

Assessment on statistical data collection for environmental crime

Final report

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LIST OF ACRONYMS

BNSI	Bulgarian National Statistical Institute
CoP	(European Statistics) Code of Practice
ECD	Environmental Crime Directive
ESMS	Euro SDMX Metadata Structure
ECECS	European Classification of Environmental Crime for Statistical Purposes
EEA	European Environmental Agency
EIGE	European Institute for Gender Equality
ENPE	European Network of Prosecutors for the Environment
ESB	European Sourcebook
ESP	European Statistical Programme
ESS	European Statistical System
GDPR	General Data Protection Regulation
ICCS	International Classification of Crime for Statistical Purposes
ISTAT	Italian Statistical Institute
LEAs	Law enforcement authorities
NSOs	National statistical offices
PICCCJ	High Court of Cassation and Justice (Romania)
UNCTS	United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems
UNODC	United Nations Office on Drugs and Crime

1 INTRODUCTION

A lack of comprehensive and comparable statistical data on environmental crime has been identified as an obstacle in combating environmental crime in the EU. This was a key finding of the recent evaluation of the Environmental Crime Directive¹ (ECD), which noted that shortcomings in statistical data not only hampers the understanding of the effectiveness of the legislation but also drives problems such as low awareness of the scale and impact of environmental crime, reduced political prioritisation of the issue and a reluctance on the part of governments to allocate human and financial resources towards the detection, investigation and prosecution of environmental crime cases².

Reports from Member States, such as those prepared for the 8th Mutual Round of Evaluations on environmental crime, indicate that environmental crime statistics are fragmented. They are typically recorded and held by different actors and institutions along the enforcement chain or by environmental authorities, and there is only limited centralised collection of these statistics at national level. In fact, none of the EU Member States has a single body with a central coordinating function for all data on environmental crime.

To address this issue, one of the specific objectives of the ongoing review of the ECD is to ‘Improve informed decision-making on environmental crime through improved collection and dissemination of statistical data’. After an assessment of the effectiveness and impacts of different options to achieve this objective, it was decided to adopt a provision within the ECD that would oblige Member States to collect and report statistical data according to harmonised common standards, and to define those standards through an implementing act developed by an EU task force consisting of independent and EU experts, working in conjunction with the Member States.

This report has been commissioned by the European Commission DG Justice and Consumers as a separate assessment accompanying the report supporting the impact assessment of the ECD. It has been prepared by a team of experts with extensive experience in designing and implementing statistical data collection on crime and criminal justice, as well as other socio-economic issues, in a European and global context. The main objectives of the report are to explore the following:

- what is needed in terms of data (i.e., define data requirements in broad terms);
- the main challenges that need to be addressed (i.e., availability of data, comparability, etc.);
- what can be done to address these problems (i.e., approach for defining standards for a data collection), including prioritisation of the interventions.

The report is organised as follows:

- **Section 2** reviews the approach and data sources for the report.
- **Section 3** provides a series of definitions and concepts about statistics and crime statistics in particular, aimed at the non-expert reader.
- **Section 4** provides an updated overview of current data collection practices at national level, based on consultation with key institutions in six selected Member States.
- **Section 5** tackles the main challenges in establishing common standards for statistical data collection across the EU, and provides a series of recommendations regarding the scope of data collection, specific indicators for the short and longer-term and priority quality criteria.
- **Section 6** sets out a process for joint development of common standards for data collection on

¹ Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law (Environmental Crime Directive) of 19 November 2008, OJ L 328, 6.12.2008

² Commission staff working document, Evaluation of Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (Environmental Crime Directive), SWD (2020) 259 final of 28 October 2020 ([part I](#), [part II](#), [executive summary](#)).

environmental crime by the EU and Member States.

- **Annex 1** contains the Section 10 on acts against the natural environment within the ICCS and **Annex 2** provides details on the information obtained via consultation activities.

2 APPROACH FOR THE ASSESSMENT

To carry out the assessment, the team has relied upon desk research, stakeholder consultation and its own expertise. Desk research covered existing studies and technical documentation related to statistical standards for crime statistics and related data. The list of sources consulted is in the References section at the end of this report.

The desk research work was complemented by a short consultation phase addressing stakeholders at national, European and international level. The consultation focused on the availability of environmental crime data at national level, and the type of support that may be needed by national authorities to collect and report statistical data according to EU-level harmonised standards. The consultation also collected views from other European or international groups responsible for or potentially interested in the collection of statistical data on crime or environmental crime. The stakeholder consultation was carried out through either on-line interviews or written answers to a tailored questionnaire prepared by the study team for each group of stakeholders. An overview of stakeholders consulted is provided in the table below; more details are in Section 4 and Annex 2.

Table 1: Overview of the consultation³

	Institution	Consultation method
EU and international groups	Eurostat	Interview
	DG MARE	Written questionnaire
	EEA	Interview
	ESB	Interview
	EIGE	Written questionnaire
National institutions	Bulgaria: National Statistical Institute	Written questionnaire
	Czechia: Ministry of Justice	Written questionnaire
	Czechia: Ministry of Environment	Written questionnaire
	Finland: Ministry of Justice and Statistics Finland	Interview
	Italy: Italian Statistical Institute and Ministry of Justice	Interview and Written questionnaire
	Romania: Public Ministry, Chief Prosecutor Service	Written questionnaire
	Romania: Ministry of Internal Affairs, General Inspectorate of Romanian Police	Written questionnaire
	Sweden: Swedish National Council for Crime Prevention	Written questionnaire

The desk research consultation complemented the expertise and knowledge held by the study team. The authors' previous experience in working with the European Commission, its Member States, as well as various EU agencies on the collection of comparable administrative data informed the approach taken and provided preliminary evidence on the pros and cons of the various options available.

³ In addition to the respondents listed in the table, other targeted stakeholders were also approached (both at national and European level). However, it was not possible to collect their views during the time frame of the project.

3 KEY DEFINITIONS AND CONCEPTS

This section reviews some key definitions and concepts, providing a contextual basis for understanding the information provided in the rest of the report.

■ **Policy mandates: ‘European statistics’ vs ‘other statistics’ vs other EU-level data collection activities:**

‘European statistics’ are statistics produced and disseminated by Eurostat. Defined in the European Statistical Programme (ESP), such statistics are developed, produced and disseminated in conformity with the statistical principles as set out in Article 338 of the Treaty on the Functioning of the EU and further elaborated in the European Statistics Code of Practice (CoP). In addition to official European statistics, there are so-called ‘other statistics’ which also provide the evidence-base for the definition, monitoring and evaluation of EU priorities, action plans, policies and other initiatives. In line with Commission Decision 2012/504/EU on Eurostat, ‘other statistics’ are those statistics that do not fall in the scope of European statistics (as defined above) but are subject to and identified through the planning and coordination exercise steered by Eurostat and defined in agreement between the particular Commission services and Eurostat⁴.

There are also statistics/data collected at EU level that do not fall under the scope of Commission Decision 2012/504/EU on Eurostat. Examples include the European Quality of Life Survey (Eurofound), and the Intimate Partner Violence indicators (EIGE). As discussed in the introduction to this report, the proposed statistical data collection for environmental crime would not fall under the definition of ‘European statistics’ or ‘other statistics’ but would be coordinated by the Commission Service(s) responsible for the Environmental Crime Directive.

The data collection proposed for environmental crime as part of the revised ECD would not target the collection of the data as ‘European statistics’ or ‘other statistics’. At this point, it is envisaged that the collection of data on environmental crime would be coordinated by another Commission service⁵.

■ **Input vs output harmonisation**

Cross-country comparability is particularly important for European statistics that aim at monitoring European policy objectives. Harmonising cross-country statistics relies on a variety of methods and tools: from approaches that focus on input harmonisation (i.e. standardised measurement processes; having the same practices in each step of the data collection process) to approaches that focus on output harmonisation (i.e. standardised outputs such as data and metadata). Output harmonisation practices are focused on concepts, definitions, classification or methodologies for data processing.

When data are collected from multiple or new sources (other than traditional surveys), harmonisation becomes more complex, as is currently the case for statistics based on administrative sources⁶ (such as

⁴ An inventory of ‘other statistics’ (i.e. statistical products released by EC services other than Eurostat) is available at: <https://ec.europa.eu/eurostat/documents/10186/12109798/inventory-other-statistics.pdf/60081981-dcde-47a6-b40e-56c1a7e4ceff?t=1608289526056>

⁵ Indeed, as has been stressed in the stakeholder consultations by the responsible service of Eurostat, with current staff levels and resources, Eurostat would not be in a position to take on additional data collection tasks (such as the one on environmental crime). Therefore, extending the involvement of Eurostat beyond the transmission and dissemination of data that are already collected within its current programme on crime statistics will not be feasible without a formal dialogue and agreement between Commission services (DG JUST and Eurostat). Currently, Eurostat collects some data on environmental crime within its annual data collection on crime and criminal justice, through the environment module of the Crime Trend Survey (CTS) questionnaire is implemented every two years. In this module, data are collected on four broad environmental crime types, without further disaggregation. Eurostat could make available to DG JUST the data collected on environmental crime as part of the UNODC-Eurostat CTS, and potentially could further emphasize and discuss with Member States the provision of these data, whenever part of the questionnaire. However, in the absence of additional agreements, Eurostat could not go beyond what is included in the structure of the UNODC-Eurostat data collection, in this regard, in the absence of additional agreements.

⁶ Administrative data are collected primarily for internal administrative purposes, such as resource allocation and case management, and not directly for statistical purposes.

crime statistics). In the context of European statistics (as defined in Commission Decision 2012/504/EU on Eurostat), it has been proven that output harmonisation methods are largely used in order to take into account country-specific conditions and to minimise the costs for statistical production.

■ Relevant statistical concepts and standards

Statistical data refers to data from a survey or administrative source used to produce statistics⁷. In this case, ‘data’ refers to information in numerical form that is collected through observation. As explained further below, statistical data on environmental crime in the EU refers mostly to administrative data – that is, data collected as a result or by-product of administrative processes (i.e., the investigation, prosecution and adjudication of environmental offences) by institutions of the Member States. While data collected by the institutions are case-specific and can be used to identify the persons involved, statistical data collected at EU level are generally aggregate data that are anonymised and cannot be related to specific cases or persons.

Metadata can be defined as information that is needed to be able to use and interpret statistics. Metadata describe data by giving definitions of populations, objects, variables, the methodology and quality.

A distinction is generally made between structural metadata and reference metadata⁸. Structural metadata are needed to describe the names, types and relationships between variables in the data set. Reference metadata describe the context of the statistical data, methodologies for data collection and data aggregation as well as quality and dissemination characteristics. The reference metadata, also called explanatory metadata, are particularly relevant for the collection of data on environmental crime.

Eurostat, as well as other European data producers (e.g. EIGE), presents this information in a standardised format called ESMS (Euro SDMX Metadata Structure).

In order to collect comparable data on environmental crime, a **common classification** with shared definitions and categories of environmental crime is needed. As explained further below, the International Classification of Crime for Statistical Purposes (ICCS), which has been adopted by the EU as a standard for crime classifications in general, provides a natural starting point for defining and classifying common categories of environmental crime for data collection. The ICCS is a classification of criminal offences which is based on internationally agreed concepts, definitions and principles in order to enhance the consistency and international comparability of crime statistics and improve analytical capabilities at both the national and international levels.

The ICCS provides a framework for the systematic production and comparison of statistical data across different criminal justice institutions and jurisdictions. This means that the ICCS is applicable to all forms of crime data, whatever the stage of the criminal justice process (police, prosecution, conviction, imprisonment) at which they are collected, as well as to data collected in crime victimisation surveys⁹.

Section 10 of the ICCS addresses ‘Acts against the natural environment’, as shown in Annex 1.

■ Stakeholders

Various stakeholders across the EU have a role in data collection on environmental crime. These stakeholders can be divided into institutions at the national and European levels. At the national level, the primary stakeholders are the data providers which include all agencies at the national level which produce data on crime and criminal justice statistics, including on environmental crime – mostly police, prosecution and courts. In addition, data may be collected by specialised agencies on the environment or environmental enforcement agencies, as well as by the ministries responsible for each of these areas

⁷ OECD, IMF, ILO, Interstate Statistical Committee of the Commonwealth of Independent States, "Measuring the Non-Observed Economy: A Handbook", Annex 2, Glossary, Paris, 2002, available at <http://www.oecd.org/dataoecd/9/20/1963116.pdf>

⁸ See: <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Metadata&oldid=424365>

⁹ See for more details: UNODC, International Classification of Crime for Statistical Purposes, Version 1.0 available at <https://www.unodc.org/unodc/en/data-and-analysis/statistics/iccs.html>

(ministries of interior, justice, environment etc.). Important stakeholders at national level are also the national statistical offices (NSOs) which have specific coordinating functions with regard to the collection of official statistics, and are sometimes tasked with coordinating all data compilation and dissemination of statistical data at the European and international levels.

At the European level, the most important stakeholders are the sector-specific services of the European Commission, mainly DG JUST, as well as other relevant services, including DG HOME, DG ENV, DG MARE, and agencies (including the European Environmental Agency). At the European level, Eurostat often assumes a coordinating function with regard to the collection of statistical data, even if the data collection is not part of the European Statistical System (see above).

