

JOSÉ ANTONIO ALFARO MORENO

**TRANSLATION COURTESY OF LIFE+ SATEC**

**TOWARDS AN UNDERSTANDING OF CONSEQUENCES OF  
THE PRIORITISATION OF ENVIRONMENTAL CRIME IN THE  
EUROPEAN UNION**

JOSÉ ANTONIO ALFARO MORENO

HEAD OF THE ENVIRONMENTAL CRIME TEAM OF EUROPOL, CAPTAIN OF THE  
GUARDIA CIVIL ON SPECIAL DUTY

RECEPTION: 13/01/2023. ACCEPTANCE: 21/03/2023

**ABSTRACT**

Within the current scenario in which society and public authorities are aware of the serious negative effects of human activities over the environment, the fight against crimes affecting the habitats and the natural resources likewise biodiversity have reached high relevance during the last years. Thus, the European Union has released a strategy against environmental crimes, including its declaration as a priority for both the Union and the national authorities. The declaration of the priority became into reality in 2018 completing the four-year cycle in 2021, and being extended in 2022. As a result of these four years the effects are clear concerning the release of a dedicated strategy and operational activities, though the effect is less visible regarding the number of investigations related to organized crime. The new investigative approach focusing on the connection of environmental crimes with areas such as money laundering would be attributed to the declaration of the priority.

Keywords: organised crime, environmental crime, priority, European Union, financial crimes

**1. CONTEXT**

Environmental crime is on the authorities' agenda, and has also become a matter of public concern due to the obvious effects of such crimes on the planet and habitats. Interpol and the United Nations (Nelleman et al., 2018) rank environmental crime third or fourth by volume of illegal turnover. The only crimes ahead of it are drug trafficking, those connected with industrial and intellectual property, and human trafficking and smuggling.

Within the European Union's scope of action, a number of strategic measures had already been put in place to tackle the challenge of

environmental crime while at the same time having the main actors set up sectoral networks to raise the visibility of this area of crime, and advising EU bodies and agencies in the strategic and legislative field. This gave rise to the four networks, known in English as the “4-network” of judicial and prosecutorial professionals, administrative bodies and police forces (EnviCrimeNet, 2021).

These networks’ actions include the Intelligence Project on Environmental Crime (IPEC) (EnviCrimeNet & Europol, 2015), which was a first survey of the true status of the fight against environmental crime in the Member States of the European Union, whose main conclusions were as follows: the extraordinary breadth of this criminal area mainly driven by the profit motive, including waste-related crime and species trafficking; the need to put in place a flow of information and intelligence between national and then international agencies; the approach to these crimes by criminal organisations traditionally involved in other areas given the low risk of detection and associated low penalties and the high profitability; and the lack of national strategies to combat them. IPEC had already mentioned the need for a new and updated environmental crime Directive and for Member States to have national strategies and specialist units or bodies as essential to prosecute these crimes.

Subsequently, the European Union took a step somewhere between strategy and operationalisation through, for example, the European Union Action Plan against Wildlife Trafficking (European Commission, 2016). This plan set out a glossary of points aimed at action by both the countries and European Union’s bodies and agencies, with Eurojust and Europol among the latter playing a very important role. It also took a further step along the path begun by EnviCrimeNet and Europol with IPEC by producing and conducting a series of assessments of Member States concerning their national policies and their implementation in the fight against environmental crime, including preventative activities (Council of the European Union, 2019).

## **2. STUDY**

The European Union’s Security Policy Cycle (hereafter the SPC) starts with Europol’s four-yearly Serious Organised Crime Threat Assessment (SOCTA). In 2013 and later in 2017, environmental crime was declared to be no more than an emerging threat. However, the Commission later recommended, and the Council finally declared, environmental crime a priority, focusing action mainly on wildlife trafficking and waste trafficking. Therefore, this area was included in the European multidisciplinary platform against criminal threat (EMPACT) and thus the roll-out of activities with a strategic but mainly operational focus began in 2018 and ran until the end of the cycle in 2021. The focus of these activities was, as mentioned, the relationship between environmental crime and organised crime and related offences.

This paper aims to examine the effects of this declaration of priority for the cycle in both qualitative and quantitative terms. The general aim is to study the quantitative effect of the operational actions on the investigations conducted in the Member States. Likewise, the qualitative effect will be studied, that is, at the strategic level, what the declaration has meant in terms of coordinating national strategies, allocating resources to the fight against environmental crime and the role it plays in the context of other recurrent priorities. The specific objectives of the research are: to study the implementation of the priority with regard to the quantitative effect on operations and investigations; to compare the national statistics available before and during the priority's first cycle; to conduct an analysis of experts' perceptions of the relationship between environmental crime and organised crime and the influence of the priority.

### **3. RELEVANCE OF STUDY AND THEORETICAL FRAMEWORK**

A literature review shows that environmental crime is covered widely in strategic reports produced by myriad agencies and bodies. However, there are no academic references regarding the connection between organised crime, environmental crime, and SPC or the tangible effects of declaring the priority.

The declaration that environmental crime is one of the European Union's priorities aroused considerable expectations on the part of the actors involved in prosecuting it, since it meant that for the first time this area would be treated in a specific international context as a major priority and on a par with other traditional areas such as human trafficking, arms trafficking and drug trafficking. At some point after the end of the first four-year period, it will be desirable to conduct a study of the actual impact at EU and national level on the bodies involved in prosecuting environmental crime. This study has two facets: the strategic, in a qualitative sense with respect to launching strategic activities that will define future operational actions; and the operational, in quantitative terms, in so far as organising actions in EU countries should affect the total number of cases investigated by the relevant units.

