

Case study

On February 20th, 2021, in the Polish port of Szczecin, during a border guard inspection, it was found that in the hold of the ship "Sunny Hill", registered in France, there are old car batteries - approximate number of 1000 pieces. Batteries were loaded carelessly without proper protection. Shipment was organized by "Good look" company based in Spain, while the loading took place in Hamburg (Germany), the final destination was the company "A plus B" in Lithuania. Some of the batteries had visible damage because the ship was sailing in a heavy storm during the voyage. Due to the detected leakage of the substance from the batteries, the port fire brigade was called to the site in order to eliminate the threat. During the operation, one of the firefighters suffered burns from the acid from the batteries, he was transported to the hospital where he stayed for 14 days, he was found to have moderate body injuries.

Other relevant information:

- the transport documents show that the transport concerned 1000 used but still operational batteries,
- the VAT invoice shows that total batteries value is 14.000 euros,
- the management board of the company "Good Look" in Spain denied that the shipped batteries were waste, they indicated that even used batteries have a real market value,
- after random checking of 10 batteries, it has been found that their average age is about 10 years
- as established, the average cost of sea transport on such a route is 15.000 euros
- the Polish, Lithuanian and German authorities, started their own criminal

proceedings in the same matter

Questions and problems:

1. How to determine whether used batteries are wastes or normal commercial goods, (please indicate what factors will be crucial for such arrangements and whether according to your national law an expert has to test each battery or is it possible describe them collectively)?
2. Which State has jurisdiction to conduct criminal proceedings, how to avoid potential jurisdictional conflicts?
3. What procedure should be adopted both in terms of criminal and administrative law?
4. What model of international cooperation do you see in this matter, what legal tools can be used if:
 - a) the Lithanian authorities want to obtain the loading documents from the German authorities,
 - b) the Polish authorities want to secure the property belonging to the management "Good look" company in Spain.