Other stakeholders are specific agencies or institutions dealing with crime generally (such as Europol, Eurojust) or environmental crime specifically (such as EnviCrimeNet, the European Network of Prosecutors for the Environment (ENPE) as well as other institutions collecting data on crime and criminal justice (such as the United Nations Office on Drugs and Crime (UNODC) and the European Sourcebook (ESB)).

■ **Relevance as statistical quality aspect**

The quality of statistical output is measured in the European Statistical System (ESS)¹⁰ considering the following main quality characteristics: relevance, accuracy and reliability, timeliness and punctuality, coherence and comparability, availability, accessibility and clarity. Cost-effectiveness and privacy issues can also be considered as being part of the quality of statistics. While accuracy is generally considered to be a key measure of quality, it is not the only criterion to be considered. Even if statistics are accurate, they cannot be considered as of good quality if, for instance, they are outdated or cannot be easily accessed, or do not answer to user needs.

Statistics are relevant if they meet user needs. Statistics needs have two dimensions: (1) what is available; and (2) what is needed (content and coverage of statistics). The first dimension refers to the data providers/owners (and experts' assessment), the second dimension refers to the users of statistics (DG JUST, DG ENV, etc.). The two dimensions represent the offer and the demand side. Equally important to defining data requirements, it is also important bringing in line the offer and the demand, for statistics to be relevant. The starting point – for assessing the relevance of the data collection - is the monitoring of the effectiveness of the revised ECD; nevertheless, this may be extended in the future to satisfy other statistical user' needs.¹¹

¹⁰ <https://ec.europa.eu/eurostat/web/european-statistical-system>

¹¹ While the user needs of some stakeholders at European level are clear (for example, DG Just needs good quality statistics on environmental crime to assess the effectiveness of the European Crime Directive), the specific uses that other Commission services and stakeholders may make of more comprehensive statistics on environmental crime may only be discovered once these data become available. For example, while the European Environment Agency clarified in the stakeholder meeting that they do not collect any data on environmental crime and have not made use of any such data up to date, they also see the potential uses such data may have within their agency in future (for instance, within the context of the EU Biodiversity Strategy where the objective of protection could be better monitored with environmental crime data or in the context of enforcement of the EU Green Deal).

4 OVERVIEW OF CURRENT DATA COLLECTION PRACTICES IN SELECTED MEMBER STATES

This section is based on feedback collected (in written and through interviews) from the national authorities. This overview follows the structure of the questionnaire/interview script sent to the national authorities, and it integrates the replies received from the following institutions:

- Bulgaria – Bulgarian National Statistical Institute (BNSI)
- Czechia – Ministry of Justice and Ministry of Environment
- Finland – Statistics Finland and Ministry of Justice
- Italy – Italian Statistical Institute (ISTAT) and Ministry of Justice
- Romania – Prosecutor’s Office and General Police Inspectorate
- Sweden – Swedish National Council for Crime Prevention

The overview is summarised according to the following issues explored at national level:

- Status in the implementation of ICCS Section 10 at national level, challenges faced in its implementation and opinions on its usefulness as basis for structuring environmental crime statistics;
- Availability of statistics on environmental crime (major and minor) and environmental administrative offences at national level, reliability of these and feasibility to collect these;
- Main challenges faced with the data collections on crimes, misdemeanours etc. or administrative offence statistics based on administrative data at national level;
- Conditions under which the collection and reporting of environmental crime statistics, in the respective countries, could be organised more systematically;
- Support needed from the EU (funding, technical support and expertise, development of a technical platform, development of common standards for data collection etc.) for enabling a more systematic data collection on environmental crime in the respective countries.

4.1 STATUS IN THE IMPLEMENTATION OF ICCS SECTION 10 AT NATIONAL LEVEL

Three of the six countries have implemented the ICCS classification (IT, FI, SE) and the other three (BG, CZ, RO) are in process of implementing it. In the countries that have not completed the implementation, the classification is unofficially used (CZ) or used partially for reporting purposes to international and European institutions (RO). Countries that reporting having implemented the ICCS classification however noted that this does not homogenously apply to all relevant institutions, and Section 10 is only partially implemented. For example, in FI the ICCS is implemented only at the level of the police data, and not at the level of courts and prosecution data; while in Italy this has been done only within the prosecution office. The partial implementation of ICCS Section 10 is due to the level of detail requested. While in all countries Section 10 level 01 can be transposed to national classifications, this is not the case with lower hierarchical levels in the classification (i.e. breakdowns) and particularly for level 03. (See Annex 1 for the content of the ICCS Section 10).

Though stakeholders consider the ICCS a good basis from a statistical standpoint, some believe that the structuring of environmental crime data is too detailed (FI, IT) and report that in some cases it does not fully correspond to existing national legislation in the domain of environment protection (SE, RO).

The respondents noted the importance of close coordination among the relevant institutions for an effective and useful implementation of ICCS in the statistical system (e.g. approval by the statistical system, validation with all stakeholders, etc.). Furthermore, some respondents highlighted the

importance of certain reporting flexibility (i.e. reporting of data for Level 1 of ICCS Section 10) and as well the crucial importance of allowing for continued use of the national classifications.

The countries that publish environmental crime statistics are generally doing this according to their national classifications (e.g. ISTAT¹², National Police Board in Finland), and these are based on different sources (e.g. Italy – Prosecutor’s Office, and Finland - National Police Board¹³).

There is also a need for regular (relatively frequent) updates of the correspondence between the ICCS and national legislation.

4.2 AVAILABILITY OF STATISTICS ON ENVIRONMENTAL CRIME AND ADMINISTRATIVE OFFENCES

At national level, crime statistics are managed by different institutions across the Member States. In SE, for example, the Council for Crime Prevention collects data and produces statistics from all relevant authorities within the criminal justice chain. In IT, FI, and BG, the national statistical institutes play a more prominent coordination role, relying on the delivery of data from various authorities (e.g. police data, prosecution data, etc.). Additional statistics providers compile additional data, but specific coordination procedures between these authorities and the statistical offices are not always in place (for example, the ICCS classification is only applied for statistics produced by the national statistical institutes and not at the level of the data from other authorities). In CZ the ministry of justice has a more prominent role in relation to crime statistics, and in RO this is the General Police Inspectorate.

The following data are collected in each country:

- **Bulgaria** – the national statistical institute produces statistics on crimes, accused and persons convicted with a sentence that has come into force during the reference year. The sources of data are statistical questionnaires by pre-trial and trial proceedings and administrative data. Crimes are classified according to chapters of the penal code.
- **Czechia** – the ministry of justice produces statistics based on courts and prosecution sources. The statistics include number of prosecuted, accused, and convicted persons for criminal offences broadly, including both major offences and both felonies and misdemeanours. Some administrative offences are recorded by the ministry of environment in their information system, although there is not any official database registering all these.
- **Finland** – the national statistical institute produces statistics based on data from the National Police Board (e.g. number of reported crimes, etc.). These data include major and minor criminal offences, but not administrative offences. Statistics Finland can report the statistics for all offences (i.e. number of offences of a certain type). The ministry of justice compiles additional statistics on sentenced and prosecuted persons, but these are not publicly available.
- **Italy** – the national statistical institute produces statistics based on the data on proceedings extracted from the prosecution office databases. These cover criminal offences, both major and minor (*delitti* and *contravvenzioni*). Since 2012, data on administrative offences is partially available, but only if these are connected to the criminal offences and a connection is done by the prosecution office. Separately, the ministry of interior compiles data on reported crimes, while the ministry of justice compiles data on trials, final convictions and imprisonments.
- **Romania** – no statistics on environmental crime are collected by the national statistical institute.

¹² See: https://www.istat.it/it/files//2018/07/EN_Environmental-violations.pdf (summary in English) and https://www.istat.it/it/files//2018/07/Report_AmbienteEpaesaggio-10072018.pdf (full report in Italian)

¹³ See: <https://poliisi.fi/documents/25235045/28576016/Ympäristörikoskatsaus+2021.pdf/0edd668b-8f1c-05dc-f168-4aefab533ce4/Ympäristörikoskatsaus+2021.pdf?t=1629713181169> (2021 report in Finnish).

The English version of the Environmental Crime Review 2019 was made available to the study team by representatives of the Ministry of Environment in Finland.

Statistics are collected by the Prosecutor's Office attached to the High Court of Cassation and Justice (PICCJ). These only reflect the total number of environmental cases registered by prosecutors and entered in the general statistics. Manually, on the intranet system it is also possible to check the number of cases by category of offence. In addition, statistics are also collected by the General Inspectorate of Police. However, currently these do not reflect reliably the extent of environmental crime. This is mainly due to the fact that some environmental offences are counted within the non-specific category 'other criminal offences'. The offences recorded by the General Inspectorate of Police include both major criminal offences and contraventions (but not administrative offences).

- **Sweden** - the Council for Crime Prevention collects and produces statistics on reported offences, processed offences, suspected offences and convictions, as well as on suspected persons and convicted persons. The statistics produced include both minor and severe crimes (according to criminal law), as well as attempts etc. The Council for Crime Prevention collects these statistics from different national authorities in the justice system. Official crime statistics in Sweden are limited to offences in criminal proceedings in the justice chain.

Overall, the statistics collected include both major and minor criminal offences¹⁴ (CZ, IT, RO, FI, SE), but not administrative offences, which are only collected partially by other authorities (e.g. the ministry of environment). In IT, administrative offences may be linked only in specific instances with a criminal case, if this is noted by the prosecution office.

4.3 CHALLENGES FACED AT NATIONAL LEVEL WITH DATA COLLECTION ON ENVIRONMENTAL CRIME AND ADMINISTRATIVE OFFENCES

One of the main challenges reported is related to the level of detail of the data requested. Specific breakdowns, such as those included in ICCS Section 10, may not be possible to report based on existing data and classifications at national level.

Another challenge noted by respondents is the fact that multiple sources must be considered to obtain a consolidated overview of the situation, as well as the limited availability of data on administrative environmental offences or difficulties to access these. Ensuring that a national-level coordinating agency can have access to data from different sources was also cited as an important challenge. In some cases, strict GDPR¹⁵ requirements can limit the access to specific administrative data even to other national institutions, in the absence of a special approval procedure.

Finally, it was noted that providing certain types of data related to environmental crime, such as offences that lead to corporate fines, would require major system developments.

4.4 PRE-CONDITIONS FOR SYSTEMATIC REPORTING DATA COLLECTION REPORTING

Based on the responses received, the extent to which systematic reporting and data collection could be set up in the Member States is closely linked to:

- the status of the implementation of the ICCS;
- the coordination of crime statistics at national level; and
- priorities at national level in the domain of crime statistics or crime reporting and statistical systems.

All countries emphasised the challenge in reporting the data fully compliant with all ICCS breakdowns, particularly the more detailed ones. A fully integrated system of all criminal justice branches would involve major system developments and time investment, which is considered not possible by most of

¹⁴ Or crimes depending on the level of the counting unit applied.

¹⁵ The General Data Protection Regulation, (EU) 2016/679

the national institutions consulted (all except for SE). Compiling reliable data on administrative environmental offences would also be extremely challenging, if not impossible.

4.5 SUPPORT NEEDED FROM THE EU

Member States are naturally concerned about the potential costs of any new reporting and/or data collection requirements, given that a fully integrated system of all criminal justice chains or very detailed or specific data requests would include major system developments and time investments. The allocation of adequate funding was emphasised by the majority of respondents. IT emphasised the need of legal support for the initiation of such a data collection. In the absence of legal provisions, even though funds are made available these would be insufficient to prioritise the specific data collection, since many other stakeholders have similar requests. A thorough cost-benefit analysis to determine the pros and cons of different requirements (from the Member States as well as EU perspective) was also suggested.

Flexibility in reporting (more aggregated categories) and consistency with other similar data collection efforts in the reporting standards for data and metadata would reduce the administrative burden for the national authorities. The availability of common minimum standards for the data collection on environmental crime is also an aspect welcome and emphasised by all respondents.

5 CHALLENGES AND RECOMMENDATIONS FOR COLLECTING DATA ON ENVIRONMENTAL CRIME

5.1 SCOPE AND INDICATORS

This section focuses on issues of (criminal) justice data as well as the indicators needed for environmental crime statistics. It raises key issues for consideration and decisions to be made when setting up a mechanism for collecting EU-level data on environmental offences based on data collected and submitted by the Member States. Finally, it proposes a set of indicators to be considered as part of the EU-level data collection on environmental crime, both in the short term and the longer term perspective.

5.1.1 Overall scope of the statistics: crimes vs all offences

A first decision to be made is whether to restrict the statistics to criminal offences only or to include infractions/misdemeanors/administrative offences as well.

An *offence* (or ‘unlawful act’) is meant here to be ‘any act that is subject to a sanction or measure under any law’, whereas a *crime* (or *criminal offence*) has a much more restricted meaning, i.e. ‘an act that is defined to be criminal by criminal law *and* is subject to prosecution within the criminal justice system’.

There are two aspects to consider here. The first is in which law a specific offence is described. An offence can be explicitly defined as a *crime* in criminal law, but this is not always the case. In all Member States the criminal law makes a distinction between crimes and a lesser form of offences usually called misdemeanours¹⁶. Here, although the offence is defined in criminal law, it is not a crime. Also, some types of offences are defined in administrative laws, rather than criminal law. Although these offences are ‘acts that are subject to a sanction or measure under a law’, they are not crimes or even misdemeanours.

