



Introduction to environmental, economic, social and criminal aspects of wildlife trafficking, deforestation and illegal logging

EU LEGISLATION ON WILDLIFE TRAFFICKING, DEFORESTATION AND ILLEGAL
LOGGING, AND COMBATING ASSOCIATED CRIME

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1. Introduction: the economics of crime

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- ▶ Why do people commit crime?
- ▶ Nobel Prize Winner Gary Becker: because it creates profits/benefits
- ▶ Criminals also rationally maximize utility by comparing:
 - ▶ $B \leq C$
 - ▶ $p \times S$
- ▶ Ex
 - ▶ B 5000 p 10% S 5000

Gary Becker, a renowned Nobel Prize-winning economist, posited that criminals act as rational individuals seeking to maximise their utility. According to Becker, criminal behaviour involves a calculation of potential benefits and costs. Benefits can include avoiding legal fees, taxes and environmental charges, while costs include potential sanctions and the likelihood of detection, prosecution and conviction.

Although the application of economic analysis to criminal behaviour is often criticised, it finds acceptance in discussions of environmental crime. Becker's perspective highlights that while emotional responses often dominate discussions of crimes such as murder or rape, environmental crimes are often viewed through the lens of rational decision making, especially within the corporate sector.

For instance, if a potential benefit from a crime is €5000, with a 10% detection probability and a €5000 sanction, the expected cost exceeds the benefit.

It's crucial to consider offenders' deliberate efforts to evade detection when determining appropriate sanctions. Becker's formula offers insights into deterring environmental crime, but it should be complemented by other considerations in sentencing decisions.

1. Introduction: the economics of crime

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- ▶ Goal of the criminal law: increasing either p or S ?
 - ▶ Increasing p costly (Stigler)
 - ▶ But increasing S only possible to limited extent:
 - ▶ Insolvency
 - ▶ Discounting
 - ▶ effectiveness

In light of the previous considerations, the goal of criminal law, particularly in the environmental context, is to increase the costs associated with environmental crime. This can be achieved either by increasing the probability of detection or by increasing the severity of sanctions.

However, the effectiveness of relying solely on high sanctions is limited by the financial solvency of the offender. In cases where monetary sanctions reach their limit, alternative sanctions such as community service or imprisonment become necessary, but they are costly to administer.

In addition, a strategy of imposing very low probabilities of detection and extremely high sanctions may not effectively deter potential offenders. Offenders tend to discount the future consequences of high sanctions, especially if they are remote or uncertain. Conversely, immediate and certain consequences, even if less severe, are perceived as more powerful and deterrent.

Empirical evidence suggests that increasing the probability of detection is a more effective deterrent than simply increasing sanctions. This underlines the importance of ensuring a high degree of certainty about the consequences of criminal activity. Ultimately, it is up to policymakers to allocate resources and

manpower to increase the probability of detection, a factor beyond the control of judges.

2. Data

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2.1 Environmental crime general

- Costs of environmental crime are huge
- Overview of UNEP for the worldwide costs:

Estimates of some environmental crimes by UNEP in 2018	
Illegal trafficking and dumping of toxic and electronic waste	US\$10–12 billion.
Forestry crimes including illegal logging	US\$51–152 billion annually.
Illegal fisheries	US\$11–24 billion
Illegal mining	US\$12–48 billion.
Illegal wildlife trade	US\$7– 23 billion.
Forestry crimes, including corporate crimes and illegal logging	US\$51–152 billion.

Source: Nellemann et al 2018, p. 15.

Many within the green movement often claim that environmental law is ineffective based on the data shpwng how lucrative the env crime is, however, empirical evidence contradicts this assertion.

Recognising the enormous challenges posed by environmental degradation, it's important not to succumb to pessimism. Rather, we must recognise the progress that has been made through legal frameworks and continue to strengthen them to address environmental issues effectively.

