



ToR for Water and Soil Crimes, Phase 3

Preface:

Due to the evolving constraints of the COVID-19 pandemic the face-to-face events and/or milestones set in this ToR might need to be revised and changed. For further information, please contact the Project Manager(s) or send an email to the [IMPEL Secretariat](#).

ToR Reference No.: 2020/15	Author(s): Claudia Carpino / Giuseppe Sgorbati
Version: 02	Date: 09/04/2020
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 and air	<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)	
Water and Soil Crimes Inventory of violations and crimes on water and on soil - Phase 3.	
1.4 Abbreviated name of work or project	
Water and Soil Security in Europe 3 (WES3).	



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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

- Council Conclusions on countering environmental crime - Council conclusions (8 December 2016).
- Dir 80/778/EEC.
- Dir 91/676/EEC.
- Dir 98/83/EC.
- Dir 2000/60/EC.
- Dir 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](#)).
- ECA Initiative – EU Commission Communication on EU actions to improve environmental compliance and governance{SWD(2018) 10 final}.

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"/> |
| 4. Other, (please specify): | <input 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.
- Cyberattacks 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.

The survey and activities foreseen in Water Crimes 2019 project are still in progress, but the work till here accomplished demonstrate the interest in the further follow up of the project.

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, in progress during 2019 project. 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. Also a section regarding Soil crimes is included, in the perspective to feed further more 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. Discuss among Project Team Members about the outcomes of the surveys made to develop reference documents to share relevant information.

The specific objectives of the study are the following:

- Compile information on water and soil crimes to assess the effectiveness of water legislation and in general in environmental legislation and measures to address this kind of threats. This cross-analysis will also help to identify any gaps in policies and national legislation in addressing water and soil 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.
- 2019/11 Water Crimes, Phase 2.

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. Discussion of the final documents at Project Team 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?)

- A. Inventory from the survey.
- B. Report analysing results of survey.



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

- Survey ready for circulation: **July 2020**.
- End of survey: **October 2020**.
- Circulation of first draft: **November 2020**.
- Circulation of final draft: **December 2020**.

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

This is a low risk project. It is to be considered, anyway, the scarce experience of IMPEL Members, but the support to the development of the project that we will seek in ENPE.

The present situation due to the COVID-19 pandemic is endangering the possibility of having a face-to-face meeting that will be substituted by teleconference, with the only exclusion of a final meeting among a “core project team” to discuss the follow up of the project, also in term of spreading of the results at different communities involved in the problem and at stakeholders.

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:

- Ministry of the Environment, ARPA Lombardia, Italy.
- IGAMAOT, Portugal.
- Ministry of Environment and Spatial Planning, Kosovo.
- National Environmental Guard, Romania.

4.3 Other IMPEL participants (name, organisation and country)

Experts from:

- State Inspectorate of Environment, Forestry and Water, Albania.
- Slovak Environmental Inspectorate, Slovakia.
- National Environmental Guard, Romania.
- State Environmental Service, Latvia.
- State Inspectorate of the Republic of Croatia, Croatia.
- German Federal Ministry for the Environment, Nature Protection and Nuclear Safety, Germany.
- Environment & Resources Authority, Malta.
- WERLA, Ireland.



- Ministry of the Environment, Finland.
- Centre for Economic, Development, Transport and the Environment for Southeast Finland, Finland.
- Flemish Government, Department of Environment & Spatial Development, Belgium.
- Swedish EPA, Sweden.
- IGAMAOT, Portugal.
- Environment Agency (England), United Kingdom.
- Ministry of Infrastructure and Environment, Kosovo.
- Natural Resources Wales, United Kingdom.
- ARPA Lombardia, Italy.
- Sogesid TA at IMET, Italy.
- IMELS - TA Sogesid, Italy.
- National Institute for Environmental Protection and Research (ISPRA), Italy.

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

ENPE, EUFJE, EnviCrimeNet (tbc).

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

	Year 2020 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	9 750 EUR			
How much money is to be co-financed?				
Total budget	9 750 EUR			

6. Detailed other costs of the work for year 2020

6.1 Are you using a consultant?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
6.2 What are the total costs for the consultant?	9 000 EUR (VAT included) – not included in point 5.
6.3 Who is paying for the consultant?	IMPEL.
6.4 What will the consultant do?	Support the meetings, analysing the survey results, help in report drafting.



6.5 Are there any additional costs (NOT included in point 5)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe:
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?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe:
6.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe:

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 ^{✓*} 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 checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	March 2020 November 2020 December 2020 When necessary When necessary
7.2 Milestones / Scheduled meetings (for the website diary).	See 3.3.		



7.3 Images for the IMPEL image bank.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7.4 Indicate which material s will be translated and into which languages.	N/a.
7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.	Tbd.
7.6 Identify which groups/institutions will be targeted and how.	
7.7 Identify parallel developments / events by other organisations, where the project can be promoted.	The project could have parallel development in ENPE, EUFJE, EnviCrimeNet, and could be promoted in the same organisations.

*✓) 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?

Project to be developed under SGA framework.

The project has been amended because of the constraints introduced by current European Health issue (COVID-19 pandemic) and because of the reduction of the available time frame. A small amount of the saving obtained from travel reduction will be invested in consultancy to boost the outcomes of the project.

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.



Annex I – Detailed costs

Detailed Event Costs

Water & Soil Crimes, Phase 3

			Travel (maximum per round trip) 360 €	Hotel (maximum per night) 120 €	Catering (maximum per day) 25 €	Total costs per Event
	Event	Number of days				
Description of	Project Meeting	2	5 400,00 €	3 600,00 €	750,00 €	9 750,00 €
Location	tbd					
Month	tbd					
Number of Participants	15					
Description of Event						
Location						
Month						
Number of Participants						
		Total Costs	5 400,00 €	3 600,00 €	750,00 €	9 750,00 €