As technology has evolved, the effects of the human presence on the planet have become more and more evident. Especially since the 19<sup>th</sup> century, this impact has exponentially increased because of the massive growth in the number of human beings and the emergence of the so-called industrial revolution. It must equally be borne in mind that nuclear technology also saw significant developments in the mid-20<sup>th</sup> century, and after several catastrophes such as Chernobyl, attention to environmental decay has continued to grow (Beck, 1998). In the 21<sup>st</sup> century, global warming has become obvious and social movements have thus grown to such an extent that countries such as Colombia have introduced the concept of "ecocide" into their penal code (Congreso de Colombia, 2021) and there is an international campaign to amend the Treaty of Rome to include this term

along with crimes against humanity and even to include it in the new EU Directive (Stop Ecocide International, 2021; 2022) on environmental crimes, despite the technical reservations that some experts would hold about its implementation (Key Ambos, 2021)

It is obvious that the current environmental situation must be linked to the changes experienced by society, which is now globalised in such a way that the needs of the First World are immediate and by no means enduring (Bauman, 2003), irremediably resulting in the depletion of natural resources. It must also be mentioned that technological development has led to society facing new risks that did not previously exist, fostering an imbalance in terms of risk and security, such that a serious incident can have effects thousands of kilometres away with consequences that are extremely difficult to predict and a long and expensive recovery process (Beck, 1998; 2007). One consequence for public perception is noted by Martín García (2016), namely that environmental crime affects not only habitats but also people themselves, their lives and their physical integrity. This implies that even this area of crime must be included in a broad definition of public security.

It is time to focus on the concept of environmental crime, of which there is no international definition as in other traditional crime areas. Turning to the European Union, the official website of the European Commission states (s. f., párr. 1) that “*environmental crimes are breaches of legal obligations that may cause damage or risk to the environment and human health and which may be prosecuted under criminal law*”. This uncertainty leads to different interpretations in different countries and thus to a great divergence in how to prosecute it (Colantoni, L., Sarno, G.F. & Bianchi, 2022). It is obvious that environmental crime strongly depends upon the silent criminal law and therefore upon administrative rules. Moreover, this often leads to a blurring of the line between whether the same actus reus falls within the parameters of a crime, an administrative offence or even a lack of liability and the need to resort to complex technical resources, including various converging legal rules.

To illustrate this divergence in interpretation, the Eurojust agency listed the investigation into the contamination of chicken eggs with products unfit for the human food chain under the name of “Chicken Run” as an environmental crime connected to money laundering and confiscation of assets. This case, which was also treated by the Belgian police and courts as an environmental crime, as is apparent (The Justice and Home Affairs (JHA) Agencies’ Network, 2021, Swissinfo, 2017) is open to interpretation: environmental crime, public health crime or both?

Delving a little deeper into the administrative aspect of the prosecution of environmental offences, despite what one may think, there is no consistency in how they are dealt with under criminal law. One example can be found in Heine (1993), who believed that despite the trend towards including environmental conduct within criminal law, he did not see criminal law as the

best way to guarantee conservation of the environment, and criticised this trend in the European Union.

Notwithstanding these authors' opinion, the fact remains that criminalisation of environmental offences has been increasing, the most important piece of law being Directive 2008/99/EC on the protection of the environment through criminal law. This rule was the outcome of a transition from a total disregard of the obvious fact of environmental destruction in the criminal law to its complete consolidation, according to Fuentes Loureiro (2022). In fact, the European Union has launched a comprehensive strategy to combat environmental crime (European Commission, 2021b), the most important action being to revise and enact a new environmental crime Directive, which is expected to create more criminal offences than the previous one and to adapt to the current situation in which organised crime is becoming increasingly significant (Colantoni, L., Sarno, G.F. & Bianchi, 2022), as well as to clarify concepts that until now have been too ambiguous and which have led to many difficulties of interpretation, and to the fact that it is advisable, if not obligatory, to create specialist units and to develop national strategies (2021c).

#### **4. OPERATION OF THE SECURITY POLICY CYCLE AND THE EMPACT PLATFORM**

It was mentioned above that environmental crime was not prioritised in the EU until 2017, with environmental crime not previously being mentioned as anything more than an emerging threat in the 2013 and 2017 SOCTA reports (Europol, 2017). It is not in fact the Europol agency that sets the priorities on which the authorities of the countries and bodies of European Union will focus, but the Council. However, the SOCTA report does examine what has happened over the last four years regarding the prevalence of organised crime in certain crime areas, tendencies, routes, peculiarities, etc., but it does offer a study supported by empirical data that clearly forms the core of what the Commission will subsequently recommend to the Council. In fact, it was this political process following publication of the 2017 SOCTA that led to the priority being declared despite the lack of supporting data.

The change from emerging threat to priority became apparent in 2021, when SOCTA included waste and pollution and contamination crime among the priorities. However, the data concerning wildlife crimes was insufficient to be included in the priority. It was once again the subsequent political process that included environmental crimes as a whole in terms of the infiltration of legal economic structures by criminal organisations (Europol, 2021).

Figure 1 shows the stages of the SPC, which, as we saw earlier, began with the publication of the SOCTA report by Europol and the subsequent political process of declaring the priorities. That is when the EMPACT platform was launched for each priority with annual operational plans containing operational actions focusing on specific crime phenomena in

mainly operational terms, but also with a proportion of strategic actions. The implementation of actions for each priority is constantly assessed, so that actions can be dynamically redirected to remedy dysfunctions identified. The cycle ended with the publication of the new SOCTA and began the following year (Europol, 2022).

