



EU WASTE LEGISLATION AND COMBATING WASTE CRIME

Workshop for judges and prosecutors

Sófia, 15-17 February 2023

**UP
GRADE**
YOUR LEGAL
EXPERTISE

Environmental Law

Speakers & training managers

Luisa Cortat, Training Officer, Course Director, European Public Law, ERA, Trier, and Research Associate at the United Nations University FLORES, Dresden

Teresa Fajardo del Castillo, Associate Professor of Law, University of Granada

Matthias Keller, Presiding Judge, Administrative Court, Aachen

Klaus Lernhart, Judicial Training Advisor, ERA, Trier; former Presiding Judge, Higher Administrative Court, Mannheim

Kristina Persson, Senior Public Prosecutor, National Public Prosecution Department, National Unit for Environment and Working Environment Cases, Gothenburg

IMPEL Representative

Vojtěch Vomáčka, Advisor in Environmental Law and EU Law Matters, Supreme Administrative Court of the Czech Republic

Key topics

- Waste Framework Directive
- Environmental Crime Directive
- Waste crimes relating to waste movement and treatment (shipment, landfill)
- Waste crimes relating to waste management of end-of-life products
- Investigation, prosecution and adjudication on waste crime
- CJEU case law
- Preliminary reference procedure
- Various case studies

Language
English

Reference
423DV119

Organiser
ERA (dr Luisa Cortat) on behalf of the European Commission



Wednesday, 15 February 2023

- 08:45 Arrival and registration of participants
09:00 **Welcome and ice-breaking exercise**
Luisa Cortat

I. SETTING THE SCENE

Chair: *Luisa Cortat*

- 09:30 **Brief overview of the EU legal instruments for waste**
- Key features and main policy developments
 - EU waste law instruments
 - Definition of waste
 - Concept of hazardous waste
- Luisa Cortat*
- 10:15 Discussions
- 10:30 **Protection of the environment through criminal law**
- EU Environmental Crime Directive: concept, main elements and revision process
 - Key obligations and main types of offences
 - Interrelation between criminal and administrative enforcement
- Teresa Fajardo*
- 11:15 Discussions
- 11:30 Coffee break
- 12:00 **Waste crime: key features and main challenges**
- Actors and impacts of waste crime
 - Waste crime as a transnational, organised economic crime
 - Actors, impacts and enforcement challenges
- Kristina Persson*
- 12:45 Discussions
- 13:00 Lunch break
- 14:00 **Waste crime: key features and main challenges (cont.)**
- Actors and impacts of waste crime
 - Waste crime as a transnational, organised economic crime
 - Actors, impacts and enforcement challenges
- Kristina Persson*
- 14:30 Discussions

II. WASTE-RELATED OFFENCES AND CRIMES

Chair: *Luisa Cortat*

- 14:45 **Illegal treatment and management of waste**
- ELVs and WEEEs
 - Landfill Directive
 - CJEU case law
- Vojtech Vomacka*
- 15:45 Discussions
- 16:00 Coffee break
- 16:30 **Case study on illegal waste disposal with links to the Environmental Liability Directive (ELD)**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Matthias Keller*
- 18:00 End of the first workshop day
- 19:30 Dinner

Thursday, 16 February 2023

- 09:30 **Welcome**
Luisa Cortat

III. WASTE-RELATED OFFENCES AND CRIMES (Cont.)

Chair: *Klaus Lernhart*

- 09:35 **Illegal waste shipment – focus on transboundary movements of waste**

Objectives

The aim of this two-and-a half-day workshop is to provide participants with a comprehensive understanding of waste-related crimes that have raised major concerns in recent years. Emphasis will be given to the EU legislation and case law relating to waste offences and crimes, the relationship between criminal and administrative law provisions for these crimes as well as the main challenges for investigation, prosecution and adjudication in this field. The workshop will shed light on the protection of the environment through criminal law with a special focus on waste. By addressing these issues that might be relevant for prosecutors as well as judges, it will facilitate the handling of future national court procedures in this field.

Who should attend?