Secondly, even when an offence is defined as a crime in criminal law, it is not necessarily handled within the criminal justice system. Instead, it can be dealt with administratively, depending on the nature of the crime or the (suspected) offender¹⁷. In many Member States this happens when the offender is a legal person, making the offence in practice an administrative offence¹⁸.

In most Member States crime statistics refer only to crimes that are handled within the criminal justice system. Statistics on misdemeanours and/or offences in administrative procedures are missing or underdeveloped in most Member States.

The options and their consequences regarding whether to include only crimes or all offences in statistics are as follows:

- **Only including crimes**, which will show a - probably considerable – underreporting of environmental offences. This will also have a negative effect on the comparability between Member States because the distinction between criminal and non-criminal offences is not uniform

¹⁶ They can also be called ‘infractions’. In France there are even two kinds of lesser crimes: ‘delits’ and ‘contraventions’.

¹⁷ In this context, a particular case concerns violations of fisheries legislation. As explained in the written response from DG MARE, the EU has a consolidated position at international and EU levels with regard to fisheries and compliance, that is, the violation of fisheries legislation should not be considered a ‘crime’ nor an ‘environmental crime’. The main reason for this position is that in several Member States, the use of administrative sanctions for both serious and non-serious infringements has been demonstrated as more efficient than the use of criminal enforcement procedures. Therefore, if a decision is made that data on environmental offences should exclude non-criminal offences, fisheries violations would remain largely outside such a data collection.

¹⁸ An aspect relating to non-criminal offences that is probably not very important for environmental offences is the practice in some Member States whereby offences committed by a juvenile offender are handled outside the Criminal Justice System. This means that these are in practice administrative offences.

between Member States.

- **Including non-criminal offences in the statistics**, which is likely to be a severe burden for (probably most) Member States. In many Member States, statistics (or information in general) on non-criminal offences are not well-developed. As has been pointed out by external experts, the standardization of administrative offences is extremely difficult, and comparability between countries (as well as between offences) would be even lower¹⁹.
- **Leaving the decision on whether to include non-criminal offences or not to Member States**, which will result in a complete lack of comparability.

For practical reasons, in order to reduce the need to redesign national judicial/statistical systems, the recommendation here is to follow the first option: to restrict the statistics required from Member States to only those environmental offences that are defined as criminal in national law. Although comparability is not guaranteed, the alternatives (e.g., leaving the decision to Member States) are expected to be worse. From the experience of the experts and the results of the interviews held, most (but not all) Member States are able to provide statistics on both major and minor (environmental) criminal offences. However, the research indicates that very limited data on administrative environmental offences are currently collected. In the opinion of the Member States that were interviewed this would be extremely challenging, if not impossible under current circumstances.

Because of the underreporting when only crimes are considered, for the longer-term Member States could be recommended to start building a statistical system that includes all offences covered by the ECD, even those offences that are handled outside the criminal justice system.

5.1.2 Counting of environmental offences and counting unit

An offence is only an offence if it is defined as an offence in (criminal or other) law. So it seems easy: look at the articles in (criminal or other) law where the offence can be considered an environmental offence and use these articles as base for statistics. However, in practice, many environmental offences are ‘hidden’ behind completely different offences/articles in (criminal or other) law. A typical example is the illicit movement of waste with the help of falsified documents – here the offence recorded may be either illicit trafficking of waste, the forgery of documents or both.

When both offences are recorded, the majority of Member States count in their statistics the number of ‘criminal/illegal acts’²⁰ and apply a principal offence rule (or most serious offence rule) to determine how to classify the act. In the example above this means that the criminal act will probably be classified as forgery of documents and will not be part of environmental crime statistics. The decision to be made here is whether to adhere to this principal offence rule or to oblige Member States to count all criminal acts where at least one of the offences can be seen as an environmental offence. Following the principal offence rule will show a - probably considerable – underreporting of environmental offences and will have a negative effect on the comparability between Member States.²¹

The situation where only the non-environmental offence is recorded for a specific illegal act, even though the act can be considered as an environmental offence is more problematic. The implication when asking Member States to count also these ‘hidden’ environmental offences is that they will probably have to introduce an indicator for environmental offences in their crime recording systems (Case Management System, Excel files, paper forms, etc.). Also, every user of these systems has to be

¹⁹ This was pointed out in the expert interview by Prof. Stefan Harrendorf, Professor of criminology and member of the European Sourcebook Group.

²⁰ Confusingly, the ‘criminal/illegal acts’ are often called offences as well in the statistics. But this can also be a case of ‘lost in translation’.

²¹ As has been pointed out in the expert consultation with the ESB, in many countries, the progressive introduction of electronic data processing systems mean that data collections are becoming more flexible. For example, single offences are still in the databases, even if these are not reported in aggregate statistics. Whenever this is the case, Member States could easily report on all crimes with an environmental dimension.

aware of its meaning and use it correctly.

Because of the considerable impact on both underreporting and comparability, it is strongly advised to oblige Member States to implement the means to include all offences that can be seen as environmental, even if the relevant articles are not present in the case file or hidden behind other articles. To lessen the administrative burden for Member States, starting with prosecution and courts, and leaving the police for later, could be considered.

5.1.3 Definition and classification of environmental offences

When asking Member States to provide statistics on environmental offences, a clear understanding of how environmental offences are defined and classified is needed. Non-binding guidelines at EU level can address this, but the likely outcome is that Member States will continue to follow their own national definitions and classification, except in areas where it is relatively easy to implement these guidelines in their own statistical systems.

Alternatively, an obligatory set of definitions and classification can be developed by the EU. There are two options: (1) either to define and classify environmental offences according to specific needs at EU level or (2) to follow as much as possible the definitions and classification in the current international standards, i.e., the ICCS for crime classifications and the guidelines²².

Since the ICCS is already adopted by the EU as a standard for crime classifications in general, it is recommended that a common classification of environmental crimes be prepared at EU level, as a satellite classification of the ICCS. This would constitute a so-called ECECS – European Classification of Environmental Crime for Statistical Purposes. This would be based on Section 10 of the ICCS, which covers acts against the natural environment (see Annex 1)²³. At the EU level, this work would also need to be coordinated with work to be carried out by the Commission to define more precisely vague notions in the ECD as well as the extent of damage that would entail criminalisation, as currently envisaged under Objective 2 of the impact assessment report²⁴.

This would require Member States who do not already collect data according to a common crime classification to carry out a detailed mapping of existing crime categories compared to that of the new standard to the ECECS and report data according to these common standards.

Although the ICCS is adopted as a standard for international purposes, countries do typically use their own national classification for their own statistics. As discussed in Section 4.1 above, the Member State consultation carried out for this study has found that not all countries have fully implemented the ICCS. In such cases there is a risk that national statistics on environmental crime will deviate from statistics published at the EU level.

²² The second approach was followed by EIGE, as emphasised in the written response from the head of statistics on violence against women of EIGE. Similar to data on environmental crime, data on (violent) crimes against women suffer from the lack of common definitions for statistical purposes and limited data disaggregation. To overcome these challenges in its ongoing data collection on violence against women, EIGE tries to align its data collection as much as possible to ICCS standards, including through mapping the offences defined in national law to ICCS categories for reporting.

²³ It should be noted that for many countries section 10 can be too detailed, in the sense that some breakdowns are not possible to derive from the existing data (see Member State interviews in Annex).

²⁴ While the ICCS has been widely accepted as the standard classification of crime for statistical purposes and any European classification on environmental crime should be consistent with it, this does not mean that the classification does not need regular updating. In such updates new trends as well as important emerging crime types should be reflected. At the same time, not all "new crime types" will necessarily be included in an updated version of the ICCS. For example, France has recently voted to introduce a new crime type of "ecocide". While this is an important acknowledgement of the importance of persecuting devastating environmental damage, it is a category that cuts across existing environmental crime categories and therefore does not fit within the existing structure which requires crime types to be mutually exclusive.

5.1.4 What kind of statistics (the indicators for which data will be collected)

The indicators on environmental criminal justice cases can be divided into several dimensions:

- The events in the criminal justice process
- Offence characteristics
- Offender characteristics
- Victim characteristics

This section describes indicators for the first three dimensions. Victim characteristics are less relevant here, because environmental offences are almost always so-called ‘victimless’ offences (the society as a whole could be seen as the victim). Both the usefulness for environmental crime and the statistical counting rules (in particular the counting unit) are discussed.

5.1.4.1 The events in the criminal justice process

There is a *de facto* standard for the indicators to be considered here. Current data collection efforts (UNCTS²⁵, Eurostat, the European Sourcebook, etc.) consist of all or part of the following indicators:

1) the number of offences committed

These are all offences committed, whether they are recorded or, for whatever reason, not. This number includes all known offences as well as the unknown offences - the so-called ‘dark number of crime’ which can be estimated for some crime types by victimisation surveys, where the counting unit is either the number of victims or the number of victimisations. For environmental offences a victim survey would be impractical, but it could be useful to explore other means (such as environmental monitoring by satellite or wastewater testing) to estimate this indicator for environmental offences.

2) the number of offences recorded by LEAs

These are the offences that come to the attention of any LEA. For most crimes this usually means the police, but this could be different for some Member States in the case of environmental offences. There is a distinction to be made between the number of criminal offences investigated, which is not quite the same as recorded. It is recommended to use recorded offences, as it would probably be impossible for most Member States to provide information on investigations separately. For a discussion on the counting unit for offences, see section 5.1.2.

3) the number of suspected offenders

The UNCTS²⁶ speaks of ‘Persons in Formal Contact with the police and/or criminal justice system’. However, in practice many different interpretations of these definitions are possible. In some Member States, someone is only considered a suspected offender once prosecution has started (which makes this indicator identical to indicator 4 below). A practical definition of what exactly is understood by ‘suspected offender’ in the context of environmental crime should be one of the tasks of the EU task force described below in Section 6. The counting unit would be the person (legal or natural). Some Member States count persons that were suspected more than once in a given year as one. This is not recommended, unless it refers to a series of the same crime (e.g., repeated dumping of waste within the same year by the same offender).

4) the number of suspected offenders prosecuted (input)

These are the ‘alleged offenders against whom prosecution commenced in the reporting year’ (UNCTS).

²⁵United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems

²⁶ <https://www.unodc.org/unodc/en/data-and-analysis/statistics/crime/cts-data-collection.html>

As with indicator 3, different interpretations of this definition are possible. Moreover, it is expected that many Member States will not be able to provide this data, in particular not by offence type. For a discussion on the counting unit see indicator 5 hereafter.

5) the number of prosecutor decisions (output)

Although there are many differences between Member States in the function of the prosecution stage, basically three main decisions are relevant: a decision to bring a case before a court; a dismissal (e.g., lack of evidence, policy reasons); or a conditional disposal. The latter is essentially a sanction or measure imposed by a prosecutor. The counting unit here should be the offender, the same as for indicator 3. However, many prosecution statistics in Member States use a ‘case file’ as counting unit, where one case could refer to more than one offender.

6) the number of offenders convicted

These are the persons found guilty by a (criminal) court. A more comprehensive indicator would include (and differentiate between) persons receiving other decisions by a court. However, in practice for crimes in general most court decisions will be a ‘guilty’ verdict. If this is expected not to be the case for environmental crime it could be useful to differentiate between the type of verdicts. Conviction statistics in many Member States refer to verdicts in first instance only. If it is necessary for environmental offences to have the final verdict, there is a choice to be made: either to have both the initial and the final verdict or only the final verdict. The fact that many Member States will not have data on the final verdict readily available should be taken into account. The counting unit here should be the offender, the same as for indicator 3.

7) the sanctions and measures imposed

There are two different indicators here: the *type* of the sanction/measure (fine, community service, prison, ...) and the *quantity* of the sanction/measure (amount of fine, length of community service or prison sentence, ...)²⁷. As with the previous indicators the counting unit here should preferably be the offender receiving sanctions/measures. This way the indicator could be ‘persons receiving a sanction by type and level’. However, since multiple sanctions/measures for one offender are quite common, a kind of principle sanction rule should be used. Alternatively, the counting unit could be the number of sanctions/measures imposed.

8) the number of prisoners

This indicator is either the number of persons sent to prison in a certain year (flow) or the number of prisoners at a certain date (stock). Very few Member States will be able to differentiate their prison population by offence type. Therefore, it is not recommended to collect these data.

5.1.4.2 Offence characteristics

Many offence characteristics could be useful, and some are indicated briefly here. However, realistically only point 9 - the offence type - is expected to be widely feasible at present. It could, however, be useful for the EU task force (see Section 6) to consider the others (in particular the ‘effect’ indicator) with the longer term in mind.

9) The offence type

This is described in detail in section 5.1.3.

10) Date/time the offence was committed

Apart from the year, which would be the basis for presenting statistical information on environmental

²⁷ As has been pointed out in the expert consultation with the ESB, a further distinction of prison sentences that could usefully be applied is between a) conditional (suspended) imprisonment and b) unconditional (not suspended) imprisonment. In the same interview it was pointed out that data on the amounts of financial fines (for example, above a fixed monetary threshold or by using averages) would not be comparable across Member States with widely different levels of income.

offences, this will probably not be used unless seasonal effects in environmental crime would be interesting.

11) Geographical location

Larger Member States could have this information (by province or other administrative unit) available. However, this will probably not be needed at EU level.

12) Type of location

This indicator would give details on the nature of the location of the offence (e.g., domestic area, industrial area, woods, open water, etc.). Although this could be useful, most Member States will not be able to provide this kind of information.