**Figure 1**  
Pictogram stages of the SPC



Source: Europol (2022)

## 5. LINKING ORGANISED CRIME TO ENVIRONMENTAL CRIME

We have already seen that there is no uniform definition of environmental crime. However, as regards organised crime, there is an international convention called the Palermo Convention adopted in 2000 (ONU, 2004). This convention has been transposed into the legal systems of the European Union, its Member States and most other countries in the world. In short, the convention agreed to define a criminal organisation as any group consisting of at least three people organised into a structure a division of roles with an enduring commitment to activities classified as criminal offences and aimed at obtaining a financial benefit. It must be noted that serious crime and organised crime are not synonymous, and in fact the convention provides that “conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty” (UN, 2004, p. 5).

Since the second half of the 20th century, criminal organisations have become more and more relevant, mainly in areas such as drug trafficking, arms trafficking and human trafficking (Brady, 2007), and likewise it has been shown to be a major destabilising factor in the States, penetrating financial structures and corrupting the system through covert activities and crossing the borders of the States themselves, besides the relationship between criminal groups and terrorists (Ministerio de la Presidencia, 2019; 2021). The European Union has set out a strategy in this area that began in 2021 and will last until the end of 2025 (European Commission, 2021a). It specifically regrets that the efforts to date have not borne fruit, and stresses its link with financial crime and corruption, and once again focuses on the effect on Member States' financial systems. In short, the scenario has now changed such that environmental crime has finally been considered in all EU instruments.

To illustrate the link between organised crime and environmental crime, specific examples can be used to show the characteristics of organised crime. Europol's Operation Lake seeks to identify and dismantle criminal organisations that traffic in elvers, the fry of the species *Anguilla anguilla*, mainly to Asia. The European Union has put in place a number of measures to attempt to halt the decline in stocks. This drop has been due, among other reasons, but mainly, to illegal trafficking. To this end, a quota of zero was set for export and inclusion in the CITES convention and its implementation in the EU regulations in Annex B, thus enabling internal trade subject to fishing quotas and later marketing. However, these measures did not have the desired effect.

Given the high demand for eel products in the Asian market and shortage of native elvers, the illegal trade in elvers amounts to 100 tonnes per year, generating some 3 billion euros in illegal profits. Operation Lake involves virtually all European nations inside and outside the European Union and even a number of countries in the Americas (EUROPOL, s. f. ; CITES, s. f.). Organisations exploit the vulnerabilities of transnational trafficking and are agile in seeking to evade national authorities' actions, moving from the countries of origin where elvers are fished to the European Union's external border area, with new routes and onward traffic to elvers' final destination in Asia. Crimes associated with environmental crime and smuggling are document fraud, money laundering and even food and public health fraud, involving typical of organised crime techniques (Guardia Civil, 2018; Tellerreport, 2021). The sophistication of the *modi operandi* and the multiplicity of actors make international cooperation extremely important. The effects of Operation Lake's joint work are connected to the drop in eel production in China (Sustainable Eel Group, 2020).

For its part, Operation Tarantelo, launched in Spain in 2018, dismantled an organisation involved in fraud relating to bluefin tuna, *Thunnus thynnus*, fishing quota fraud, public health fraud, money laundering, document fraud and corruption, uncovering the involvement of prominent public authorities in

Malta, which had consequences not only in the criminal arena but also in the allocation of quotas to EU countries and even a sanction against Malta (EUROPOL, 2018; Times Malta, 2019; Independent, 2019). Years later, the consequences of this investigation remain on the front page (IRIPIMEDIA, 2022), and it clearly brings together the elements of organised crime, showing the infiltration of legitimate economic activity using corruption, just as the Europol agency had concluded (Europol, 2021; 2022).

## 6. METHODOLOGY

As regards environmental crime, reports of all kinds are widely available and accessible. However, it is extremely difficult to access the data held in EU countries. There are often no clear protocols in the social sciences and efforts must be made to obtain sufficient and adequate representative data (Arnold et al., 2006). To fulfil these assumptions, and given the difficulty of collecting data from all EU countries, a number of countries were selected for the sample. This refers to the empirical data that can be collected.

On the other hand, given the fact that there was access to a substantial number of experts concerned with the EMPACT priority, combined with the lack of available data on the impact of the declaration of the priority on the fight against environmental crime, an approach to the Delphi method was selected (García-Ruiz y Lena-Acebo, 2018). The Delphi method was developed in California in the mid-20th century; it is a prospective method that gathers the views of experts on a specific question and, as mentioned above, it is very suitable when no previous data is available. Moreover, it applies techniques to reduce possible response bias, from qualitative information via open-ended questions to quantitative information via a questionnaire. One of the aforementioned advantages of the Delphi method is that the absence of interaction between experts prevents the biases of group meetings, pressure and respect for opinions is achieved (Pulido Fernández, 2005). Both quantitative and qualitative analysis of the information generated must then be conducted.

To do this, a pre-interview was carried out among 10 experts heavily involved in the priority. This interview was used to compile a follow-up questionnaire which was circulated in two rounds to a larger number of experts in each. The questionnaire consists of 17 closed questions with a single answer, including some with interval answers. 54 responses were collected, which, given the extremely limited number of people who have played a significant role in each participating country, represents a very representative sample of the context (Pérez Andrés, 2002).

In the process of writing the paper, 4 questions were removed since they were found not to provide relevant information. The highest response rate for each of the experts' questions was included and the questionnaire was redistributed to a larger number of experts, yielding 61 responses.