2. Data

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- Costs of environmental crime also huge in the EU

Year	Estimated cost (in € billion)
2014	11,2
2015	12,3
2016	12,9
2017	14,4
2018	14,7
2019	15,3
2020	15,9

2. Data

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- ▶ Not only high costs; also high gains for perpetrators:
- ▶ EUROJUST: annual revenues from illicit waste in the EU: € 4-15 billion/year
- ▶ From illegal eel trade: € 4,7-31,4 million/year
- ▶ So: environmental crime leads to high benefits for perpetrators and high costs for society

2. Data

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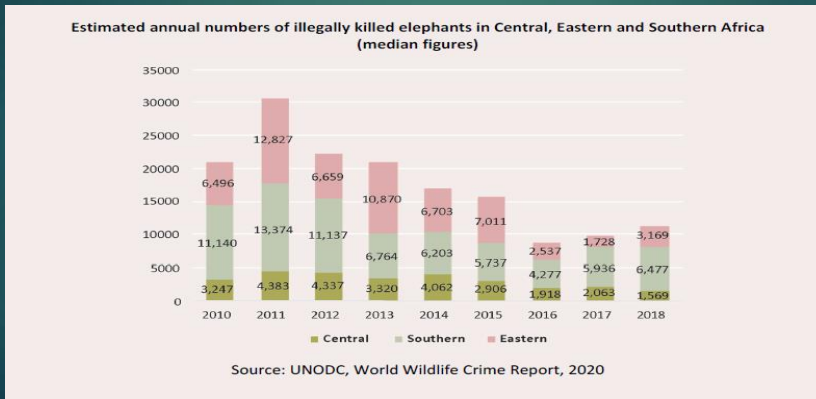
2.2 Wildlife trafficking

- ▶ Various sources:
- ▶ United Nations Office on Drugs and Crime (UNODC)
- ▶ Report on illegal wildlife trade and climate change (2022)
- ▶ Data on estimated annual number of illegally killed elephants in Africa:

2. Data

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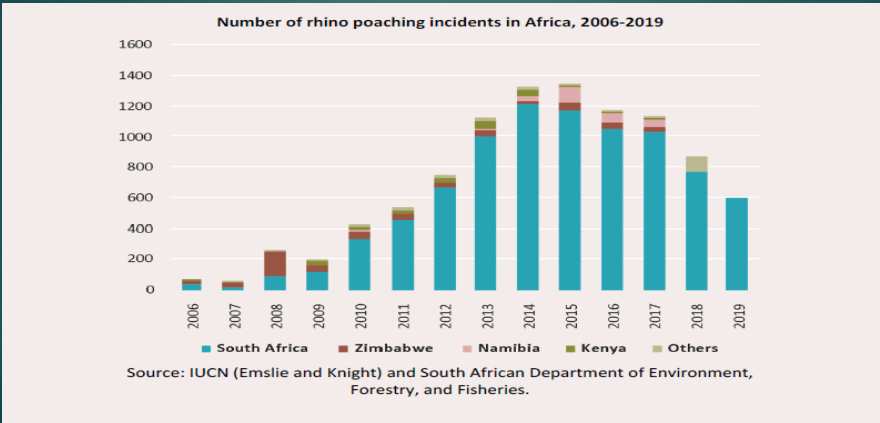
Estimated annual numbers of illegally killed elephants in Central, Eastern and Southern Africa



It's interesting how enforcement numbers vary between regions, but it's essential to consider regional differences (e.g. total number of elephants) and not conclude that one area is better at law enforcement than another. While there's some good news with enforcement numbers showing a slight decrease, in 2018, the total still exceeded 10,000 cases, which is significant despite efforts made with various initiatives.

2. Data

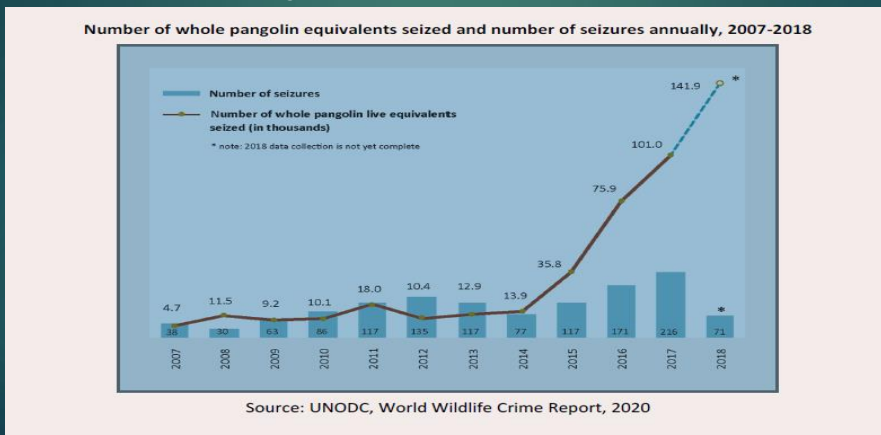
Number of rhino poaching incidents in Africa, 2006-2019



2. Data

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Number of whole pangolin equivalents seized 2007-2018



The pangolin faces a tragic plight due to its prized properties in traditional Chinese medicine. This demand has led to a surge in pangolin poaching, highlighting the economic complexities of the wildlife trade. While controlling demand may seem easier in theory, the continued demand for pangolin scales and other wildlife products in Southeast Asia undermines this approach.

