

TOR Reference No.:	Author(s): Rob de Rijck
Version: 1	Date: 17 October 2014
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 checked="" type="checkbox"/>
Water and land	<input 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 type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference (<i>i.e. workshop</i>)	<input checked="" type="checkbox"/>
Development of tools/guidance	<input type="checkbox"/>
Comparison studies	<input type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe):	<input checked="" type="checkbox"/>
<i>Database, as contingency</i>	
1.3 Full name of work (enough to fully describe what the work area is)	
1.4 Abbreviated name of work or project	
TFS prosecutors project	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)
European Waste Shipment Regulation (1013/2006); EU Directive 2008/99 on the protection of the environment through criminal law;

Commission Regulation (EC) 1418/2007 concerning the export of certain wastes for recovery to NON-OECD countries;
European Council Conclusions of 20 May 2010 (5956/5/10) on the 'Prevention and combating of illegal trafficking of waste, particularly in international trafficking'.

2.2 Link to IMPEL MASP priority work areas

- | | |
|--|-------------------------------------|
| 1. Assist members to implement new legislation | <input 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.)

The compliance deficit of the Basel Convention and its European implementation, the European Waste Shipment Regulation (1013/2006) or 'WSR' is very serious. Figures indicate that about 20% of all waste shipments are in violation. The EU Directive 2008/99 on the protection of the environment through criminal law requires member states to also enforce the WSR by criminal law.

Prosecution of environmental crime is a national competence. As a consequence, the differences in approach and the number of convictions in European countries are significant. There appears to be a lack of communication between authorities both on a national and on an international level. In practice, criminals who are involved in shipping waste may illegally take advantage of the differences in enforcement and the lack of communication between authorities.

To improve the collaboration and alignment within prosecutions of the WSR, frequent contact between all relevant authorities is necessary. Prosecution is an important part of the enforcement and compliance cycle. Therefore, European prosecutors need structured, personal and frequent contact, supported by a database with relevant information, where they can strengthen their network, exchange experiences of case law and good practices and align prosecution actions of European environmental law and regulations in Europe.

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?)

Strengthen/continue the network of prosecutors in the European Union involved in the prosecution of environmental crime with a special focus on the WSR 1013/2006 through:

- The implementation and use of a database on the IMPEL website containing case law, prosecution information such as the level of fines, working methods, prosecution approach, interpretation and practical experiences. This database for the exchange of non-operational information will be primarily accessible for prosecutors and for legal units of inspectorates.
- The organisation of a workshop for prosecutors in 2015.
- Strengthening ties with IMPEL, the BASEL secretariat and Eurojust. The European Network of Prosecutors for the Environment ENPE must especially be mentioned. A close collaboration between the TFS prosecutors project and ENPE is envisaged.

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

The TFS prosecutors project started in 2012. Both in 2013 and in 2014, workshops were held. The programme for the database was completed and is now ready for implementation and use.

3. Structure of the proposed activity

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

- Start of the database : start use and collect content
- Organize communication about the database
- Two day workshop for prosecutors covering at least 3 topics:
 1. Functioning of the database
 2. Information exchange on WSR prosecution in practice
 3. Share relevant developments

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

- Database
- Workshop

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

The most important milestone would be the official start of the database and the supplying of content and use by prosecutors in Europe.

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

A potential risk would be lack of interest in the database. Interest could be enhanced by communication, both within IMPEL and 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)

Rob de Rijck, coordinating public prosecutor in the field of environmental crime, National prosecutor's office for serious fraud and environmental crime, The Netherlands.

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

- Kristina Persson (public prosecutor Sweden)
- Anne Brosnan (public prosecutor Environment Agency England, board member of ENPE)
- Antonio Vercher Noguera (public prosecutor Spain)

<ul style="list-style-type: none"> ○ Howard McCann (public prosecutor England) ○ Marc van Cauteren (public prosecutor Belgium)
4.3 Other IMPEL participants (name, organisation and country)
Not applicable
4.4. Other non-IMPEL participants (name, organisation and country)
Not applicable

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

	Year 1 (exact) 2015	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	€ 10,200			
How much money is to be co-financed				
Total budget	€ 10,200			

6. Detailed event costs of the work for year 1

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per day)	Total costs €
Event 1				
<Type of event>	Two day workshop for 20 participants location and data PM	€ 1,800	€ 1,000	€ 9,200
<Data of event>				
<Location>				
<No. of participants>				
<No. of days/nights>				
	€ 6,400			
Event 2				
<Type of event>				
<Data of event>				
<Location>				
<No. of participants>				
<No. of days/nights>				

Event 3				
<Type of event>				
<Data of event>				
<Location>				
<No. of participants>				
<No. of days/nights>				
Event 4				
<Type of event>				
<Data of event>				
<Location>				
<No. of participants>				
<No. of days/nights>				
Total costs for all events				€ 9,200

7. Detailed other costs of the work for year 1

7.1 Are you using a consultant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.2 What are the total costs for the consultant?	[Not applicable]
7.3 Who is paying for the consultant?	
7.4. What will the consultant do?	
7.5 Are there any additional costs?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely: Database contingencies
7.6 What are the additional costs for?	€1000
7.7 Who is paying for the additional costs?	IMPEL
7.8. Are you seeking other funding sources?	<input type="checkbox"/> Yes <input type="checkbox"/> No The planned collaboration with ENPE (see above) may also have financial aspects, but this is as yet fully uncertain.

7.9 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:
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8. Communication and follow-up (checklist)

	What		By when
8.1 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 ^{✓*} Interim report ^{✓*} Project report ^{✓*} Progress report(s) [✓] Press releases News items for the website ^{✓*} News items for the e-newsletter Project abstract ^{✓*} IMPEL at a Glance [✓] Other, (give details):	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
8.2 Milestones / Scheduled meetings (for the website diary)			
8.3 Images for the IMPEL image bank	<input type="checkbox"/> Yes <input type="checkbox"/> No		
8.4 Indicate which materials will be translated and into which languages			
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	The program for the database has been completed and is ready for use. It has already been agreed that it is to be hosted by IMPEL.		
8.6 Identify which groups/institutions will be targeted and how	Public prosecutors and legal units of inspectorates.		
8.7 Identify parallel developments / events by other organisations, where the project can be promoted	As indicated above, there is great interest in this work from the European Network of Prosecutors for the Environment ENPE. Depending on the success of its bid to the European Commission, ENPE intends to start its activities in 2015. A close collaboration between the TFS prosecutors project and ENPE is envisaged.		

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

9. Remarks

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

*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.