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ADMINISTRATIVE SANCTIONS FOR ENVIRONMENTAL CRIME IN SELECTED EU AREAS

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ABSTRACT: Each country in the European Union (EU) has its own legal system of environmental protection inc. rules of eco-crime fighting. The world copes environmental crime, developing better and better structures, laws and control systems. Establishing effective administrative sanction rules may help decrease environmental damage. The goal of the paper is the comparison of administrative sanctions for environmental crime in five different areas of the EU: France, Germany, Italy, Spain and Poland. The mechanisms of sanctions, fines and penalties in studied areas are based on financial fines. Although the states do their best to develop the most effective tools possible to enforce environmental protection and control its quality, it is not always possible in reality. Understanding and weighing the value of environmental destruction is difficult. It takes into account the human, economic and ecological aspects (considering the quality of the environment closest to the natural state).

KEYWORDS: environmental administrative sanctions, environmental law, environmental tools, environmental treat

Introduction

Environmental protection, in the EU legal system, is a shared competence. For non-compliance with environmental protection rules, administrative sanctions are established as various types of restrictions and cancellations (e.g. approvals, licences, permits, registrations, etc.). They include financial penalties, warnings or even closure of the business (Rao et al., 2014; This, 2020). Sanctions vary depending on the actual or anticipated impact on the environment, human health or safety. They also depend on the party's previous environmental infringement activities and breaches of regulations (Kaigorodova et al., 2020). Administrative sanctions are most appropriate for operators who undertake, i.e. such activities as unlawful hunting, use of banned chemicals, excessive pollution of particular elements of the environment or illegal waste disposal. Danilov-Danil'yan et al. (2009) writes it happens that administrative sanctions may, in many cases, overlap with criminal law, which was described by Radecki (2020) for Germany, the Czech Republic, Slovakia and Poland. According to Le and Hoang (2022), the mechanisms of sanctions, fines, and penalties allow the state to develop the most effective instruments possible to enforce environmental protection and control its quality. This makes it possible to financially compensate for the harmful effects of environmental destruction in relation to the actions of external agents and subjects. Ultimately, fines would be applied as soon as restoration is possible.

Le and Hoang (2022) explains that financial fines for environmental crimes are reasonable, as they should always balance or exceed the value of the caused damage in order to remedy previous conditions. Moreover, financial sanctions involve fewer people than a custodial sentence implementation (court, prison, police, lawyers). They are a type of payment (Fu et al., 2020). Taking all of it into consideration, the Authors have noticed the need for sanctions system comparison in several European areas. In individual countries, the value of the fine depends on the final state of the environment occurring after the environmental damage. If the offender has derived any financial benefit from this situation, the fine is also increased by this benefit (Danilov-Danil'yan et al., 2009). What is more, fines have legal deadlines.

Only failure to pay leads to other forms of punishment as imprisonment. Sanctions are applied for violations of regulations and decisions based on them. Moreover, their amount depends on the violation degree. To define them, the legislator uses different terminology, calling them fines, administrative fines or increased fees. Regardless of the terminology, the effect of financial punishment is the same. A sum of money is obliged to be paid as a reaction to illegal action. In practical use, fines are the most common sanc-

tion for environmental offences by far, and it is extremely rare to impose a prison sentence. What is more, a fine can be extremely severe. It is imposed in daily rates, specifying their number and the amount per rate. Sanction rates vary from country to country, as studied in this paper. In the available literature, there is a lack of complete statistical data for all EU Member States on specific aspects of environmental crime: the effectiveness of its detection, investigation, prosecution, the number and nature of convictions under the law, ongoing, completed and discontinued cases, the number of financial sanctions imposed and the involvement of legal and administrative institutions and actors.

