

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

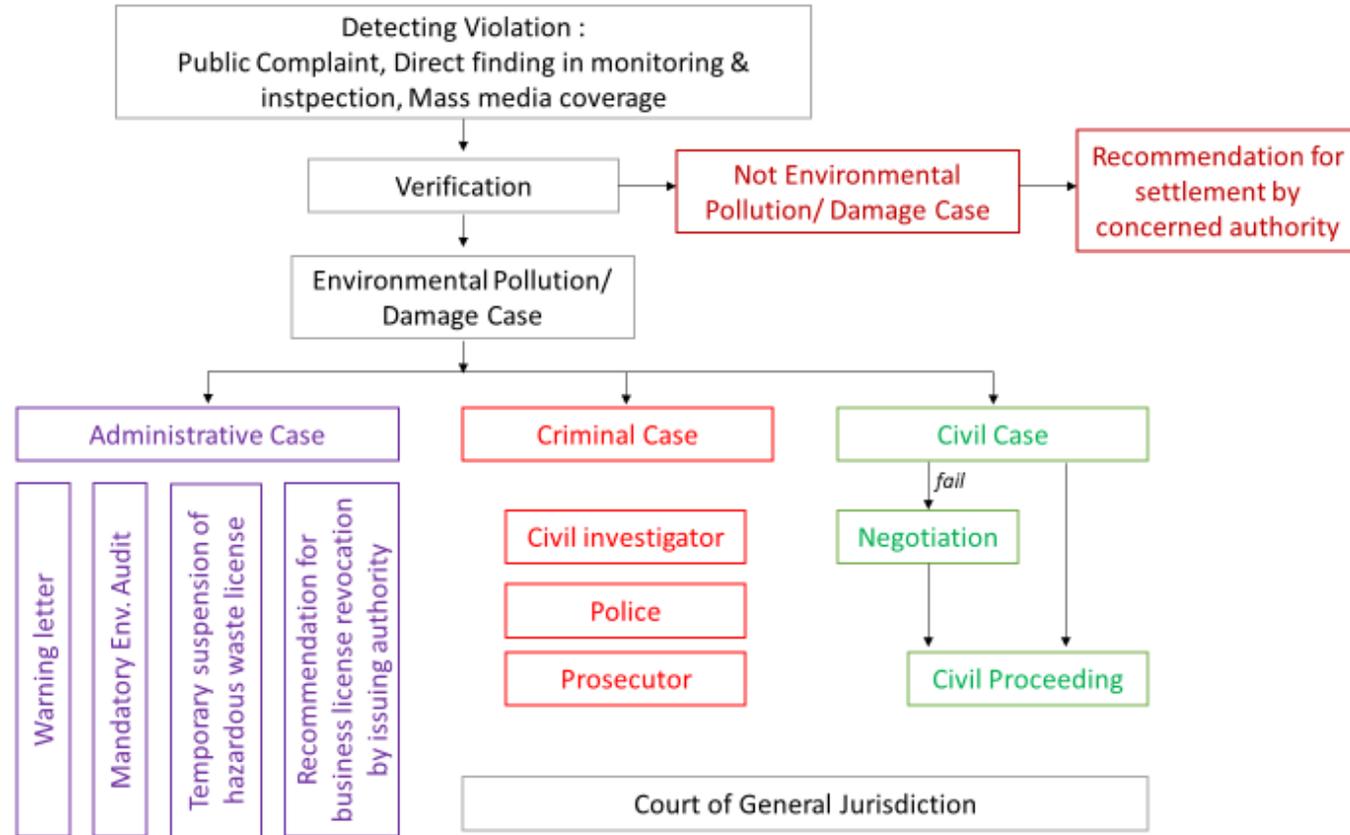
TECHNIQUES

- 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!

