

TOR Reference No.: 2019/11	Author(s): Claudia Carpino, Giuseppe Sgorbati Amended by: Elisabete Dias Ramos
Version: 3	Date: 08 August 2019
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<input type="checkbox"/>
Waste and TFS	<input type="checkbox"/>
Water and land	<input checked="" type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting tools and approaches	<input type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input checked="" type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe):	<input type="checkbox"/>
1.3 Full name of work (enough to fully describe what the work area is)	
Inventory of violations and crimes on water and on soil.	
1.4 Abbreviated name of work or project	
Water Security in Europe 2 (WES2).	

2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)
<ul style="list-style-type: none"> • Council Conclusions on countering environmental crime - Council conclusions (8 December 2016).

- Directive 80/778/EEC.
- Directive 91/676/EEC.
- Directive 98/83/EC.
- Directive 2000/60/EC.
- Directive 2008/99/EC.
- Soil Thematic Strategy COM (2006) 231 and updates.
- Withdrawal of a proposal for a Soil Framework Directive ([OJ C 153 of 21 May 2014](#) and *corrigendum* in [OJ C 163 of 28 May 2014](#)).

2.2 Link to IMPEL MASP priority work areas

- | | |
|---|-------------------------------------|
| 1. Assist members to implement new legislation. | <input checked="" type="checkbox"/> |
| 2. Build capacity in member organisations through the IMPEL Review Initiatives. | <input type="checkbox"/> |
| 3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission. | <input checked="" type="checkbox"/> |

2.3 Why is this work needed? (background, motivations, aims, etc.)

Water is a crucial natural resource for the survival of the human and various other species. As a result, water is becoming more and more attractive to various economic and criminal groups. Water crimes are an emerging global issue. Water crimes include diverse types of crimes ranging from the pilfering of water from pipelines, illegal waste management, water theft, river and marine pollution, manipulation of sampling methods to avoid treatment costs, fraud and illegal trafficking of water, terrorism and cyber-attacks on water management operations, illegal waste discharges from factories, and unauthorised consumption from the water network. Water crimes are hard to detect, investigate, prosecute and study. It is necessary for law enforcement officers to have knowledge related to water crimes – from natural and social sciences to other knowledge such as biology and chemistry. Further, they must have well-organised coordination and cooperation with other formal social control entities like inspectorates, institutes, etc.

Identified research challenges include “the absence of an international classification of water-related crimes”; no working definition of water-related crimes; the scarcity of criminological studies; no mapping of criminal behaviour, motivation or threats; and the complexity of data collection (Water Crimes Project, 2016, p. 6). Water-related crimes are often recorded under other offences (e.g. fraud, corruption, trafficking, falsification of documents, organised crime etc.) due to the lack of a systematic analytical approach leading to an agreed (working) definition and international classification of water-related crimes.

Despite the huge interest in water, the transparency in the water sector is often limited, opening the door to corruption. The World Bank (2016) estimates that criminal and / or corruption in the water sector causes between 20 and 40 percent of lost revenues.

Water is a natural resource that is vital for life, social and economic activities as well as the functioning of the ecosystem. It is a strategic resource for the future of the entire world. Therefore, we must be even more aware of water crimes because such acts have a considerable effect on the quality and quantity of water.

Based on this background, the first assignment aimed at increasing knowledge on water crimes, engaging IMPEL Community in a project aimed at collecting and sharing information about the topic, its presence, its perception and management at competent authorities.

The previous Project on Water Crimes (2018/11), showed that:

- Pollution is considered the most frequent offence.
- Competence in matters of water crime other than pollution and, in part, from theft, are minimal.
- Cyber attacks and terrorism are almost unknown threats in the water sector, though they do exist.
- Crimes against water can seriously damage the soil and the animal species.

In the light of what we know about water crimes and the potential drivers of increases in such crimes, there is an important need for research in this area.

During the works regarding the Water IMPEL Water Crimes Project, it emerged that there is interest in developing a preliminary study regarding Soil Crimes. This type of crime often are in relationship with water quality and availability, and could be encompassed under the scopes of Water Crimes Project, but sometime could have an autonomous dignity, as in the case of reported earth theft, or forced land acquisition, often related to waste or other type environmental crimes.

The project aims to develop an inventory of water violations and the way in which they are prosecuted by the law.

A section regarding Soil crimes will also be included, in the perspective to feed furthermore detailed studies in support of the improvement of the Soil Thematic Strategy and the development of future Soil Framework Directive.

In addition, the project includes a workshop, that can be considered a section also dedicated to training, with a specific meeting with the offices of public prosecutors, to share a common purpose to improve the environment on a common point of view.

