



MEMORANDUM OF UNDERSTANDING BETWEEN IMPEL, ENPE and  
ENVICRIMENET  
ON FUTURE CO-OPERATION

The European Network for the Implementation and Enforcement of Environmental Law (hereinafter referred to as 'IMPEL'), the European Network of Prosecutors for the Environment (hereinafter referred to as 'ENPE') and the Environmental Crime Network (hereinafter referred to as 'EnviCrimeNet'):

- (1) In view of the networks sharing common goals and objectives with regard to environmental protection and sustainable development in the present and for future generations;
- (2) Convinced of the importance of contributing to the protection of the environment and working to strengthen the effective implementation and enforcement of European environmental and related criminal law and the compliance chain as a whole, by increasing:
  - a) The knowledge on the implementation of environmental legislation, and its dissemination;
  - b) The cooperation and collaboration between public entities with responsibilities on the implementation of environmental legislation; and
  - c) The practical and effective implementation of the knowledge acquired, at EU, national and sub-national levels.
- (3) Considering 'Priority objective 4: To maximise the benefits of Union environment legislation by improving implementation' of Decision No 1386/2013/EU of the European Parliament and of The Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' calls for action on '*enhancing cooperation at Union level, as well as at international level, between professionals working on environmental protection, including government lawyers, police, prosecutors, ombudsmen, judges and inspectors,...and encouraging such professionals to share good practices.*'
- (4) Foreseeing the further common work enabled by the initiative 'Environmental Compliance Assurance' (ECA), under the European Commission's Communication, 'Delivering a Europe that protects,



empowers and defends' (COM (2016), 710 final), particularly to: Identify, develop and share good practices in environmental compliance assurance, and strengthen the cooperation and coordination of actors in the compliance assurance chain – policy makers, permittees, inspectors, police, prosecutors and judges where appropriate.

- (5) Willing to continue in the future with engagement, close cooperation and the open dialogue between organisations to consolidate, further develop and intensify cooperation and effectiveness in the field of environment protection and sustainable development, mindful of the mutual benefits that close cooperation between IMPEL, ENPE and EnviCrimeNet could deliver, also at national level.

HAVE AGREED AS FOLLOWS:

#### *Article 1 – Nature and Purpose*

1. This Memorandum is based on the mutual understanding that close co-operation between IMPEL, ENPE and EnviCrimeNet can only be beneficial to the effective implementation and enforcement of European legislation on the environment. It sets out the principal arrangements whereby such co-operation should take place.
2. Nothing in this Memorandum shall prejudice the manner in which the Statutes of IMPEL, ENPE and EnviCrimeNet are applied and interpreted. The Networks will work closely while retaining full powers and responsibilities for their own management, decisions and actions directed towards members or third parties.
3. Nothing in this Memorandum shall prejudice the manner in which each member determines their own course of action on issues concerning the implementation and enforcement of European legislation on the environment or any other matter related to a Network's work plans and governance.

#### *Article 2 – Objectives of the Protocol*

The Networks will seek to align and where appropriate seek convergence on strategies on contributing to implementation and enforcement of environmental legislation, both with each other but also with key partners and networks of peers such as the European Commission, Committee of the Regions and European Parliament, Interpol, Europol and Eurojust, in order to:



1. Explore ways to support connections within Member States and within regions of the EU, joining-up practitioners, both horizontally i.e. across individual disciplines, and vertically, i.e. across the compliance chain.
2. Understand the implementation challenges posed by environmental legislation, obtaining a detailed – cross-cutting - insight, and how Networks, in close cooperation with key partners, can facilitate actions to close the gaps and identify where we should be directing our limited resources.
3. Develop and build capacity, aiming at the specialisation and cooperation between all actors in the compliance chain at European, national, regional and local (municipal) levels, with the discussion and sharing of common problems, case studies, best practices and solutions.
4. Cooperate under inspection & enforcement actions with trans-boundary relevance, EU-wide actions performed by member countries with particular relevance in areas where criminal prosecution is most necessary and where maximum value can be gained through transnational collaborations (e.g. international waste and wildlife trade, trans-boundary air and water pollution).
5. Contribute to improving the availability and quality of data, information, intelligence and evidence, including self-reporting and monitoring provided by duty holders to authorities which is fundamental in underpinning the enforcement chain.
6. Work together to raise awareness on enforcement strategies and understand root causes for environmental crime and offences, for example, early detection of breaches, choosing appropriate sanctions and penalties, preventing re-offending and ensuring correction / remediation of environmental harm.
7. Act as a conduit for practitioner's feedback to policy makers to identify existing policy strengths and weaknesses, helping them steer future policy to maximise its effectiveness upon implementation. IMPEL, ENPE and EnviCrimeNet members' perspectives can add value, for example by testing the effectiveness in practice of legislation and working on areas where legislative improvement or clarity is needed.

### *Article 3 – Participation in meetings, projects and other events*

1. The Chairs and Vice-Chairs of IMPEL, ENPE and EnviCrimeNet shall have yearly dialogues to share the work plans for the coming year(s) and to jointly explore and execute actions to implement the present Protocol, monitor its implementation and revise the course of action, when and where necessary.



2. Leaders of the Working Groups and Expert Teams from IMPEL, ENPE and EnviCrimeNet, shall have yearly dialogues to share the work plans for the coming year(s) and to jointly explore opportunities where appropriate for synergies and participation in projects.
3. IMPEL, ENPE and EnviCrimeNet may cooperate in IMPEL Review Initiatives (IRIs) and similar peer review processes e.g. exchange of knowledge, experts' details and other matters within their expertise according to their competences and responsibilities and the scope of such activity, with the Project Manager's consent.
4. The funding of participants from IMPEL, ENPE and EnviCrimeNet in projects will be, in principle, provided by the respective Network, except where there is specific funding for this participation gathered by one or a coalition of these Networks.

#### *Article 4 – Points of contact*

1. The Secretariat's of IMPEL, ENPE and EnviCrimeNet will exchange information on a regular basis and supplement this with dialogue meetings to be held at least annually.
2. IMPEL, ENPE and EnviCrimeNet shall nominate a contact person responsible for coordinating the implementation of the provisions of this Memorandum. Any change of the contact person shall be communicated forthwith to the other Parties.

#### *Article 5 – Entry into force*

1. This Protocol shall come into effect from the date of its signature, and is valid for one year, renewable for similar periods as agreed by the signatories, unless otherwise decided by the Networks.
2. Notwithstanding the preceding clause, this Protocol may be reviewed at the request of any Network, if there are overriding reasons or circumstances that require its review such as to secure its effective application, or resulting from legislative changes.



Done in four identical copies on 20 September 2017 in Oxford, United Kingdom:

On behalf of ENPE

Anne Brosnan

(President)

On behalf of IMPEL

Chris Dijkens

(Chair)

On behalf of EnviCrimeNet

Roel Willekens

(President)