Having regard to the above, there may be noticed interesting research problem: administrative sanctions comparison in different areas in the EU individually for the countries: France, Spain, Germany, Italy and Poland. Following the establishment of Directive (2008), most Member States modified their national law on environmental offences in terms of sanctions and liability. The countries mentioned above were chosen for the assessment of sanctions because they have implemented the EU law into their internal law in different ways. France and Italy made changes to the structure of pre-existing legislation. In addition, Italy decided to tighten sanctions in case of significant negligence. Germany and Spain introduced definitions of additional crimes into the Code, which since then have been punishable. Spain, on the other hand, called institutions and companies responsible as legal entities, which could not be punished until then. Poland did not change its system of administrative sanctions at all.

Research methods

The goal of the paper is an analysis of administrative sanctions for environmental crime in five different areas of the EU: France, Germany, Italy, Spain and Poland. The first 4 are EU funders with different Gross Domestic Product (GDP), culture, freedom understanding, fight against existing crime and environment environmental awareness. The countries of the south and north are examples of a “two-speed” Europe. Germany being the core of Europe, France open to global trade with numerous remote colonies in the past, Italy struggling for years with organised crime and Spain the most touched by the historical crisis. Poland is one of the newest EU countries still compensating for differences.

Sanctioning regimes vary across EU Member States. When setting the types and levels of penalties, individual countries take into account their traditions and cultural variation. Setting a particular penalty at a particular level may be considered a deterrent in one country, and the sanctions are lower

there, but it may not be the same in another; where the value of sanctions should be higher due to, for example, gross domestic income. When determining the overall penalties for environmental offences, it was also taken into account administrative, civil, consequential and compensatory sanctions and their relationship to criminal law. All this being said, selected analysis states have a wide range of options when determining the level of appropriate environmental system sanctions. A different implementation of environmental law, GDP and income, previous changes to nature, different ecology understanding, existing externalities, opportunities for concealment and the presence of organised crime groups were factors which showed the gap in the environmental problems in studied countries.

With a greater accent on administrative sanctions, the probability of a crime being punished increases, and the costs for potential offenders go up, and this leads to reduced environmental crime. The main difference between the penalty systems is that administrative sanctions are more convenient and cheaper to impose than criminal ones, which involve a complicated criminal procedure and high costs. The considered tools involve:

- environmental field type,
- financial sanctions for natural persons,
- financial sanctions for legal persons,
- non-financial sanctions types,
- external factors,
- definitions of sanctions,
- environmental crime prevention.

The analyses were based on the environmental presented in Table 1, legal acts, criminal codes, offence codes and other regulations defining environmental violations. Also institutions, bodies and offices are analysed which define and impose sanctions for environmental crime in the considered countries.

Table 1. Environmental regulations in studied EU areas

Env. field	France	Germany	Italy	Poland	Spain
1	Constitution Law Constitutional No. 2005-205 Of 1 March 2005 Concerning The Environmental Charter (NOR: JUSX0300069L)	Basic Law for the Federal Republic of Germany (as amended up to Act of July 13, 2017)	The Constitution of the Italian Republic 1947	Constitution of Republic of Poland 1997	Constitución Española 1978
2	Common Environmental Convention (1998) Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law	Common EU directive on environmental criminal law, 2008/99/EC	Consolidated Environmental Law (Norme in materia ambientale or Codice dell'Ambiente Legislative Decree No. 152/2006) (ECA)	Act Environment Protection Law of 27 April 2001. Nature Protection Act of 16 April 2004	Ley 6/2017 about environment protection
3	General environment The French Environment Code	Penal Code Strafgesetzbuch (StGB)	Italian Code of Criminal Procedure 1990	Code of Conduct in Offence Cases Act of 11th Aug 2021 Penal Code of 6 June 1997	Ley Orgánica 10/1995, Penal Code (del Código Penal)
4	Penal code Penal Code (Law 92-6862)	Nature and landscape protection- Bundes-Naturschutzgesetz (BNatSchG)	Consolidated Environmental Law (Norme in materia ambientale or Codice dell'Ambiente Legislative Decree No. 152/2006) (ECA)	Act Environment Protection Law of 27 April 2001	Ley 6/2017 about environment protection
5	Environment Protection Law 2010-788 National Commitment to Environmental Protection	Control and management of water resources – Wasserhaushaltsgesetz (WHG)	Law No. 319 of May 10, 1976 'Water protection against pollution	Act of 20 July 2017 – Water Law	Real Decreto Legislativo 1/2001, Ley from 20th Jul – Water Act La Ley 41/2010 Marine Environment Protection Act, the waters, seabed and subsoil Ley 41/2010 about Marine Environment Protection
6	Water Law 2006-1772 on water and the aquatic environment	Emission control- the Bundes-Immissions-schutzgesetz (BImSchG)	Decree-Law no. 156/2010: ambient air quality	Act of 17 July 2009 on gases emission system management	Ley 1/2005, from 9th March about GHG emissions
7	GHG Law 2001-163 on the greenhouse effect and the prevention of global warming risks (NOR: ATEX0004061L)				

