Environmental crimes contain the hallmarks of both criminal offences (direct threats to human life and health) and economic offences, threatening the undisturbed functioning of various branches of the economy. Combating them requires not only the knowledge and skills hitherto routinely applied by the institutions and authorities obliged to do so, but in such cases very specialised knowledge and tools are necessary to determine the scale of the threat to the environment, as well as to collect evidence sufficient to apply the criminal sanctions stipulated by law to the perpetrators. It therefore seems advisable toanalyse the current situation in the area of institutions charged with participating in the fight against environmental crime, the means at their disposal and their methods of action. It is also particularly important to assess the effectiveness of the system of functioning of these institutions and to indicate its strengths and weaknesses.

Actors in the fight against environmental crime and their tasks

Environmental protection in its broadest sense encompasses a much broader area of tasks than combating crime directed against it. From the Environmental Protection Act that the environmental protection authorities are: the head of the municipality, the town mayor, the head of the district authority, the provincial assembly, the provincial governor, the minister responsible for environmental matters, the regional director for environmental protection. In contrast, in the current

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2 Research on the functioning of the system of institutions combating environmental crime in Poland was carried out from 2019 to 2021 at the Police Academy in Szczytno within the framework of research task 8/NP/2019/WM/. "Współdziałanie instytucji ochrony prawa w Polsce w zwalczaniu przestępczości przeciwko środowisku".

practice, the tasks in the field of criminal environmental protection are carried out by:
— Environmental Inspectorate,
— Police,
— Border Guard,
— State Fisheries Service,
— Forest Guard,
— State Game Wardens,
— Road Transport Inspection.

The effectiveness of the projects implemented by these institutions varies greatly. They focus on a wide variety of issues ranging from minor offences to the activities of dangerous organised crime groups of an international nature. The effectiveness of any kind of action to protect the environment from crime to its detriment depends to a large extent on a systemic approach to combating disclosed threats. Therefore, it is worth considering whether we can identify elements of such a system functioning in Poland today. Are these undertakings coordinated and oriented towards common goals, or are they weakly interconnected, routinely carried out within the framework of tasks provided for by individual institutions and services.

Institutions combating environmental crime can be divided into two groups. The first of these should include institutions of a police nature, i.e. the Police, the Border Guard and the Road Transport Inspection. Although the last of these is subordinate to the minister in charge of transport, in terms of duties related to environmental protection it performs typically police functions.

Non-police public administration bodies entrusted with the right to independently conduct investigations and exercise accusatory powers before the court of first instance include the following:
— Environmental Inspectorate,
— Forest Guard,
— State Game Wardens.

The above-mentioned institutions may act in the criminal process instead of or alongside the prosecutor⁴.

**Police**

There is no doubt that, at the moment, the Police have the main burden of conducting criminal proceedings in cases involving environmental threats in Poland. Although the Environmental Protection Inspectorate has been given the possibility to conduct criminal proceedings on its own since 2019, it has not used this very often so far. As can be seen from the data on the effects of the inspection activities carried out by the

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Inspectorate, the majority of detected cases concerning the possibility of criminal offences are referred to the Police. In the police, cases of this type are most often conducted by officers of the division dealing with combating economic crime. In exceptional cases, when there is a justified suspicion of the activity of organised criminal groups, the case may be conducted by the Central Bureau of Investigation of the Police. Hence, it seems justified that a group of police officers dealing with such cases should be well trained. A survey conducted in 2001 showed that already at that time more than 70% of police officers were affected by the degradation of the natural environment. Degradation of surface water, air and forests and green areas were most frequently cited. More than 70% of the respondents had not encountered the issue of environmental hazards during their police training. More than half (50.8%) of the surveyed police officers saw the need for a special police formation in Poland to comprehensively supervise the observance of environmental protection laws.

In addition to investigative activities, the police undertake a number of environmental prevention projects. It now has specialised teams of the Road Technology and Ecology Team (RTET). They travel in specially prepared vehicles with a diagnostic station equipped with, among other things, an exhaust gas analyser, smoke meter and sound level meter. This enables them to eliminate polluting vehicles from the roads. Police officers are also conducting a SMOG action across the country. These are control and prevention activities aimed at carrying out as many exhaust emission tests as possible on vehicles that are reasonably suspected of violating environmental protection requirements. As part of the Police’s ongoing monitoring of existing threats, including those related to the environment, action has also been taken in relation to a significant increase in the number of fires involving landfills. In 2018, teams were ordered to be set up at the provincial police headquarters to deal with landfill fires. It was also ordered to appoint fire coordinators in the criminal and economic crime departments of the provincial police headquarters.

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6 Classes in this area, as well as research on the criminal law aspects of environmental protection, are held at the Police Academy in Szczytno. This has resulted in numerous publications and scientific conferences, e.g. Ogólnopolska Konferencja Naukowa „Międzynarodowa przestępczość przeciwko środowisku naturalnemu współczesnym wyzwaniem dla organów ścigania. 25 lat CITES w Polsce”, Szczytno, 15–16 June 2015.
The police are also involved in a number of international projects to combat environmental crime. These include:

— Operation Silver Axe — is an operation coordinated by Europol. Its fifth edition took place in 2020 with the aim of combating counterfeiting and illegal trade in pesticides. It ran from 13 January to 25 April and involved 32 countries.\(^\text{10}\)

— Operation Demeter V — launched in 2009 by the World Customs Organisation, targeting transporters of illegal rubbish and dangerous substances. In 2019, more than 70 countries took part, as well as Interpol and the United Nations Office on Drugs and Crime. In Poland, the operation is supervised by the National Tax Administration with the participation of customs officers, the Police and the Road Transport Inspectorate and the Environmental Protection Inspectorate.\(^\text{11}\)

— Operation Thunderstorm — was organised in 2018 by Interpol in cooperation with the CITES Secretariat, the International Consortium to Combat Wildlife Crime and the World Customs Organisation. On the Polish side, the National Tax Administration and the Police participated. It concerned the illegal transport and circulation of plant and animal specimens - species covered by CITES regulations.\(^\text{12}\)

An important element of the Police’s participation in the system of combating crime against the environment is the use of the National Police Information System (hereinafter: KSIP). Entities authorised and obliged to enter and use the data contained in the KSIP include the Environmental Protection Inspectorate. KSIP ICT systems allow, inter alia, access to and processing of information, including personal data, contained in databases on products and packaging and waste management maintained on the basis of the Act of 14 December 2012 on waste.\(^\text{13}\)

The police also participate in the implementation of tasks in emergency situations, including those related to environmental threats. The role and tasks of the Police in this regard are regulated in Order No. 36 of the Police Chief of 14 November 2017 on tasks performed by the Police in crisis situations.\(^\text{15}\) During the crisis prevention phase, the head of the police organisational unit is obliged, among other things, to participate in the development of legal acts by the competent public administration bodies in the field of land use, use and transport of hazardous materials.


\(^{13}\) See: zarządzenie nr 70 komendanta głównego Policji z 2 grudnia 2019 r. w sprawie Krajowego Systemu Informacyjnego Policji, Dz. Urz. KGP 2019, item 114.

\(^{14}\) Ustawa z 19 lipca 2019 r. o zmianie ustawy o utrzymaniu czystości i porządku w gminach oraz niektórych innych ustaw, Dz. U. 2019, item 1579.

