

EU WASTE LEGISLATION AND PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW

Focus on combating waste crime

Workshop for prosecutors and judges

Warsaw, 27-29 April 2020

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Environmental
Law**



Speakers & training managers

Teresa Fajardo del Castillo, Associate Professor of Law, University of Granada

Matthias Keller, Presiding Judge, Administrative Court, Aachen

Klaus Lernhart, Judicial Training Advisor, ERA, Trier; former Presiding Judge, Higher Administrative Court, Mannheim

Kristina Persson, Senior Public Prosecutor, National Public Prosecution Department, National Unit for Environment and Working Environment Cases, Gothenburg

Kleoniki Pouikli, Training Coordinator, Course Director, European Public Law, ERA, Trier

Grazia Maria Vagliasindi, Associate Professor, Criminal Law, University of Catania

N·S·A SUPREME ADMINISTRATIVE COURT OF POLAND

Key topics

- Waste Framework Directive
- Environment Crime Directive
- Waste crimes relating to waste movement and treatment (shipment, landfill)
- Waste crimes relating to waste management of end-of-life products
- Investigation, prosecution and adjudication on waste crime
- CJEU case law on waste crime
- Various case studies

Language
English

Event number
420DV80

Organiser
ERA (Dr. Kleoniki Pouikli) on behalf of the European Commission (contracting authority) in cooperation with Chancellery of the President of the Polish Supreme Administrative Court



With the support of the "Cooperation with National Judges in the field of Environmental Law" programme of the European Union

EU WASTE LEGISLATION AND PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW – FOCUS ON COMBATING WASTE CRIME

Monday, 27 April 2020

08:45 Arrival and registration of participants

09:15 **Welcome and introduction**
Kleoniki Pouikli, Course Director, ERA

I. SETTING THE SCENE

Chair: *Kleoniki Pouikli*

09:30 **Brief overview of the EU Waste Law and Policy**

- Key features and main policy developments
- EU waste legal instruments
- Definition of waste
- Concept of hazardous waste

European Commission Representative

10:30 Coffee Break

11:00 **Waste Crime: key features and main challenges**

- EU Environmental Crime Directive : concept and main elements
- Key obligations and main types of offences/modus operandi
- Interrelation between criminal and administrative enforcement and sanctioning for waste crimes
- Waste crime as a transnational, organized and economic crime
- Actors and impacts of waste crime

Teresa Fajardo del Castillo

13:00 Lunch break

II. WASTE-RELATED CRIMES AND OFFENCES UNDER SCRUTINY

Chair: *Kleoniki Pouikli*

14:00 **Illegal treatment and management of waste**

- ELVs and WEEEs
- Landfill Directive
- CJEU case law

Grazia Maria Vagliasindi

15:30 Coffee Break

16:00 **Case study on illegal waste disposal with links to illegal waste shipment**

- Introduction to the case study
- Working groups
- Plenary discussion of the results

Grazia Maria Vagliasindi

17:30 End of the first workshop day

Tuesday, 28 April 2020

III. WASTE-RELATED CRIMES AND OFFENCES UNDER SCRUTINY (cont.)

Chair: *Klaus Lernhart*

09:30 **Illegal waste trafficking – Focus on transboundary movements of waste**

- Waste Shipment Regulation (WSR) 1013/2006
- Basel Convention on the control of Transboundary Movements of hazardous wastes and their disposal
- Recent CJEU case law (C-624/17 Tronex and C-241 and 242/12 Shell)
- Relevant national cases (i.e. the Netherlands)

Teresa Fajardo del Castillo

Objective

The aim of this two-and-a half day workshop is to provide participants with a comprehensive overview of the waste-related crimes which have raised major concerns in recent years. Emphasis will be given to the EU legislation and case law relating to waste offences and crimes, the relationship between criminal and administrative law provisions for these crimes as well as the main challenges for investigation, prosecution and adjudication in this field. Hence, workshop will shed light on the protection of the environment through criminal law with special focus on waste. By addressing these issues that might be relevant for prosecutors as well as judges, it will facilitate the handling of future national court procedures in this field.