Finally, and since the author of this paper has an occupational connection with the topic of the study, and thus it must be assumed that a certain bias and (Arnold et al., 2006) interest is inevitable, a considerable effort has been made to overcome hypothetical biases and to not argue on predefined assumptions and premises, and thereby maintain as objective a position as possible (Grimaldo Santamaría et al., 2018).

## 7. ANALYSIS AND DISCUSSION

Europol is the European Union's police cooperation agency, and its role is to develop criminal intelligence. As mentioned above, the four-yearly SOCTA report forms the basis for recommendations as to future priorities regarding organised crime (European Commission and European Parliament, 2016; Europol, 2022). Thus, it is desirable to analyse the data in table 1, which shows the rise in environmental crime activity such that the data was almost non-existent until 2017, before stabilising on an upward trend until 2021, the last year of the cycle. In this respect, it must be made clear that the data refers to activity in the SIENA system, which is the official channel for exchanging operational information between the agency and partner countries (EUROPOL, 2021b). A distinction is drawn between contributions containing operational information and other messages relating merely to communications.

The foregoing data refer to the activity contributed by the relevant law enforcement agencies of the Member States of the European Union and other partner countries. Regarding Europol's own activity arising from analysis of this information and the intelligence provided, it can also be seen that analysis activity also increased notably until 2021.

The members of Europol's environmental crime team confirm that, since 2018, in the four-year period of the priority cases supported by Europol in environmental issues, there were more than 500 cases. As regards the origin of the contributions, without providing specific figures, the Guardia Civil SEPRONA's EMPACT management team points to Spain, followed by France and Italy, as the largest contributors.

**Table 1**

Europol: numerical data environmental crime team's activity

	2017	2018	2019	2020	2021
SIENA: communications received	186	1130	1596	1957	1991
SIENA: contributions received	118	502	552	865	891
SIENA: messages sent	86	470	514	983	847
Operational analysis packages	1	18	52	187	254

Source: Prepared by the author

Turning now to the statistics supplied by the countries, these are shown in table 2. The parameter available in a larger number of countries is that of known crimes, and the time frame is from 2010 to 2021 to analyse whether

there is a noticeable difference between the previous 2013-2017 cycle and that featuring the launch of the priority from 2018 to 2021. It is worth stressing that the interesting thing about the table is the trend over the period for each country. Of course, the absolute number will depend on various parameters such as the size and population of each country, the capabilities of the agency supplying the data, and even the competences of the agency itself. For example, the data from France refer exclusively to offences committed by criminal organisations, whereas in Spain they reflect the total number of known offences.

**Table 2**

Comparison of the volume of environmental crime known to the countries' contributing agencies from 2010 to 2021

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
<b>Croatia</b>	541	501	430	389	369	258	178	265	200	196	242	258
<b>France</b>	-	-	-	-	-	32	49	34	30	48	109	-
<b>Spain</b>	2946	3471	3185	2496	980	2505	2690	3213	3286	3806	4086	-
<b>Latvia</b>	417	450	500	531	560	490	390	439	408	386	358	260
<b>Malta</b>	-	-	-	247	578	99	102	73	88	86	243	695
<b>Portugal</b>	-	-	-	-	1523	2855	2150	2377	1343	1487	1409	-
<b>Sweden</b>	-	-	-	-	-	4663	4557	4556	4078	4394	5136	4704
<b>Norway</b>	1398	1062	1075	1065	1209	1134	1322	1342	1149	1229	1586	1661
<b>Switzerland</b>	-	-	1065	1049	1058	939	1028	606	1186	1312	1331	-
<b>United Kingdom</b>	-	-	-	-	-	-	57	36	25	33	28	40

Source: Prepared by the author

Germany, one of the most important, if not the most important, country in the European Union does not publish the number of known environmental crimes. However, it does publish the number of criminal organisations investigated by category of crime. As regards environmental crime, Table 3 shows that the annual number is very small and that the percentage in comparison with the total number of criminal organisations investigated is very low, and has been declining since 2014.

**Table 3**

Germany, 2014-2021. The number of criminal organisations investigated for environmental crimes and their proportion of all organisations investigated.

	2014	2015	2016	2017	2018	2019	2020	2021
	6	5	3	1	1	1	2	-
	1.1 %	0.9 %	0.5 %	0.2 %	0.2 %	0.2 %	0.3 %	-

Source: prepared by the author from Bundeskriminalamt (2021).

Portugal provides interesting information, which is shown in Table 4. A drop in crimes was observed in 2017, which is consistent with a downward trend in the overall number of known crimes (Gobierno de Portugal, 2021). At the same time, there was a marked increase in inspection activities, particularly in 2020 and 2021, the last two years of the cycle.

**Table 4**  
Activities in Portugal from 2016-2020

	2016	2017	2018	2019	2020
Inspections	199692	204711	215166	213708	235008
Administrative offences	18928	21626	26289	25172	21830
Known environmental crimes	2150	2377	1343	1487	1409
Arrestees	141	122	185	135	137

Source: Portuguese Republican National Guard

SEPRONA's annual reports in Spain contain comprehensive statistics regarding known crimes, arrestees and investigations, and reported administrative offences, which are set out in table 5. An increase has been observed since 2010, with a more accentuated focus on arrestees and persons under investigation in 2018, 2019 and 2020. Unlike France, the number of investigations into organised crime is not given.