\(^{15}\) Dz. Urz. KGP 2017, item 73.
Environmental Inspectorate

The task of the Environmental Inspectorate is to monitor compliance with environmental legislation and to investigate and assess the state of the environment\textsuperscript{16}. The Environmental Inspectorate is also tasked with the prosecution of environmental crimes as defined in the Criminal Code\textsuperscript{17} and offences under the Misdemeanours Code\textsuperscript{18} and laws listed in Article 2(1) of the Environmental Inspectorate Act, including filing and supporting indictments (Article 2(1a) of the Environmental Inspectorate Act).

The Environmental Inspectorate Act obliges it to co-operate in the field of environmental protection with other control bodies, law enforcement and justice authorities, other state administration bodies and local self-government and civil defence bodies, as well as social organisations. The necessity to cooperate with the head of the National Criminal Information Centre to the extent necessary for the implementation of the statutory tasks of the NCiK has been emphasised in a special way (Article 2(3) of the Environmental Inspectorate Act).

In the amendment to the Environmental Inspectorate Act of 20 July 2018\textsuperscript{19} particularly noteworthy is the new provision of Article 1a, which adds to the tasks of the Inspectorate also the prosecution of environmental offences set out in the Penal Code and offences set out in the Misdemeanours Code and other laws, including bringing and supporting indictments. This seems to be a natural consequence primarily of the principle of procedural economy. An inspection body, which is primarily the Environmental Inspectorate, has the possibility to carry out, simultaneously with inspection activities, also investigative activities securing future evidence. The participants in the control activities are well-prepared specialists with adequate knowledge and experience to carry out measurements, take samples and effectively secure evidence. This should have a beneficial effect on both the time taken to conduct the case and the evidentiary value of the material secured\textsuperscript{20}.

The way in which the Environmental Inspectorate’s new powers have been implemented by the Environmental Inspectorate units, which have been given the power to bring and support indictments in cases of environmental offences, will require careful analysis in the coming years. The Environmental Inspectorate has become a public prosecutor included in the category of non-prosecutorial public prosecutors. Unfortunately, so far the competences of the Environmental Inspectorate in this area have been marked in a very general way. However, still under Article 15 of the Environmental Inspectorate Act, in the event of suspicion of an environmental

\begin{footnotesize}
\textsuperscript{16} Art. 1 ustawy z 20 lipca 1991 r. o Inspekcji Ochrony Środowiska, consolidated text Dz. U. 2023, item 1195; hereinafter referred to as: Environmental Inspectorate Act.
\textsuperscript{17} Ustawa z 6 czerwca 1997 r. — Kodeks karny, consolidated text Dz. U. 2023, item 852.
\textsuperscript{18} Ustawa z 20 maja 1971 r. — Kodeks wykroczeń, consolidated text Dz. U. 2023, item 1234.
\textsuperscript{19} Ustawa z 20 lipca 2018 r. o zmianie ustawy o Inspekcji Ochrony Środowiska oraz niektórych innych ustaw, Dz. U. 2018, item 1479.
\textsuperscript{20} See: M. Jasińska, Rola Inspekcji..., op. cit., p. 123.
\end{footnotesize}
offence, it prescribes that the Environmental Inspectorate authority should send to the authority appointed to prosecute the offence a notice of the offence, accompanied by evidence documenting the suspicion\textsuperscript{21}.

As a first step towards a real increase in the participation of the Environmental Inspectorate in the area of combating environmental crime, a Team for Combating Environmental Crime was established within the structure of the Chief Environmental Inspectorate by Decision of the Chief Environmental Inspectorate No. 95a/2019 of 24 September 2019\textsuperscript{22}.

The team’s tasks include:

— conducting and coordinating cooperation of the Main Inspectorate of Environmental Protection and the provincial inspectorates with the police, the prosecutor’s office and other law enforcement agencies and national control bodies in matters relating to the prosecution of environmental offences,

— development, in cooperation with other organisational departments of the Chief Environmental Inspectorate, of aggregated information, lists and materials concerning the activities of the Environmental Inspectorate in the area of prosecution of environmental offences,

— providing substantive advice to Environmental Inspectorate staff on matters within the remit of the team,

— organising and conducting training courses for the staff of the Environmental Inspectorate and the provincial environmental inspectorates within the scope of the team’s remit,

— participation in inspections carried out by provincial environmental inspectorates and inspection teams,

organizing the activities of the Environmental Inspectorate in matters within the competence of the team - activities are carried out jointly with the authorities of the EU Member States, competent authorities of other countries on the basis of concluded agreements and understandings and with international organizations - Europol and Interpol.

At present, the Chief Environmental Inspector, the provincial environmental inspector or the authorised inspectors of the Environmental Inspectorate may undertake investigative actions in the case of a justified suspicion of the commission of:

— an offence against the environment referred to in Articles 182, 183 or 186 of the Criminal Code.,

— the offence referred to in Article, 154 § 2 of the Code of Petty Offences.,

— offences specified in Article 476(1) and (2), Article 477(4) and (5), Article 478(6) of the Act of 20 July 2017 — Water Law,

— offences referred to in Article 65(1) to (3) of the Act of 22 June 2001 on micro-organisms and genetically modified organisms,

— offences under Articles 60 and 61 of the Act of 13 June 2013 on the management of packaging and packaging waste,

\textsuperscript{21} D. Danecka, Współdziałanie Inspekcji Ochrony Środowiska z innymi organami i służbami, ‘Prawne Problemy Górnictwa i Ochrony Środowiska’, 2019, issue 1, p. 32.

\textsuperscript{22} All data sourced from: Environmental Inspectorate, Informacja..., op. cit., pp. 15–63.
— offences under Articles 37a and 37b of the Act of 11 May 2001 on the obligations of entrepreneurs with regard to waste management and product charges,
— offences specified in Articles 330-334, Articles 335a-336, Articles 337a-335 and Articles 358-360 of the Act of 27 April 2001. - Environmental Protection Law,
— offences under Articles 171-177 and 180-192 of the Waste Act of 14 December 2012,
— offences under Articles 52 and 60 of the Act of 25 February 2011 on chemical substances and their mixtures,
— offences under Article 41 points (6), (9) and (10) of the Act of 10 July 2007 on Fertilisers and Fertilisation,
— offences under section 131(12) of the Nature Conservation Act of 16 April 2004,
— offences under Article 31(1) and (2) of the Act of 29 June 2007 on international shipments of waste,
— offences under Articles 44-49, 51, 52a and 52b of the Act of 20 January 2005 on Recycling of End-of-Life Vehicles,
— offences under Articles 95-97 and 143 of the Act of 11 September 2015 on waste electrical and electronic equipment,
— offences under Articles 45-47 of the Act of 10 July 2008 on extractive waste,
— offences under Articles 78, 80, 81(1)(2), 83, 90(3), 91-92a and 94-95a of the Act of 24 April 2009 on batteries and accumulators,

The consequence of the above undertakings was the establishment of the Department for Combating Environmental Crime at the Environmental Inspectorate on 6 October 2020. The task of this organisational unit is to prevent and combat environmental crime and to combat the grey market in waste management.

One of the most important tasks of the Environmental Inspectorate in Poland is to control and monitor waste management and waste shipments. According to police statistics, this area is the most penetrated by criminal groups and is the subject of the most frequent investigations conducted by the police concerning threats to the environment.

The aforementioned Act of 29 June 2007 on international shipments of waste makes the Chief Environmental Inspector responsible for matters of:
— import of waste into the country,
— export of waste outside the country,
— the transit of waste through the country.

Part of the tasks related to the supervision of international waste turnover are also imposed by the Act on the National Fiscal Administration, the Border Guard and the Road Transport Inspection.

