

# ENVIRONMENTAL OFFENCES IN FINLAND 2009-2010

## THE ANNUAL REPORT FOLLOWING THE INTERPOL RESOLUTION AGN/65/RES/25A



Finnish National Monitoring Group  
ENVIRONMENTAL OFFENCES  
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Cover: Niina Viitala

## **1 The Finnish National Group for Monitoring of Environmental Offences**

Based on the resolution AGN/65/RES/25 made by the INTERPOL General Assembly on 23 – 29 October, 1996, a national working group connected with the National Bureau of Investigation (NBI) was founded on 01 of October, 1997. Duties of the working group were agreed to include monitoring environmental crime and development in cooperation with various supervisory authorities. The working group also prepares an annual report on the environmental crime situation in Finland. The chairman of the group is senior police inspector Arto Hankilanoja from the Police Department, Ministry of Interior, and the secretary is forensic chemist Niina Viitala (NBI). Members are chief police inspector Matti Rinne (Police Department, Ministry of the Interior), senior detective superintendent Janne Järvinen (NBI), governmental secretary Elise Sahivirta (Ministry of Environment), senior customs inspector Jenni Lehtilä (National Board of Customs), state prosecutor Christian Lundqvist (Office of the Prosecutor General) and senior inspector Silja Hallenberg (Border Guard Department, Ministry of the Interior). The working group also gives assistance and advice when legal assistance is requested from Finland. Working group members can be best reached via the switchboards of the corresponding organisations. The working group left its first report on 01 July, 1998.

## **2 Dangers relating to the environment and environmental offences**

### **2.1 Environmental dangers**

Potential dangers to the environment have been listed e.g. in the Strategy for Securing the Functions Vital to Society 2006 (Council of State's Decision in Principle, 23<sup>rd</sup> of November, 2006) as follows:

- A nuclear accident in Finland or a serious accident involving hazardous substances;
- A serious disruption in water utilities;
- Widespread contamination of drinking water;
- Storms, floods or dam failures requiring evacuations or causing extensive destruction;
- Heavy metal or chemical concentrations contents rising above approved limits for health;
- Total contamination of soil and waters rendering them unfit for use;
- Oil and chemical transport accidents in sea areas and inland waters;
- Long-distance fallout of airborne pollutants causing destruction of forests;
- Radioactive fallout; and
- Mass extinction of species.

Among human functions or acts of nature that may cause environmental dangers are given the following:

- Poor industrial planning of the use of raw materials;
- Use of land and minerals;
- Use of potable water;
- Logging;
- Industry and urban waste; and
- Use of military force by nations.

The most serious environmental dangers involve global warming (causing increased rainfall and flood risks) ozone depletion, pollution of seas and oceans, extinction of species, diminishing potable water resources and land erosion. The most serious regional and local dangers referred to in the Strategy are the effect on the Baltic Sea and as a result of industrial production, heavy metal or chemical concentrations in the environment and poor waste management contaminating the soil.

## **2.2 Dangers relating to environmental offences**

### **Situation in Finland**

From a national point of view, law enforcement authorities are clearly aware of the dangers relating to environmental offences.

In particular, project Lokki, commissioned by the Finnish National Group for Monitoring of Environmental Offences and carried out by the Main Division of the National Bureau of Investigation in 2007, yielded nationwide information about the nature and prevalence of environmental crime.

Within project Lokki, a detailed questionnaire regarding environmental crime was sent to all Finnish municipalities and environmental centres. The approximately 200 replies indicated that in general, the same environmental risks and dangers occurred throughout the whole nation:

- Littering and single neglects related to waste management
- Illegal disposal of construction and demolition waste
- Clandestine car scrap yards and scrap collectors
- Sludges from farming and their treatment
- Unauthorised take of soil and dumping
- Improper storage and treatment of hazardous waste
- Improper actions in the groundwater catchment and surface water areas

In Finland, every year about 50,000 cars are estimated to disappear, which is half of all the cars to be wrecked. Together with the cars, 300,000 litres of waste oil and other liquids disappear.

Additionally, there have been public cases that have included, for instance, evident attempts to conceal the latest owner's responsibility for the proper treatment of scrap by disguised transactions. The hazardous waste, especially asbestos, contained in the ships, render the proper treatment of scrap ships very expensive.

Project Lokki also sought to find out dangers relating to the treatment of WEEE waste (electrical and electronic waste). 70 to 100 tons (ca. 7,000 trailer loads) of WEEE waste accrues annually in Finland.

Furthermore, after the completion of project Lokki (2007), a much-publicised case of aggravated impairment of the environment was brought to light in the metropolitan area, which was connected to the so-called suspected dumping of sewage waste in the ground, ditches and rainwater sewers. At least to date, the aggravated environmental offence in question, committed in the trade of a large and long-standing enterprise of the business branch, has been exceptional in the Finnish circumstances as a consequence of its extent, length and significance.