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

The project aims to:

1. Collect information on existing and emerging crimes against water and the way in which they are prosecuted. In this action, soil issues will be also considered.
2. Have a specific workshop with the scope of training on the prosecution of all crimes, in particular on water crimes, to create greater cooperation along the chain of environmental compliance and to adopt uniform practices and shared protocols.

The specific objectives of the study are the following:

- Compile information on water crimes to assess the effectiveness of water legislation and measures to address water threats. This cross-analysis will also help to identify any gaps in policies and national legislation in addressing water threats.

- Foster discussion regarding current and future policy initiatives with experts (also Prosecutors) on the policy inventory and assessment results.

2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

- 2018 ENPE Conference: *“Protecting habitats and endangered species in Europe through tackling environmental crime”*:
The conference highlighted practical solutions and best practices to deal with environmental crime. There is a significant need to strengthen inspection and application of this topic and to join forces with other networks.
- 2018/11 Water Crimes Project:
The previous project analyzed the level of knowledge on water crimes and showed the need to continue to study this specific topic, in order to be aware of water crimes because such acts have a considerable effect on the quality and quantity of water.

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

1. Survey to IMPEL members to collect data on water policy instruments and on crimes against water
2. Inventory of water violations and the way in which they are prosecuted by the law.
3. Inventory of policies that contribute to water protection.
4. Preparation of the final document.
5. Presentation of final documents at IMPEL meeting.

This programme can be replied.

3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

Inventory.

3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

1. Survey ready for circulation: March/April 2019.
2. End of survey: August 2019.
3. Circulation of First draft: October 2019.
4. Circulation of final draft: November 2019.

The milestone can be replied.

3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

Low risk project. It is to be considered, in any case, the scarce experience of IMPEL Members, but the support to the development of the project will be seek in ENPE.

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

Claudia Carpino, Ministero dell’Ambiente e della Tutela del Territorio e del Mare, Italy.

4.2 Project team (who will take part: name, organisation and country)

Experts from 3 member organisations / countries.

4.3 Other IMPEL participants (name, organisation and country)

4.4. Other non-IMPEL participants (name, organisation and country)

European Network of Prosecutors for the Environment (ENPE).

5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	Year 2019 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	20,065 €			
How much money is to be co-financed?				
Total budget	20,065 €			

6. Detailed other costs of the work for year 2019

6.1 Are you using a consultant?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6.2 What are the total costs for the consultant?	5,000 €

6.3 Who is paying for the consultant?	IMPEL
6.4 What will the consultant do?	The consultant will produce the report.
6.5 Are there any additional costs?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
6.6 What are the additional costs for?	N/a.
6.7 Who is paying for the additional costs?	N/a.
6.8 Are you seeking other funding sources?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
6.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:

7. Communication and follow-up (checklist)

	What		By when
7.1 Indicate which communication materials will be developed throughout the project and when <i>(all to be sent to the Communications Officer at the IMPEL Secretariat)</i>	TOR ^{✓*}	<input checked="" type="checkbox"/>	01/01/19
	Interim report ^{✓*}	<input checked="" type="checkbox"/>	30/06/19
	Project report ^{✓*}	<input checked="" type="checkbox"/>	30/06/19
	Progress report(s) [✓]	<input type="checkbox"/>	
	Press releases	<input type="checkbox"/>	
	News items for the website ^{✓*}	<input checked="" type="checkbox"/>	30/11/19
	News items for the e-newsletter	<input checked="" type="checkbox"/>	30/11/19
	Project abstract ^{✓*}	<input checked="" type="checkbox"/>	30/11/19
	IMPEL at a Glance [✓]	<input checked="" type="checkbox"/>	
	Other, (give details):	<input type="checkbox"/>	

7.2 Milestones / Scheduled meetings (for the website diary).	See 3.3.
7.3 Images for the IMPEL image bank.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.4 Indicate which materials will be translated and into which languages.	Project abstract (dependent on project team members).
7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.	
7.6 Identify which groups/institutions will be targeted and how.	All IMPEL members via questionnaire, ENPE contacts based on the cooperation with the Prosecutors Network.
7.7 Identify parallel developments / events by other organisations, where the project can be promoted.	

✓) Templates are available and should be used. *) Obligatory

8. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

The project is to be considered in the mainstream of the environmental crimes combat, one of the European priority topics recognized also in the ECA Action Plan (action 4).

In the development of the activities IMPEL will seek for the maximum cooperation of ENPE, based on the common interest in the matter, demonstrated with the fruitful cooperation in the realization of the 2018 Heraklion ENPE Conference on Environmental Crimes.

The project, possibly upgraded and expanded under the umbrella of the Framework Partnership Agreement (FPA), is a straightforward and effective case of Network Cooperation already in place.

*In case of doubts or questions please contact the
IMPEL Secretariat.*

*Draft and final versions need to be sent to the
IMPEL Secretariat in word format, not in PDF.*

Thank you.