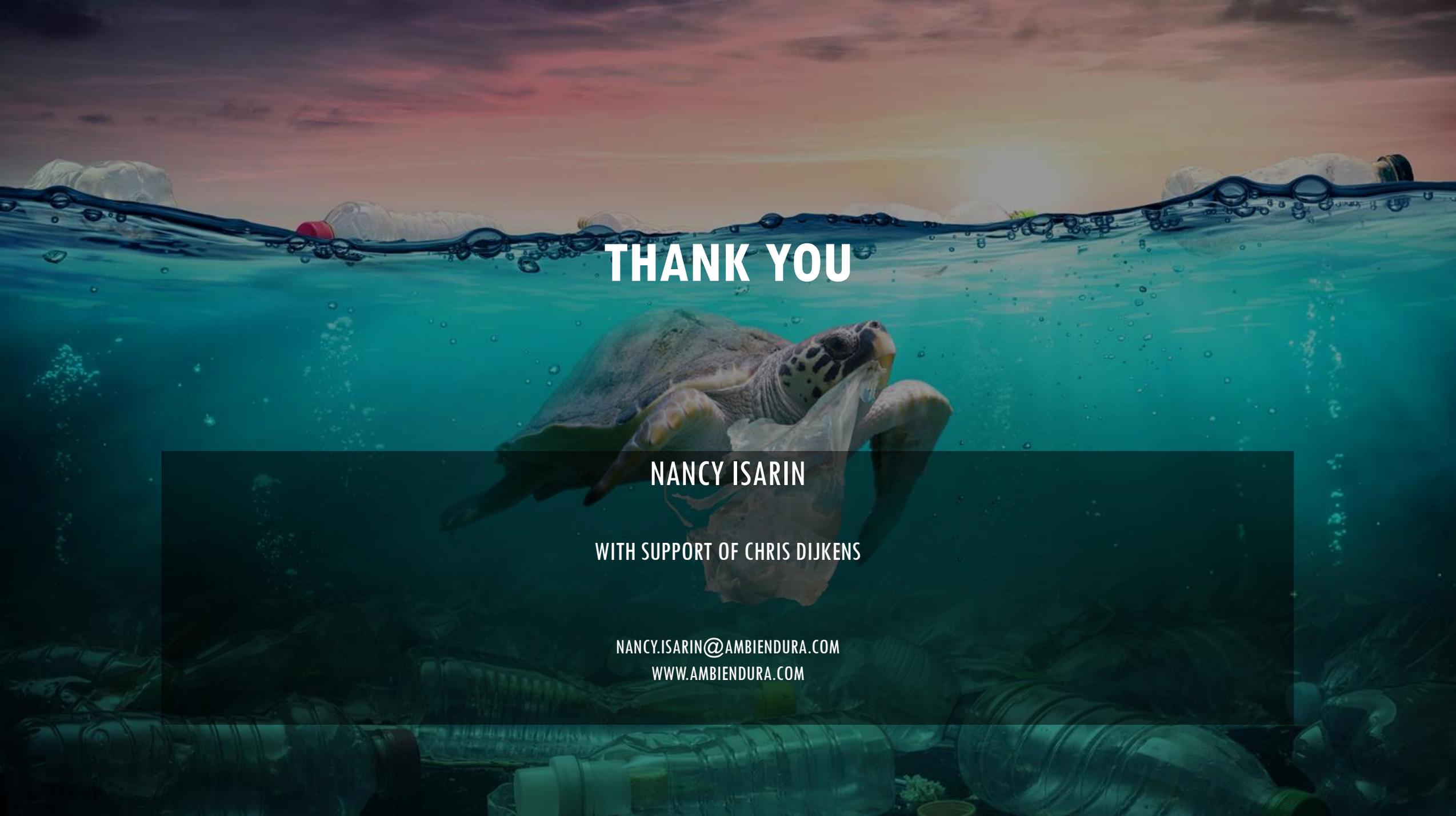


- The compliance checking and prosecution of environmental crime is only as strong as the weakest link in the chain!
- All links of the chain are dependent on the quality and expertise of the other links
- Permit writers, environmental inspectors, police, customs, prosecutors and judges are key actors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

PARTNERSHIP, COORDINATION AND COOPERATION

A top-down view of five people sitting around a round white table in a meeting. They are looking at documents and laptops. The scene is dimly lit, with the table and the people's faces being the primary light sources. The people are dressed in casual business attire. The table is cluttered with papers, laptops, and some small objects like a water bottle and a pen.

- 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 underwater scene showing a sea turtle swimming towards the right. The water is a deep teal color. In the foreground and background, there is a significant amount of plastic waste, including several clear plastic bottles, a red cap, and various pieces of white plastic. The turtle is holding a piece of white plastic in its mouth. The overall atmosphere is somber and highlights the impact of ocean pollution.

THANK YOU

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