13) Effect of the offence

This could cover, for example, the extent of ‘damage done to the environment’. Measuring this could be an alternative way to have some insight in the ‘dark number’ referred to under indicator 1. The challenge here is to make this into an operational indicator.

5.1.4.3 Offender characteristics

Most Member States usually do have detailed information on the (suspected) offender; unfortunately, this does not typically include the differentiation between natural and legal persons. The usual indicators are:

14) Offender age

In most statistics there are only two categories: juveniles and adults. The precise age range for juveniles is different across Member States, dependent on the age of criminal responsibility. For environmental offences this indicator is probably not very relevant.

15) Offender sex

For environmental offences this indicator is probably not very relevant either.

16) Offender citizenship

Most Member States include – or are able to provide – this information. However, the exact understanding of this indicator is vastly different between Member States, where also ethnicity or nationality is sometimes used instead. It is very important that – should this indicator be useful for environmental offences – the EU task force agrees on a workable definition including counting rules (such as how to count persons with dual citizenship).

17) Natural vs legal persons

Separating between natural and legal persons will be essential for environmental offences. However, in a few Member States legal persons are not subject to the *criminal* justice system and will therefore not be present in the regular crime statistics. Since this distinction is important it is recommended to ask Member States to implement mechanisms to get information on legal persons as offenders of environmental crimes whether they are handled in the criminal justice system or not.

18) Involvement of organised crime

For policy and law enforcement purposes, an indicator on whether the offender(s) are part of an organised crime group (as defined by EU legislation) could be useful. Some countries already collect such information while for most countries this would require the introduction of an additional marker in their data collection tools. The EU task force should agree on definitions and minimum data requirements.

5.1.5 Conclusions and summary table

The table below summarises the 18 indicators described in this section and their relevance or usefulness for monitoring the effectiveness of the ECD in combating environmental crime as well as the expected data availability. Based on this first review, it is recommended to include indicators 2, 3, 6, 7, 9 and 17 in any core EU data collection on environmental crime – these are shown in bold text in the table below.

Due to the expected poor availability of prosecution data, it is not expected that the indicators 4 and 5 can be collected with sufficient reliability. This means that there is also a complication with indicator 7. Usually this is meant to indicate the sanctions/measures imposed by a criminal court. However, in most Member States either the LEAs and/or the prosecution can impose sanctions/measures (usually a fine) as well. Indeed, it is expected that in many Member States environmental authorities do have the means to impose fines for environmental offences (in particular in the case of legal persons as offenders). It is recommended to make this explicit when asking data from Member States on this indicator.

Regarding dismissed court cases, in most Member States the majority of cases dismissed are dismissed at the prosecution level and not at the court level. To have complete information on dismissals both are needed. Alternatively, the ‘conviction ratio’, defined as the number of offenders convicted (indicator 6) divided by the number of suspected offenders (indicator 3), could be considered as a proxy²⁸. Another alternative would be the number of persons convicted per 100 offences recorded (the latter derived from indicator 2).

²⁸ This was also recommended in the expert consultation with the ESB.

Table 2: Summary table of indicators by relevance and data availability

Indicator		Relevant/useful	Data availability expected	Comment
		0 – not at all 1 – very little 2 – somewhat 3 – a great deal	0 – hardly any Member States 1 – in some Member States 2 – in many Member States 3 – in (almost) all Member States	
Events in the criminal justice process				
1	Offences committed	3	0	The dark number of crime
2	Offences recorded	3	3	By Police or any other LEA
3	Suspected offenders	3	3	Definitions of what a ‘suspected offender’ is, is different between Member States
4	Offenders prosecuted	2	1	Most Member States have no Prosecution Statistics by offence type. Also, the counting unit is not always the person.
5	Prosecutor decisions	2	1	
6	Convicted offenders	3	3	Alternatively, court decisions could be taken as indicator
7	Offenders receiving a sanction by type and level	3	2	See comment indicator 7 above
8	Prisoners	1	2	Many Member States have no prison data by offence type
Offence characteristics				
9	Offence type	3	2	Not all Member States have already implemented section 10 of the ICCS
10	Date / time	0	2	The ‘year’ is of course relevant
11	Geo location	1	2	Maybe statistics per NUTS region could be interesting
12	Location type	2	1	Not many Member States will have this information
13	Effect	2	1	
Offender characteristics				
14	Age	1	3	Probably the distinction between juveniles and adults is not needed for environmental crime
15	Sex	0	3	Probably not needed
16	Citizenship	1	2	
17	Natural/legal	3	2	
18	Organised crime	2	1	

5.2 QUALITY

Quality in statistics has many facets. For environmental crime these are in particular: relevance, accuracy and reliability, timeliness and punctuality, coherence and comparability, availability, cost effectiveness, privacy and clarity. Usually there is a trade-off between these. For example, a need to have the data for the last year already in February (timeliness) will probably have a negative effect on reliability, while aiming for maximum availability is likely to lessen the cost effectiveness. Therefore, it is important to find a compromise between them and to indicate those quality aspects that are the most important for the collection of EU-level statistics on environmental crime.

When proposing indicators in the previous section, we focused on the key quality criteria of relevance and availability criteria, as these will ultimately dictate the suitability of indicators, particularly from the start of the data collection exercise. Following these, our suggestion would be to focus on comparability and clarity.

■ Comparability

Comparability between Member States is always a challenge for collecting EU-level statistics. This is particularly true with crime statistics, where many definitions are based upon national laws, including procedural and substantial criminal laws. As this study has found, most Member States are implementing the ICCS but are at different stages in the process. Definitions for entities like ‘offenders’, ‘juveniles’, ‘prosecutions’, differ across countries, as do the role and function of police, courts and in particular the prosecution. Member States also have different rules for statistics, affecting counting units, the moment of counting, etc. Common guidelines will help in improving comparability, but it will never be completely realised. Therefore, it is very important to have metadata, showing all aspects where Member States are different in producing statistics on environmental crime²⁹.

In addition to comparability between Member States, comparability over time is important as well. Often a break in a time series within one Member State occurs due to legal changes, changes in legal policy or changes in the statistical system.

■ Clarity

Statistics are useless if their meaning or the context in which they appear are not clear. Of course, all definitions and explanations on the terms used in the statistics should be obvious for the user of the statistics. Information on the ‘story behind the figures’ should also be an integral part of the statistics³⁰. It is clear that metadata should be an integral part of the statistics. In addition to providing the data, Member States should also do at least the following:

- Indicate where and in what way the data do not fulfil common guidelines as defined by the EU working group
- Indicate what the reason is for sudden increases or decreases in the data (breaks in the time series), whether they are real or due to technical changes (in the law or the way statistics are made) or due to policy changes
- Indicate any special (national) circumstances where data can be different compared to other Member States
- Wherever data are not available or not applicable, explain why this is the case.

The presentation of metadata in the European Sourcebook on Crime and Criminal Justice Statistics can serve as a good example.

²⁹ As has been pointed out in the expert interview with the ESB, which has many decades of experience with the design and processing of metadata on crime, one of the first steps, apart from providing standard definitions, would be to collect very detailed information (metadata) to understand where actually Member States deviate from the proposed definitions.

³⁰ For example: the information that in a certain year 100% of the homicide offenders in Iceland were female only has meaning in the context that there was only one homicide in that year!

6 GUIDELINES FOR SETTING UP STATISTICAL DATA COLLECTION ON ENVIRONMENTAL CRIME AT EU LEVEL

This section presents a short, suggested method that the EU can adopt in order to put in place regular statistical data collection on environmental crime. The approach is based on that used to estimate costs for the impact assessment report as part of the study to support the revision of the ECD. The approach assumes that Member States would be required by the revised ECD to submit certain statistical data to the EU on a regular basis according to common, harmonised standards. These standards would be based upon the recommendations contained in this study and developed and agreed jointly by the Commission and the Member States as a first step. Once agreed, these standards would be adopted by the Commission as an implementing act.

To establish a working baseline for the purposes of understanding the efforts different Member States would need to undertake if they were required to collect and report statistics on environmental crime, information was collected from available desk sources, including the 8th Round of Mutual Evaluation country reports and others. The systematic collection and reporting of statistical data, including a certain degree of output harmonisation, would primarily require coordination across the various agencies that currently collect data. The number of agencies that would need to be coordinated differs across Member States – those with many different agencies are assumed to require greater effort than those with fewer agencies. This can be considered a reasonable proxy for the differences across Member States as the desk research suggests all Member States have some environmental crime data available within different institutions.

Although the effort needed across Member States to report statistical data on environmental crime may also be impacted by the quality or standards of the data currently available, the information obtained through desk research is not sufficient to make reasoned assumptions about which Member States would require more or less time to revise their standards for data collection. The consultation carried out covered a total of 6 Member States. Given the diversity of structures and coordination mechanisms at national level, the experiences of these countries cannot be generalised, though certain common viewpoints, particularly related to the expected support needed can be drawn. Furthermore, the work was carried out under the assumption that coordination and collection activities would constitute the bulk of the additional administrative burden resulting from setting up an EU-wide data collection on environmental crime.

Based on the information available preliminarily on the responsibilities for investigating and prosecuting environmental crime in the Member States as well as the current availability of relevant statistical data, three groups were identified with regard to the efforts that Member States would need to take to centralise their existing statistical data:

- **Member States that require more efforts to centralise and publish their (existing) statistics:** These include Member States whose data are often widely dispersed among various institutions or agencies, are not available in a centralised data base, and/or are dispersed in various federal or autonomous entities of the country. **For the purposes of the baseline assessment, these Member States were considered to have seven agencies.**
- **Member States that require medium efforts to centralise and publish their (existing) statistics:** These include Member States whose data are partly available in a central data base, or where significant efforts have already led to a compilation of statistics of various agencies in a few centralised data bases. **For the purposes of the baseline assessment, these Member States were considered to have six agencies.**
- **Member States that require less efforts to centralise and publish their (existing) statistics:** These include Member States that generally have a good level of central reporting from only a few responsible agencies and/or a few central agencies that already compile some (yet not all) statistics in a common data base from various entities. **For the purposes of the baseline assessment, these**

Member States were considered to have two to five agencies.

Based on these considerations, for the baseline assessment the Member States were divided into six groups based on the number of agencies currently involved with statistical data on environmental crime as summarised below.

Table 3: Grouping of Member States for the baseline based on number of agencies

Group	7 agencies	6 agencies	5 agencies	4 agencies	3 agencies	2 agencies
Member States	BE, EL, ES, IT, NL	FR, PL, RO	IE, SE, SI	AT, BG, DK, EE, FI, LT, PT	CY, CZ, DE, HR, MT, SK	HU, LU, LV

The application of minimum common standards for the collection, compilation and reporting of statistics on environmental crime is the recommended option for an initiative to collect these data for the EU Member States. These are broadly defined as standards that do not entail deep and costly changes in the data collection systems of the Member State – for example, by necessitating a major redesign of data entry and recording systems at the level of law enforcement authorities/police or requiring a complete overhaul of the judicial recording systems. Such minimum standards set at EU level, as practiced in other areas of EU data collection, would allow for some, limited comparability of the data, while not (yet) aiming at full data harmonisation across Member States.

The exact scope of such minimum standards could be determined at EU level with the participation of Member States in a working group and a task force on the methodology for the data collection³¹. In order to estimate the effort needed (both at EU level and national level) to implement minimum common standards and reporting, the following set-up and continuous activities are assumed:

EU level:

- **Setting up an EU coordination system**, including: designation of responsibilities to an already existing entity at EU level (e.g. DG JUST, with a possible role for Eurojust or Eurostat) to coordinate the data collection at EU level; definition of a work programme; definition of a structure (e.g. EU task force) and work procedures (e.g. Member States working group); planning and allocation of budget and human resources.
- **EU Task Force** – the definition of common standards (i.e. indicators, classification, counting units, counting rules and reporting templates) would be supported by a Task Force at the EU level. It would mainly consist of independent and/or EU experts (both on statistics and on environmental crime) and would be responsible for meetings, drafting of technical documents, guidelines, standards setting, bilateral discussions/missions to Member States to assess capacities and capabilities, coordination with other EU environmental crime statistics users, support/ ad-hoc advice on standards implementation.
- **Member States Working Group** – it would support the work of the EU Task Force in the definition of common standards to be implemented at the Member State level. The work of the Working Group would include meetings and discussions, reviewing technical documents, translation. An important and often neglected issue of standardization across European countries and jurisdictions is the language issue. While the EU Task Force defining standards would likely use one language (probably English), the results have to be translated into the language of the Member State. And because the terms to be translated are judicial terms defined within a specific jurisdiction this cannot be a purely linguistic translation. Therefore, translating ('transposing') common standards will be a specific task for the Working Group where each Member State would

³¹ Member States expressed their concern regarding the funding of setting up a system for environmental crime statistics, as well as the costs versus benefits of collecting and reporting the data.

be represented.³²

- **Annual coordination** – following the set-up, efforts will be required to maintain the system and contacts with other EU partners and Member States.
- **Annual maintenance of common standards** – this would be ensured by regular (e.g. annual) meetings of the Task Force to discuss issues, feedback or necessary updates to the standards.
- **Annual collection and review of the data** – this activity includes the collection, review, analysis and interpretation of the data delivered by Member States. Basically this includes data checking and feedback to the Member States.
- **Annual reporting and dissemination** – this activity refers to the preparation of a dedicated publication at the EU level and associated maintenance costs.