As of 31 December 2019, there are 64,969 waste management operators. Following the new powers, 6911 waste management inspections were carried out in 2019, of which 2685 were scheduled inspections and 4226 were non-planned inspections. As a result of 3382 inspections (49%), violations of environmental regulations were found, of which 30% (1103) of the violations were likely to result in danger or pollution of the environment.

Another group of the most common environmental offences is primarily related to the activities of economic entities whose technological processes may lead to uncontrolled pollution of the environment and damage to the plant or animal world. The control activity of the Environmental Inspectorate is the main source of information in this type of incident.

Noteworthy is the very wide area of inspection tasks carried out under the Environmental Inspectorate’s authority. It currently inspects 136,069 establishments whose activities may threaten environmental safety. Compared to 2009, the number of these establishments increased by 70,493 or 51.8%.

It is only as a result of such tasks that a very significant number of incidents can be expected to be uncovered, for which it may be necessary to take action of an investigative nature, which requires the training of a large group of inspectors who are prepared in terms of content, not only in matters relating to technological processes and the resulting risks, but who are also able to use the tools of a procedural nature granted to the Inspectorate.

In the cases mentioned above, the chief environmental inspector, the provincial environmental inspector or the authorised inspectors of the Environmental Inspectorate may take action consisting of:
— observing and recording by technical means, including satellite techniques and unmanned aerial vehicles, images, events and sound accompanying events,
— gathering and preserving evidence of an offense or minor offense,
— requesting written or oral information and questioning persons to the extent necessary to establish the facts, while at the same time instructing them on the criminal liability for making false statements referred to in the Criminal Code,
— establishing the identity of persons and requesting the production of documents necessary for the imposition of a fine by means of a penalty notice or for the preparation of a request for a penalty notice,
— imposing fines in the course of mandate proceedings for minor offences defined in accordance with the provisions on proceedings in cases of minor offences.

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28 Główny Inspektorat Ochrony Środowiska, Informacja..., op. cit., p. 12.
— inspection of premises and other places,
— stopping or searching vehicles carrying goods and inspecting documents relating to the carriage of goods where there is suspicion of goods being carried,
— giving instructions, giving warnings or using other educational measures.

In the current state of law, within the framework of the Environmental Inspectorate’s inspection tasks, the provincial environmental inspector may apply to the Police or public administration bodies, including the National Fiscal Administration, the Road Transport Inspection, mining supervision offices, the State Labour Inspection, the Trade Inspection, the State Sanitary Inspection, the Veterinary Inspection, the State Plant Protection and Seed Inspection, the Border Guard, the State Fire Service for assistance if it is necessary to carry out the inspection activities. The provision of such assistance may, in accordance with Article 10a of the Environmental Inspectorate Act, consist in the following:
— allowing the inspector to enter the inspected premises, facility or means of transport,
— gathering and preserving evidence of an offense or minor offence,
— identifying and questioning persons to establish facts relevant to the investigation,
— ensuring the safety of the inspector.

The Police are further obliged to allow inspectors to enter the inspected area, the inspected facility or the means of transport in the event of a reasonable suspicion that an offence has been committed to prevent or obstruct such entry. Pursuant to Article 10a of the Environmental Inspectorate Act, the Police are obliged to use an appropriate means of direct coercion in such a situation. So far, no assumptions have been developed to give the Environmental Inspectorate similar powers concerning assistance by other institutions in the investigative activities undertaken. Therefore, still only in some cases the Environmental Inspectorate units undertake on their own the investigation, which may result in referring the case to court. The rule is still the transfer of post-inspection materials to specialised law enforcement agencies in order for them to take procedural actions.

### Border Guard

In accordance with Article 1(2)(12) and (5d) of the Border Guard Act its tasks include preventing the transport of waste, harmful chemical substances and nuclear and radioactive materials, as well as the pollution of border waters, without the authorisation required under separate regulations, across the state border. In this connection, Border Guard officers have been equipped with, inter alia, spectrometers for the detection and

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29 Ustawa z 12 października 1990 r. o Straży Granicznej, consolidated text Dz. U. 2020, item 305.
State Fisheries Service

Two institutions have been established to combat fishing poaching in inland waters. These are the State Fishing Guards, which have powers of a police nature, and the Social Fishing Guards, which have minor powers of authority.

The tasks and powers of the State Fisheries Service (hereinafter: SFS) are set out in the Inland Fisheries Act. The task of the SFS is to control compliance with the provisions of the Inland Fisheries Act and the regulations issued on its basis — Article 22 of the Inland Fisheries Act. This institution is directly subordinated to the provincial governors. The powers of the SFS cover a whole range of undertakings, including the following:

— collecting and processing information, including personal data, without the knowledge and consent of the data subject,
— obtaining information, including personal data, from other state services and institutions and public authorities collected in data sets or registers kept by these entities and obtained by these entities as a result of their statutory tasks (this also includes cooperation with the head of the National Criminal Information Centre).

The implementation of this form of the SFS’s information gathering and processing powers has been critically assessed by the Supreme Audit Office. It was found, among other things, that the SFS does not have sufficient recognition of the number of entities eligible for inspection, which hinders the effective implementation of the statutory tasks entrusted to it. This is because the SFS does not have a database of entities to be inspected.

The SFS has primarily inspection powers, but it also has a whole range of powers of a police nature, including — in an admittedly limited area — those relating to criminal and misdemeanour proceedings.

SFS guards are authorised, inter alia, to:

33 Ustawa z 18 kwietnia 1985 r. o rybactwie śródlądowym, Dz. U. 2019, item 2168.
34 See: Delegatura NIK we Wrocławiu, Realizacja zadań państwowej Straży Lowieckiej i Państwowej Straży Rybackiej w województwie dolnośląskim, Informacja o wynikach kontroli, LWR.430.004.2016, Ref. No. 166/2016/P16/097/LWR, p. 16.
35 Art. 23a ustawy o rybactwie śródlądowym.
control activities involving the inspection of documents authorising fishing or of the origin, weight and species of fish caught,
— checking identity of suspects for the purpose of establishing their personal data,
— seize fish and fishing equipment,
— to seize fishing authorisation documents and hand them over to the court,
— checks on means of transport to verify the contents of their load,
— search persons and premises in accordance with the rules laid down in the Code of Criminal Procedure for the purpose of finding items which may constitute evidence in a case or which are liable to forfeiture,
— bring persons in respect of whom there is a justified need to undertake further investigative actions to the nearest Police station,
— carry out investigation activities in petty offence cases, participate in these cases as a public prosecutor and file appeals against the decisions made in these cases,
— impose fines by way of a ticket for offences specified in the Act,
— access and entry to premises, sites and facilities for fish storage or farming concessions,
— to carry and use firearms and other means of direct coercion provided for in the law, in accordance with the rules provided for in the relevant legislation.

Supporting the SFS is the activity of the Social Fishing Guard, which is appointed by the district council on the proposal of the starost, and created by social organisations or entities entitled to fish — Article 24 of the Inland Fisheries Act. It performs mainly control functions related to the harvesting of fish in inland waters.

The cooperation between the Police and the State Fishery Service consists primarily of joint patrolling and controlling the observance of fishing rules by amateurs fishing from the shore and from boats.

**Forest Guard**

The Forest Guard was established under the provisions contained in Article 47 of the Forest Act. It is subordinate to the Chief Inspector of the Forest Guard under the authority of the Director General of the State Forests. The tasks of the Forest Guard are set out in Article 45(1)(3) of the Forestry Act and include combating forest damage and nature conservation offences and carrying out other tasks in the area of property protection.