Efforts such as those through CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) aim to control the supply of such products, but the escalating number of pangolin seizures since 2014 reflects the ongoing challenge. Despite these efforts, demand for pangolin scales and other wildlife products in Southeast Asia continues to drive the illegal trade.

2. Data

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- ▶ Data also available via Traffic (Worldwide NGO) (Report 2023)
- ▶ Estimation of annual value of wild species trade: USD 1,5 trillion
- ▶ Implementation and enforcement of CITES particularly difficult:
 - ▶ Low priority, lacking capacity and low sanctions
 - ▶ High gains
 - ▶ Weakness of domestic enforcement

The implementation and enforcement of CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) faces significant challenges, including low priority, capacity issues and inadequate sanctions. This creates an environment in which organised crime syndicates find wildlife trafficking more attractive than traditional drug-related crimes.

For example, when cocaine is compared to rhino horn, the latter offers higher profits with lower risks. The price per gram of rhino horn exceeds that of cocaine, while the probability of detection and the severity of sanctions are comparatively lower.

2. Data

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2.3 Illegal logging + trade in timber

- ▶ Illegal logging responsible for 15-30% of global timber production
- ▶ Illegal trade of timber: 51-152 billion/year (Interpol 2019)
- ▶ Leads to forest degradation, responsible for 20% of global CO2 emissions
- ▶ Illegal logging top of environmental crime: value \$ 50-152 billion (driven by corruption and organized crime)

This attractiveness extends to other environmental crimes such as illegal logging, which accounts for a significant proportion of global timber production and generates billions of dollars annually.

These crimes not only contribute to environmental degradation, but also have clear links to organised crime and corruption. This underscores the urgency of tackling environmental crime through effective enforcement and international cooperation.

2. Data

2.4 Police operations 2018-2021 (EU), illustrating losses due to environmental crime

(Source: European Council, Infographics – How the EU fights environmental crime)

Seizures: EUR 8,3 million worth in total	
167452 tonnes of waste	Between 15 and 30% of waste shipments are thought to be illegal, amounting to EUR 9.5 billion in annual revenue from the illicit waste market in the EU
1174 tonnes of e-waste	1 tonne of smart phones contains 100 times more gold than one tonne of gold ore. E-waste trafficked from Europe is recycled manually, releasing strong toxins
32007 m3 of timber	Illegal logging accounts for 15-30% of global timber trade. Timber is used for construction and wood products
355 reptiles, worth EUR 800.000	Thousands of reptile's species are threatened by trafficking. They are mostly used in the fashion industry or as pets
4.6 tonnes of glass eels	350 million European glass eels, worth EUR 3 billion are trafficked from the EU every year. They are mostly sold in Asia as food
639 ivory items	Elephant poaching increases the risk of extinction. Ivory is mostly sourced from Africa and trafficked through Europe to Asia
829 people arrested	

3. Need to (also) fight related crimes

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3.1 Organized crime

- ▶ Environmental crime = ideal breeding ground for organized crime
- ▶ Environmental crime attractive for organized criminal networks
- ▶ Organized crime creates specific challenges
- ▶ Transboundary environmental crime often organized (e.g. large-scale trafficking of waste or wildlife)
- ▶ Compared to other crimes (drugs, fraud) environmental crime = high profit, low risk
- ▶ In EU revenues from illicit non-hazardous waste trafficking estimated 1.3-10.3 billion/year; hazardous waste trafficking 1.5-1.8 billion/year

Environmental crime is closely linked to organised crime, money laundering and corruption. In criminology, environmental crime is seen as an ideal environment for organised criminal networks to thrive. This is particularly evident in regions such as Africa, where government control over large areas is often weak, allowing organised crime groups to exert significant influence.