National level:

- **Setting up a national coordination procedure**, including: designation of a national coordinating office that leads the process of standardization, data collection and reporting facilities in the Member States and coordinates contacts with the different agencies within the Member States and the EU. A representative from this office should be part of the Working Group with other Member States (see above).
- **Setting up the common standards** – this would require minor changes in current statistics and coordination across the agencies involved in environmental crime statistics in each Member State. In practice, the activities might include round tables between all agencies in the Member States, development of templates, revisions and feedback before the reporting starts.
- **Annual coordination** – similarly to the EU level, in each Member State efforts will be required to maintain the coordination system (e.g. coordinating office) and contacts with national agencies, other Member States and the EU.
- **Annual maintenance of common standards** – this would require some regular coordination across the agencies and implementation of feedback if necessary (e.g. updates received from the EU Task Force).
- **Annual collection and reporting** – this would entail the coordinated collection and compilation of data from the different agencies in the Member States, validation and other necessary quality checks and transmission/reporting of the data to the EU.

³² While this activity falls under the EU level of intervention, it may imply costs to be borne at both national and EU levels (for example when experts participate in physical meetings organised by the EC).

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ANNEX 1 ICCS SECTION 10 – ACTS AGAINST THE NATURAL ENVIRONMENT

This annex presents a reproduction of Section 10 of the ICCS, which is referred to in several sections of the report. Source: UNODC, International Classification of Crime for Statistical Purposes, Version 1.0, available at:

<https://www.unodc.org/unodc/en/data-and-analysis/statistics/iccs.html>

SECTION 10		ACTS AGAINST THE NATURAL ENVIRONMENT	
1001	Acts that cause environmental pollution or degradation Acts that result in the pollution of the natural environment. ¹³²	+	Inclusions: Air, water, soil pollution; apply all inclusions listed in 10011 - 10019
		-	Exclusions: Pollution or degradation through the illegal movement or dumping of waste (1002); litter offences (0801); wilful destruction, damage, or defacement inflicted upon public or private property (0504)
10011	Acts that cause the pollution or degradation of air Acts that result in air pollution or degradation. ¹³³	+	Inclusions: Air pollution
		-	Exclusions: Air pollution caused by illegal mining, illegal logging or other acts that result in the depletion or degradation of natural resources (1004); apply all exclusions listed in 1001
10012	Acts that cause the pollution or degradation of water Acts that result in water pollution or degradation. ¹³⁴	+	Inclusions: Water pollution
		-	Exclusions: Water pollution caused by illegal mining, illegal logging or other acts that result in the depletion or degradation of natural resources (1004); water pollution or degradation through the illegal movement or dumping of waste (1002); apply all exclusions listed in 1001
10013	Acts that cause the pollution or degradation of soil Acts that result in soil pollution or degradation. ¹³⁵	+	Inclusions: Soil pollution
		-	Exclusions: Soil pollution caused by illegal mining, illegal logging or other acts that result in the depletion or degradation of natural resources (1004); soil pollution or degradation through illegal movement or dumping of waste (1002); apply all exclusions listed in 1001
10019	Other acts that cause environmental pollution or degradation Acts that result in the pollution of the natural environment not described or classified in categories 10011 - 10013. - Natural environment as defined in footnote 132.	+	Inclusions: Pollution through noise, vibrations, heat, light or radiation; dangerous, nuclear and chemical substance offences
		-	Exclusions: Apply all exclusions listed in 1001

¹³² **Natural environment**, at minimum, is the environment that encompasses the interaction of all living species.

¹³³ **Air pollution** is the direct or indirect contamination of the indoor or outdoor environment by any chemical, physical or biological agent that modifies the natural characteristics of the atmosphere. (World Health Organization. Air Pollution. Web: <http://www.who.int/topics/air_pollution/en/index.html>.).

¹³⁴ **Water pollution** is the direct or indirect introduction of substances or energy into a body of water, water utilities or marine environment (including estuaries), resulting in harm to living resources, hazards to human health, hindrances to marine activities including fishing, impairment of the quality of sea water and reduction of amenities. (Organisation for Economic Cooperation and Development. Marine Pollution. Web: <<http://stats.oecd.org/glossary/detail.asp?ID=1596>>.).

¹³⁵ **Soil pollution**, at minimum, is the direct or indirect contamination of soil by any chemical, physical or biological agent that modifies the natural characteristics of the soil.

SECTION 10		ACTS AGAINST THE NATURAL ENVIRONMENT	
1002 Acts involving the movement or dumping of waste Acts involving the illegal movement or dumping of waste. ¹³⁶		+	Inclusions: Illegal trafficking of waste; illegal movement of waste; illegal waste dumping; apply all inclusions listed in 10021 - 10022
		-	Exclusions: Litter offences (0801)
10021	Acts involving the movement or dumping of waste within national borders Acts involving the illegal movement or dumping of waste whose inception, prevention and/or direct or indirect effects involve only one country. - Movement and dumping as defined in footnote 136.	+	Inclusions: Illegal domestic waste dumping, illegal domestic movement or trafficking of waste
		-	Exclusions: Apply all exclusions listed in 1002
10022	Acts involving the movement or dumping of waste across national borders Acts involving the illegal movement or dumping of waste whose inception, prevention and/or direct or indirect effects involve more than one country. - Movement and dumping as defined in footnote 130.	+	Inclusions: Cross-border trafficking in waste
		-	Exclusions: Apply all exclusions listed in 1002
1003 Trade or possession of protected or prohibited species of fauna and flora Unlawful trade or possession of specimens of protected or prohibited wild fauna or flora species. ¹³⁷		+	Inclusions: Trafficking in wildlife, unlawful trade or possession of wildlife; apply all inclusions listed in 10031 - 10032
		-	Exclusions: Theft of a pet (050221); offences against the treatment, raising or keeping of animals (10091); robbery of livestock (04014); theft of livestock (05025)

¹³⁶ **Movement or dumping**, at minimum, is the unlawful collection, transport, recovery, disposal or shipment of waste that causes or is likely to cause serious injury to any person or substantial damage to the quality of air, soil or water, or to fauna or flora.

¹³⁷ **Specimen** is any animal or plant, whether alive or dead, or any recognizable part or derivative thereof.

Protected species is a species of fauna or flora under protection due to its risk of becoming extinct because of its low population, over-hunting/fishing, environmental change, predation, or other reasons. (Convention on International Trade in Endangered Species of Wild Fauna and Flora. 1973. Web: <<http://www.cites.org/eng/disc/text.php>>).

Prohibited species is a species of fauna or flora that is prohibited by national law due to its invasive qualities to the environment, poses a danger to persons, or other potential to cause harm. (European Union. Developing an EU Framework for Invasive Alien Species. Web: <http://ec.europa.eu/environment/nature/invasivealien/docs/ias_discussion_paper.pdf>).

SECTION 10		ACTS AGAINST THE NATURAL ENVIRONMENT	
10031	Trade or possession of protected species of wild fauna and flora Unlawful trade or possession of specimens of protected wild fauna or flora species. - Protected species as defined in footnote 137.	+	Inclusions: Ivory trafficking; apply all inclusions listed in 100311 - 100312
		-	Exclusions: Apply all exclusions listed in 1003
100311	Trade or possession of protected species within national borders Unlawful trade or possession of specimens of protected wild fauna or flora species involving only one country. - Protected species as defined in footnote 137.	+	Inclusions: Unlawful trade or possession of endangered species
		-	Exclusions: Apply all exclusions listed in 10031
100312	Trafficking of protected species across national borders Unlawful import, export, acquisition, sale, movement or transfer of protected wild fauna or flora species involving two or more countries. - Protected species as defined in footnote 137.	+	Inclusions: Cross-border trafficking in wildlife
		-	Exclusions: Apply all exclusions listed in 1003
10032	Trade or possession of prohibited or controlled species of animals Unlawful trade or possession of specimens of prohibited or controlled fauna or flora species. - Prohibited species as defined in footnote 137.	+	Inclusions: Possession of dangerous or controlled animals; breeding of dangerous animals; trade in prohibited species
		-	Exclusions: Apply all exclusions listed in 1003
10039	Other trade or possession of protected or prohibited species of fauna and flora Other acts of unlawful trade or possession of protected or prohibited species of fauna and flora not described or classified in categories 10031 - 10032. - Prohibited species as defined in footnote 137.	+	
		-	Exclusions: Apply all exclusions listed in 1003

SECTION 10		ACTS AGAINST THE NATURAL ENVIRONMENT	
1004 Acts that result in the depletion or degradation of natural resources		+	Inclusions: Apply all inclusions listed in 10041 - 10049
Acts that result in the unlawful exploitation or depletion of natural resources, fauna or flora species, land, water or air.		-	Exclusions: Acts that result in the pollution of the natural environment not amounting to depletion or degradation (1001)
10041	Illegal logging Unlawful extraction, cutting, harvest, transportation, purchase or sale of timber.	+	Inclusions: Illegal logging; illegal slash and burn; illegal sand mining
		-	Exclusions: Apply all exclusions listed in 1004
10042	Illegal hunting, fishing or gathering of wild fauna and flora Unlawful hunting, fishing, collecting or otherwise taking of wild fauna or flora.	+	Inclusions: Illegal hunting, illegal fishing, poaching
		-	Exclusions: Apply all exclusions listed in 1004
10043	Illegal mining Unlawful extraction of ore or minerals from the ground.	+	Inclusions: Trafficking of precious minerals; illegal mining; mining in the absence of land rights or mining licences; mining in violation of environmental or safety standards
		-	Exclusions: Apply all exclusions listed in 1004
10049	Other acts that result in the depletion or degradation of natural resources Acts depleting natural resources not described or classified in categories 10041 - 10043.	+	
		-	Exclusions: Apply all exclusions listed in 1004
1009 Other acts against the natural environment		+	Inclusions: Failure to protect the health and well-being of flora and fauna; apply all inclusions listed in 10091 - 10092
Unlawful acts with potential to cause harm to the natural environment which are not described or classified in categories 1001 - 1004. - Natural environment as defined in footnote 132.		-	

SECTION 10		ACTS AGAINST THE NATURAL ENVIRONMENT	
10091	Acts against animals Unlawful treatment, raising or keeping of animals.	+	Inclusions: Animal ownership or welfare offences (not amounting to wildlife trade offences); cruelty to pets; violations against hunting seasons; cruelty to animals; ill treatment of animals
		-	Exclusions: Stealing a pet (050221); theft of livestock (05025); robbery of livestock (04014)
10099	Other acts against the natural environment Other acts against the natural environment not described or classified in 10091. - Natural environment as defined in footnote 132.	+	Inclusions: Smuggling of ozone-depleting substances (ODS); unlawful use of ODS
		-	

ANNEX 2 CONSULTATION OVERVIEW

This annex provides an overview of the consultation meetings and written answers held or collected, respectively, in the context of the study in relation to the separate assessment on improving the collection and dissemination of data on environmental crime for statistical purposes.

The study team has compiled views (written answers and carried out interviews) from diverse stakeholders, including EC DGs and other European agencies and national authorities.

The views expressed by the different institutions that are resumed below are integrated in the main part of the report whenever relevant for supporting the recommendations provided by the study team.

EUROSTAT

Meeting date: 25 August 2021 (meeting held by video conference)

The meeting started with a short debriefing by DG JUST representatives on the aims of the revision of the Directive 2008/99/EC and the basis considered for the consideration of a policy objective on statistical data collection. It continued with a detailed presentation of the existing data collection on crime statistics by Eurostat.

Eurostat explained the context of crime statistics data collection by Eurostat; emphasizing that the activity is a joint UNODC-Eurostat initiative, the core being the Crime Trend Survey (CTS) questionnaire. There is no regulation binding Member States to submit data to Eurostat on crime statistics generally; the data transmission is voluntary, nevertheless there is an agreement between National Statistical Institutes or other appointed national organisations and Eurostat, settled on the working group. An exception are data requirements specifically included in EU directives, such as the one on cybercrime.

Eurostat as well clarified that their main national counterparts, for the crime statistics data collection, are the national statistical institutes (NSIs). While for environment crime statistics, more relevant counterparts at national level could be the ministries of justice and of environment.

The CTS questionnaire collects aggregated figures from administrative sources (e.g. police, prosecution, etc.) coordinated through the NSIs, and relying on agreements reached through the Working Group on Crime and Criminal Justice statistics. Data from EU27, EFTA candidate and potential candidate countries is collected. Overall, the CTS questionnaire includes 500 data points for each year. Data is collected in Excel format. Two separate questionnaires are sent to Member States: one for the data collection and a second one for the metadata. These are transmitted to the Eurostat through eDAMIS³³.

Eurostat emphasised that many data gaps exist, with around 50% of the data questionnaire being answered by the countries. The low item response rate is due to the challenges the implementation of the ICCS (International Classification of Crime for Statistical Purposes) poses, a process still in progress at national level. Furthermore, another challenging aspect noted by Eurostat representatives is the coordination of the data collection at national level. Actually, the data collected by Eurostat on environmental crime is only at the police level (as the majority of the other data reported through the CTS questionnaire).

