

SPOT STOP WASTE CRIME

LIFE PROWhIBIT
PREVENTION - DETECTION - DISRUPTION
OF ENVIRONMENTAL WASTE CRIME



ENVIRONMENTAL WASTE CRIME IS A CRIME WITH “VICTIMS”

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LIST OF ABBREVIATIONS

EC	Environmental Crime
EMPACT	European Multidisciplinary Platform Against Criminal Threats
EPD	Environmental Protection Department
EPR	Extended Producer Responsibility
EU	European Union
EWC	Environmental Waste Crime
GDIAB	General Directorate of Inspection and Authorisation Body of the Ministry of Environment and Energy of Greece
GSWMC	General Secretariat for Waste Management Coordination the Ministry of Environment and Energy of Greece
MEE	Ministry of Environment and Energy of Greece
NGO	Non-Government Organization
PPO	Public Prosecutor's Office
SDOE	Special Secretariat of Financial and Economic Crime Unit
SWOT	Strengths, Weaknesses, Opportunities and Threats

1 SWOT ANALYSIS AT NATIONAL LEVEL FOR EWC

SWOT Analysis stands for Strengths, Weaknesses, Opportunities and Threats and it is a strategic planning technique used to identify strengths, weaknesses, opportunities and threats related to project planning. It is carried out at the preliminary stages of a decision-making process and it can be used as a tool to evaluate the current position of an organisation and develop of its strategic future position.

The SWOT Analysis carried out as part of the implementation of the project LIFE PROWhIBIT, and its main objective is to define at defining the current state of affairs for the fight against EWC at national level. It summarises the best practice procedures, methods, tools and techniques which are used currently by the various actors involved in the fight against EWC in Greece. It also highlights the issues that each key actor faces, as well as both the opportunities and threats which exist and influence the competencies of each actor involved.

The SWOT analysis is based on the GENVAL Evaluation Report on the eighth round of mutual evaluations regarding the EWC in Greece: "The practical implementation and operation of European policies on preventing and combating environmental crime". Based on the database of key role players at national level, the six major are included in the analysis presented in this report.

The SWOT analysis will form the baseline for the development of the Provisional National Strategy which will set the strategic goals and foresee the required actions to accomplish a better cooperation and coordination between the various actors involved in tackling EWC.

1.1. Judiciary: Prosecutors and Judges

Strengths ●



1 - Judiciary: Prosecutors and Judges

- Greece has introduced the necessary legal framework to prosecute environmental crime.
- There is distinction for sanctions between administrative and criminal offences in accordance with the Greek law.
- Public prosecutors and judges have access to the public sector databases and registers when investigating environmental crimes.
- Prosecutors have the right to mandate a preliminary examination on environmental issues.
- Effective judicial cooperation on Environmental Waste Crime (EWC) cases (inspector submits statement and participates as witness in criminal court).
- Judicial authorities inform the General Directorate of Inspection and Authorisation Body of the MEE (GDIAB) on the result of the administrative offense cases.
- There is one specialised environmental prosecutor in Athens and one in Thessaloniki.

- Prosecutors are entitled to participate in seminars organised by the National School of the Judiciary of the Hellenic Republic in collaboration with other legal organisations such as the European Judicial Training Network (EJTN) and the Academy of European Law (ERA).

Weaknesses



1 - Judiciary: Prosecutors and Judges

- No specialised courts and judges for Environmental Crime cases.
- Apart from Athens and Thessaloniki, there are no specialised environmental prosecutors.
- Lack of proper electronic register for criminal violations related to waste management.
- Lack of reliable statistics and feedback from prosecutor's office and courts about the referred cases.
- Only generic statistical data kept in the Prosecutor's Office in Attica, but no further categorisation of the type of environmental crime for each case.
- Lack of continuous formal training on environmental waste crime for prosecutors and judges (e.g. type evidence, expert witnesses).
- Greece has not yet transposed Framework Decision 2009/948/JHA on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.

Opportunities



1 - Judiciary: Prosecutors and Judges

- Increase number of specialised prosecutors especially at high-risk regions.
- Designate a senior prosecutor at central level with co-ordinating powers.
- Improve education, training and awareness of judges/ prosecutors in the field of EWC through continuous formal training.
- Intensify commitment of prosecutors and judges involved in EWC fight.
- Intensify cooperation with the EU Forum of Judges for the Environment (EUFJE) and the European Network for Prosecutors for the Environment (ENPE).
- Special investigative techniques and witness protection programs exist and could be applied to environmental crime cases.