The absence of a police authority specialised in the investigation and prevention of environmental offences in Finland can also be noted as one threat relating to environmental crime. For this reason, no police activities aimed at revealing environmental offences are being carried out in Finland either. The uncovering actions of pre-trial investigation authorities, such as surveillance and follow-up, would increase the risk of being caught as regards such environmental offences which are carried out in a particularly professional manner.

Since no uncovering environmental crime prevention exists in Finland, the environmental crime prevention and investigation actions of the police can be regarded as concluding, even though effective crime prevention should be focused on uncovering and investigation of offences occurring in real time.

The fact that the police lack resources for carrying out real-time investigation significantly complicates the recovery of the proceeds acquired by environmental crime as well. For instance, if the investigation actions are dragging years behind the actual dumping-related environmental offences, it is probable that the suspects have already succeeded in using or concealing the received proceeds. Moreover, this fact has special significance in the restoration of the actual scenes of environmental offences (e.g. dumping land areas), the restoration costs of which are in danger of being left to the community.

Together with the usually lenient punishment practices in environmental offences, the fact that the offenders succeed to conceal and use the gained significant proceedings can be seen as a possible threat in the mushrooming of environmental crimes and their special harmfulness and seriousness.

A particular threat (also) in Finland is that environmental crime will spread as one of the forms of activity of organised crime as well. Suitable footing for this thread can already be seen, for instance, in relation to building contracts. Already now there are active organised crime groups and enterprises operating under their actual control in the building industry of the larger cities (renovation and reparation actions, among other things). It is quite unlikely that the enterprises of the grey economy operating as a part of the organised crime would get rid of the demolishing waste in other than illegal ways.

In addition to environmental crime, the execution of uncovering actions within the building industry (also land building) in particular would reveal other crime of the black economy as well. Carrying out uncovering actions with so-called unconventional means in a suspected case of aggravated impairment of the environment would also be quite likely with regard to the Coercive Measures Act. A case of aggravated impairment of the environment is a so-called overtly aggravated crime, the maximum punishment of which is six years of imprisonment, which has a special significance regarding, for instance, carrying out wiretapping operations.

“Waste is Gold” is a proverb that has especially proven to be true regarding to the relationship between Italian organised crime and particularly wide-spread dumping crime of hazardous waste. Even though corresponding global threats are not in sight in Finland, all the prerequisites for worsening environmental crime especially in larger cities and population centres already exist.

The number of statistically compiled environmental crimes and especially the number of aggravated environmental crimes cannot be regarded as being on the level of the Nordic countries. Only a fraction of the number of environmental offences reported in Sweden is reported in Finland. However, the smaller number of detected environmental offences cannot be regarded to be unrelated to the overall corresponding number of environmental offences committed in Finland.

Collecting and exporting rare species of flora and fauna poses an environmental threat from a national point of view. Unfortunately, Finland serves as a transit country especially in trafficking illegally caught birds and collected eggs in the area of the Arctic Ocean. The growth of Finnish tourism to Asia will probably also give rise to an increase in the importation of rare species of flora and fauna.

It may also be suspected that illegal big game hunting and hiding poach have some characteristics of professional and organised crime. In this respect, aggravated forms of these offences were included in the Penal Code on 01 April 2011.

Polluting the environment is often related to the seeking of financial gain. A person engaged in illegal activities wants to make savings in different costs, such as waste management costs or investments in environmental protection. In these cases, pollution is only one of the consequences, as the illegal activities may also distort competition by giving the perpetrator better possibilities to make profit out of his business than those, who follow the law. Also in this area, the economic downturn may increase the number of problems.

The small number of municipal environmental inspectors can be seen as a considerable threat as such, regarding the aims for environmental crime prevention and bringing the committers of environmental crime to account. In some municipalities the environmental inspection post is understood as a so-called unwanted necessity, and the post for environmental inspector and secretary can be held as a so-called combination office, in which case it is likely that there will not be enough time or possibilities for effective environmental inspection and licence enforcement actions.

Because the local parties are aware of the weak situation of the control, they have even greater temptation to start illegal disposing or concealing of demolition waste or other hazardous substances.

### **The situation in the Baltic Sea region**

Important information on dangers posed by environmental offences to the near environs has previously been gained through the work of the Baltic Sea Task Force Expert Group on Environmental Crime, in particular. Unfortunately, this form of cooperation has in effect died out almost completely since Norway, an active member earlier, gave up the coordination of the group's operation a couple of years back. Today, the situational awareness of crime in the areas neighbouring Finland is based on information received through direct connections and the media.

As regards the situation in the countries neighbouring Finland, the least information has been acquired of environmental crime in **Russia**. The Finnish National Group for Monitoring of Environmental Offences is not aware of any kind of a police unit specialised in environmental offences or a prosecutor system for environmental offences having been established in Russia.