Env. field	France	Germany	Italy	Poland	Spain
8	Waste Law 2020-105 on the fight against waste and the circular economy	Control, disposal and management of waste – Kreislaufwirtschaftsgesetz (KrWG) The Environmental Damage Act (Umweltschadensgesetz)	Specific decrees concerning different types of waste i.e. Law no. 49/2014: electrical, Law no. 188/2008: batteries etc.	Waste Act of 14 December 2012 Act on management of packaging and packaging waste of 13 June 2013	Ley 7/2022 about waste, residues and contaminated soil Local regulations
9	Hazards Law 2003-699 on the prevention of technological and natural hazards and remediation of damage	Nature and landscape protection- Bundes-Naturschutzgesetz (BNatSchG)	Part of Consolidated Environmental Law and Env. Code	Waste Act of 14 December 2012	
10	Environment Health & Safety Law 2001-398 on the French Environmental Health Safety Agency		Part of Consolidated Environmental Law and Env. Code	Act Environment Protection Law of 27 April 2001	Ley 26/2007 from 23rd Oct about Responsibility for Environment
11	Soil Environmental Code. Article 173	Soil protection under – Bundes-Bodenschutzgesetz (BBodSchG)	Part of Consolidated Environmental Law	Lower regulations	Ley 7/2022 about waste, residues and contaminated soil
12	EIA Environment Code (Annex to Article R. 122-2)	Environmental impact assessment – Umweltverträglichkeitsprüfungsgesetz (UVP-G)	Environment Impact Assessment Italian Legislative Decree 152 of 3 April 2006	Act on Environment Protection Inspection of 20 July 1991	Ley 21/2013, from 9th Dec, about environment assessment
13	Environment Information Environment Code (Annex to Article R. 122-2)	Environmental Information Act (Umweltinformationsgesetz)	Integrated Pollution Prevention and Control Authorisation (IPPC) (Autorizzazione Integrata Ambientale) (AIA)	Act Environment Protection Law of 27 April 2001	Real Decreto 876/2014, from 10th Oct about environment protection costs
14	Specific Local regulations	Local regulations	Presidential Decree No. 59/2013: Unified Environmental Permit (AUA)	Act on the obligations of entrepreneur management of waste and product fee of 11 May 2001 Act on microorganisms and genetically modified organisms 28 January 2022.	Ley 42/2007 from 13th Dec about Biodiversity Ley 33/2015, from 21st Sept about Natura 2000 in Spain Real Decreto 630/2013 from 2nd Aug about endangered species,

Results and discussion

A positively perceived environment and surroundings enhances well-being, strengthens relationships and helps to properly protect people, plants and animals. Environmental crime has a negative impact on all ambient elements: water, air, soil, habitats, human and animal health and life. It is the result of deliberate action by people mainly for financial profit. Eco-criminals know no moral, national or regional boundaries. The effects of this crime are reflected in every social and economic sector: tourism, transport, health care, agriculture, fishing, forestry, industrial production or services. Environmental crime reduces the number of plant and animal species, puts people at risk, e.g. from poisoning, spreads diseases, decreases profits for tourism, diminishes the sources of many raw materials and all of it contribute to climate change. Environmental crimes can be committed by organised crime groups and networks that operate across national and continental borders. What is more, they can even finance various mafia and terrorist activities.