Threats



1 - Judiciary: Prosecutors and Judges

- Absence of national strategic plan defining the objectives of fight against EWC and role of relevant bodies.
- Lack of statutory framework for co-operation and coordination body for all competent authorities at national level.
- Continuous financial crisis has led to understaffed units and lack of dedicated seminars.
- Impact of COVID-19 pandemic on inspections and examination of criminal offences.
- Slow judiciary procedure for criminal offences.
- Potential links between environmental, financial and organised crime.

1.2. Ministry of Environment and Energy (MEE)

Strengths



2 – Ministry of Environment and Energy

- MEE has developed the Electronic Waste Register which is obligatory for all licensed parties involved in the production and management of waste, and the Producers of Electrical and Electronic Equipment Register.
- GDIAB of the MEE has developed the National Environmental Inspection Plan and the Annual Routine Environmental Inspection Programme for the period 2018-2022.
- GDIAB environmental inspectors keep a detailed database and annual statistics for the inspections carried out, which are communicated to the General Inspector of Public Administration (GIPA).
- MEE has developed an electronic database of facilities in Greece containing their key operating features.
- MEE has developed a manual with instructions and directions for transboundary waste transportation.
- Cooperation exists between GDIAB, General Secretariat of Waste Management Coordination (GSWMC) of the MEE, EPD of Athens General Police Division, competent custom authorities and the regional environmental authorities.
- Well defined procedures for carrying out inspections and imposing administrative fines.
- The responsibilities and jurisdiction of the GDIAB inspectors are defined by the Greek law.

- MEE has adopted the “Extended Producers Responsibility” (EPR) scheme.
- GDIAB conducts joint inspections with other authorities such as Greek Police, Economic Crimes Enforcement Agency and customs authorities.
- GDIAB cooperates with Interpol and Europol.
- GDIAB representatives participated in the high-level Commission Expert Group – the Environmental Compliance and Governance Forum.
- General Secretariat for Waste Management Coordination (GSWMC) of the MEE GSWMC collects data related to the infringements of transboundary waste shipments.
- GSWMC is the competent authority for drafting and implementing the waste legislation, as well as implementing Regulation EC 1013/2006 on shipment of waste (WSR).
- GSWMC cooperates successfully with the GDIAB, custom authorities and the environmental departments of the regions.
- Funding of expenses for carrying out inspections is guaranteed from specific national budget allocation in accordance with the Greek law.
- GDIAB inspectors are qualified, competent and committed to their work.
- GDIAB is the IMPEL National Coordinator for Greece.

Weaknesses



2 – Ministry of Environment and Energy

- Absence of an electronic register to track the progress and gather information of the environmental cases at local, regional or national level.
- Statistics and trends in waste crime cannot be identified due to the lack of unified data at national level.
- The Register of Private Environmental Inspectors has not been activated yet.
- Lack of specialized technical equipment and interactive online maps related to EWC.
- GDIAB’s lack of human resources resulting in heavy workload for inspectors.

Opportunities



2 – Ministry of Environment and Energy

- GDIAB could increase the number of environmental inspections in the annual inspection programme which is implemented by all central and regional authorities.

- Annual Waste Shipment Inspection Programme to be finalised.
- MEE has signed a Memorandum of Understandings with the competent authorities of Cyprus and Albania for transboundary shipments of waste.
- Strengthening cooperation with neighbouring countries to tackle the illegal transit of waste.
- Increase the number of environmental inspections carried out through the implementation of the Register of Private Environmental Inspectors, in accordance with the Greek law.
- GDIAB inspectors could make use of equipment and capabilities of the law enforcement authority and units responsible for prosecuting economic and electronic crime.
- Special investigating techniques (online monitoring, secret operations) could be used by the GDIAB inspectors under special circumstances in accordance with the Greek law.
- MEE organises seminars and training for public authorities and interested parties. Special certified seminars are organised regularly by the Training Institute of the National Centre for Public Administration and Local Administration aiming at increasing the capacity building of the environmental inspectors.
- GDIAB of South Greece cooperates with European Union SatCen in order to use advanced techniques (such as satellite images) as a tool on environmental inspections.
- GDIAB is the EMPACT Coordinator for Environmental Crime in Greece and may receive funding for submitted proposals.