**Table 5**  
Known offences, administrative offences and arrests / investigations for environmental offences in Spain 2010-2021

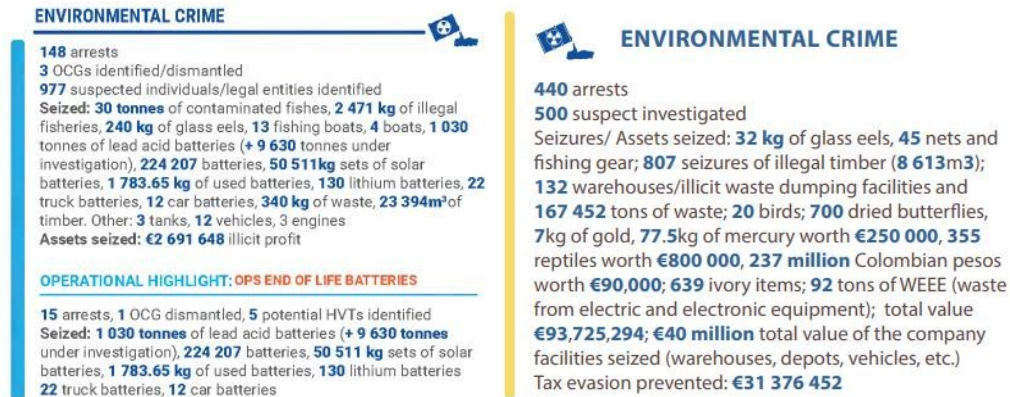
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Known offences	2,946	3,471	3,185	2,496	980	2,505	2,690	3,213	3,286	3,806	4,086	-
Administrative offences	115,719	133,276	140,166	138,295	126,033	119,190	113,283	109,478	99,694	104,090	233,893	-
Detainees / investigated	1,151	3,086	1,660	1,610	1,334	2,274	2,598	2,768	3,010	3,597	3,957	-

Source: prepared by the author

As regards statistics on the direct results of the priority through the EMPACT platform, Figure 2 shows two summaries published by the European Commission (2021b). The data is very limited bearing in mind those analysed above as provided by the national authorities, which are the same as those used in EMPACT environment.

**Figure 2**

Pictograms containing direct resulting environmental priority in EMPACT. 2019 (left) and 2020 (right)



Source: European Commission (2021b)

Below is a summary of the responses from the 10 interviews:

Question 1. Relationship between organised crime and environmental crime at the beginning of the 2018-2021 cycle: the existence of the relationship was known, especially in countries such as Italy regarding waste. In Spain, apart from the specialist agencies, this perception barely existed.

Question 2. Challenges at the start of the 2018-2021 cycle: no prioritisation of environmental crime and no commitment from the authorities; a need for resources and a lack of specialist bodies.

Question 3. International cooperation: virtually non-existent and not included in investigation procedures. Very sluggish communication channels, much improved after the opening of Europol's specialist team.

Question 4. Keys to the declaration of the priority in the 2018-2021 cycle: serious environmental impacts, importance of social and political pressure following Europol's non-recommendation in SOCTA.

Question 5. National agencies with a significant role in the 2018-2021 cycle: Guardia Civil's SEPRONA, OCLAESP and the Carabinieri.

Question 6. International agencies and networks in the international arena: Europol as the coordinating agency for the entire process. EnviCrimeNet network in the strategic domain, the JAGUAR network of European and Latin American experts created as a specific EMPACT activity.

Question 7. Influence of EMPACT on environmental crime: strategically relevant. Improved quality of investigations, and increased cooperation in cross-border crime and enhanced use of international cooperation tools.

Question 8. Persistence of the challenges identified at the outset of the 2018-2021 cycle: in spite of the progress made, the difficulties remain. Legislative standards must be reviewed and brought into line with the current

situation, and further work must be done to implement international cooperation in investigations.

Question 9. Reasons for renewing the priority in the 2022-2025 cycle: high profile in the current international climate because of the obvious environmental damage, and the damage to economic structures within the European Union.

Question 10. Most significant action during the 2018-2021 cycle: creation of the JAGUAR network in strategic terms, Operation Lake against elver trafficking, Operation Tarantelo targeting bluefin tuna and financial crime and related corruption component, Operation Blacksun, concerning trafficking of solar panels from Italy to African countries and Operation Pindaan concerning illegal trafficking of plastic waste from Spain to Asia.

Question 11. What will happen during the 2021-2025 cycle: consolidation of the priority, albeit there is a risk of stagnation if the relevant bodies involved in the investigation are not of appropriate size.

Question 12. Free comments from the respondent: renewal of the regulations and an enhanced role for EU agencies, better judicial cooperation, improvement to the international cooperation and information flow elements, assessment of each participant's contribution to EMPACT's operational actions, adaptation of the methodology used to draw up the SOCTA to the specificities of environmental crime.

As explained above, following the analysis of the responses from the interview, the questionnaire was drawn up and then circulated in a first round to experts involved in the EMPACT priority during the 2018-2021 cycle; 54 responses were collected in the first round. Finally, a second round was conducted, opening the field to a larger number of experts, with a total of 61 responses being obtained on this occasion:

**Table 6**

Experts: role in the priority and years spent in environmental crime units

	National contact point Round 1 / 2	EMPACT equipment Round 1 / 2	Researcher Round 1 / 2	EU member agency or body Round 1 / 2	Member other institutions Round 1 / 2
C1: role in the priority	35.2 % / 44.3 %	18.5 % / 18 %	18.5 % / 13.1 %	16.7 % / 14.8 %	11.11 % / 9.8 %
	Less than 5 years	From 5 to 9 years	10 to 19 years	20 or more years	-
C2: remaining in environmental units	26 % / 19.7 %	41 % / 39.3 %	28 % 32.8 %	5 % / 8.2 %	-

Source: prepared by the author

Table 6 shows that the questionnaire has received responses from experts holding various national and international positions of responsibility in the priority. This variety of responses guarantees a lower risk of bias.