Economic losses related to environmental crime in the EU are estimated at more than USD 70 billion, increasing by approximately 5% every year (DGCCRF, 2021). A large share of these profits comes from wildlife and hazardous waste trade (Percoco, 2001). This shows that environmental crime ranks at the top in terms of global crime revenue, with drug smuggling, document falsification and human trafficking. In the EU, it is estimated that the annual revenue from the illegal trafficking of flora and fauna products amounts to 25% of the income from environmental crime and 10% from waste (Garcia & Fonseca, 2018). Since the creation of the EU's borders, a significant number of environmental directives and regulations have been established. As overarching are the Convention (1998) and the Directive (2008), which was to be brought into line with the laws of individual Member States by 2010. Sectoral environmental protection and maintenance legislation should cooperate with these documents, and all administrative enforcement possibilities should be used.

The legal procedures are upgraded to better save the environment and to establish the most sustainable system meeting requirements of nature and ecology (Kaigorodova et al., 2020). Among considered countries, only Poland has waited 12 years to fully implement EU regulations. In 2022, there was adopted a new law with an increase in penalties for environmental offences.

World fights with environmental crime by developing better and better structures, laws and control systems, hoping that establishing proper sanction rules may help in environmental crime decrease. Despite some similarities, there is a number of differences between legal regulations and other rules in particular EU areas that have a significant impact on both the proce-

due for their application and their financial value because each country has its own legal system of environmental protection (Radecki, 2009). Although particular countries have the same goal, administrative sanctions are different in considered European countries (Kaigorodova et al., 2020). Different is also understanding system, i.e. in Spain, where the system is complicated and based on nearly one hundred regulations placed in the form of the pyramid from the Constitution on the top to laws, regulations, royal decrees, ministerial orders, autonomous orders and local regulatory provisions.

Environmental crime includes various areas: illegal pollution (ground, water, air etc.), illegal trade with protected species, waste export and disposal, but also business activities that disturb environmental conditions also belong to this group (Chen et al., 2020). It also threatens human health and life, may affect the structures of the state and inhibit sustainable development. Criminal, administrative and economic tools are used in the fight with eco-threat. These can include fines, business shutdowns or restoration of the damaged ecosystem. Danilov-Danil'yan et al. (2009) and Hering (2002) explain that some legislators, which in the past relied mainly on custodial sentences, have turned to administrative enforcement because they may be more onerous for perpetrators. Administrative sanctions are easier to impose and cheaper than criminal due to the complicated criminal procedure and high costs. Moreover, writes Gerstetter et al. (2016), criminal liability involves proving guilt, whereas administrative is irrelevant. It is sufficient to demonstrate an environmental violation has actually occurred. Therefore, fines are the most common sanction for environmental crime, and imprisonment is very rare. The legislation leads to an expectation of sanctions that should encourage the perpetrator not to repeat the actions and discourage others from doing the same.