Over the past two decades, many countries in West Africa, such as Côte d'Ivoire, Mali, Chad, Niger and Burkina Faso, have seen an increase in organised crime activity, leading to the exploitation and depletion of wildlife resources. Wildlife is often the first casualty when the state loses control of its territory, leading to direct links between wildlife trafficking, organised crime and even terrorism.

These criminal groups use wildlife trafficking to finance their illicit activities, including terrorism, and this is of serious concern to international bodies such as the UN and the United States. Compared to other crimes such as drug trafficking and fraud, environmental crime offers high profits with relatively low risks, making it an attractive venture for organised crime syndicates. The illegal trade in waste, for example, involves large sums of money and poses serious environmental risks.

3. Need to (also) fight related crimes

- ▶ UN Convention against transnational organized crime
- ▶ Art. 2(a) "Organized criminal group" is:
- ▶ "A structured group of 3 or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences (...) in order to obtain, directly or indirectly, a financial or other material benefit"
- ▶ EU Council Framework Decision 2008/841/JHA (24.10.2008) on the fight against organized crime also took this definition
- ▶ OCGs motivated by financial gain, opportunities of high profits, low risks/costs

3. Need to (also) fight related crimes

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- ▶ Transnationality creates complexities for law enforcement, so effective countermeasures necessary
- ▶ European Parliament EU Security Union Strategy (2020): environmental crime main threat to security; need to strengthen efforts against organized environmental crime, especially:
 - ▶ Illicit waste trafficking
 - ▶ Illicit wildlife trade
- ▶ ECD (2008) does not mention organized crime
- ▶ But Art. 83 TFEU (Lisbon Treaty) enables the possibility "to establish minimum rules with regard to the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis" (environmental crime not, organized crime yes!)

The challenge in combating organised environmental crime lies in its transnational nature, which requires coordinated cross-border enforcement efforts. Criminal groups operate without regard for borders, which poses significant challenges for law enforcement. Despite these difficulties, efforts are being made at the European level to strengthen enforcement against environmental crime.

The EU Security Union Strategy and the European Parliament have prioritised the fight against illegal waste and wildlife trafficking as key environmental crime issues. While previous legislation, such as the 2008 Environmental Crime Directive, did not explicitly address organised crime, the new Directive recognises it as an aggravating circumstance in Member States' legislation.

Under Article 83 of the Lisbon Treaty, organised environmental crime falls within the competence of the European legislator. This allows for more direct intervention without the need for special procedures or unanimity.

3. Need to (also) fight related crimes

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- ▶ Doubts on effectiveness of current legal regime to fight organized crime and environmental crime: organized crime may increase in MS with low sanctions and low capacity
- ▶ Some countries (e.g. France) have aggravating circumstances for organized environmental crime (also Italy)

However, doubts remain about the effectiveness of current legal regimes in combating organised crime, due to capacity constraints and the reluctance of policymakers to allocate sufficient resources to law enforcement.

Currently, only a few countries, such as Italy and France, consider organised crime as an aggravating circumstance in environmental crime cases. However, with the implementation of the new Environmental Crime Directive, it is expected that all Member States will adopt this approach, thus ensuring a more uniform approach to organised environmental crime.

3. Need to (also) fight related crimes

3.2 Money laundering

- ▶ Illicit activities in the EU generate ± € 110 billion in 2010
- ▶ EU loses € 1 trillion/year in tax evasion and tax fraud
- ▶ As a result: a lot of illicit money within the EU
- ▶ Between 2010-2014 only 2,2% of criminal proceeds provisionally seized or frozen
- ▶ Only 1,1% of criminal profits confiscated
- ▶ Environmental crime may also generate large profits (see above)
- ▶ These profits are subsequently "laundered" into the regular economy

Criminologists emphasise the link between the lower level of criminal activity, where the crimes are committed, and the upper level of the legitimate economy. The proceeds of environmental crime are often laundered into the legitimate economy, making it difficult to trace their illicit origins. This underlines the importance of combating money laundering to break the cycle of criminal activity.

The philosophy behind anti-money laundering is to make the predicate offences, such as environmental crime, less attractive by targeting the financial infrastructure that supports these criminal activities. By disrupting the flow of illicit funds, law enforcement aims to reduce the incentive to engage in environmental crime and other illegal activities.