Related to the ICCS categorisation of crimes, Eurostat collects data for the 11 main categories (level 1) and 37 sub-categories (level 2 and higher) and publishes data for 13 sub-categories out of the approximately 400 crime types listed in the ICCS. Eurostat, clarified that, while the questionnaire envisages the collection of these data, the ones for which data are not published are due to quality and completeness concerns, although data might be provided at lower levels from some of the Member

³³ eDAMIS (electronic Data files Administration and Management Information System) is an integrated set of tools for the transmission of statistics from Member States to Eurostat via the Single Entry Point. eDAMIS is installed in all the National Statistical Institutes (NSIs) and in several other organisations (ministries, agencies, central banks...).

States. The environment module of the CTS is implemented every two years. In this module, data are collected on four broad environmental crime types, without further disaggregation. Eurostat could make available to DG JUST the data collected on environmental crime as part of the UNODC-Eurostat CTS, and potentially could further emphasise and discuss with Member States the provision of these data, whenever part of the questionnaire. However, Eurostat could not go beyond what is included in the structure of the UNODC-Eurostat data collection, in this regard, in the absence of additional agreements with Member States.

Eurostat also advised that additional data could be collected through sectoral environment-related legislation, and available at other stakeholders such as DG ENV. DG JUST should also explore the availability of data at these other stakeholders.

Regarding the arrangements for a potential closer involvement of Eurostat (and the European Statistical System members) in a data collection on environmental crime, Eurostat clarified that this would need to be framed within the provisions of 'other statistics'. 'Other statistics' are a double responsibility: on one side Eurostat would be available to provide assistance and exploit synergies, while other European Commission services (in this case DG JUST) would have created bodies to collect data from relevant national authorities through legal or voluntary agreements. Eurostat would be in this case, as well, apart from adviser a re-disseminator of the statistics collected. There are good practice examples for these arrangements such as the FADN (Farm Accountancy Data Network) managed by DG AGRI or the DG GROW data collection on statistics on road accidents. However, for this option, a formal dialogue between DG JUST and Eurostat should be initiated at the level of policy discussions. The political decision would be the first milestone to be reached, in order to pave the way for this option, and only based on this, the support from Eurostat could be put on the planning agenda and statistical work programme of Eurostat. Only based on a political agreement, and after a formal feasibility phase and consultation at the level of the network of directors generals of the Commission, such an initiative could be discussed in terms of technicalities. A legislative provision for the data collection/obligation could help, but it should be constructed on the outcomes of the feasibility phase.

In the absence of such an arrangement, there exists the option that DG JUST independently establishes and carries out the data collection.

Irrespective of the concrete policy mandate, Eurostat also pointed out that with the current staff level they would not be in a position to take on additional data collection tasks, such as a possible data collection on environmental crime, which would therefore also depend on the provision of additional resources. Should a concrete policy mandate as well as additional resources become available, a possible future extension of the data collection on environmental crime should then also go through a pilot phase to test its feasibility. For example, the anti-money laundering directive requests the collection of data on amounts of money involved, which in the end turned out not to be feasible.

Further details on the availability of the environmental crime data (e.g. court statistics) available at Member States/NSI level could only be clarified by the Crime Statistics WG members. For this, a query to WG members would need to be launched, but only subject to preliminary agreements between EC DGs to include this consultation in the WG meeting agenda.

THE EUROPEAN ENVIRONMENT AGENCY (EEA)

Meeting date: 11 October 2021 (meeting held by video conference)

The interview with EEA covered the following main topics for discussion:

- The availability of statistics on environmental crime or similar administrative offences collected by the EEA;
- The policy needs of EEA for administrative statistics on environmental crime;
- Exchange of views on data platforms and approaches for setting a regular data collection on environmental crime.

EEA representatives clarified that there is no data on environmental crime collected by their agency, despite very diverse environmental-related statistics collected by the agency. EEA is collecting and analysing data that reach from forest fires to air quality; but, nothing specific on crime statistics, though evidence-based studies may include on an ad hoc basis related concerns (e.g. illegal forest exploitation in Romania).

However, EEA role is more of an *in-situ monitoring agency*, i.e. assessing the environment quality, based on statistical models and different sets of data, while an environmental crime data collection is understood by the agency more as a pure statistical undertaking, that would fall in the sphere of activity of statistical organisations. The role of the agency, as entity responsible for ensuring reliable information on the state of the environment, is somehow decoupled from the monitoring of the legal obligations of Member States. Furthermore, the EEA is collecting the data from a wide network of national institutes, through the European Information Observation Network (EIONET) and this is being done on a voluntary engagement of the Member States. This approach (i.e. voluntary) to collecting the data for its purposes is preferred by the agency instead of a regulatory one, and it has proved to work very well in practice.

Nevertheless, while the EEA, due to its role and way of collaborating with Member States, may not be in a position to initiate the discussion with Member States or collect environment crime statistics from these, the EEA would make use of these statistics if made available by other EC services. For example, the EEA participates in the global assessment processes for environment, and in this context the relevance of environment crime statistics (e.g. biodiversity crime) would be welcome. More in detail, the EEA could make most use of environmental crime data in the context of the EU Biodiversity Strategy, where an objective of protection is stated, and this could be monitored through environmental crime data. Furthermore, relevance of environmental crime statistics can be foreseen also in the context of the EU Green Deal. Such statistics would be rather interesting to follow the consequences of crime on the environment, though it would be challenging to correlate, for example, crime statistics based on administrative data with COPERNICUS (the EU Earth observation programme) through georeferencing the data. While there may be analytical possibilities, these highly depend on the content and structure of the crime statistics data.

While there are linking possibilities with data that EEA is collecting (e.g. oil pollution on coasts, through Natura 2000, or emissions by cars, for example), there is also a need of longitudinal analyses for retrieving relevant conclusions, apart from how crime is increasing.

In this context, the EEA representatives also explained the [ReportNet](#) data platform, through which environmental and climate data is reported by national authorities to the EEA. The platform ensures the collection of the information for strategic goals of the EC's Green Deal and Digital Strategy. This data platform is the result of more than 2 decades of work, and it ensures streamlining data collections, becoming a standard platform for the transmission of data from Member States to international organisation, not only in the environmental domain, but also in others such energy. The infrastructure design is transferable to other EC DGs or services. The data platform ensures the transmission of both public and confidential data (e.g. industry emissions).

In terms of costs for the development and running of ReportNet data platform, the EEA representatives

clarified that as an investment cost (one-off cost) the estimation is 3.2 million Euros, though the return on investment is considered to be very high. For maintenance and updates costs, this depends on the categories of the data flows. Currently, a total of approximately 130 data flows are managed by the platform. There are three categories of data flows:

- 1st level/basic level – when it is ensured that the data is transferred from one point to the other;
- 2nd level – where automated quality checks on the data are run (e.g. comparability of the data, outliers detection, etc.);
- 3rd level – very advanced level of data, including use and analysis of Big Data.

For the 1st level the annual costs are estimated at few thousand Euro, for the 2nd level ten or tens thousand Euros, and for the 3rd level several hundred of thousand Euro annually (including for example air quality analyses).

Regarding recommendations of potential uses of environmental crime statistics data, beyond what can be the merely monitoring of the Environmental Crime Directive, the EEA representatives suggested the use of georeferenced statistics at administrative level combined with modelling of the data at lower levels (e.g. 1 km square grid level) and other statistics incl. population or census data, to increase the relevance from an environmental perspective.

THE EUROPEAN SOURCEBOOK GROUP (ESB)³⁴

Meeting date: 11 October 2021 (meeting held by video conference)

The interview with the ESB covered the following main topics for discussion:

- Issues of (in)comparability dealt with by the ESB and recommendations on how to tackle these;
- How to approach the specific data collection on environmental crime, by comparison and difference with other specific crime statistics data collections;
- ESB experience and advice on whether to collect or not administrative offences;
- What data would be of most use for the EC to monitor and assess the effectiveness of the Environmental Crime Directive.

The ESB underlined the difficulty of environment crime, as specific area of crime statistics, emphasising the challenges in ensuring (at least minimum) comparability. Not only ‘comparability’ is challenging in this specific area, but as well availability is likely to be limited. The ‘dark’ figures characterising this specific area of crime statistics, as well the lack of a direct ‘victim’, and correspondingly of potential victimisation or perpetrator surveys, lead to an expected scarcity of data.

The specific area of environment crime is not covered among the ones dealt with by the European Sourcebook group, who relies on secondary data collections within Member States.

Given these features, it is recommendable to initiate the data collection by stating a requirement for Member States to do so. It is unlikely the EU data collection could rely on existing data at national level. One of the first steps, apart from providing standard definitions, would be to collect very detailed information (metadata) to understand where actually Member States deviate from the proposed definitions. It is also important to note the differences between legal and statistical systems. The legal systems would identify the differences in the criminalisation of these offences, while the statistical systems differences between counting units, for example. Common standards or guidance should include standards for the statistical collection, definitions, but also on how to cross-code the national offences to categorisations requested by international or European data collections. In the absence of guidance on cross-coding, translation problems may arise. Paving the way towards minimum comparability can actually mean running a separate data collection, not only related to the standard definitions proposed, etc. but also considering the country’s rules. Practically, an EU data collection on environmental crime would need to rely first on a sound assessment of what are the country’s rules and standards (statistical and legal).

The fact that there is no large international data collection on environmental crime established so far, could give the opportunity to influence the process at national level at this stage (e.g. parallel coding of offences in the national systems could be foreseen for example). However, this would be an additional burden for Member States. The main issue to tackle or plan is to ensure quick gains with minimum impact.

It should be noted that the sources of incomparability are not only statistical (for which solutions may exist, such as the ICCS). Substantive and legal factors also affect comparability, such as the difficulty in detecting and reporting environment crime. This is one aspect that cannot be addressed by the statistical data collection.

From a quick gain point of view: it should be explored, what would be available and collectable from Member States (i.e. what data national institutions have and what are the categories, and link these with planned categories).

Regarding statistical counting rules, these are multiple; e.g. rules for counting multiple offences, rules for counting suspects, rules for principal offence committed, etc. Among these, there are some areas

³⁴ <https://wp.unil.ch/europeansourcebook/>

very problematic. Nevertheless, there is a potential: in many countries, data collections are becoming more flexible, e.g. single offences are still in the databases collecting the data. If this is available, Member States could be requested to report on all crimes.

The initiator of the data collection, for planning purposes, should envisage (from a statistical point of view) how the data should be structured, and then ask the Member States if they can adapt their systems to report that.

A data collection on administrative offences related to environment infractions is even more difficult, although ‘tempting’. The standardisation of administrative offences is extremely difficult, and comparability would be even lower. To compare administrative offences with countries having a criminal sanction would be very difficult, even though the directive may target persuading countries to criminalise administrative offences, and this would need to be measured.

However, if reliable and comparable data on crimes is obtained, one would have some information on how efficiently cases are dealt with (e.g. approximation of conviction rates, etc.). However, measuring the effectiveness of the directive is also challenging, because it is difficult to link the national detailed crime data with annexes in the directive.

An approach that would consider the court level is important. However, in between the police and courts – at the prosecution level – it is very difficult to have any comparability. Data at prosecution level would be needed to allow for an indicator on number of cases dismissed, something that is targeted by DG JUST. Although, from ESB experience this level of data faces even more concerns on comparability, it is something that DG JUST could explore in the preliminary detailed assessment.

For the environmental crime specific area of crime statistics, the main sanctions that could be envisaged are only three: (1) suspended imprisonment; (2) not suspended imprisonment; and (3) fines. Most likely, these three categories would cover more than 90% of the sanctions in this area, since offenders are adults in all cases and have a certain financial capacity. Sanctions such as: custodial, verdict or admonition or other sanctions (e.g. community service) will have little if no applicability in this specific area.

As for the fines, it was noted that there should not be a certain threshold (volume, amount) used as category for comparison, since their relevance to national possibilities would not be comparable. Actually, the ESB collects data on sentence length, but not on fines amount.

THE EUROPEAN INSTITUTE FOR GENDER EQUALITY (EIGE)

Written answers: Received on 18 November 2021 **Question 1:**

What are, based on your experience in setting an EU data collection on crime statistics based on administrative data, the main challenges faced by the data providers (Member States) and EIGE as central coordination agency?

Answer to question 1:

The main challenges are the ones related to the lack of a common definition for statistical purposes of the offences together with limited disaggregation of data. There is a lack of standardization (data collection methodologies, minimum standards in relation to the disaggregating variables, counting units/rules, etc.)

The challenges encountered are described in this report: [Police and justice sector data on intimate partner violence \(europa.eu\)](#). It includes: technical challenges (different counting units, counting rules, stage at which data is recorded), institutional challenges (lack of coordination, data sharing, different definitions across the criminal system, etc.) and legal / political challenges.

Also this report highlights the challenges and limitations encountered when collecting data on EIGE's indicators on intimate partner violence, rape and femicide. [EIGE's indicators on intimate partner violence, rape and femicide: EU state of play | European Institute for Gender Equality \(europa.eu\)](#)

Question 2:

What are the statistical standards used for the data collection(s) of EIGE on crime statistics?

Answer to question 2:

The main issue is the lack of statistical standards for this specific data collection. We tried to align as much as possible the data collection to ICCS standards (mapping the offences against the ICCS..), using the European Statistics Code of Practice, but agreed upon, common standards are needed to use a comparable working definition of the offences, the scope of the relationships, etc.

Question 3:

What kind of support was received from Eurostat – the EU statistical office – for EIGE's initiatives for setting EU data collection(s) on crime statistics and how the support was agreed upon?

Answer to question 3:

Few discussions were held with Eurostat, but since it was a preliminary exercise, compounded basically of non-comparable data, the data collection couldn't be undertaken by Eurostat.