**Table 7**

Questionnaire: respondents' responses

	Round 1	Round 2
C3: Organised and environmental crime relationship before EMPACT	52.8%, a clear relationship but no empirical data existed	65%, a clear relationship but no empirical data existed
C4: Main challenge in the research	34%, lacking specialist units	50.8%, lacking specialist units
C5: Cause nomination priority 2018-2021	37.7, political decision	52.5%, political decision
C6: EMPACT's influence on environmental crime activities in the EU	43.4 %, 4	59 %, 4
C7: EMPACT's influence on environmental crime initiatives in the expert's country	37%, 3 moderate	57.4%, moderate
C8: Perception of EMPACT's influence in the EU in terms of data:	35.8%, 3 moderate	59%, moderate
C9: Perception of EMPACT's influence on data in the expert's country	46.3%, 3 moderate	63.9%, moderate
C10: Perception of organised and environmental crime after EMPACT	62.3%, clear although lacks information	70.5% clear although lacks information
C11: Main environment-related criminal area before EMPACT	35.2%, financial crimes	54.1%, financial crimes
C12: Main environment-related criminal area after EMPACT	55.6%, financial crimes	62.3%, financial crimes
C13: Grounds renewal EMPACT priority for the 2022-2025 cycle	49.1%, strategic relevance international initiatives	62.3, strategic relevance international initiatives

Source: prepared by the author

Table 7 shows that the responses received in the first round have been confirmed as a higher percentage after the second round. It may be stated in broad terms that after the second round the experts have reached a consensus, with the proportions increasing in some cases to about 60%. Experts confirm their perception that the effect of the priority has been stronger at the strategic level. However, in operational terms, that is, with regard to data relating to investigations launched and their outcome such as arrests, seizures, etc., the impact has been more moderate. The experts' perception also asserts that the political process was the driver for the declaration of the priority and not the data available, which is consistent with the findings of SOCTA 2017, as well as the relevant international projects that have been launched as a key element for the priority to be kept for the next

cycle in 2022 until 2025. As regards the difficulties identified, the lack of specialist bodies was the one on which there was the greatest consensus. There is also a strong perception regarding the connection between environmental crime and organised crime, mainly economic and financial crime.

## **8. CONCLUSIONS**

The launch of the EMPACT platform after the prioritisation of the crime area in the European Union has had a great effect on Europol. Specifically, a new team was created to deal with the hitherto non-existent area, resulting in a very marked rise in the flow of information and support for research. Beginning almost from scratch, the pattern was to increase rapidly in the first two years of the cycle and then stabilise.

The effects on the activities of the authorities in the countries in question, on the other hand, may be considered moderate in terms of the number of investigations, although the targeting of organised crime may have improved the quality of some investigations. Regardless of the number of investigations, in countries with specialist bodies or units, the number of activities is greater.

The most obvious connection with environmental crime is found in financial crimes such as money laundering. However, financial investigations associated with each environmental criminal case were sporadically launched (Financial Action Task Force, 2020; Financial Crimes Enforcement Network, 2021) this should be a factor to be worked on during the next cycle.

The data obtained in the units' administrative work must be borne in mind given the obvious dependence of environmental crimes upon administrative laws.

The data examined show that implementing the priority in small countries can have a great effect, as shown by the data provided by Malta.

A comparison of data provided by countries and data obtained from EMPACT actions reveals a major dysfunction. It is possible that the method of data collection is flawed in some ways and that the data provided as a direct result of EMPACT may therefore be lower than the actual data.

The impact of the priority on the strategic field has been proven to have a major impact. National authorities have adopted a new approach to investigations focusing on the links between environmental crime cases and organised crime. Moreover, the introduction of the priority has been accompanied by a series of other measures set out in the European Union's organised crime strategy. The process of reviewing and updating the environmental crime Directive is due to be finalised, and funding has been earmarked for specific activities.

## BIBLIOGRAPHY

- Ambos, K. (2021). *¿Protección del medio ambiente a través del Derecho Penal Internacional?* Almacén de Derecho.  
<https://almacenederecho.org/proteccion-del-medio-ambiente-a-traves-del-derecho-penal-internacional>
- Arnold, M., Vivianco, M., Gaínza, Á., Cottet, P., Canales, M., Rodríguez, T., Martinic, S., Ghiso, A., Asún, R., Jiménez, J., Márquez, R., & Montecinos, S. (2006). *Metodologías de investigación social Introducción a los oficios* (Lom Ediciones 2006 (ed.); 1ª ed.).
- Bauman, Z. (2003). *Modernidad Líquida* (S. L. F. de C. E. de E. (ed.) (ed.)).
- Beck, U. (1998a). *La sociedad del riesgo. Hacia una nueva modernidad* (Ed. Paidós (ed.)).
- Beck, U. (1998b). *La sociedad del riesgo. Hacia una nueva modernidad* (Ed. Paidós (ed.)).
- Beck, U. (2007). *Living in the World risk society* (CIBOD edicions (ed.)).  
<https://doi.org/https://doi.org/10.1080/03085140600844902>
- Brady, H. (2007). The EU and the fight against organised crime. En *Centre for European Reform* (Número April). Center for European Reform.  
[https://www.cer.eu/sites/default/files/publications/attachments/pdf/2011/wp721\\_org\\_crime\\_brady-1484.pdf](https://www.cer.eu/sites/default/files/publications/attachments/pdf/2011/wp721_org_crime_brady-1484.pdf)
- Bundeskriminalamt. (2021). *Organised Crime Situation Reports*.  
[https://www.bka.de/EN/CurrentInformation/AnnualReports/OrganisedCrime/organisedcrime\\_node.html](https://www.bka.de/EN/CurrentInformation/AnnualReports/OrganisedCrime/organisedcrime_node.html)
- CITES. (s. f.). *Anguilla europea (anguilla spp)*.  
<https://cites.org/esp/node/48606>
- Colantoni, L., Sarno, G.F. & Bianchi, M. (2022). *Fighting Environmental Crime in the EU: an assessment of trends, players and actions*.  
<https://www.iai.it/en/pubblicazioni/fighting-environmental-crime-europe-assessment-trends-players-and-action>
- Comisión Europea. (s. f.). *Combating Environmental Crime*.  
<https://ec.europa.eu/environment/legal/crime/index.htm>
- Comisión Europea. (2016). *EU Action Plan against Wildlife Trafficking*.  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:87:FIN>