Threats



2 – Ministry of Environment and Energy

- Absence of national strategic plan defining the objectives of fight against EWC and role of relevant bodies.
- Lack of statutory framework for co-operation and coordination body for all competent authorities at national level.
- Absence of an integrated information system allowing exchange of information between competent authorities.
- Not enough adequate facilities to treat waste creates incentives for EWC to take place.
- Limited facilities for environmentally sound treatment of hazardous waste in Greece.
- Continuous financial crisis has led to understaffed units.
- Impact of COVID-19 pandemic on inspections.
- Improper allocation of human resources of public authorities at central and regional level.

1.3. Environmental Protection Department (EPD) of the Greek Police

Strengths



3 - Environmental Protection Department of the Greek Police

- Participate in joint task forces with GDIMEE in conducting investigations and identifying EWCs.
- Eligible for carrying out inspections for criminal environmental offences.
- Environmental Protection Departments have been established within the Attica and Thessaloniki Security Division of the Greek police.
- Environmental Protection Departments cooperate with GDIAB environmental inspectors of the MEE and other competent public authorities.
- When necessary, investigations are carried out with assistance of Financial Police and Cybercrime Unit.
- EPD has access to data bases including the EIS (Europol Information System) and SIS (Schengen Information System).
- Collaborate with Europol, provides relevant data and prepares the SOCTA report.
- Police is involved in EnviCrimeNet network and Interpol, which improve the capacities of Greece in international police-to-police cooperation and information exchange.
- The National EMPACT coordinator is established in the Greek Police Headquarters.
- EPD keeps statistics related to the environmental crimes cases it has dealt with.
- Police has developed the computer system “Police On-line” which offers access to Central Systems and Data bases of the Greek police.

Weaknesses



3 - Environmental Protection Department of the Greek Police

- EPD special unit is understaffed.
- Environmental Protection Departments have been established only in Athens and Thessaloniki.
- Lack of specialised police officers in the Environmental Protection Departments.
- Lack of focal point of intelligence on EWC.
- Lack of continuous formal training focusing on environmental crime for police officers of the EPD.

Opportunities



3 - Environmental Protection Department of the Greek Police

- EPD could collaborate with Europol and Interpol for transboundary waste crime cases.
- Could participate in the Joint Investigation Teams (JITs) of Eurojust, in the fight against environmental crime.
- Could participate in seminars and training organised by MEE regarding the use of electronic databases (Environmental Waste Register, Producers of Electrical and Electronic Equipment Register).
- Establishment of training for traffic police to identify illegal shipments.
- Computer system “Police On-line” could be connected with other information systems of competent authorities.

Threats



3 - Environmental Protection Department of the Greek Police

- Absence of national strategic plan defining the objectives of fight against EWC and role of relevant bodies.
- Lack of statutory framework for co-operation and coordination body for all competent authorities at national level.
- Continuous financial crisis has led to understaffed units.
- Impact of COVID-19 pandemic on inspections.
- Lack of funding for adequate equipment required for inspections.

1.4. Local Authorities

Strengths



4 – Local Authorities

- The inspectors of the environmental departments of the regions are qualified and have the knowledge and expertise for carrying out environmental inspections.
- The environmental services of the regions and decentralized administrations are responsible for carrying out environmental inspections on waste facilities in accordance with law.

- Decentralized administrations submit their reports on the General Secretariat of Waste Management Coordination of the MEE.
- Reports and fines imposed by local authorities are notified to the local judicial authorities.
- Administrative fines imposed are posted on the website ΔΙΑΥΓΕΙΑ.
- There is good cooperation between the decentralized administrations and the national authorities involved in waste management.

Weaknesses ●



4 – Local Authorities

- There are no local prosecutors designated to deal with environmental crime cases.
- Environmental departments of the regions and the decentralized administrations are understaffed.
- Absence of an electronic register to track the progress and gather information of the environmental cases at local or regional level.
- Lack of IT advanced tools to enable environmental inspections.
- Discrepancies between different regions regarding the knowledge and means to fight EC.