In **Sweden**, the annual number of environmental offences varies approximately between 4,000 and 5,000 cases according statistics. 4,198 cases were reported and compiled statistically in 2010. Of these, approximately 1,134 cases correspond to impairment of the environment or aggravated environmental offences in Finnish legislation. The number of cases corresponding to violation of waste legislation was 1,476. (Source: Penal Code Statistics for 2010 as regards Chapter 29 of the Penal Code, Brottsförebyggande rådet, www.bra.se)



Correspondingly, a total of 3,080 environmental crimes were reported and compiled statistically in **Norway** in 2009. (Source: Statistics Norway, [www.ssb.no](http://www.ssb.no))

Of Finland's neighbour countries, **Sweden** allocates the most resources to the prevention of environmental crime. Sweden has trained some 70 investigators and 20 heads of investigation (prosecutors) specialised in environmental offences. In addition, a group of four persons whose area of responsibility is environmental crime works under the authority of the Rikspolisens's money laundering unit.

In **Norway**, the national specialist unit for environmental crime prevention works under the authority of The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim, [www.okokrim.no](http://www.okokrim.no)). Additionally, environmental crime investigation is also carried out in local police departments by crime investigators who have received separate environmental crime training.

According to information obtained through project Lokki, typical dangers as regards environmental crime in Sweden are related to littering in general, unauthorised exporting of scrap cars and electrical and electronic waste, and hunting offences.

The number of environmental offences registered in **Estonia** is fairly low, as the table presented below suggests:

Environmental offences in Estonia from 2008 to 2010 (source: [www.just.ee](http://www.just.ee)):

	2008	2009	2010
· 354 § <i>Damaging or destruction of trees or shrubs</i>	3	1	0
· 356 § <i>Illegal cutting of trees or shrubs</i>	14	9	12
· 357 § <i>Violation of requirements for protection of protected natural objects</i>	2	0	0
· 361 § <i>Damaging of wild fauna</i>	4	2	2
· 363 § <i>Acting without natural resource utilisation permit or pollution permit</i>	4	3	10
· 364 § <i>Polluting environment</i>	2	0	0
· 367 § <i>Violation of requirements for handling dangerous chemicals or waste</i>	6	5	3

A particular danger relating to environmental crime is that activities become more organised and are carried out in a more professional manner. Usually, an environmental offence with a professional modus operandi is related to dumping waste, hazardous waste in particular. Construction business and particularly the construction and demolition projects chained on various levels have probably brought actors which dump construction waste and excess material illegally.

Nordic authorities have got evidence on illegal international waste transports in which electronic and other domestic utensil waste (including Freon) have been shipped to the developing countries. One of the reasons for such waste transports to Asia, is the cheap sea container shipments from Europe to Asia. Since the sea container traffic in the world is directed from the low cost production Asian countries to Europe, the transport of the sea containers is significantly cheaper back to Asia.

Organised shippings of car wrecks to Middle East and Africa have also been evidenced in Norway and Sweden. Financial fraud has also been related to them, as the scrap yards have received a payment for the appropriate processing of the cars, although the cars have in fact been shipped away from the EU area.

## Dangers relating to environmental offences elsewhere

Interpol has been gathering information about the dangers relating to environmental crime on an international scale. In 1992, the Environmental Crime Committee was established to work under the authority of Interpol. The Committee has established two working groups: the Wildlife Working Group, which focuses on so-called wildlife offences, and the Pollution Crime Working Group, which is the actual environmental crime working group.

The Pollution Crime Working Group is divided into the following subgroups, which serve as a platform for cooperation and exchange of information between the member states:

- Climate Change Crime and Corruption
- Operational Task Force
- Project Clean Seas
- Project on Exportation of Electronic Waste

The working group concluded that dealing with environmental crime requires more cooperation, exchange of information, joint operations, joint training, and a change of attitude, so that national judicial authorities would take environmental offences seriously.

Interpol's permanent environmental crime operation features a separate "data bank" of such offences related to the exportation of different types of waste materials which are carried out in an organised and professional manner.

200 delegates from approx. 50 member countries of Interpol participated in the 7th General Assembly of the Interpol Environmental Crime Committee in September, 2010. A short article about the Assembly can already be found at the Interpol website (<http://www.interpol.int>).

A Finnish representative of the NBI participated in the Assembly, and the previous time Finland had its representatives in the Environmental Crime Committee Assembly or in environmental crime working groups of Interpol in general was in 2005.

Many contemporary issues considering threats in environmental and natural resource crime were discussed in the Assembly both from the viewpoints of the post-industrialised countries and particularly from the African, Asian and South-American perspectives.

In addition to poaching and illegal logging, overfishing of the oceans can be particularly highlighted from the perspective of natural resource crime.

A special environmental issue introduced in the assembly was the concept of so-called carousel frauds relating to emissions trading, which are not considered as actual

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