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36 Ustawa z 24 maja 2013 r. o środkah przymusu bezpośredniego i broni palnej, consolidated text Dz. U. 2019, item 2418.
38 Ustawa z 28 września 1991 r. o lasach consolidated text Dz. U. 2020, item 1463.
The main object of the Forest Guard’s activities is to combat forest damage consisting of unlawful use of the forest, poaching, theft or destruction of property and theft of timber\textsuperscript{39}.

Forest rangers have been given a number of powers of a police nature in relation to combating crime occurring on state forest land. These powers include:

— checking identity of persons suspected of committing crimes and minor offences, as well as of witnesses to crimes and minor offences, in order to establish their identity,

— stopping and inspecting means of transport in and in the immediate vicinity of forest areas in order to check cargo and inspect the contents of baggage where there are reasonable grounds for suspecting that a criminal offence has been committed,

— searching premises and other places on reasonable suspicion of having committed an offence, in accordance with the rules laid down in the Code of Criminal Procedure,

— the possibility of apprehending an offender in the act of committing a crime or an offence or in a chase immediately after committing a crime and bringing him/her to the police,

— conducting investigations and filing and supporting indictments if the object of the offence is timber or timber from forests owned by the State Treasury, in accordance with the procedure and principles set out in the Code of Criminal Procedure\textsuperscript{40}.

The interaction of the Forest Guard, and more broadly the State Forests, with the Police is regulated by the Regulation of the Minister of the Environment of 1 July 2014 on the detailed rules of interaction between the State Forests and the Police\textsuperscript{41}. The agreement covers:

— cooperating in combating forest damage and forestry offences,

— maintaining public safety and order on land managed by State Forests,

— protection of property managed by State Forests.

Within the framework of cooperation, the Police provide assistance to the Forest Guard in carrying out activities such as searches of premises and other places and control of means of transport in situations of reasonable suspicion of crime and prosecution of persons suspected of committing a crime in the forests, in particular persons suspected of poaching. The Forest Guard shall provide assistance to the Police in locating and identifying persons suspected of committing an offence, wanted by law enforcement authorities and present in the forest or on the premises of the State Forests organisational units, securing traces of offences committed in the forests, providing access to video surveillance data in situations of reasonable suspicion of an offence, securing traces of offences committed in the forests, guarding the guide and providing


\textsuperscript{40} See more: J. Wróbel, A. Chechelski, Współdziałanie Policji z wybranymi podmiotami odpowiedzialnymi za bezpieczeństwo i porządek publiczny, Katowice, 2010, p. 21 ff.

\textsuperscript{41} Dz. U. 2014, item 910.
access to means of transport during investigations carried out by the Police in forest areas.

Points out that the cooperation provided for in the above-mentioned regulation also includes joint patrolling of forest areas to ensure the protection of nature and the environment, including the protection of undergrowth and the protection of watercourses and bodies of water.

-State Game Wardens-

The State Game Wardens act on the basis of the Act — Hunting Law\(^{42}\). In the performance of its tasks, it is subordinate to the provincial governor. The tasks of the State Game Wardens are set out in Chapter 7 of this Act and include, inter alia, combating environmental threats, which are hunting offences, including all threats to forest animals, poaching and related threats to the legality of game trade.

In combating crimes and offences, the guards of the State Game Wardens act on the basis of the provisions of the Code of Criminal Procedure and the Code of Petty Crime Procedure. In the performance of their tasks, the guards have, inter alia, the powers to:
— checking suspected offenders to establish their identity,
— stopping and inspecting means of transport in and in the immediate vicinity of hunting districts in order to check their load and examine the contents of baggage, where there is a reasonable suspicion of an offence being committed,
— searching persons, premises and other places in the event of a justified suspicion of an offence or misdemeanour under the terms of the Code of Criminal Procedure,
— apprehend the perpetrator of an offence in the act of committing a crime or an offence in hot pursuit or in the immediate aftermath of an offence and bring him/her to the police station,
— investigating, prosecuting and supporting an indictment where wildlife is the subject of an offence, in accordance with the procedures and principles set out in the Code of Criminal Procedure.

Numerous shortcomings are sometimes noted in the activities of the State Fishing Service and the State Game Wardens, particularly evident from the reports of the Supreme Chamber of Control. An example is the comprehensive audit of both institutions in the Lower Silesian Region carried out by the Supreme Chamber of Control in 2016\(^{43}\). They were charged with, among other things:
— lack of a cooperation agreement between the State Game Wardens and the Police,

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\(^{42}\) Ustawa z 13 października 1995 r. — Prawo Łowieckie consolidated text Dz. U. 2018, item 2033.

\(^{43}\) Realizacja zadań Państwowej Straży Łowieckiej i Państwowej Straży Rybackiej w województwie dolnośląskim, see information on the results of the audit — Delegatura NIK we Wrocławiu, Realizacja..., op. cit.
— lack of documentation and conclusions from joint patrols with the Police,
— inadequate equipment, security and training of guards of both institutions in relation to possession and use of weapons,
— exclusively ad hoc character of inspections carried out by both institutions without reliable recognition and analysis of existing threats,
— inability to effectively protect the area covered by the tasks of both institutions at the current staffing level,
— lack of internal procedures regarding the use of means of direct coercion,
— incompatible terms of reference.

Road Transport Inspection

In addition to the provincial inspectorates for environmental protection, the Police, Border Guard and the Road Transport Inspectorate are also competent authorities in Poland for the safe transport of environmentally hazardous substances. The transport of dangerous goods, which include environmentally hazardous goods, is controlled mainly by:
— inspectors of the Road Transport Inspection — on roads, car parks and in businesses,
— State fire brigade and company fire brigades — in companies,
— Police - on the roads and car parks,
— Border Guard officers — at border crossings and in the border zone,
— inspectors of the State Labour Inspectorate — in enterprises,
— soldiers of the Military Police and military law enforcement agencies — in relation to military vehicles,
— employees of the State Atomic Energy Agency, Transport Technical Supervision and Environmental Inspectorate — at car parks and companies,
— employees of road authorities.

However, the primary role in this respect is played by the Road Transport Inspection, which was established by the Act of 6 September 2001 on road transport, and started operations on 1 October 2002.

The task of inspectors in the field of environmental protection is to inspect vehicles transporting dangerous goods. In order to intensify activities in the area of environmental protection, an agreement was signed on 26 July 2006 between the Chief Inspector of Environmental Protection and the Chief Inspector of Road Transport. The main task was considered to be cooperation in combating illegal import of waste into Poland.

As part of its air quality protection activities, the Road Transport Inspection carried out in 2017. 190,000 inspections, during which more than 2,600 irregularities related to vehicle emissions were detected.

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45 Consolidated text Dz. U. 2022, item 2201.
Public Prosecutor’s Office

Recognising the importance of the problem related to the high level of social harmfulness of crimes against the environment, multidirectional measures are undertaken in the structures of public prosecutor’s offices, which are to contribute to the increase of the effectiveness of investigations carried out in this type of cases. In the Department of Pre-Trial Proceedings of the National Public Prosecutor’s Office, activities are undertaken aimed, inter alia, at increasing the level of conducted preparatory proceedings in cases of threats to the environment and increasing the effectiveness of prosecution of their perpetrators. To this end, a Team of prosecutors has been established to coordinate proceedings in cases of bringing in waste dumping sites, a fire incident in 2018, and to coordinate and analyse the results of file examinations of proceedings conducted for offences related to illegal handling of waste.