Judges and prosecutors interested in environmental law

Venue

National Institute of Justice
14, Ekzarh Yossif str., 1000
Sofia, Bulgaria

Your contact persons



Dr Luisa Cortat
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All times are indicated in the Sofia time zone (WET/GMT+2)

- Waste Shipment Regulation (WSR) 1013/2006 and its revision
 - Basel Convention on the control of Transboundary Movements of Hazardous Wastes and Their Disposal
Teresa Fajardo
- 10:20 Discussions
- 10:35 **Illegal waste shipment – focus on transboundary movements of waste (Cont.)**
- Recent CJEU case law (C-624/17 *Tronex* and C-241 and 242/12 *Shell*)
 - Relevant national cases (e.g. the Netherlands)
Teresa Fajardo
- 11:05 Discussions and exchange of experiences
- 11:20 Coffee break
- 11:50 **EU Ship Recycling Regulation (SRR) 1257/2013**
- Short historical background and rationale
 - Main objectives, scope and relationship with the Basel/WSR regime (including the Basel Ban Amendment)
 - Key obligations under the SRR
 - Enforcement provisions (Art. 22) and main challenges for implementation (e.g. 'outflagging')
Vojtech Vomacka
- 12:45 Discussions
- 13:00 Lunch break
- 14:00 **Investigation, prosecution and adjudication on waste crime**
- Obstacles and challenges at national level
 - Ancillary orders
 - International cooperation and coordination
 - Case law
Kristina Persson
- 15:10 Discussions and exchange of experiences
- 15:30 Coffee break
- 16:00 **Case study on illegal transboundary exporting of hazardous waste**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
Kristina Persson
- 17:30 End of the second workshop day
- 19:00 Dinner

Friday, 17 February 2023

- 09:00 **Welcome**
Luisa Cortat

IV. ENFORCEMENT AT NATIONAL LEVEL

Chair: *Luisa Cortat*

- 09:05 **Combating waste crime in practice: the experience of IMPEL**
Representative of IMPEL
- 10:05 Discussions and exchange of experiences
- 10:20 Coffee break
- 10:50 **The role of the national judge and prosecutor in enforcing waste legislation and combating waste crimes – focus on preliminary references**
Matthias Keller
- 11:50 Discussions and exchange of experiences
- 12:20 **Evaluation of the workshop**
Luisa Cortat
- 12:50 End of the workshop

Programme may be subject to amendment.
For programme updates: www.era.int.

Apply online for

EU Waste Legislation and Combating Waste Crime

Workshop for judges & prosecutors

Sofia, 15-17 February 2023 / Event Number: 423DV119



With the support of the “Cooperation with National Judges in the field of Environmental Law” programme of the European Union

Terms and conditions of participation

Selection

1. Participation is only open to judges from an EU Member State.
2. The number of places available is limited. Participation will be subject to a selection procedure. Selection will be dependent on:
 - i. the relevance of the seminars to the professional life of the applicant;
 - ii. geographical and linguistic balance among the participants will be sought;
 - iii. In case of exceeding applications, only one person per institution may be accepted.
3. Online applications can be made until **9th January 2023**
4. A response will be given to every applicant of this workshop shortly after this deadline. We advise you not to book any travel or hotel before you receive our confirmation.

Registration Fee

5. There is no registration fee.

Travel expenses

6. **The travel expenses will be reimbursed to a maximum of 400 euros** subject to the submission of the originals of travel receipts (like flight ticket, boarding pass, train ticket, taxi costs can only be reimbursed in exceptional cases and has to be justified in written , etc.). Participants are advised of the obligation to use the most cost-efficient mode of transport available.

Accommodation

7. **Maximum 3 hotel nights** will be covered directly by ERA, only for the hotel booked by ERA.

Other services

8. Lunches, beverages consumed during the event and the workshop documents are offered by ERA.

Participation

9. Participation to the whole workshop is required and your presence will be monitored.
10. A list of participants including each participant's address will be made available to all participants unless the ERA receives written objection from the participant no later than one week prior to the beginning of the event.
11. The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
12. A certificate of attendance will be issued at the end of the workshop.

Online application:

www.era.int/?131131825&en

Language

English

Contact Person

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