Opportunities ●



4 – Local Authorities

- Greek law authorises the environmental departments of the regions and decentralised administrations to conduct environmental inspections in the area of their jurisdiction and suggest administrative fines.
- Capacity building and awareness rising through the participation of representatives in public projects and related seminars.
- Regions and decentralised administrations may gather, register and hold data for the current trends on environmental waste crime.

Threats ●



4 – Local Authorities

- Absence of national strategic plan defining the objectives of fight against EWC and role of relevant bodies.

- Lack of statutory framework for co-operation and coordination body for all competent authorities at national level.
- Absence of an integrated information system allowing exchange of information between competent authorities.
- Decentralised administrations do not receive funding from specific national budget allocation.
- Continuous financial crisis has led to understaffed units.
- Impact of COVID-19 pandemic on inspections.
- Improper allocation of human resources and funding of public authorities at both central and regional level.
- Not enough adequate facilities to treat waste creates incentives for environmental waste crime to take place.

1.5. Custom Authorities

Strengths



5 – Custom Authorities

- Custom authorities are responsible, among other responsibilities, for the protection of the environment.
- Cooperate with Law Enforcement Authorities in the fight against EWC.
- Competent custom authorities carry out inspections of transboundary shipments of waste in collaboration with the environmental inspectors of the MEE.
- Custom authorities have the right to conduct physical checks of shipments and detain any suspect cargo in accordance with the National Customs Code 2960/2001.
- Custom authorities have access to the CRMS information system (Common Risk Management System) between all EU member states for the purposes of instant response and action.
- Participated in the three operations organized by the World Customs Organization for fighting illegal shipment of hazardous waste by sea and successfully exchange information with other countries.
- Custom authorities are familiar with the tools available by Europol.
- Custom officers are pre-trial investigation officers.
- Custom officers have the knowledge and expertise on EWC cases.

Weaknesses



5 – Custom Authorities

- Lack of continuous formal training on custom control procedures.
- Environmental issues have not yet been included in the curriculum of the Customs Academy.

Opportunities



5 – Custom Authorities

- Memorandum of Understanding has been signed between Custom authorities, the Police and the Coast Guard to intensify their cooperation.
- Intensify cooperation and exchange of information between EU custom authorities through the implementation of the Naples II Convention.
- Provide clear and up to date guidelines on the procedures that should be followed on custom controls in relation to documents required for the international waste shipments.
- Change in the curriculum of the Customs Academy to include environmental crime cases so the custom officers get a basic knowledge of the environmental issues.
- Increase the capacity building of the customs officers through continuous formal training on the custom controls' procedures.

Threats



5 – Custom Authorities

- Absence of national strategic plan defining the objectives of fight against EWC and role of relevant bodies.
- Lack of statutory framework for co-operation and coordination body for all competent authorities at national level.
- Absence of an integrated information system allowing exchange of information between competent authorities.
- Continuous financial crisis has led to understaffed units.
- Impact of COVID-19 pandemic.

1.6. NGOs

Strengths



6 - NGOs

- Existing co-operation of environmental inspectors with NGOs, as the intermediary between citizens and competent authorities.
- Awareness of EWC cases and experience in fighting EWC.
- In accordance with the Greek law, NGOs may stand as plaintiff (*parte civile*) or mediator in case of environmental crime.
- Co-operation with NGOs enhances capacity of public authorities towards fighting EWC.
- Contribute to rising public awareness for EWC.
- Participates in the cross-disciplinary “environmental dialogue” at national level.

Weaknesses



6 - NGOs

- Lack of formal cooperation framework between competent NGOs at national level.
- Lack of unified statistical records kept for environmental cases dealt with.
- Lack of funding and human resources.
- Not eligible for carrying out or participate in environmental inspections.

Opportunities



6 - NGOs

- Strengthening of partnerships between public authorities and NGOs, in line with law, to share knowledge, experience, information and capabilities.
- Public authorities to set up a coordination body and carry out regular meetings with the participation of NGOs’ representatives.
- Full commitment of NGOs on issues related to EWC could be an asset for fighting it.

Threats ●



6 - NGOs

- Absence of national strategic plan defining the objectives of fight against EWC and role of relevant bodies.
- NGOs are non-permanent actors against EWC.
- Limited funding and lack of human resources.
- Problems in communication and formal cooperation with the competent authorities and local societies.
- Impact of COVID-19 pandemic in established method of operation of NGOs.