- Comisión Europea. (2021a). *Communication from the Commission to the European Parliament and the Council on stepping up the fight against environmental crime*, COM (2021) 814 final. [https://ec.europa.eu/info/files/communication-commission-european-parliament-and-council-stepping-fight-against-environmental-crime\\_en](https://ec.europa.eu/info/files/communication-commission-european-parliament-and-council-stepping-fight-against-environmental-crime_en)
- Comisión Europea. (2021b). *EMPACT fighting crime together*. [https://ec.europa.eu/home-affairs/policies/law-enforcement-cooperation/operational-cooperation/empact-fighting-crime-together\\_en](https://ec.europa.eu/home-affairs/policies/law-enforcement-cooperation/operational-cooperation/empact-fighting-crime-together_en)
- Comisión Europea. (2021c). *EU Strategy to tackle Organised Crime 2021-2025*. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0170&from=EN>
- Comisión Europea. (2021d). *Proposal for a Directive on the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC - SEC (2021) 428 final*. [https://ec.europa.eu/info/files/proposal-directive-european-parliament-and-council-protection-environment-through-criminal-law-and-replacing-directive-2008-99-ec\\_en](https://ec.europa.eu/info/files/proposal-directive-european-parliament-and-council-protection-environment-through-criminal-law-and-replacing-directive-2008-99-ec_en)
- Comisión Europea y Parlamento Europeo. (2016). DIRECTIVA (UE) 2016/794 DEL PARLAMENTO EUROPEO Y DEL CONSEJO de 11 de mayo de 2016. En *Parlamento Europeo y Consejo Europeo. Agencia de la Unión Europea para la Cooperación Policial*. (Vol. 2016). <https://www.boe.es/doue/2016/135/L00053-00114.pdf>
- Ley nº 2111, por medio del cual se sustituye el Título XI «De los delitos contra los recursos naturales y el medio ambiente» de la Ley 599 de 2000, de modifica la Ley 906 de 2004 y se dictan otras disposiciones, (2021).
- Consejo de la Unión Europea. (2019). *Final report of the Eight round of mutual evaluations on «The practical implementation and operation of the European polices on preventing and combating Environmental Crime»*. <https://data.consilium.europa.eu/doc/document/ST-14065-2019-INIT/en/pdf>
- EnviCrimeNet. (2021). *EnviCrimeNet*. <https://www.envicrimenet.eu/>
- EnviCrimeNet & Europol. (2015). *Intelligent Project on Environmental Crime (IPEC)*. [https://www.europol.europa.eu/cms/sites/default/files/documents/ipec\\_report\\_on\\_environmental\\_crime\\_in\\_europe.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/ipec_report_on_environmental_crime_in_europe.pdf)
- EUROPOL. (2022). *EU Policy Cycle - EMPACT*.

<https://www.europol.europa.eu/crime-areas-and-statistics/empact>

EUROPOL. (s. f.). *EUROPOL crime areas-environmental crime*.

<https://www.europol.europa.eu/crime-areas-and-statistics/crime-areas/environmental-crime>

EUROPOL. (2017). *Serious and Organised Crime Threat Assessment (SOCTA) Crime in the age of technology*. <https://doi.org/10.2813/114730>

EUROPOL. (2018). *How the illegal Bluefin tuna market made over EUR 12 million a year selling fish in Spain*. <https://www.europol.europa.eu/media-press/newsroom/news/how-illegal-bluefin-tuna-market-made-over-eur-12-million-year-selling-fish-in-spain>

EUROPOL. (2021a). *European Union Serious and Organised Crime Threat Assessment (SOCTA) 2021 - Publications Office of the EU*. <https://doi.org/10.2813/02362>

EUROPOL. (2021b). *Secure Information Exchange Network Application (SIENA)*. <https://www.europol.europa.eu/operations-services-and-innovation/services-support/information-exchange/secure-information-exchange-network-application-siena>

Financial Action Task Force. (2020). *Money Laundering and the Illegal Wildlife Trade*.