In order to raise the priority of protection against environmental crime and to combat such crime more effectively, the Department of Pre-Trial Procedure of the National Public Prosecutor’s Office has developed a methodology for conducting pre-trial proceedings in the field of environmental crime, which has been transferred to all prosecution units for use. The methodology includes guidance on how to proceed from the moment the first knowledge of the occurrence of a crime is obtained until the final verdict before the court. The methodology also provides guidance on the need to cooperate with all services involved in combating environmental crime, taking advantage of the newly created provisions on the participation of the Environmental Inspectorate in criminal proceedings.

Also conducted, inter alia, in 2018, investigations of all proceedings pending in the prosecutor’s offices for offences under Article 183 § (1) to (6) of the criminal code, resulted in the resumption of unjustifiably suspended investigations and the implementation of superior official supervision.\textsuperscript{47}

Cooperation of institutions combating environmental crime in Poland

Environmental crime takes very diverse forms. It threatens not only natural resources in the broadest sense of the term, but also, and perhaps above all, human life and health, the functioning of various branches of the economy, including agriculture and tourism, and restricts the development opportunities of certain regions of the country. In many cases, it has a cross-border character, takes various forms of organisation and is linked to other forms of crime. Its effective combating can only take place if it has a systemic character, which is proven, inter alia, in combating another great contemporary threat, terrorism.\textsuperscript{48}

\textsuperscript{47} Prokuratura Krajowa, Wyzwania i sukcesy — Prokuratura 2019 r., Warsaw, 2019, p. 45.

\textsuperscript{48} See: W. Madrzejowski, K. Wiciak, Walka z przestępczością zorganizowaną na tle rozwiązań przyjętych w ustawie o działaniach antyterrorystycznych [in:] Polska ustawa antyterrorystyczna — odpowiedź na zagrożenia współczesny terroryzmem, Zubrzycki W., Jałoszyński K., Babiński A.(Eds), Szczytno, 2016, p. 398 ff.
Only a coordinated, multi-faceted effort involving elements such as:
— the legal tools at the disposal of the State and its institutions, including the practice of jurisprudence in cases involving breaches of environmental safety,
— a system of coordinated activities of institutions specialised in combating the various forms of this crime,
— international bilateral and multilateral cooperation in the fight against environmental crime,
— gain widespread public support for the implementation of projects against environmental hazards,
— the scientific background to both the phenomenon itself and the methods of combating it, and the associated system of professional preparation and ongoing training of those responsible for preventing and combating environmental crime.\(^49\)

In this study, the subject of analysis is the second of the elements indicated, \(i.e.\) the system of coordinated activity of the various institutions specialised in combating environmental crime.

A systemic approach to solving the problem of crime against the environment should be based on the development and implementation of principles of coherent, integrated and complementary prevention and combating of this phenomenon with the participation of all entities obliged to do so. Taking into account the experience to date and the legislation in force regulating the principles of responsibility for acts committed against the environment, it can be assumed that a contemporary, efficient, multi-entity system of institutions and services combating threats to the environment should be based on the following assumptions:
— precise definition of the scope of the tasks of the various institutions and services,
— implementation of mechanisms for cooperation and coordination of projects in the various areas,
— the definition of rules for exchange of information and cooperation in the sphere of prevention, control procedural activities and training,
— conducting close and coordinated cooperation of individual services and institutions with their foreign counterparts.\(^50\)

**Functional areas and standards of cooperation**

At the moment, there is no institution in Poland that is fully authorised to monitor, coordinate and supervise cooperation in the fight against environmental crime. It is obvious that all undertakings in this field should be harmonised to the highest possible extent. This is because the specificity


of environmental crime lies, inter alia, in the necessity to apply highly specialised knowledge covering very diverse branches of science and practice. It is hardly possible to expect that employees or officers of a single institution are equally well qualified in the technology of threat recognition from both the purely technical and operational side, have the ability to carry out specialised inspections or, finally, conduct effective procedural activities.

Hence, there is a need to establish specific terms and conditions for cooperation between all the institutions and services concerned, and in certain situations, to prepare procedures which should be carried out by the relevant entities in emergency cases.

At present, the legal basis for joint direct cooperation and the coordination of operations in case of a threat of environmental crime are:
— regulations included in the statutory provisions governing the functioning of various services and institutions,
— bilateral agreements and arrangements,
— agreements and multilateral agreements.

Agreements between institutions and services can be either on a national or local scale.

Forms of cooperation specified in the legislation constituting the rules for the operation of the Environmental Inspectorate

The institution that should play a fundamental role in combating and preventing threats to the environment, including the fight against environmental crime, is the Environmental Protection Inspectorate. It is bound by law to cooperate with other authorities and services. In the area of preventing and combating crime, the possibilities of cooperation are defined in Article 2, paragraph 1, item 17 and paragraph 3, as well as in Article 17 of the Act on Environmental Protection Inspection.

The provisions of the Act require the Environmental Protection Inspectorate to cooperate in the field of environmental protection with other supervisory authorities, law enforcement and judicial authorities, other state administration authorities and the local self-government and civil defence, as well as NGOs. The necessity to cooperate with the head of the National Criminal Information Centre (NCIC) to the extent necessary for the implementation of the statutory tasks of the NCIC has been emphasised in a special way (Article 2, paragraph 3 of the Environmental Protection Inspection Act).

According to the current state of law, within the framework of the Environmental Protection Inspectorate’s inspection tasks, the provincial environmental inspector may request assistance, if it is necessary to carry out inspection activities, from:
— Police,
— National Fiscal Administration,
— the Road Transport Inspection,
— mining supervisory authorities,
— State Labour Inspection,
— Trade Inspection,
— State Sanitary Inspectorate,
— Veterinary Inspection,
— State Plant Protection and Seed Inspection,
— Border Guard,
— State Fire Service.

According to Article 10a of the Environmental Inspection Act, the assistance may consist of:
— allowing the inspector to enter the inspected premises, facility or means of transport,
— collecting and securing evidence,
— establishing the identity and questioning persons in order to establish facts relevant to the proceedings,
— guaranteeing the safety of the inspector.

The Police are further obliged to allow inspectors to enter the inspected area, the inspected facility or the means of transport if there is a reasonable suspicion that an offence has been committed to prevent or obstruct such entry. Pursuant to Article 10a of the Environmental Inspection Act, in such a situation the Police shall use a relevant means of coercion.

In addition, the provision of Article 10e of the Environmental Protection Inspection Act stipulates that the authorities of the Environmental Protection Inspection, to the extent necessary to conduct operational and procedural activities specified in Article 10b(2), may:
— use the information gathered in the National Criminal Information Centre,
— at the request of the Chief Inspector of Environmental Protection or provincial inspectors of environmental protection, law enforcement authorities and the authorities of the National Fiscal Administration provide access to information obtained in the course of covert activities referred to in Article 10b(2). This is extremely important in the situation when the Inspectorate for Environmental Protection has been authorised to conduct investigative activities on its own.

The provision shall not apply to special services — the Intelligence Agency, the Internal Security Agency, the Military Counterintelligence Service and the Military Intelligence Service.

On the other hand, in the case of a justified suspicion of an offence against the environment specified in Articles 182, 183, 186 of the Code of Criminal Procedure, the chief environmental protection inspector, the provincial environmental protection inspector or authorised inspectors of the Environmental Protection Inspectorate shall be authorised to undertake the operational and procedural activities specified in Article 10b. The information obtained in the course of such activities shall be made available on the basis specified in Article 10d to:
— the National Fiscal Administration,
— the court or prosecutor’s office — in connection with the ongoing proceedings,
— authorities and services in charge of prosecuting offences,
— mining supervisory authorities.
The rules presented above for the cooperation of the Environmental Protection Inspectorate with authorised bodies and services in combating crime against the environment cover a wide area of covert activities and can be an effective tool in their work. Due to the relatively short time that these provisions have been in force, an objective assessment of the effectiveness of their use is not yet possible.