Eurostat can help in the data analysis, although future discussions are to be set to explore ways of collaboration. Eurostat Working Group on Crime Statistics was the platform to promote EIGE's data collection, being able to contact the identified data providers.

Question 4:

What is your advice for the planning of a data collection on environmental crime statistics based on your experience?

Which are, in your view, the steps that should be followed for setting and running a regular data collection on environmental crime along the enforcement chain (police/law enforcement, prosecution, courts, others)?

Answer to question 4:

- Agreements with the national data providers on the scope of the data collection – the timeline, to minimise data collection requests. Align this data collection to other regular data collections, etc.;
- Discuss and reach agreements with the Member States on the indicators/data to be collected, and the purpose of the data collection;
- Develop a clear data collection tool to gather comprehensive metadata and data;
- Develop guidelines for data collection;
- Maintain a partnership with the data providers: build the data collection in close cooperation;
- Agree with the data providers the data collection process/methodology;
- Provide technical assistance and support to develop / adjust their databases to collect data on the specific offence. When possible also provide funds to update their data collection systems
- Provide specific training.

NATIONAL AUTHORITIES

This section complements Section 4 – Overview of current data collection practices in selected Member States by providing a detailed overview of the responses formulated by the specific countries to the concrete questions addressed through the interview script and/or the written questionnaire.

Status in the implementation of ICCS Section 10 at national level

In section 10 of the ICCS (see [Section 10](#)) standard classifications / definitions of environmental crime are introduced. These categories of environmental crime are also used by Eurostat and UNODC in its annual data collection on crime and criminal justice (the UN Crime Trends Survey):

- a. Did you already implement this part of the ICCS? (In other words, are you able to provide data according to these categories on environmental crime?)
- b. If yes: was it possible to implement this completely or only partly? What problems did you encounter in providing data according to the standards requested?
- c. Do you think this ICCS section is a good basis for structuring environmental crime statistics? If not, why not?

■ Bulgaria

The process of the ICCS introduction in statistical practice of the country is initiated, but not completed yet. The Bulgarian National Statistical Institute (BNSI) was identified as national focal point and expert from the NSI was nominated as a member of ICCS Technical Advisory Group (ICCS-TAG) established by the UNODC. All authorities from data producers and part of users were informed about the ICCS's content as well as the reasons and advantages from its implementation were explained.

In 2018 was created Inter-organizational Expert Working Group (IEWG) on the Implementation of the ICCS in the national statistical practice. Experts from the Ministry of Justice, the High Judicial Council, the Ministry of Interior, the Prosecution's Office, the General Directorate 'Execution of penalties' at the Ministry of Justice were involved in the IEWG. The expert group developed national roadmap to implement ICCS. In addition, an assessment of current data production process in the country was accomplished and used in the data production process classifications, definitions and indicators in the field of crime statistics were determined. It should be noted that there was not a national crime classification. Data are collected according to the chapters and articles of the Criminal Code in force.

During 2018 - 2020, the BNSI participated in the Eurostat's Grant Project 'Support for improving crime statistics'. In the frame of the planned activities, the expert team performed analysis of the level of conformity between national and international definitions and national crime categories to the ICCS categories. The mapping process entailed determining the most appropriate offence category in the national system for each offence category in the ICCS, including section 10 for environmental crimes.

In addition, BNSI developed draft correspondence table between the ICCS definitions and crime categories and the Bulgarian Criminal Code with purpose for further application in statistical practice of the BNSI as well as to be of use to other institutions, data providers.

A number of steps were undertaken in this direction, including activities to improve the applied methods for reporting, recording, processing and dissemination of data, as well as identified administrative measures requiring management decisions.

Due to the nature of the activities related to the introduction of the ICCS, the process is expected to continue in the future and to be permanent for all involved parties. The process of the ICCS introduction in statistical practice of the country was not finished yet and it is expected to undertake administrative steps for its completing. The developed draft correspondence table should be agreed with stakeholders and procedure for implementing the ICCS in the national practice should be

started.

The process of the ICCS introduction in the statistical practice of the country was not finished yet and it is expected to undertake administrative steps for its completing. The data that Bulgaria provides annually for the common UNODC/Eurostat questionnaire are according to the national offence categories as provided data are as closely as possible to the ICCS offence categories definitions, but not in full compliance with the ICCS requirements. Due to the lack of official administrative act on data categories coverage, the Prosecution's Office is not able to provide such data.

BNSI considers section 10 of the ICCS being a good basis for structuring environmental crime statistics.

■ **Czechia**

The ICCS Section 10 is unofficially implemented and introduced in the statistical system in Czechia. The Czech Ministry of Justice has built a correspondence table mapping the sections, paragraphs and letters of the Criminal Code of the Czech Republic to corresponding ICCS codes.

The implementation, though unofficial, currently, is complete. The main challenge (which is general, not only applying to environmental crime) was the decision on the correspondence and consistency of definitions in absence of direct or straightforward correspondence.

ICCS is considered as a good basis for the structuring of environmental crime statistics.

■ **Italy**

The Italian Statistical Institute (ISTAT) collects and regularly publishes³⁵ statistics on environment crime based on the Prosecutor's Office data.

ISTAT has partially implemented the ICCS Section 10. A web portal with the correspondence tables between the Italian Penal Code classifications and ICCS is currently under development. Full correspondence between Italian law and the ICCS classification is not possible, and at national level it is important continuing with the processing of the data and its publication according to the national classification.

Nevertheless, the ICCS Section 10 is generally considered a good basis for the structuring of environmental crime data. However, the strict disaggregation between crimes against air, soil, water is too detailed (n.b. the data registered is as in the Penal Code, and refer to either water and/or air and/or soil pollution).

■ **Romania**

The correspondence between the national criminal legislation and ICCS was finalised in 2019 by the General Inspectorate of Police in Romania. The correspondence/mapping is only used for orientation at the level of the General Inspectorate of Police, since the documentation regarding the implementation of this classification in the statistical system in Romania is still pending validation and approval.

The General Inspectorate of Police has only partially mapped Section 10 of ICCS according to the national legislation, after a detailed analysis of the codification approach of the crimes against environment. Following the analysis of Section 10, it was also concluded that the transposition of the national legislation against ICCS is incomplete, due to recent legislative changes in the domain of environment protection. The General Inspectorate of Police has, recently, approached the

³⁵ A two-year time break in the publication of statistics on crime has been faced by ISTAT due to strict GDPR application in Italy. In Italy, an institution has to be approved by the State Council and Accounts Court for working accessing and processing data on crime and convictions. The time gap was due to the approval formalities ISTAT had to handle for renewing work on the data, in light of this recent GDPR regulation.

National Statistical Institute to coordinate the activities for the update or revision of section 10, for a closer harmonisation at the level of relevant Romanian authorities (i.e. The Superior Council of Magistracy, the Ministry of Justice, the Public Ministry – Prosecutor’s Office).

Therefore, ICCS is used informally at the level of the General Inspectorate of Police for the purpose of transmission of comparable data at the request of European and international institutions, with Section 10 being only partially codified.

The National Statistical Institute in Romania does not collect any statistical data on environmental crime, for the time being.

■ **Finland**

Statistics Finland collects crime data from the National Police Board in Finland. The ICCS is implemented in Statistics Finland for police data. An overview of the level of environmental crime data collected mapped according to ICCS Section 10 is available at:

<https://pxnet2.stat.fi:443/PXWeb/sq/6ee1565a-b937-478e-84ef-19dcce7109b7>

Currently, the ICCS Section 10 level three (i.e. 5 digits code) data cannot be populated. Statistics Finland considers the ICCS Section 10 classification too detailed; the disaggregation by environment area (soil, water, air, etc.) is not possible. However, it may be possible in the future. Nevertheless, the ICCS classification is only additional to the statistics produced by Statistics Finland for the national stakeholders, which remain the first priority.

On the other side, other statistical users within Statistics Finland (i.e. GHG unit and Environment), consider the ICCS classification detailed enough, since it covers natural resources activities, allowing for a potential link with NACE (n.b. environment crime data is seen as a potential source that could be linked with environment accounting, i.e. System of Environmental Economic Accounts). Nevertheless, the main limitation seen is that the level of aggregation may not be informative enough from this perspective.

The ICCS is not implemented at the level of court and prosecution data. While data is being collected, it is not mapped according to the ICCS. These statistics are not public as those from the police.

The statistics produced by the Finnish Ministry of Justice are based on codes according to the national criminal laws, which are not as detailed as in the ICCS.

■ **Sweden**

The National Council for Crime Prevention has implemented the ICCS in the European statistics through the production of a correspondence table that translates existing national classification categories to ICCS categories. The final correspondence table was reviewed by a legal expert, and is updated on a yearly basis in case of legislative changes or new crime codes.

In the implementation of the ICCS correspondence table it has been identified that the national classification categories in use – that are based on the structure of the national legislation i.e. foremost articles under chapter 29 in the Environmental Act (Miljöbalken) - can be fully translated to the ICCS categories of the first level (01), but only partly to the ICCS categories on more detailed levels (02-04).

The ICCS is in general more detailed than the national classification of the Environmental Acts or other relevant legislation. The result being that the Swedish Environmental Act can be fully translated to the ICCS at some level, while the ICCS classification codes on the more detailed levels cannot be fully translated into national classification categories (crime codes or structured data on legislative articles). Hence it is not possible to provide data on the more detailed levels of categories under section 10 of the ICCS.

In Sweden there are two classification systems in use. 1) crime codes (NNNN) that are used by the Police, Customs and Prosecutions Authorities, and 2) Structured legal information (classification of chapters, articles, paragraphs in national legislation) that are used by the criminal courts. In general, the crime codes provide less detailed information than the structuring of legal information.³⁶

The National Council for Crime Prevention in Sweden assesses the ICCS as a good basis, but only at the first level (01) and from a statistical standpoint. However, the structure is less useful when data are requested on the more detailed levels. A solution to this problem could be to provide the Member States the opportunity to report data on the ICCS level 01, when asking for data on more detailed levels.

However, the National Council for Crime Prevention in Sweden do not have the judicial expertise to assess whether the ICCS section 10 is a good basis for the structuring of environmental crimes. It can be noted that the judicial review that were carried out during the production of the correspondence table concluded that some articles under the (national) Environmental Act were not to be linked to the ICCS section 10 at all.

Availability of statistics on environmental crime and administrative offences

On environmental **(1) crimes; (2) misdemeanors / infractions / lesser crimes / contraventions; and (3) administrative offences:**

- a. Are statistics already collected?
- b. If yes: by whom (NSO, Ministry, ...)? And are these statistics reliable (in the sense that they reflect the actual number of registered environmental crimes?)
- c. If no: would data be available? Where? And would it be feasible to collect these data?

■ **Bulgaria**

The BNSI performs annually survey on Crimes, Accused and Persons Convicted. The data are obtained through filling in the statistical questionnaire „Card for accused person” by the pre-trial and trial proceedings and data from administrative source - the Unified Information System for Counteraction to Criminality (UISCC).

Units of the survey are crimes, accused and persons convicted with sentence that has come into force during the reference year. Statistics of Crimes, Accused and Convicted persons ensures data on:

- committed crimes by results of proceedings, by chapters of Penal Code (PC) and some kind of crimes;
- crimes with penalties inflicted by chapters of PC, by sex and age of perpetrators, by place of commitment of crimes;
- accused persons by results of proceedings and some kind of crimes;
- persons convicted by sex and age, by chapters of PC, by some kind of crimes, by kind and size of penalties imposed, by place of commitment of crime and by number of committed crimes.

The source of information about the crimes, accused and convicted persons is the BNSI.

■ **Czechia**

Statistics are collected on number of prosecuted, accused and convicted persons for a crimes

³⁶ The Swedish National Council for Crime Prevention shared with the study team the correspondence table between the two national classifications systems and the ICCS classification under section 10.

corresponding to the Criminal Code of the Czech Republic. However, these statistics can relatively easily be reported as per ICCS following the correspondence table.

These statistics contain data on all environmental criminal offences that are punishable in the criminal proceedings by means of a judgment of a criminal court, including both felonies and misdemeanours (as opposed to administrative offences punishable by means of a decision of another public authority).

The data are collected by courts and public prosecutor offices and sent electronically to the database. The Ministry of Justice can process these data and report statistics. The data are reliable, but only finalised/closed cases are included. Pending cases are not recorded in the database.

There is no official database of all environmental administrative offences, but some environmental administrative offences (e.g. in the waste management area) are recorded in the information systems of the Ministry of the Environment. Other data are collected by the Czech Environmental Inspectorate, Customs Authority, municipalities and other administrative bodies that are responsible for dealing with administrative offences.

■ Italy

ISTAT receives and processes the data on proceedings extracted from the Prosecutor's Office databases, which cover criminal offences, both major and minor (*delitti* and *contravvenzioni*). Since 2012, data on administrative offences is partially available, but only if these are connected to the criminal offences. The connection is done by the Prosecutor's Office. The web portal under development at ISTAT will only include data on major offences, though the ICCS correspondence tables will be available for both major and minor criminal offences. As time reference, the statistics relate to the year when the prosecution was decided. As counting rule, ISTAT does not apply the principal offence rule – all offences are counted (i.e. all crimes reported in proceedings by type). However, the principal offence rule can be applied by rule of 'sanction'. An important aspect in the crime data collected by ISTAT is also the specific tags assigned to certain acts – the Prosecutor's Office also codifies the reported offences if linked with organised crime, (or other important infractions, such as bribery or corruption).

