

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

**Dr. Carole M. Billiet, chair WG4  
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# Overview

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# 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

Member	Country	Prosecutor	Judge
Chair Carole M. Billiet	Belgium		Administrative green court, punitive
Sara Boogers	Belgium	X	
Ksenija Dimec	Croatia		County court (court of appeal), civil department
Katerina Weissova	Czech Republic	X	
Marc Clement	France		Cour administra- tive d'appel Lyon
Françoise Nési	France		Cassation, ch. pénale; [civil]
[Wanja Welke &] Anja Wuest	Germany (Hessen)	X	
[Jegor Cekanovskis	Latvia	X ]	
Lucia Giron	Spain	X	

# 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
- 2017-2018 – Interim Report 2
  - 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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