Nowadays, France is at the forefront of European countries being condemned for its non-compliance with EU environmental directives. It has been repeatedly warned by the European Commission that it would face heavy financial penalties if it does not apply EU environmental law correctly. The French Ministry of Ecological Transition states that penalties should be modulated according to the intentionality of the perpetrator (Ouest-France, 2020). In France, environmental crime is mainly defined by case law and involves recourse to the law of civil liability. It requires the demonstration of fault, damage and causation (Law 92-6862, 1992). Areas under consideration include as for other countries water, air, waste, and noise but also illegal installations, production lines or chemical products. Italy ranks in the middle of the pack of countries in terms of the number of environmental cases. Italian legislation (EIA, IPPC, AIA) also include business activities breaking environmental rules: activities without- or with expired permits and other illegal actions violating state or regional regulations. In Italy, eco-penalties include

monitoring of environmental pollution/disaster; trafficking and storage of radioactive materials; obstruction of control, overlooked remediation; inspection of the seabed (Rao et al., 2014). Spain is currently an EU country with particularly evident environmental violations. Gerstetter et al. (2016) report that environmental offences dealt with by the justice system here are 15% of all cases registered in Europe. As recorded by Montes and Francisco (1999) and Ruiz and Ángeles (2010), the Spanish Constitution (1978) indirectly recognises the protection and restoration of the environment as a legitimate cause for intervention. Law enforcement is mandatory. However, authorities encourage preventive action and administrative sanctions. Penal is used rarely – only where necessary. In practice, many environmental cases get away because of a lack of staff, funds and difficulties in detecting (Zapata, 2022). On the other side, Poland ranks among countries with a relatively low number of serious environmental crimes.

Financial sanctions are difficult to compare in terms of their severity for perpetrators. Usually, individual countries set them according to their national legal traditions. In the countries selected for analysis, financial sanctions vary considerably in terms of the type and level, their minimum or maximum values. In some countries, financial penalties are calculated in relation to the offender's income or through daily loss equivalents. The way in which the different sanction regimes described by law can be combined is also different. It is worth noting that the same value of sanctions in the Member States is also not comparable to each other. For example, a certain level of sanctions may act as a deterrent in one country but not in another due to a higher level of income and a different – economic situation (Schmidt, 2013).

Values of the fines in Germany depend on the conditions of the offence, the perpetrators and the circumstances. In specific cases where the offence is committed by company management, the company is financially liable for its actions. The limits of 'intimidation penalties' can be very high so that the fine exceeds the financial benefit (or its valued equivalent) achieved by the offender (Hirschfeld et al., 2017). Nevertheless, Schäfer (2002) states that the penalty for offences contained in the KrWG usually does not reach the maximum.

Table 2. Sanctions comparison for environmental crime in studied countries

Type of sanction	France	Germany	Italy	Poland	Spain
Max fine for individual persons	300000 EUR for wildlife offences	10800000 EUR for all included breaches of environmental law	200000 EUR illegal trade of flora and fauna	270000 EUR the same level for all offences	288000 EUR for most violations
Min fine for individual persons	75000 EUR for illegal waste management, incl.hazardous waste	No min.fine	3 000 for destruction of protected habitats	No min.fine	no fine for pollutants introduction to environment
prison sentences for individual persons	2-6 years	5-15 years	6 months to 10 years	2-8 years	1-12 years
Fines for legal persons	Depends on the offence 375000 or, 750000 or 1500000 EUR	1000000 – 10000000 EUR for intentional offences and EUR 500000 – 5,00000 EUR negligence offences	258 – 1549 EUR per offence	250 – 1250 000 EUR, but cannot exceed 3% of the annual income of the penalized company	the penalty is expressed in a number of days, with monetary value for day from 30 to 5000 EUR
Other effect for legal persons	change, suspension, removal or closure of the business correlation of the value of the charge with the economic benefit of the offender, the trade or the damage caused				
Increase/decrease of fine	Application of accessory sanctions and confiscation	Additional fines when pollution arises in a protected or valuable areas	reductions in penalties are provided when situations are committed unintentionally	strengthening of the punishment for companies already punished	Deterrent effect is weakened because of mild sanctions or cases dismission
State authorities public institutions monitoring env. violations	OCLAESP (Central Office for Combating Attacks on the Environment and Public Health)	Federal Environment Agency – responsible for the prosecution and punishment	Italian National Institute for Environmental Protection and performs scientific, technical, research functions, assessment, monitoring, control, communication, training and education	Provincial Inspectorate for Environmental Protection – monitor, investigates and determines negative effects of the offence	Environmental Inspection Network (REDIA) – harmonizes the country and exchange good practices