The cooperation of the Environmental Protection Inspectorate with the State Sanitary Inspectorate, state and government administration authorities, local self-government authorities, civil defence authorities and NGOs has also been defined by law (Article 17 of the Environmental Protection Inspectorate Act). Particular attention was given to:

— exchange of information with the National Revenue Administration and the Border Guard on the importation of prohibited or restricted goods into the country for environmental protection reasons,
— cooperation with the Border Guard in carrying out controls in the border zone,
— providing the Head of the Internal Security Agency with information on the loss, disappearance, abandonment or theft of waste containing biological or chemical agents, which may be used in the course of preparing for or helping to commit crimes of a terrorist nature.

Bilateral agreements and contracts

In the legal acts establishing and governing the terms and conditions for state institutions, including services and authorities involved in combating environmental crime, the standards of cooperation between them are defined in general terms. The subject, scope and forms of cooperation are contained in agreements between the cooperating institutions. Agreements may be bilateral or multilateral depending primarily on the area of cooperation. The author presents a selection of some of these agreements below.

The agreement of 30 October 2015 on cooperation in combating threats to the environment between the Minister of the Interior and the Minister of the Environment for the period 2016-2020 has so far been fundamental for the cooperation of the entities most interested in combating environmental crime.

The cooperation between the Ministry of the Interior and the Ministry of the Environment according to the agreement included:
— support of the National Rescue and Firefighting System,
— prevention of natural hazards and emergencies and restoring their impact,
— prevention of breaches to environmental and natural resources protection requirements,
— combating and prosecuting offences against the protection of the environment and natural resources,

— providing equipment to non-governmental organisations authorised to carry out mountain and water rescue operations as well as to volunteer fire brigades responsible for environmental protection and water supply management activities. In implementing the above-mentioned agreement, the Minister of the Environment declared his readiness to support the efforts of the Minister of the Interior. The support was supposed to take the form of subsidies from the resources of the National Fund for Environmental Protection and Water Management for tasks in the field of environmental protection carried out by the Police, Border Guard and State Fire Service, including the purchase of specialised equipment necessary to prevent the anticipated effects of natural disasters, to carry out effective rescue operations and to deal with the damage caused by natural disasters and major accidents.

The cooperation of the State Forests, including the Forest Guard, with the Police is governed by the Regulation of the Minister of the Environment of 1 July 2014 on detailed rules for the cooperation of the State Forests with the Police. The agreement covers:

— cooperating in the fight against forest damage and combating crimes and offences in the area administered by the State Forests,
— maintaining public safety and order in areas administered by the State Forest management,
— protection of property managed by the State Forests.

As part of their cooperation, the Police provide assistance to the Forest Guard in carrying out activities such as searches of premises and other places and control of means of transport in situations of reasonable suspicion of crime and prosecution of persons suspected of committing a crime in the forests, in particular persons suspected of poaching. The Forest Guard shall provide assistance to the Police in locating and identifying persons suspected of committing an offence, wanted by law enforcement authorities and present in the forest or on the premises of the State Forests, securing traces of offences committed in the forests, providing access to video surveillance in situations of reasonable suspicion of an offence, securing traces of offences committed in the forests, guarding the guide and providing access to means of transport during investigations carried out by the Police in the forests.

This regulation covers joint patrolling of forests as part of the cooperation agreement to ensure the protection of nature and the environment, including the protection of undergrowth and the protection of watercourses and reservoirs.

The agreement on cooperation between the Police and the Border Guard contains arrangements concerning general cooperation in combating and preventing crime, along with a list of events of which the Border Guard shall notify the Police and the procedure for notifying the Police of these events. The list also includes the obligation to inform the Police

52 Dz. U. 2014, item 910.
53 Agreement between the National Police Chief and the National Border Guard Chief of 17 June 2004 on cooperation between the Police and the Border Guard, Dz. Urz. KGP 2004, No. 11, item 58.
about incidents posing a collective threat to public safety, safety in communication or environmental safety in the border area.

The rules of cooperation between the Police and the State Fisheries Guard are framed in very general terms in the 2014 Regulation of the Minister of Agriculture and Rural Development. The purpose of the cooperation is to prevent and combat illegal fishing in inland waters and fish farming facilities, and to combat the trade in illegally caught fish, crayfish and lampreys. The cooperation shall include joint patrols and actions, exchange of information and joint training. Framework plans for cooperation are to be agreed between the regional chiefs of the Police and the regional chiefs of the State Fishing Police. Considering the threats posed by poaching on inland waters, cooperation in this area is an important factor in reducing the frequency of such acts.

The cooperation of the Environmental Protection Inspectorate with the National Fiscal Administration is based on general provisions which govern the cooperation of the National Fiscal Administration with other cooperating entities. The regulations are included in the ordinance of the Council of Ministers of 25 July 2017 on cooperation of the National Fiscal Administration with other entities.

The regulations include:
— taking and coordinating joint actions to prevent and combat violations of the law,
— cooperation in securing the crime scenes or fiscal offences.

Cooperation may also consist in providing the National Fiscal Administration with technical and logistical assistance, providing access to information collected in case files, databases, records and registers.

Pursuant to the agreement on cooperation signed between the Commander-in-Chief of the Border Guard and the Chief Transport Inspector, the Border Guard and the Road Transport Inspectorate organise and conduct joint actions aimed at preventing and combating violations of the law, and in particular organise joint inspections and undertake other activities aimed at counteracting illegal migration, transporting goods without a permit — including those across the state border:
— hazardous materials,
— waste,

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54 Rozporządzenie ministra rolnictwa i rozwoju wsi z 7 marca 2014 r. w sprawie szczegółowych zasad współdziałania Państwowej Straży Rybackiej z Policją, Dz. U. 2014, item 495.
55 Dz. U. 2017, item 1514. The regulation has been repealed due to the addition by Article 9 of the Law of 30 March 2021 amending the Law on Anti-Money Laundering and Terrorist Financing and some other laws (Dz. U. 2021, item 815 as amended) paragraph 2a in Article 46 of the Act of 16 November 2016 on the National Fiscal Administration. Currently, there is a draft regulation of the Council of Ministers on cooperation of the National Fiscal Administration authorities with certain entities (project no. RD595), which has not yet been published after enactment on 7 July 2023.
— harmful chemical substances,
— nuclear and radioactive materials,
— drugs and radioactive substances,
— arms and ammunition, explosives.

Cooperation shall include, in particular:
— joint inspections,
— exchange of information, reports and conclusions relevant to the tasks performed by the other party,
— exchange of information and experience relevant to road transport safety, international communication and combating illegal migration.

In addition, the parties to the agreement shall allow each other to use the information contained in the documents and IT databases necessary for their own tasks and powers.

At the local level, agreements on cooperation are signed mainly between regional police chiefs and other institutions combating environmental crime. These agreements vary in scope. As a rule, they consist practically in copying the content of other legal acts concerning such cooperation. These include, for example, the agreement on cooperation between the regional police chief in Radom and the director of the Regional Directorate of State Forests in Łódź.

