Working Group 4 of the Life+ Project
“Sanctioning: prosecution and judicial practice”

Dr. Carole M. Billiet, chair WG4
EUFJE Annual Conference 2019,
Helsinki 13-14 September 2019

LIFE14 GIE/UK/000043
Overview

1. WG4: profile
   1.1. One WG amidst four
   1.2. Team: countries, functions and courts
   1.3. Working topics
2. Some observations and recommendations
   2.1. Specialisation
   2.2. Remedial action: tools and strategies
3. Conclusion
1. WG 4: profile
1.1. One WG amidst four

**Subject-focused WG’s**
- WG 1 Wildlife
- WG 2 Waste
- WG 3 Chemicals (Air)

**Overarching view**
- WG 4 Sanctioning: Prosecution and judicial *practice*

> Issues hindering efficient and effective prosecution and adjudication
### 1.2. Team: countries, functions and courts

<table>
<thead>
<tr>
<th>Member</th>
<th>Country</th>
<th>Prosecutor</th>
<th>Judge</th>
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<tbody>
<tr>
<td>Chair</td>
<td></td>
<td></td>
<td>Administrative green court, punitive</td>
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<tr>
<td>Carole M. Billiet</td>
<td>Belgium</td>
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<tr>
<td>Sara Boogers</td>
<td>Belgium</td>
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<tr>
<td>Ksenija Dimec</td>
<td>Croatia</td>
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<td>County court (court of appeal), civil department</td>
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<tr>
<td>Katerina Weissova</td>
<td>Czech Republic</td>
<td>X</td>
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<tr>
<td>Marc Clement</td>
<td>France</td>
<td></td>
<td>Cour administrative d’appel Lyon</td>
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<tr>
<td>Françoise Nési</td>
<td>France</td>
<td></td>
<td>Cassation, ch. pénale; [civil]</td>
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<td>[Wanja Welke &amp;] Anja Wuest</td>
<td>Germany (Hessen)</td>
<td>X</td>
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<td>[Jegor Cekanovskis</td>
<td>Latvia</td>
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<td>Lucia Giron</td>
<td>Spain</td>
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1.3. Working topics

- 2016-2017 – Interim Report 1
  - Difficulties, trends and good practices in prosecution and sanctioning
  - Proportionality in prosecution and sentencing: an exploration through gravity factors

  - Good practices in prosecution: focus on international cooperation
  - Good practices in prosecution and adjudication: focus on specialisation among prosecutors and courts/judges

- 2018-2019 – Ongoing
  - Tools and strategies for remedial action at the pre-trial and trial stage
2. Some observations and recommendations
2.1. Specialisation

- Throughout the enforcement chain
- All environmental offences

- Ideal => reality
  - Administrative courts => regular courts

- Regular courts
  - Specialised chambers not based on exclusivity
  - Criminal courts: criminal cases // civil damages
2.2. Remedial action: tools and strategies

- How strategies matter
  - Tools of course too

- How the right of initiative to a tool matters

- The trade-off between punitive and remedial sanctioning
ENPE

Thank you

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