Source: authors' work based on acts from Table 1 and Beine et al. (2020); Noci (2000); Marin et al. (2018); Ramos Rodríguez (2007); Zapata (2022); Guignard et al. (2019); Skiter et al. (2015); Rao et al. (2014); Schmidt (2013); Bericht (2004); Górká et al. (2001); Sina and Gerstetter (2021); Hering (2002); Kert (1999).

Financial penalties can be very severe. The French Minister of the Environment can impose an administrative penalty on an illegal waste treatment facility after one month of being summoned up to max. possible value (Guignard et al., 2019; Ouest-France, 2020). On the other hand, for Spanish compa-

nies there is established an integrated system of prevention and monitoring based on Real Decreto 1/2016 (Uriel, 2018). Interesting fact that this law applies public or private sector, but new, research or developing companies are excluded. In contrast, fines and penalties for environmental crime in Poland can be imposed repeatedly. For a subsequent repeat offence already punished, twice the amount of the last fine is imposed. The fined individual or business entity has two weeks from the date of the decision to pay the fee (Radecki, 2009). According to Radecki (2001), in Poland, penalties and sanctions should push individuals or companies breaching environmental rules to take urgent corrective action when negative changes occur, reduce impacts or prevent any damage to the environment and/or human health. Environmental penalties also aim to negate any financial benefit resulting from non-compliance.

Authorities responsible for detecting environmental crime note that the levels of sanctions are sufficient, but the problem is their practical application by state institutions (Fu at al., 2020). In the countries in question, administrative authorities, police, and courts cooperate formally or informally to detect and investigate environmental crimes. Informal cooperation often proves insufficient, as it usually depends on the attitude of those responsible and the external factors described above. There is a problem of uneven enforcement. In Spain, incompatibilities related to urban planning and zoning are considered environmental crimes (Ramos Rodríguez, 2007). Offences that actually destroy nature and are defined by a statutory list are placed in the background. In Germany, on the other hand, less attention is paid to illegal waste management (Hering, 2002).

The differences in sanctioning regimes between countries also largely depend on independent external factors that affect law enforcement. These have a strong influence on offender behaviour (Fu, 2020). One of the positive external factors is increasing public awareness and environmental education. It can lead to a reduction in environmental crime. On the other hand, external factors can also intensify environmental destruction. Easily accessible transport and intensive international trade can contribute to crime in cross-border areas. New technologies can also lead to an increase in crime. Online shops offer the possibility of placing anonymous orders anywhere in the world, which helps the illegal trade of plants and animals. The phenomenon of safe havens, i.e. places of refuge for offenders against the environment, should also be mentioned here. Offenders, to avoid punishment, in many cases, cross the borders of the countries where they committed the crime. They seek refuges that allow them to hide and escape from their punishment. This is precisely what they find in countries where there is a low rate of crime detection and a lack of effective law enforcement, where crimes are ignored or where very low penalties are imposed. Serious organised

crime and terrorist networks play a large part in creating safe havens. They are prepared to evade effective law enforcement at all possible levels (administrative, control, police, judicial, civil, etc.). They have the resources to establish criminal cooperation. They are in possession of a large collection of data on leniency proceedings and cover-ups. The level of corruption in the state or political support should also be considered here. Only a high level of environmental awareness can cut this belt of environmental negligence (Noci, 2000; Skiter et al., 2015; Radecki, 2020).