Its content is a word-for-word repetition of the content of the Environment Minister’s decree of 1 July 2014 on the detailed rules of cooperation between the State Forests and the Police\textsuperscript{57}. The agreement covers:
— providing mutual assistance and exchange of information, which includes prosecuting suspects in the forests, including poaching,
— cooperating in identifying and locating persons suspected of committing a criminal offence and remaining on the territory of the State Forests,
— securing traces of offences committed in forests,
— joint activities for security and public order in and around forests and tourist facilities,
— protection of the environment, including the protection of undergrowth and watercourses and reservoirs\textsuperscript{58}.

Unfortunately, the agreement does not address a detailed reference to the specific activities of the two institutions in the area covered by it.

**Multilateral agreements**

Preventing and combating environmental crime requires the cooperation of many institutions and services. In order to establish the principles of this cooperation, multilateral agreements are signed between relevant entities operating all over the country or in a specific area.

\textsuperscript{57} Dz. U. 2014, item 910.

The agreement of 4 March 2015 between the Chief Inspector of Environmental Protection, the Head of the Customs Service and the Commander-in-Chief of the Border Guard on cooperation in the field of international waste shipment is highly significant in this respect.\(^{59}\)

The cooperation of the parties to the agreement is based on:
- mutual assistance in inspection activities, including joint inspections with representatives of the authorities of the Agreement,
- exchange of information, including the sharing of data on international shipments of waste,
- exchanging experience,
- ensuring uniform interpretation of national, EU and international law concerning international shipments of waste,
- organising joint training, including the preparation of training material.

In addition, the Chief Environmental Inspector shall, upon request of the parties, make available the data in his possession on international waste turnover. The Environmental Protection Inspectorate shall:
- carry out assessments of goods that may constitute waste. The assessments are carried out by regional environmental inspectors, including assessments of whether the transported waste meets the criteria of environmentally hazardous waste,
- provide training to Customs and Border Guard officers in preventing international shipments of waste,
- carry out control of waste deliveries at declared destinations on the basis of information on waste shipments provided by Customs Service and Border Guard authorities,
- take part in inspections performed by officers of the Customs Service and the Border Guard,
- cooperate to identify risks to humans and the environment in connection with international shipments of waste, including recommendations on the manner and place of storage of hazardous waste by regional environmental inspectors,
- provide information by regional environmental protection inspectors to Customs Service authorities and Border Guard authorities on actions taken in relation to irregularities in the implementation of international waste shipments reported by these services.

Customs Service:
- shares available data concerning international waste shipments, taking into account tax and customs secrecy rules,
- its officers shall participate in joint inspections carried out in respect of international shipments of waste, and in particular roadside inspections,
- in cases of well justified suspicion of illegal international shipment of goods which may constitute waste, notifies competent regional environmental protection inspectors in order to obtain confirmation of suspicions or to determine the facts of the shipment and take further actions,

— informs the Chief Environmental Inspector of illegal international shipments of waste — electronically or by fax,
— the officers are trained in international waste shipments.
As part of the agreement, the Border Guard:
— shares its data on international waste shipments,
— its officers participate in inspections carried out in respect of international shipments of waste, in particular roadside inspections,
— in case of illegal international shipment of goods which may be waste, notifies relevant regional environmental inspectors in order to confirm suspicions or determine the facts of the shipment and take further actions,
— notifies the Chief Environmental Inspector of illegal international shipments of waste — electronically or by fax,
— its officers participate in training courses on international waste shipments.

An example of the effects resulting from the implementation of this agreement is the information on the results of joint patrols carried out by Border Guard officers with inspectors from the Environmental Protection Inspectorate. In October 2017, on the A1 motorway in Gorzyczki, they stopped a truck with a trailer for inspection. According to the transport documents, it was supposed to contain aluminium scrap. As the inspectors of the Environmental Protection Inspectorate found, it contained salted aluminium scale, a hazardous waste, the import of which into Poland requires a permit from the Chief Inspector of Environmental Protection. The driver did not have such a permit. Criminal proceedings in this case were conducted by the Border Guard under the supervision of the prosecutor’s office.

The threat of environmental crime related to waste is also the subject of actions taken by local state administration authorities. An example of this is the Podkarpackie region governor, who appointed a group of experts to monitor the threat of waste shipments, consisting of representatives of the Podkarpackie Region Environmental Protection Inspectorate, the Podkarpackie Region Police Chief, the Podkarpackie Region Road Transport Inspector, the Podkarpackie Region Sanitary Inspector, the Chief of the Border Guard in Bieszczady Mountains, the Customs Office in Przemyśl, the Railway Transport Office in Kraków. The tasks of the group include:
— analysing the implementation of agreements and taking action to cooperate more effectively,
— developing a uniform interpretation and application of the law on the international handling of waste,
— developing uniform procedures to control transboundary shipments of waste,
— organising joint inspection operations.

The joint actions carried out are also preventive in nature, in addition to the far-reaching effects of the group’s activities consisting in the detection of cases of illegal shipments of hazardous waste during the joint actions carried out.\(^{60}\)

\(^{60}\) Wojewódzki Inspektorat Ochrony Środowiska w Rzeszowie, *Raport o stanie środowiska w województwie podkarpackim w 2012*, Rzeszów, 2013.
Summary and conclusions

Two models, which can be described as dispersed and centralised, have emerged in the system of institutions carrying out tasks related to counteracting and fighting crime in Poland. Their common feature is the cooperation of several institutions and services within such a system, which have been assigned specific tasks by the legislator and equipped with more or less extensive powers. The dispersed model can be described using the example of fighting organised crime in Poland. It is a system that is not based on any legal regulations defining the principles of cooperation in a comprehensive way. Nevertheless, the main role in it is undoubtedly played by the Police and its specialised unit, i.e. the Police Central Bureau of Investigation, as well as the National Criminal Information Centre, the Property Recovery Bureau, the International Police Cooperation Bureau or the police counter-terrorist units. Other institutions combating organised crime include: Border Guard, Internal Security Agency, Central Anti-Corruption Bureau, National Fiscal Administration, Military Police, General Inspector of Financial Information, Financial Supervision Commission. None of these institutions has coordination powers or the ability to issue orders to the staff and officers who are not employed by their institution. Cooperation between them takes place on the basis of bilateral or multilateral agreements or within the framework of ad hoc multiorganisation teams (task forces) deliberately established to solve a specific problem.

The centralised model was designed and implemented to prevent and combat terrorism in Poland under the Act of 10 June 2016 on anti-terrorist activities\(^{61}\). The provisions of this law have clearly defined the responsibility and powers of state institutions in relation to identifying and combating terrorism. In this respect, the role of a coordinator of all activities is played by the Internal Security Agency, while all public administration authorities, owners and keepers of facilities and infrastructure are obliged to cooperate in this area and, in particular, to immediately provide the Head of the Internal Security Agency with information on terrorist threats that they have. Upon receiving information on the potential of a terrorist incident, the Head of the Internal Security Agency is in power to issue instructions to authorities and other entities aimed at counteracting, eliminating or minimising such threats. The Head of the Internal Security Agency also coordinates operations involving analytical and information as well as covert activities, but also operations aimed at observing and recording the events in public places.

The system for combating environmental crime is undoubtedly dispersed to a large extent. Several specialised services deal with combating this type of crime in Poland, including:

1. Environmental Inspectorate,
2. Police,
3. Border Guard,

\(^{61}\) Dz. U. 2016, item 904.
4. the National Fiscal Administration,
5. the State Fishing Guards,
6. Forest Guard,
7. the State Hunting Guard,
8. the Road Transport Inspection,
9. prosecutor’s office.