Who should attend?

Judges and prosecutors interested in environmental law

Venue

Naczelny Sąd Administracyjny
(Supreme Administrative Court)
ul. Boduena 3/5
PL-00-011 Warszawa

Your contact persons



Dr Kleoniki Pouikli
Course Director
European Public Law
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Laura König
Assistant
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- 11:00 Coffee break
- 11:30 **EU Ship Recycling Regulation (SRR) 1257/2013**
- Short historical background and rationale
 - Main objectives, scope and relationship with the Basel/WSR regime
 - Key obligations under the SRR
 - Enforcement provisions (Art. 22) and main challenges for implementation (e.g. 'outflagging').
- Grazia Maria Vagliasindi*
- 12:30 Lunch break
- 13:30 **Investigation, prosecution and adjudication on waste crime**
- Obstacles and challenges at national level
 - International cooperation and coordination
 - Case law
- Kristina Persson*
- 15:00 Coffee break
- 15:30 **Case study on illegal transboundary exporting of hazardous waste**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Kristina Persson*
- 17:00 End of the second workshop day

Wednesday, 29 April 2020

IV. ENFORCEMENT AT NATIONAL LEVEL

Chair: *Kleoniki Pouikli*

- 09:00 **Combatting waste crime in practice: The experience of the IMPEL SWEAP Project**
IMPEL's LIFE SWEAP Project expert
- 10:30 Coffee break
- 11:00 **Emphasis on preliminary ruling procedure when enforcing EU instruments for combatting waste crime**
Matthias Keller
- 12:30 **Evaluation of the workshop**
Kleoniki Pouikli
- 13:30 End of the workshop

For programme updates: www.era.int
Programme may be subject to amendment.

Apply online for

EU Waste Legislation and Protection of the Environment through Criminal Law –
Focus on Combating Waste Crime

Warsaw, 27-29 April 2020 / Event Number: 420DV80



Europäische Rechtsakademie
Academy of European Law
Académie de Droit Européen
Accademia di Diritto Europeo

Terms and conditions of participation

Selection

1. Participation is only open to judges from an EU Member State.
2. The number of places available is limited. Participation will be subject to a selection procedure. Selection will be dependent on:
 - i. the relevance of the seminars to the professional life of the applicant;
 - ii. geographical and linguistic balance among the participants will be sought;
 - iii. In case of exceeding applications, only one person per institution may be accepted.
3. Online applications can be made until **18 March 2020**
4. A response will be given to every applicant of this workshop shortly after this deadline. We advise you not to book any travel or hotel before you receive our confirmation.

Registration Fee

5. There is no registration fee.

Travel expenses

6. **The travel expenses will be reimbursed to a maximum of 400 euros** subject to the submission of the originals of travel receipts (like flight ticket, boarding pass, train ticket, taxi costs can only be reimbursed in exceptional cases and have to be justified in written, etc.). Participants are advised of the obligation to use the most cost-efficient mode of transport available.

Accommodation

7. **Maximum 3 hotel nights (26-29 April 2020)** will be covered directly by ERA, only for the hotel booked by ERA.

Other services

8. Lunches, beverages consumed during the event and the workshop documents are offered by ERA.

Participation

9. Participation to the whole workshop is required and your presence will be monitored.
10. A list of participants including each participant's address will be made available to all participants unless the ERA receives written objection from the participant no later than one week prior to the beginning of the event.
11. The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
12. A certificate of attendance will be issued at the end of the workshop.
13. For further details please follow our project website: www.era.int/environmental_law

Registration

Online application:
www.era.int/?129694&en

Location

Naczelny Sąd Administracyjny
(Supreme Administrative Court)
ul. Bođuena 3/5
PL-00-011 Warszawa

Language

English

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