administrative justice
CT1904	Barcelona City Council	12	Municipal projects relating to urban ecology, urban planning and the environment

A total of five training courses on environmental issues had been planned for 2020, but had to be cancelled because of the COVID-19 situation.

Code	Course	Places
CU20064	Urban planning and the environment	20
CU20131	Infrastructure and the environment	15
EN20042	Meeting on environmental crime: endangered species and hunting	12
ES20095	Residential course on the environment: strategic environmental assessment	15
NA2005	Law and the environment	10

It should also be noted that in 2003 the **General Council of the Judiciary and the regional government of Andalusia** signed a partnership agreement establishing the **Forum for Environmental Studies and Training for the Judiciary**, in the context of which training is provided on an annual basis. On 12 December 2019 the two institutions signed a new agreement to strengthen and bolster this forum.

Recommendation 11: Spain should consider increasing the number of specialised personnel and training them on the typical modi operandi in waste trafficking, such as fraudulent declaration and decontamination.

As mentioned in the reply to the previous recommendation, specific training courses on waste were provided to SEPRONA staff in 2019 and 2020 with a view to fostering cooperation and the flow of information, encouraging the transfer of knowledge between the various administrations involved, and increasing the number of staff able to work on waste matters.

With regard to the law enforcement authorities, the number of staff from the national police involved in the Environment Group is gradually increasing, and it is considered essential to train them in waste trafficking. In the last two years SEPRONA has conducted four general training courses for specialists in nature protection (senior staff, teams and patrols); the courses included a module on illegal waste management and were provided to a total of 124 officials. In addition, specific events dedicated to waste treatment and management have provided training to 21 officials, and two ‘Waste Days’ were held in 2019, with 60 participants in total.

This training was set to continue under the annual training plan for 2020, but the COVID-19 situation has meant that it has been postponed until the end of the year, provided the courses can be delivered in an online format. Training has also been planned for 2021.

Recommendation 12: As far as lawfully possible, proper feedback should be provided to the NGO that reported a given illegal activity to the relevant institutions.

In accordance with Articles 50 and 51 of Regulation (EC) No 1013/2006 of 14 June 2006, and Article 56 of Law 22/2011 of 28 July 2011, on the publication of penalties imposed, when the penalties are for serious or very serious offences they will be published by appropriate means and/or information on penalties will be provided, ensuring compliance with and following the terms of Article 13(2) of Law 27/2006 of 18 July 2006 governing the rights of access to information, public participation and access to justice in environmental matters. The exceptions to such access include cases in which the disclosure of the information requested may adversely affect ‘the confidentiality of the public authorities’ proceedings, where such confidentiality is provided for by law’, ‘the confidentiality of commercial and industrial data, where such confidentiality is provided for by national law or EU law in order to protect legitimate economic interests, including public interest in maintaining statistical confidentiality and tax secrecy’, ‘cases or matters subject to judicial proceedings or pending before the courts, the right to an effective remedy, or the ability to conduct a criminal or disciplinary investigation. Where the case or matter is subject to judicial proceedings or pending before the courts, the court before which it is pending must in any event be identified’, and reference must be made to ‘the confidential nature of the personal data, if the data subject has not consented to its processing or disclosure’. Taking this into account, the Directorate-General for Environmental Quality and Assessment has provided the NGOs that submitted requests with the information it is permitted to make public under the law.

As regards the law enforcement authorities, both the national police and the Guardia Civil have established a network of contact points with the main Spanish NGOs, which has on occasion followed up the information it has received with feedback on the relevant steps or action taken by the specialist group. It is also SEPRONA's standard practice to respond to requests from NGOs that collaborate with it by supplying relevant information.

28 September 2020
