



Institute^{for}
European
Environmental
Policy

Recommendations for improving data gathering and communication to decision-makers

Dr Andrew Farmer

18 February 2016

EFFACE Final Conference, Brussels



European Union Action to
Fight Environmental Crime

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Introduction

- **Why do we need data on environmental crime?**
- **Data and smart enforcement**
- **The EFFACE recommendations on data and information**

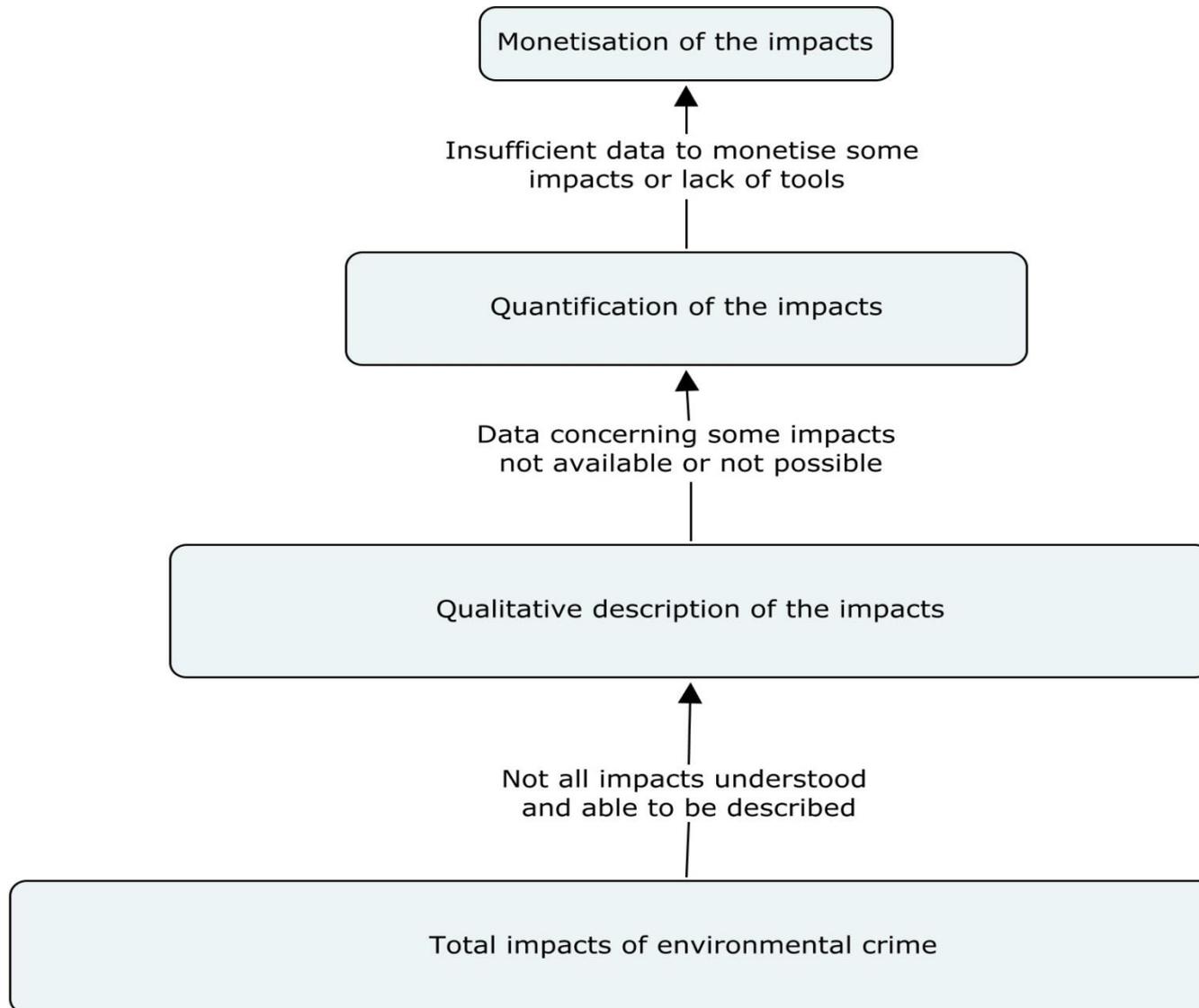
Why do we need data on environmental crime?

- **To target individual enforcement activities**
- **To develop strategies for better enforcement – targeting resources**
- **To evaluate policies, driving policy/legal improvements**
- **To help understand alternative approaches to reducing environmental crime**

Reviewing data availability in EFFACE

- **Project has looked at data on environmental crime from different angles – MS/EU/international, types of crime, etc:**
 - Some areas reasonable data, some few data
 - For some issues there are data at MS level, but not collated or compared at EU level
 - In many cases good env crime data are missing
 - Sometimes hard to distinguish illegal from legal activity
 - Often hard to link illegal activity with enforcement response
 - Problems with linking data across disciplines to help make integrated decisions
 - Are opportunities from new technology (remote sensing, rapid data transfer, etc.)

Recognising data limitations, e.g. Impacts of env crime



Smart enforcement relies on data

- **Smart enforcement directs resources to where they are most needed:**
 - Using risk-based approaches; intelligence-led approaches, etc.
- **Data for directing enforcement actions:**
 - What to check
 - Where to check
 - When to check
- **Data for follow-up:**
 - Sufficient evidence for enforcement response (fines, prosecutions, etc.)

Smart information – smart methods for better data

- **IT developments:**
 - Ease of data transfer
 - Systems for managing ‘big data’
 - Reporting by public
- **Tracking, e.g. satellites – oil, fishing**
- **DNA – wildlife crime**

- **But do need to avoid information overload (but not opportunities from ‘big data’) – ensure data collection and reporting is for a reason**
- **Need to understand data quality/reliability – maybe not all is equally reliable!**
- **Need to ensure data security as well as supporting transparency where security not an issue**

Core Proposal:

- **EFFACE has several conclusions on data/information, but its core recommendation on data is:**
- **Impose an obligation on Member States to provide data on the number of violations, prosecutions and imposed sanctions for violations of national provisions implementing European environmental law (the environmental *acquis*).**

Elaboration

- **Ensuring the implementation of the environmental acquis is a Treaty obligation, yet there are many implementation failures**
- **The acquis places obligations (or requires MS to place obligations) on individuals, businesses, etc.**
- **But extent of compliance failure/violations is poorly collated in many cases**
- **Responses by MS to compliance failure even less well documented – particularly actual sanctions as opposed to what is allowed in law**

Justification

- **Data on compliance failure/violations not only can target MS action, but guide action/support from EU level to where it is needed**
- **Provide transparency to help pressure for improvements within MS**
- **Can lead to improvements in MS to help provide improved ‘level playing field’**
- **Much of the acquis requires MS to have “effective, dissuasive and proportional” penalties for violation, but:**
 - How many penalties (of different types) are there (for different laws)?
 - What evidence is there for them being dissuasive?
 - What is the measure for proportionality?

Supplementary proposal

- **Stimulate exchange and information on data**
 - A facilitating proposal
 - Tools developed at EU level to help provide information
 - Exchange between MS for enforcement
 - Exchange within MS for enforcement
 - Platforms for mutual learning
 - Enhancing expertise and efficiency on collection and use
 - Role of EU Commission, agencies and networks
- **Thus EU level action should not simply be about legislating for improved data, but also providing the support to enable data provision and to add value to those data**