3. Need to (also) fight related crimes

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- ▶ Fight against money laundering important in order to remedy environmental crime itself
- ▶ Legal framework:
- ▶ Art. 6 of Organized Crime Convention: state parties should introduce measures to criminalize money laundering "laundering of the proceeds of crime"
- ▶ Predicate offences: Art. 2(h) of Organized Crime Convention: "Any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in this convention"
- ▶ Environmental crime can be predicate offence for money laundering

Environmental crime is recognised as a predicate offence under anti-money laundering legislation, which means that money laundering measures can be applied to the proceeds of environmental crime. It's important for Member States to ensure that the anti-money laundering directives are effectively transposed into national law and that the relevant provisions are properly applied

3. Need to (also) fight related crimes

- ▶ EU: first Anti-money Laundering Directive (1990):
 - ▶ Obligated entities: apply customer due diligence
- ▶ Meanwhile 5th Anti-money Laundering Directive (2018/843)
- ▶ Directive 2018/1673 on combatting money laundering by criminal law:
 - ▶ Approximation of the criminal offence of money laundering
 - ▶ Minimum rules concerning definition of criminal offences
- ▶ Art. 2(1) of Directive 2018/1673: criminal activity means "any kind of criminal involvement in the commission of any offence punishable, in accordance with national law, by deprivation of liberty or a detention order for a maximum of more than 1 year or, as regards Member States, that have a minimum threshold for offences in the legal systems, any offence punishable by deprivation of liberty or a detention order for a minimum of more than 6 months"

Recent improvements to the anti-money laundering directives include harmonising the definition of predicate offences, broadening the scope of the legislation and extending criminal liability to companies and partnerships. These changes aim to increase the penalties for money laundering offences, with the Directive now providing for a minimum of four years' imprisonment.

3. Need to (also) fight related crimes

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- ▶ 2021: new package of legislation anti-money laundering and countering financing of terrorism rules:
- ▶ Result: 6th Anti-money Laundering Directive (2020):
 - ▶ Higher responsibility on regulated entities to fight financial crime
- ▶ Environmental crimes included as a predicate offence

Recent improvements to the anti-money laundering directives include harmonising the definition of predicate offences, broadening the scope of the legislation and extending criminal liability to companies and partnerships. These changes aim to increase the penalties for money laundering offences, with the Directive now providing for a minimum of four years' imprisonment.

3. Need to (also) fight related crimes

► Improvements brought by 6 AMLD

Harmonized definition and predicate offences: The 6th AML Directive aims to harmonize the definition of predicate offences against money laundering by all Member States. The 22 predicate offences for money laundering now includes cybercrime and environmental crime.

Expanded regulatory scope: The new Directive defines initiators, facilitators and inciters of crimes as accomplices, "aiding and abetting" and self-laundering now also constitute criminal acts.

Extended criminal liability: the 6AMLD will extend criminal liability to allow for the punishment of legal persons, such as companies or partnerships. Companies may be criminally liable for the actions of employees who engage in criminal activity.

Tougher punishment: The sentence for money laundering crimes increased to minimum of 4-year imprisonment.

Member States' cooperation: 6AMLD addresses the issue of dual criminality, requiring EU Member States to criminalize certain predicate offences whether they are illegal in that jurisdiction or not.

Source: REFINITIV, Anti-money laundering Directives

3. Need to (also) fight related crimes

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- ▶ Mutual recognition of freezing and confiscation orders (Regulation 2018/1805 on the mutual recognition of freezing orders and confiscation orders)

In addition, there are provisions for cooperation between member states on anti-money laundering efforts, as evidenced by Regulation 2018/1805 on the mutual recognition of freezing orders and confiscation. These measures are crucial for improving international cooperation and coordination in the fight against money laundering activities related to environmental crime.

3. Need to (also) fight related crimes

3.3 Corruption

- ▶ Corruption = misuse of entrusted power for private gain
- ▶ Clear relationships between corruption and environmental crime:
 - ▶ Corruption of permitting authorities can increase pollution but (seemingly) reduce crime
 - ▶ Corruption of supervising authorities can reduce visibility of crime
 - ▶ Corruption of enforcing authorities can reduce effectiveness of enforcement
 - ▶ Corruption identified as huge driver of wildlife and timber crime
- ▶ Clear relationship between corruption and organized crime
- ▶ Many legal action against corruption at different levels

Corruption plays an important role in facilitating environmental crime by abusing entrusted power for private gain. There's a clear link between corruption and environmental crime, as many illegal activities require the involvement of corrupt authorities.

