



European Union Network for the
Implementation and Enforcement
of Environmental Law

Water Crimes



Background

Activities and events threatening the quantity and quality of freshwater will have major consequences for health, business success and security; the harms and risks to water supply are associated with multiple causes that include industrial pollution and water theft through to global warming. So, the reduced availability of freshwater, the tensions in trans-boundary basins, the human pressure on limited water resources, state-corporate level overconsumption and unequal distribution are among the causes that have made water a hot product exposed to criminals, highly exposed to illicit interests of individuals, companies, terrorists and organised crime.

Nevertheless, only recently there has been a criminological interest in water crime issues. But, crimes against water remain difficult to assess, detect and prosecute, especially because water often crosses nation-state boundaries, cooperation is difficult, and data at national level are recorded under different categories of offences, and legislations and policies on freshwater vary from country to country.

Furthermore, water management infrastructures are exposed to cyber and traditional terrorist threat, yet intelligence and research are still scarce in this field. The Council Conclusions (8 Dec '16) on countering environmental crime recognised the role of IMPEL in countering environmental crimes, but a common definition of "water crimes" is a challenging task. Furthermore, water-related crimes are often recoded under other offences – like fraud, corruption, trafficking, falsification of documents, terrorism – for the absence of a systematic analytical approach. The nature and extent of these kinds of activities is still relatively unknown.

TARGET GROUP

- International, national and local police forces
- Environmental agencies
- Environmental networks
- Water utilities
- Water related companies
- Municipalities
- Research organisations, universities
- Scientific institutions

EU LEGISLATION

- 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)

PUBLICATION DATE

October 2019



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Content

Environmental crime covers acts that breach environmental legislation and cause significant harm or risk to the environment and human health. The most known areas of environmental crime are the illegal emission or discharge of substances into air, water or soil, the illegal trade in wildlife, illegal trade in ozone-depleting substances and the illegal shipment or dumping of waste. Environmental crimes cause significant damage to the environment in Europe and the world. At the same time they provide for very high profits for perpetrators and relatively low risks of detection. Very often, environmental crimes have a cross border aspect. Environmental crime is a serious and growing problem that needs to be tackled at European level. In addition to these clear and present crimes, new types of environmental crime are emerging, such as carbon trade and water management crime.

In this regard, a recent study has explored the different emerging threats to freshwater in Europe, analysing 82 cases across Europe. Researchers have identified a number of challenges, mainly the absence of an harmonised legal framework to protect water as natural resource and the consequent scarcity of data on crimes against water. Different cases on water crimes were noted in the European Union, but open issues remain. The lack of definition of water crime in the criminal codes leads to fewer targeted investigations, to police not recording statistics or data on water-related offences, and therefore to limited prosecution. Furthermore, although water pollution is widely recognised, such is not the case for other types of crimes as identified in the project, namely water corruption, water-related organised crime, water theft, water fraud, water terrorism and water cyber-attacks. It is recommended to adopt a definition of water crimes, but also to ensure that information is collected at national level by the enforcement authorities.

The [project](#) aims to develop an assessment of EU Water Crimes Threat and to design a Water Security Strategy in Europe. The goal of the project can be achieved by identifying common challenges, harmonising the legal framework, improving data on water crimes and protecting water as a natural resource.

The [report](#) aims to increase knowledge on water crimes, by sharing information on the subject, in terms of persecution and management with the competent authorities.

LINKS

- [Water and Land Expert Team](#)
- [Water Crimes Report](#)
- [Water Crimes Project](#)

KEY WORDS

- Water Crimes
- Definitions
- Cross border
- Data collection
- Water Security Strategy