

Workshop

Effectively combating environmental crime – what works best?

Berlin, 28 May 2015, 9.15 – 18h

Background Information

What is the best way to prevent corporate entities and individuals from engaging in activities that cause significant harm to the environment? This question has no agreed general answer, not least because the answers likely need to be context-specific.

Several years ago, the EU adopted the Environmental Crime Directive, requiring Member States to penalise with criminal sanctions certain types of environmental behaviour that are particularly harmful to the environment. The directive thus reflects a shared understanding by the EU institutions and Member States that for deterring such behaviour, criminal law is the appropriate and most effective means.

Yet, the baseline of legality used in the environmental crime directive consists of various environmental directives. This points to the fact that provisions of criminal law defining environmental offences often rely on administrative law to define what is a lawful behaviour. A choice needs to be made by legislators, but also by law enforcing institutions, on whether to pursue an environmentally damaging behaviour as a criminal activity or to use administrative sanctions such as fines or temporarily closing down a business instead.

To complicate matters further, criminal and administrative law are not the only instruments that can be used to deter environmentally harmful behaviour. In addition to these “command and control” instruments, incentive-based approaches or informational instruments could also be employed. These debates on the right approaches to combating environmental crime reflect more general discussions about the right approach to combating crime within the EU.

The EU-funded research project "European Union Action to Fight Environmental Crime" (www.efface.eu) is aimed at developing policy recommendations on how to better combat environmental crime within the EU. One part of the EFFACE research is an analysis of the advantages and disadvantages of different additional measures the EU could take to more effectively fight environmental crime. In the workshop, the results of this research will be presented with the purpose of receiving feedback from workshop participants. Additional presentations will shed light at what approaches are likely to be most effective in deterring environmental crime in which circumstances.

This workshop is part of a series of similar one-day EFFACE workshops that both present and invite feedback on EFFACE research from academic experts, policy-makers and practitioners. If you are interested in participating, please contact the EFFACE coordinator at envcrime@ecologic.eu indicating your background and interest relating to the topic; the number of participants is restricted.