Interestingly, corrupting permitting authorities can paradoxically lead to a formal reduction in reported environmental crime. This is because activities carried out with permits obtained through corruption may not be formally recognised as environmental crime, even though they may result in increased pollution. This effect can create the illusion of compliance while pollution levels increase.

Similarly, corruption at the regulatory level can reduce the visibility of environmental crimes by compromising inspection and monitoring processes. Bribery of officials responsible for oversight can undermine enforcement mechanisms, reducing their effectiveness.

The literature also highlights the close link between organised crime and corruption, as seen in cases such as Italy, where mafia influence led to widespread corruption and dramatic consequences, such as the waste crisis in Naples. These examples highlight the importance of addressing corruption as a critical aspect of

effectively combating environmental crime.

3. Need to (also) fight related crimes

- ▶ UN Convention against corruption (2003):
 - ▶ Prohibits bribery
 - ▶ Abuse of functions
 - ▶ Passive bribery (e.g. acceptance of bribes)
 - ▶ States have to criminalize corruption broadly
- ▶ EU:
 - ▶ 2011 Communication on fighting corruption in the EU
 - ▶ EU Anti-corruption Report (monitoring of MS efforts)

3. Need to (also) fight related crimes

- ▶ Framework Decision 2003/568/JHA on combatting corruption in the private sector
 - ▶ Transposition problematic
- ▶ 2014 Directive on the freezing and confiscation of the proceeds of crime
- ▶ Corruption (and money laundering): euro crimes according to Art. 83 TFEU (e.g. serious crimes with cross-border dimension)

As environmental lawyers, it's important to recognise the links between environmental crime and other crimes such as organised crime, money laundering and corruption. By recognising these links, we can adopt a broader perspective that goes beyond a focus on environmental crime alone.

This broader approach involves looking for signs of organised crime involvement, money laundering activities or instances of corruption in environmental cases. By taking these factors into account, environmental lawyers can better inform their prosecutorial or judicial strategies and ensure a more comprehensive and effective response to environmental wrongdoing.

4. Economic instruments to fight environmental crime

4.1 Importance of a toolbox approach

- ▶ Applying appropriate sanction for specific perpetrator and specific crime
- ▶ "Smart" enforcement
- ▶ Smart mix of:
 - ▶ Civil penalties
 - ▶ Administrative remedies/fines
 - ▶ Criminal sanctions

Environmental crime should be considered as an economic crime, leading to a re-evaluation of law enforcement policies. A flexible toolbox approach is advocated, ensuring appropriate sanctions tailored to specific offenders and crimes.

It also urges prosecutors to use 'smart enforcement', using risk-based assessments to target companies with a history of non-compliance or potential for significant environmental harm. This targeted approach optimises resource allocation and has been effectively demonstrated in the UK.

The importance of considering a mix of civil penalties, administrative remedies, fines and criminal sanctions is also stressed. The English model is praised, where administrative agencies can independently bring criminal cases to court, reducing reliance on prosecutorial decisions and exemplifying efficient enforcement practices. This approach, unique in Europe, serves as a commendable example of effective enforcement strategies.

4. Economic instruments to fight environmental crime

4.2 Efficient enforcement

- ▶ If possible increasing probability of detection (but costly)
- ▶ Or efficient sanctions
- ▶ To provide deterrence ex ante (Becker)

Efficient enforcement requires ongoing consideration of Gary Becker's rational choice theory. Recognising that environmental criminals seek significant payoffs, enforcement strategies must prioritise increasing the probability of detection. However, given limited resources, smart enforcement tactics are essential, targeting high-risk entities for investigation.

In addition, effective sanctions are crucial to increase ex ante deterrence. It is argued for innovative approaches beyond traditional sanctions, taking into account the interconnectedness of environmental crime with organised crime, corruption and money laundering. The mere imposition of fines or imprisonment may not adequately address the environmental damage caused, and a more holistic and creative approach to enforcement is needed.