Financial Crimes Enforcement Network. (2021). *Illicit Finance Threat Involving Wildlife Trafficking and Related Trends in Bank Secrecy Act Data*. [https://www.fincen.gov/sites/default/files/2021-12/Financial\\_Threat\\_Analysis\\_IWT\\_FINAL\\_508\\_122021.pdf](https://www.fincen.gov/sites/default/files/2021-12/Financial_Threat_Analysis_IWT_FINAL_508_122021.pdf)

Fuentes Loureiro, M. Á. (2022). El proceso de consolidación del Derecho penal ambiental de la Unión Europea. *Revista de Estudios Europeos*, 79, 324-343. <https://doi.org/10.24197/ree.79.2022.324-343>

García, M. E., & Lena, F. (2018). Aplicación del metodo delphi en el diseño de una investigación cuantitativa sobre el fenómeno FABLAB. *Empiria. Revista de metodología de Ciencias Sociales*, 40, 129-166. <https://doi.org/empiria.40.2018.22014/>

Gobierno de Portugal. (2021). *Relatório Anual de Segurança Interna 2020*. <https://www.portugal.gov.pt/pt/gc22/comunicacao/documento?i=relatorio-anual-de-seguranca-interna-2021>

Grimaldo Santamaría, R. Ó., Aldaz Arregui, J., Calvo Piernagorda, C., Huesca González, A., Pérez Castaño, S., & Trujillo Cerezo, J. M. (2018).

*Metodología de la investigación en criminología: aspectos teóricos y prácticos* (Ediberum (ed.); Primera).

Guardia Civil. (2018). *Desarticulada red criminal de exportación ilegal de angulas. Operación ELVER.*

[https://www.youtube.com/watch?v=QuBs\\_oK5kzA](https://www.youtube.com/watch?v=QuBs_oK5kzA)

Heine, G. (1993). Accesoriedad administrativa en el Derecho Penal del Medio Ambiente. *Anuario de derecho penal y ciencias penales*, 46(1), 289-316. <https://dialnet.unirioja.es/servlet/articulo?codigo=46426>

Independent. (2019). *Fisheries scandal: Commission discussing corrective measures with the Maltese authorities.*

<https://www.independent.com.mt/articles/2019-02-13/local-news/Fisheries-scandal-Commission-discussing-corrective-measures-with-the-Maltese-authorities-6736203621>

IRIPIMEDIA. (2022). *Malta bloccale indagini sul contrabbando di tonno.*

<https://irpimedia.irpi.eu/tonno-contrabbando-malta/>

Nellemann, C. (2018). Henriksen, R., Pravettoni, R., Stewart, D., Kotsovou, M., Schlingemann, A.J., Shaw, M. and Reitano, T. (Eds). *World atlas of illicit flows. A RHIPTO-INTERPOL-GI Assessment. RHIPTO -Norwegian Center for Global Analyses, INTERPOL and the Global Initiative Against Transnational Organized crime.* www.rhipto.or. www.interpol.int. ISBN 978-82-690434-2-6

Martín García, B. (2016). *La protección penal del medio ambiente y su relación con la seguridad pública y los derechos fundamentales* (Primera). Ed. Dykinson.

Ministerio de la Presidencia, R. con las C. e I. (2019). Estrategia Nacional contra el Crimen Organizado y la Delincuencia Grave 2019-2023. «BOE» núm. 46, de 22 de febrero de 2019, 17048 a 17074 (27 págs.). <https://www.dsn.gob.es/es/documento/estrategia-nacional-contra-crimen-organizado-delincuencia-grave>

ONU. (2004). *Convención de las Naciones Unidas contra la delincuencia organizada transnacional y sus protocolos.*

[https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC\\_Convention/TOCebook-s.pdf](https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC_Convention/TOCebook-s.pdf)

Pérez Andrés, C. (2002). Sobre la metodología cualitativa. *Rev Esp Salud Pública*, 76(5 Septiembre-October), 373-380.

<https://dialnet.unirioja.es/servlet/articulo?codigo=287063>

Real Decreto 1150/2021, de 28 de diciembre, por el que se aprueba la

Estrategia de Seguridad Nacional 2021, Boletín Oficial del Estado, Núm. 314 167795 (2021). [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2021-21884](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-21884)

Pulido Fernández, J. I. (2005). *Criterios para una política turística sostenible en los parques naturales de Andalucía*. Universidad de Jaén.

Stop Ecocide International. (2021). *Legal definition of ecocide*. [https://www.stopecocide.earth/legal-definition-of-ecocide?ss\\_source=sscampaigns&ss\\_campaign\\_id=61bdb364cea742631a2012b7&ss\\_email\\_id=61bf063434d1b81650e390eb&ss\\_campaign\\_name=ICC+side+event%3A+recordings+now+available&ss\\_campaign\\_sent\\_date=2021-12-19T10%3A](https://www.stopecocide.earth/legal-definition-of-ecocide?ss_source=sscampaigns&ss_campaign_id=61bdb364cea742631a2012b7&ss_email_id=61bf063434d1b81650e390eb&ss_campaign_name=ICC+side+event%3A+recordings+now+available&ss_campaign_sent_date=2021-12-19T10%3A)

Sustainable Eel Group. (2020). *Accelerating the recovery of the European Eel*. <https://www.sustainableeelgroup.org/>

Swissinfo. (2017). *Bélgica conocía el «problema» de los huevos contaminados desde junio*. <https://www.swissinfo.ch/spa/afp/bélgica-conocía-el--problema--de-los-huevos-contaminados-desde-junio/43390792>

Tellerreport. (2021). *How the eel is linked to organized crime: «The world's most muggled animals»*. <https://www.tellerreport.com/news/2021-10-22-how-the-eel-is-linked-to-organized-crime--%22the-world-s-most-smuggled-animals%22.Bkfwbnc1Ut.html>

The Justice and Home Affairs (JHA) Agencies' Network. (2021). *Environmental crime*. En *Criminal Law and Economics*. <https://doi.org/10.2819/415719>

Times Malta. (2019). *How the tuna racket operates*. <https://timesofmalta.com/articles/view/how-the-tuna-racket-operates.702807>