Separately, the Ministry of Interior compiles data on reported crimes, while the Ministry of Justice compiles data on trials, final convictions and imprisonments.

In Italy, there isn't a direct link between the recorded cases by the police / Ministry of Interior and the cases dealt by the Prosecutor's Office. The legal system in Italy allows for individuals or NGOs to report cases directly to the Prosecutor's Office or courts. Therefore, cases can be examined by the Prosecutor's Office even in the absence of a report from the police. Because of this aspect police recorded crimes could be underreported.

■ Romania

Statistics are collected by the Prosecutor's Office attached to the High Court of Cassation and Justice (PICCJ). These only reflect the total number of environmental cases registered by prosecutors and entered in the general statistics. Manually, on the Intranet system it is also possible to check the number of cases by category of offence.

Statistics are also collected by the General Inspectorate of Police. However, currently these do not reflect reliably the extent of the criminal phenomenon against the environment. This is mainly due to the fact that some offences are quantified along a non-specific category of 'other criminal offences' from specific laws not covered by the statistical system of the General Inspectorate of Police. The offences recorded include both major criminal offences and contraventions (but not administrative offences). The implementation of specific codes or classifications for crimes against the environment in the statistical system of the General Inspectorate of Police would be needed to allow for more accurate statistics in this domain. These can be integrated only after the formal approval of the modalities for the implementation of ICCS at national level.

■ Finland

Statistics Finland has access and processes the data from the National Police Board (e.g. number of reported crimes, etc.). Additional data, i.e. on criminal punishment (sentenced, prosecuted) is also available from courts and prosecution offices. But, these statistics are not public as those from the police.

The data reported by the police is comprehensive, offering a full register of environmental crimes in Finland, including as well data from cross-border authorities, custom, fisheries and hunting protection entities. These data include major and minor criminal offences, but not administrative offences. However, in Finland there are hardly very few environmental administrative offences (2 or 3 per year) and these apply mostly for specific acts (e.g. oil spills).

Statistics Finland can report the data following the principal offence rule or for all offences (i.e. number of offences of a certain type). This is possible, since Statistics Finland has access to the microdata from the police.

All data collected by the police is considered crime data. In Finland, the Criminal Code does not frame all possible criminal offences; there are acts considered crimes, even though not listed in the Criminal Code. The rule that applies for the inclusion in the Criminal Code is actually the severity of the sanction, i.e. there should not be provisions for offences outside the Criminal Code for which the sanction is imprisonment. Therefore, the Criminal Code only includes the most severe crimes.

The Ministry of Justice could also provide the statistics collected, although not currently public or published, but depending on the level of details required.

■ Sweden

Statistics on environmental crimes are collected by the Council for Crime Prevention from authorities within the Justice systems on reported offences, processed offences, suspected offences and convictions, as well as on suspected persons and convicted persons. The Council for Crime Prevention is responsible for the production of national official statistics on Crime and Criminal Justice in Sweden, as well as appointed ONA (other national Authority) for European statistics in the same area.

However, the Council for Crime Prevention cannot provide statistics on the more detailed levels of ICCS (section 10). The level of detail of the crimes in the statistical tables differ depending on the national classification system in use for a specific data collection.

Apart from the Council for Crime Prevention, in Sweden, there are other authorities responsible for national or European statistics in relevance to Crime or Criminal Justice. For example, the Police Authority, who also is an appointed ONA responsible for the reporting of European statistics.

The statistics on reported offences, processed offences, suspected offences and suspected persons are based on administrative data registered at the National Police Authority (PMY), the Swedish Prosecution Authority (ÅM) and the Swedish Customs (TV), the Swedish Coast Guard and, of lesser relevance, on registered data from the Swedish Economic Crime Authority.

The statistics produced include both minor and severe crimes (according to criminal law), as well as attempts etc. The statistics are however not totally comprehensive in regard to environmental crimes. Current limitations include:

- The data collection from the Customs Authority does currently not include reported offences or suspected offences/persons regarding environmental crimes. The official statistics are, therefore, missing data from the Customs.
- However, given the ongoing work within the system development at the Swedish Customs Authority, it will be feasible to collect data on reported and processed offences on environmental offences in a couple of years.
- There is also missing data regarding offences and prosecutions leading to a *corporate fine*

(företagsbot). All prosecution decisions concerning natural persons (prosecution, criminal injunction and failure to prosecute) are based on a decision to register a suspected person. However, in some cases, investigations linked to business activities that occur with the onset of a corporate fine the prosecutor will not always register a natural person as a suspect in the system. As legal persons aren't entered in the system as suspected persons at all, investigations and prosecution decisions regarding corporate fines are missing in the official statistics.

- The inclusion of corporate fines in the official statistics is a more complicated issue, since it would require a major review and restructuring of existing data exchanges. Such a large undertaking would be difficult to prioritise in a near future, partly because there are several major systems development projects already going on within the Justice system (both at the Swedish Customs and at the Court Administration). Those projects will require extensive customization of the system for data collection and production of official statistics at the Council for Crime Prevention and will later on also require development projects regarding existing statistics. Furthermore, there are also in the years to come other plans on system development regarding the data exchange within the Justice System (for example the digital data exchange/collection from the Police and new data exchange on seizures, confiscation from several authorities etc.).
- The statistics on convictions/convicted persons are based on administrative data registered at the Swedish Courts (first instance).
- Data from criminal courts don't currently include convictions that solely lead to corporate fines.

There are also separate statistics collected and produced on summary fines (ordningsbotts föreläggande) issued from the Police that include littering offences (nedskräpningsförelägganden). The statistics are also produced by the Council for Crime Prevention, based on aggregated data collected from the National Police Authority. However, their reliability cannot be assessed; it is not clear to what extent the statistics on summary fines reflect the actual number of lesser littering offences or other lesser crimes.

The official crime statistics in Sweden is limited to offences in criminal proceedings in the justice chain. The statistics include reported offences that can lead to either summary fines by the Police, fines or waivers of prosecution issued by the Prosecutor (but not corporate fines) or penalties sentenced by a criminal court.

Challenges faced at national level with data collection on environmental crime and administrative offences

Based on your experience with the data collections on crimes, misdemeanors etc. or administrative offence statistics based on administrative data, what are the main challenges with regard to environmental crimes statistics in your country?

- **Bulgaria**

no reply

- **Czechia**

As for the data on crime (data from courts and public prosecutor offices) there are no special challenges connected to environmental crimes. The collection of data about environmental crimes statistics poses similar challenges as other crime data. One of the biggest challenges is to deal with different sources of data. Police, public prosecutor offices and courts collect data separately, so the reported numbers may sometimes strongly differ (e.g., number of investigated persons by police and number of convicted persons).

Also, data on environmental misdemeanors (administrative offences) are collected by other state institutions (Ministry of Environment, Czech Environmental Inspectorate). Regarding the data on administrative offences the main challenge is that there is no official database of all environmental

administrative offences. The data are collected and kept by different institutions (administrative bodies) responsible for dealing with offences according to different acts in the area of environmental law.

■ **Italy**

Most important challenges reported by ISTAT are:

- The identification of acquitted accused offenders, and in general establishing the links between the files;
- Establishing the distinction between companies and individuals accused or charged;
- Establishing the degree of the crimes;
- Capturing the transnational environmental crimes
- The collection of administrative data

■ **Romania**

The Prosecutor's Office emphasised as main challenge the collection of statistical data for each environmental offence and within this category, for each of the ways in which the offence is committed.

No specific challenge was reported by the General Inspectorate of Police. The development of common standards for a data collection on environmental crimes is highly welcome by the institution.

■ **Finland**

The MoJ indicated that for the reporting of data the level of detail requested and the classification is an important detail that can be challenging. Major developments (i.e. detailed statistics) would need additional resource, and would be time-dependent after the on-going developments already taking place for the provision of other crime statistics for other stakeholders.

Statistics Finland informed that they could be able to produce more detailed data on environmental crime based on the police data they have access to and process regularly.

■ **Sweden**

The challenges reported by the Council for Crime Prevention in Sweden are:

- Some data collection on crimes (namely offences that lead to corporate fines) would require major systems development.
- Detailed statistics in accordance with ICCS (level 2-4) could be difficult to provide for different reasons; inconsistent correspondence to national law, requirement of legal expertise, response burden, quality assurance, confidentiality rules.
- The need and coordination of cross-sectional data collections, as data on administrative offences are not part of the criminal proceedings and are/might be collected by authorities outside the Justice system.

Pre-conditions for systematic reporting data collection reporting

Under which conditions would your country be able to collect and report environmental crime statistics more systematically?

■ **Bulgaria**

The BNSI conducts annual survey of Crimes, accused and persons convicted. Information is collected and distributed according to the chapters and articles of the Criminal Code in force. Statistical data from the survey is published on the NSI website under the section Justice and crime as well as in Informational

System INFOSTAT.

The data that Bulgaria provides annually for the common UNODC/Eurostat questionnaire are according to the national offence categories as provided data are as closely as possible to the ICCS offence categories definitions but not in full compliance with the ICCS requirements.

■ **Czechia**

The Ministry of Justice, reported that despite the existing problems and challenges of this crime statistics domain, they are able to report environmental crime statistics relatively systematically. Creating one system for collection of all the data (police, public prosecutors, courts, and other state institutions) would probably be more systematic. Such a system is being discussed and designed but it is a lengthy and expensive project. A lot, of course, depends on how detailed data would EU want member states to report.

■ **Italy**

ISTAT emphasised the need of a legislative act that provides for the collection of data according to a pre-established working frame. In the absence of a legislative act, this data collection may not be prioritised by the responsible institutions. Furthermore, ISTAT emphasised the need for coordination of the data collection at national level by their institute, to ensure the correct application of the statistical standards and accurate reporting of the existing data and metadata.

■ **Romania**

The Prosecutor's Office emphasised that environmental crime statistics could be reported more systematically by the institution after completion of the Ecris V implementation (estimated 2023).

No specific answer was provided by the General Inspectorate of Police. The development of common standards for a data collection on environmental crimes is highly welcome by the institution. (*The approval of the ICCS implementation methodology at national level is a milestone for the production of more comprehensive statistics on environmental crime, as noted in the replies to previous questions*).

■ **Finland**

An important aspect noted by the Ministry of Justice was the need for a detailed cost-benefit analysis. How far all level of details (as in the ICCS Section 10 classification) are needed and relevant / useful. What is the gain if data is collected at detailed level?

Statistics Finland emphasised that, despite the possibility to produce more detailed statistics on environmental crime, based on police data, this activity is an additional reporting burden. For reducing the reporting burden, the reporting format and standards (e.g. metadata structure) should follow the same structure as for other crime data collections requested by the European institutions.

■ **Sweden**

Official crime statistics are already collected systematically in Sweden, by the the Council for Crime Prevention, though some of the data are missing. However, the Council' statistical responsibility by law the crime statistics are limited to offences in criminal proceedings within the justice chain.

Support needed from the EU

Which kind of support from the EU (funding, technical support and expertise, development of a technical platform, development of common standards for data collection etc.) would be crucial in enabling a more systematic data collection on environmental crime in your country?

■ **Bulgaria**

no reply

■ **Czechia**

The Ministry of Justice considers data collection on the environmental crime to be relatively systematic. The more systematic collection (e.g., one system for all the data) would greatly benefit from funding and possible technical support and expertise from the EU.

■ **Italy**

In view of ISTAT, the provision of funds should be coupled with a legal provision and a work schedule for the implementation. A technical platform both at EU level and at national level would be useful for the collection or reporting the data from national institutions to the coordinating national authority, and from the latter to the EU. The development of common standards is also a requisite for the data collection.

■ **Romania**

The Prosecutor's Office identified the implementation of Ecris V as a major milestone that would enable a more systematic data collection and reporting on environmental crime. This procurement of services is carried out in the context of the implementation by the Ministry of Justice, in partnership with the Prosecutor's Office attached to the High Court of Cassation and Justice and the Superior Council of Magistracy, of the project "Development of the electronic case management system - ECRIS V (SIPOCA 871/ SMIS 142520)", financed by non-reimbursable European funds (European Social Fund), within the Operational Programme "Administrative Capacity" 2014-2020 (POCA).

In the future, the multiannual financial framework 2021-2027, the addressability of EU funding for justice to include the police, corresponding to the phase of criminal investigation. Interlinked prosecutor's office-police solutions are needed, with access to EU funding resources.

The General Inspectorate of the Police noted the need for the development of common standards for a data collection on environmental crimes.

■ **Finland**

The MoJ emphasised the need of a thorough cost-benefit analysis before framing the request for data towards Member States. The existence of common standards, consistent to already used ones for other EU crime data collections would reduce the reporting burden. Furthermore, funds should be available not only for the development costs but for regular reporting, particularly if this implies an important administrative burden.

Statistics users within Statistics Finland also emphasised the need to plan the initiative not only sectorial, but within the broader context of understanding the consequences of environmental crime, and the connect between environment and the economy.

■ **Sweden**

Regarding the need of systems and statistical development work to collect the missing data on crimes (see above) an extended time frame is essential due to ongoing work (there is a limit to the amount of systems development projects the authorities in the Justice system can undertake at the same time).

A comprehensive judicial review of the Member States correspondence tables (Environmental crimes) of the EU to assess the quality and comparability of the data collected at the European level.