4. Economic instruments to fight environmental crime

4.3 Moving beyond traditional criminal penalties

- ▶ Given relation between environmental crime, organized crime, corruption and money laundering
- ▶ Penalties cannot merely consist of fine or imprisonment
- ▶ Environmental crime may continue if source of pollution is not remedied
- ▶ Therefore penalty should also aim at:
 - ▶ Reducing pollution caused in the past
 - ▶ Preventing further pollution
 - ▶ Removing the proceeds from crime (restitution ad integrum; crime should not pay)

Penalties for environmental crimes should serve a dual purpose: first, they must aim to reduce and remediate existing pollution and related problems, and second, they should prevent further damage. Imprisoning an offender while pollution persists achieves little, so penalties should focus on ex ante restitution. Injunctions and remediation efforts should also be part of the sanctions strategy. The overarching principle should be that crime does not pay, which requires a thorough calculation of the benefits derived from illegal activities and their duration.

4. Economic instruments to fight environmental crime

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4.4 Conclusions EFFACE

- ▶ Project European Union action to fight environmental crime (EFFACE) conclusions and recommendations inter alia:
- ▶ Rules on the confiscation and forfeiture of the proceeds of environmental crime should be adopted at the EU level
 - ▶ Restoration of harm done in the past is crucial
 - ▶ Crime should not pay
 - ▶ Illegally deposited waste removed
 - ▶ Penalties should be "dissuasive, effective and proportional"
 - ▶ Forfeiture of proceeds adds to effectiveness of sanctions

Experience, particularly in England, can be used to refine the process of calculating and presenting such cases to the judiciary. Research carried out for the European Commission emphasises the importance of restoring past damage, ensuring that penalties are dissuasive, effective and proportionate, and confiscating illegal proceeds. In addition, prevention and restoration should be central components of any environmental enforcement policy, making the confiscation of illegal profits a critical aspect.

4. Economic instruments to fight environmental crime

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- ▶ Introduce and use complementary sanctions and measures:
 - ▶ Restoration and prevention core features of environmental criminal policy
 - ▶ Complementary sanctions to be included in sanctioning toolbox
 - ▶ For example: forfeiture of illegal profits

4. Economic instruments to fight environmental crime

4.5 Proposal for a new ECD 15.12.2021

- ▶ Introduces toolbox approach!
- ▶ Recital 22: MS should have at their disposal a range of criminal sanctions and other measures to address different types of criminal behavior in a tailored and effective manner
- ▶ Sanctions for legal persons (Art. 7) inter alia:
 - ▶ Obligation to re-instate the environment
 - ▶ Withdrawal of permits and authorizations
 - ▶ Temporary or permanent closure of establishment

It's not often that academic recommendations lead to concrete legislative action, but in this case it has. The European Commission took the suggestions seriously, resulting in a proposal for a new Environmental Crime Directive in December 2021, which is in line with many of the academic proposals. The directive emphasises a toolbox approach, ensuring that Member States have a range of criminal sanctions and measures to address different types of environmental criminal behaviour.

4. Economic instruments to fight environmental crime

- ▶ Penalties for natural persons (Art. 5) inter alia:
 - ▶ Obligation to reinstate the environment
 - ▶ Temporary or permanent exclusion from access to public funding
 - ▶ Disqualification from directing establishments
 - ▶ Withdrawal of permits
- ▶ Art. 10: freezing and confiscation:
- ▶ MS shall take necessary measures so that the competent authorities may, in line with the AMLD, freeze or confiscate the proceeds from environmental crime

For legal persons, the Directive proposes sanctions such as obligations to restore the environment, withdrawal of permits and temporary or permanent closure of establishments. Similarly, for natural persons, measures such as disqualification from managing an establishment and withdrawal of permits are proposed. In addition, the Directive recommends that competent authorities should be able to confiscate the proceeds of environmental crime, in line with the Anti-Money Laundering Directive.

5. Concluding

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- ▶ Environmental crime = economic crime
- ▶ Environmental crime can generate large profits
- ▶ Benefits high; risks (probability of detection x S) small
- ▶ Becker: environmental crime therefore likely
- ▶ Data confirm: environmental crime generates large profits and creates huge social costs
- ▶ Environmental crime also often related to organized crime, money laundering and corruption
- ▶ Law enforcement should therefore be geared towards combatting those 4 problems simultaneously
- ▶ Newly adopted ECD (November 2023) recognizes this

5. Concluding

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- ▶ Provides a smart toolbox with effective instruments
- ▶ This smart mix of instruments absolutely necessary:

5. Concluding

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To fight environmental crime in an effective manner!