The prevention of environmental crime and safe havens depends most heavily on the enforcement of environmental administrative law. It contains rules and protections, common standards, a licensing system, inspections, audits and other forms of control. Unfortunately, the legislation has left out some of the areas that have now become targets of environmental crime: illegal, fishing, illegal logging and timber trade, and man-made forest fires. In addition, the internal laws of most countries have inaccurate definitions of the environmental acts committed, including legal terms such as «non-significant/significant/very significant harm», «non-significant-t/si amount», and «non-significant/significant impact», «safe/unsafe activity» or «non-significant/significant deterioration» (Directive, 2008; Decreto legislativo, 2006; Environmental Protection Law, 2001; Ley 26, 2007).

The lack of definitions leads to differences in interpretation between states where this action is an offence, and in another state, it is no longer. It is also important to bear in mind the differences in interpretation between authorities in the same country resulting from a lack of environmental knowledge, understanding of the harmfulness of the act and the attribution of appropriate sanctions. As a result, this leads to inconsistent implementation of the rules and negatively affects cooperation (Soledad Arroyo Alfonso, 2018).

Summary and conclusions

The system of environmental justice and control is as effective as its execution. There is a lack of uniformity in the analysed countries as in the EU as a whole. Although every EU country should base on the same legislation, i.e. Environmental Convention and the Directive (2008), on the protection of the environment through criminal law. Sectoral environmental protection and maintenance legislation should cooperate with these documents, but in reality, every country has its own system.

Environmental crime includes various areas: illegal pollution of environmental elements (ground, water, air etc.), illegal trade with protected species, waste export and disposal, but also business activities that disturb environmental conditions. Italy considers business activities breaking environmental

rules: activities without- or with expired permits. In France, an environmental crime includes additional illegal installations, production lines or chemical products.

In the countries selected for analysis, financial sanctions vary considerably in terms of the type and level of sanctions and their minimum or maximum values. In some countries, financial penalties are calculated in relation to the offender's income or through daily loss equivalents.

Environmental crime can be effectively controlled. There are some similarities in studied countries which conduct the punishment of legal persons. They could reach administrative decisions about business type change, cessation of economic activity, removal or total closure. There is the correlation of the charge value with the economic benefit of the offender, the trade or the damage caused.

Legal regulations in studied EU areas provide various legal and administrative tools and sanctions for both natural and legal persons. However, in Italy and Spain, these options have been underutilised or delayed in time. On the other hand, in Poland or Spain, where legal sanctions are low, may be imposed additional penalties as a deterrent, discourage or initiate criminal proceedings. In France, where individual fines can be rather low, an environmental case can be referred to the criminal court.

Of the countries assessed, the highest maximum fine can be imposed in Germany. In Spain, the penalty is expressed in terms of the number of days, which has a monetary value. In Poland, the penalty cannot exceed 3% of the annual income of the penalised entity. In France, penalties are lower in some categories, and in Italy, they are a fraction of this amount.

In Spain, the law applies public or private sector, but new, research or developing companies are excluded. In contrast, fines and penalties in Poland can be imposed repeatedly. For a subsequent repeat offence already punished, twice the amount of the last fine is imposed. The fined individual or business entity has two weeks from the date of the decision to pay the fee.

Extensive education of the public, businesses and legislators on the risks of environmental crime. There should be training and capacity-building activities provided at regional and national levels for all member countries to improve effectiveness in combating environmental crime. Group awareness of the dangers of environmental crime should be raised.

Eco-crime cannot be combated in our own backyard. The global system of inspection and police communications needs to be expanded, allowing all member countries access to criminal databases. Common and accessible tools and services should be created, and a system of notifications and alerts should be provided to law enforcement agencies around the world to share different types of eco-crime-related information.

The contribution of the authors

Conceptualisation, I.S. and M.G.; formal analysis, I.S.; investigation, I.S. and M.G.; resources, I.S.; data curation, I.S.; writing – original draft preparation, I.S. and M.G.; writing – review and editing, I.S.; visualisation, I.S.; supervision, I.S.; project administration, I.S.

All authors have read and agreed to the published version of the manuscript.

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