

# Dealing with noncompliance

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# WHAT CAUSES NON- COMPLIANCE

- Unclear legislation
- Weak enforcement
- Increased costs of legal disposal
- Global trade
- Complex business structure
- Border weakness



# DETECTION

- Adhoc (e.g. incident or a complaint)
- Intelligence led or targeted inspections or operations (based on risk assessments)
- Use of technologies (e.g. emission monitoring equipments, drones, satellite data)

# SUFFICIENT LEGAL POWERS

## Inspections

- Enter places
- Open spaces, packagings and transport means
- Take samples
- Require information
- Take copies
- Bring support (material or experts)

## Enforcement

- Warning
- Penal Sum
- Order (clean up, end of violation)
- Report
- Temporary order by Public Prosecutor
- Closing facilities





# INVESTIGATION & EVIDENCE COLLECTION

- Proving all elements of the offence / crime
- Liability
- Environmental damage
- Court-proof
- Chain of evidence (recording and storage)

# EXAMPLE: WHAT IS WASTE TRAFFICKING?

*Illegal act with waste*

- Unlawful or Unauthorized
- Transporting, processing, disposing, dumping or otherwise illegal management
- Waste

# TECHNIQUES

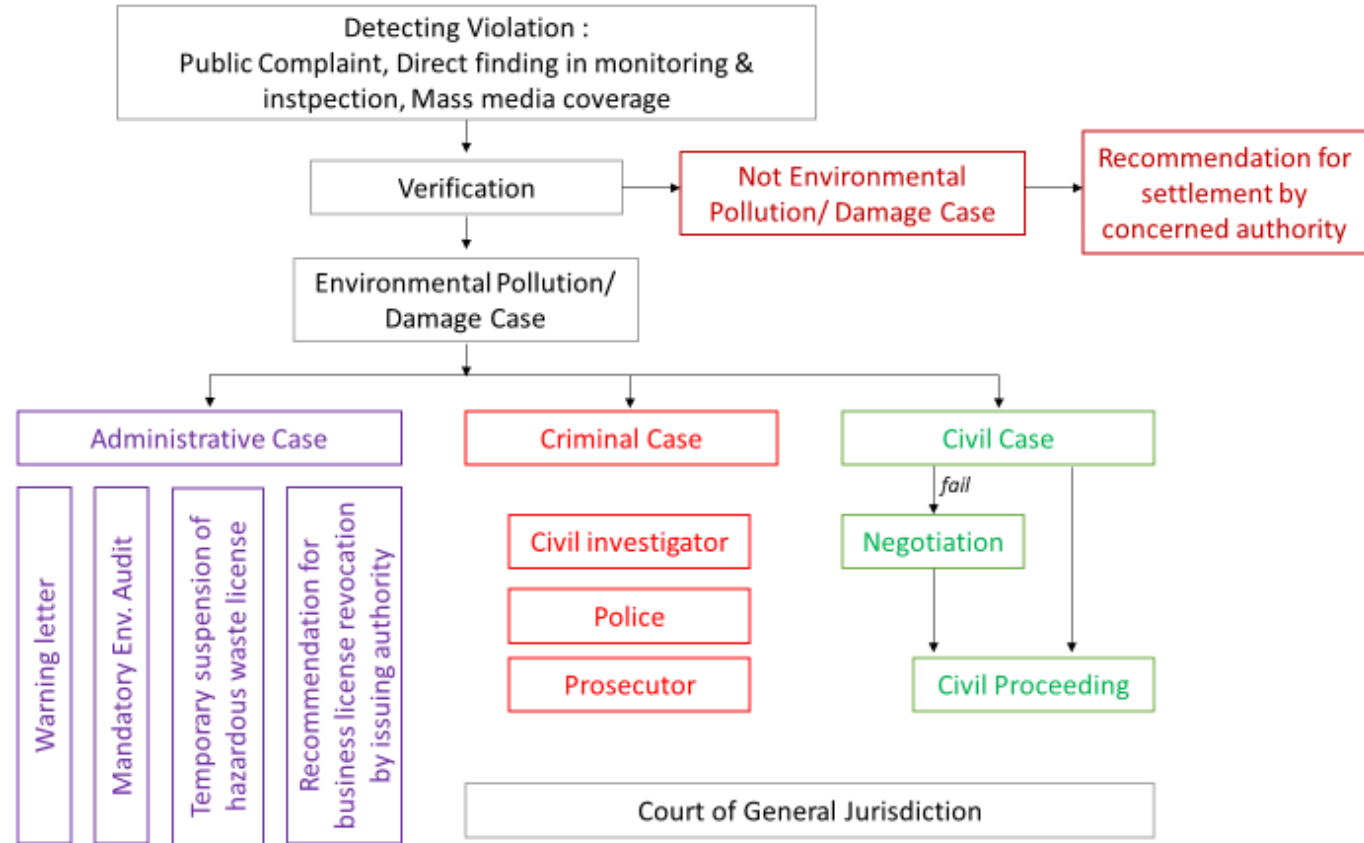
- Interviews, financial, administrative, forensics, sampling
- Special investigative techniques (interception of communications, surveillance, use of informants, etc)
- International collaboration agreements



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# SANCTIONING OPTIONS



# KEY FOR DISRUPTING ENVIRONMENTAL OFFENCES

- Clear definitions
- List of offences
- Criminal or administrative responses
- Sanctions used must be “effective, proportionate and dissuasive”
- Sufficient legal powers for law enforcement
- Dealing with illegal activities
- Cooperation: national, regional and international

# COORDINATION, COOPERATION AND PARTNERSHIP ARE ESSENTIAL!



- The compliance checking and prosecution of environmental crime is only as strong as the weakest link in the chain!
- All links of the chain are dependent on the quality and expertise of the other links
- Permit writers, environmental inspectors, police, customs, prosecutors and judges are key actors in determining the strength of this compliance chain



# PARTNERSHIP, COORDINATION AND COOPERATION

- Establish and formalise a platform at national level with involvement of all major players to coordinate policies, approaches and priorities on fighting environmental crimes
- Define roles of all actors involved (law enforcement, customs, environmental and administrative authorities) and formalise cooperation
- Ensure a secure system for actively sharing information between these actors
- Promote specialism at police and prosecutors and support the use of forensic techniques
- Involve experts such as environmental, financial, forensic and cybercrime specialists
- Initiate or organise joint intelligence-led and regionally focused operations
- Seek cooperation with neighbouring, third countries, international organisations and networks and promote partnerships with and between public and private actors

An artistic illustration of a sea turtle swimming in a polluted ocean. The turtle is in the center, holding a piece of clear plastic in its mouth. The water is a deep teal color, and the surface above shows a sunset or sunrise sky with orange and pink hues. Various pieces of plastic waste, including bottles and bags, are floating on the surface and on the ocean floor. A semi-transparent dark rectangle is overlaid on the bottom half of the image, containing white text.

# THANK YOU

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WITH SUPPORT OF CHRIS DIJKENS

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