This is not a coincidence that the Environmental Protection Inspectorate is listed first. The purpose of its establishment and its basic task is to control the observance of environmental protection regulations and to study and assess the state of the environment. The tasks and inspection powers of the Environmental Protection Inspectorate have been defined very broadly and it has been given extensive powers. Hence, it is the institution with the extensive knowledge of already existing and potential threats in this area. The range of tasks of the Environmental Protection Inspectorate has been significantly extended by giving it a number of powers of both operational and procedural nature, set out in Article 10b, paragraph 2 of the Environmental Protection Inspectorate Act, including:
— surveillance and recording of images and sound,
— collecting and securing evidence of a crime,
— questioning persons,
— examination of premises and other places,
— obtaining, collecting, processing and using information about persons, things and events and preserving traces and evidence.

These activities may be performed when a suspicion is raised that an offence against the environment specified in Articles 182, 183 or 186 of the Criminal Code has been committed, as well as offences against the environment specified in separate provisions, as listed in the provision of Article 10b of the Environmental Protection Inspectorate Act. Thus, the role of the Environmental Protection Inspection in combating crime against the environment has significantly increased, although it is still limited only to offences involving:
— significant environmental pollution,
— improper waste handling,
— lack of care for protective equipment.

According to the statistics on detected environmental crimes both environmental pollution and improper handling of waste are the most common offences. It should therefore be assumed that the role of the Environmental Protection Inspectorate in combating environmental crime will constantly increase and may in the future largely take over the tasks currently performed by the Police. An important step is the establishment of a new Department for Combating Environmental Crime in the Chief Inspectorate for Environmental Protection on 6 October 2020. The task

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63 Rozporządzenie prezesa Rady Ministrów z 17 września 2020 r. zmieniające rozporządzenie w sprawie nadania statutu Głównemu Inspektoratowi Ochrony Środowiska, Dz. U. 2020, item 1621.
of this organisational unit is to prevent and combat environmental crime and to fight against the grey market in waste management. This very institution, which has the most extensive powers to carry out control, expert and also investigative activities, is currently the main part of the system of institutions preventing and combating environmental crime.

An extremely important part of this system is now the Police. Their economic crime department and investigative division (Police Central Bureau of Investigation) are now responsible for handling the vast majority of criminal cases related to environmental threats and, most importantly, cases related to organised crime.

The police perform tasks related to combating crimes against the environment as one of the forms of economic crimes, including combating threats related to illegal storage, warehousing, transport and disposal of waste. As part of large-scale activities, constant cooperation is carried out with governmental and self-governmental administration bodies regarding waste management, as well as with other institutions dealing with combating threats in this respect.

It can be assumed that the effectiveness of the whole system of combating crime against the environment is determined by effective cooperation between these institutions and, most importantly, between the Police and the Environmental Protection Inspectorate.

The remaining institutions and services carrying out actions related to preventing and combating offences against the environment have a smaller contribution to this system compared to the two above-mentioned ones, although each of them has a specific role to play.

The Border Guard, together with the Customs Service of the National Fiscal Administration, is responsible for recognising and combating threats related primarily to smuggling hazardous waste and smuggling of animals and plants and objects made of them, which are subject to special protection under the provisions of the Washington Convention — CITES\(^{64}\).

The State Fishing Guard, the Forest Guard and the State Hunting Guard fulfil their role as specialised institutions dealing with both the control of persons and entrepreneurs located in forests, on lakes and rivers, as well as the activities carried out there in terms of their compliance with environmental protection rules. They are also entitled to conduct proceedings in cases of offences committed on their territory, including the use of direct coercive measures in cases provided for by the current legislation. As regards the Police, they fulfil the role of a specialised cooperating unit, inspiring the Police to carry out investigations in cases of alleged offences and, in some cases, also violations that are outside their jurisdiction.

The role of the Road Transport Inspectorate is to cooperate with the Environmental Protection Inspectorate, the Police, the Border Guard and the Customs Service of the National Fiscal Administration in situations

related to the transport of dangerous goods that pose a threat to the environment and the transport of hazardous waste in the country.

An important role in the coordination of initiatives related to criminal environmental protection is played by the public prosecutor’s office, which conducts the most complex investigations and at the same time supervises and coordinates the investigations carried out by other competent institutions. These cases are investigated by appointed prosecutors specialised in this field, who may have a chance to encourage other institutions to play a more proactive role in this context.

The essence of this study is to assess the existing system of preventing and combating environmental crime in Poland and to identify those parts of the system that determine its effectiveness. In this study, we concentrated on the basic part of the system, i.e. coordinated activities of institutions specialised in combating environmental crime, out of many parts of the system, which includes legal instruments at the disposal of the state in protecting the environment against crime, international cooperation in this area, scientific and research background of the initiatives proposed and implemented, and the development of social support for the protection of the environment at risk of crime.

Taking into account the data collected in the course of the research task, a comprehensive approach to solving the problem of crime against the environment should be based on the development and implementation of the principles of coherent, integrated and complementary prevention and combating this phenomenon with the involvement of all entities required. The experience gained so far in the fight against crime against the environment and their effects presented above allow us to assume that a contemporary, efficient, multisectoral system of institutions and services combating threats to the environment should be based on the following assumptions:

— precise definition of the tasks and responsibilities of individual institutions and services,
— implementation of cooperation and coordination mechanisms in individual areas,
— establishing rules for the exchange of information and cooperation in the field of prevention, control, procedural activities and training.

The first element includes setting the tasks and competences of individual services and institutions cooperating in combating environmental crime.

All entities involved in combating environmental crime operate on the basis of legal acts. They have been repeatedly amended both due to the current situation related to the existing threats and to the requirements resulting from bringing the law into compliance with international acts, especially the EU law. The most significant changes were introduced in 2018 in the Act on Environmental Protection Inspection. It has significantly increased the powers of the Environmental Protection Inspection.
torate to carry out activities of an operational and investigative nature allowing for more effective collecting of evidence in cases of offences under Articles 182, 183 and 186 of the Criminal Code. This has caused concerns, especially among entities operating in the sphere of waste management. This referred to a new range of powers and the opportunity to apply measures previously reserved only for the Police and requiring court approval. These objections were largely based on the ignorance of their authors on issues concerning the nature of covert policing and the existing rules on implementing its measures. The new powers granted to the Environmental Protection Inspectorate are far more limited than those available to the Police. Thus, the absolute majority of criminal cases relating to environmental offences are still conducted by the Police. The Environmental Protection Inspectorate focuses on inspection activities. Their criminal cases for environmental offences are generally conducted on the basis of the outcomes that result from the inspections carried out in the area of environmental pollution (Article 182 of the Criminal Code), improper handling of waste (Article 183 of the Criminal Code) and negligence of control appliances (Article 186 of the Criminal Code). Given that the most serious environmental crimes are generally of an organised nature, only the Police have the means and experience to combat them. It should be expected that over the next few years, as the inspectors of the Environmental Protection Inspectorate gain experience, there will be a significant increase in the number of simple criminal cases prosecuted by them, while the Police will focus on investigating organised crime in this respect.

The second element concerning cooperation and collaboration is, unfortunately, the weakest link in the system of combating crime against the environment. When comparing the scope of tasks and competences of individual institutions, at certain points it is possible to notice some overlapping between them (Police–Inspectorate for Environmental Protection — in terms of conducting activities in cases concerning violation of the aforementioned provisions of the Criminal Code), but when comparing the number of cases conducted by both institutions, this should not pose a threat to the coherence of the procedures. An example of positive developments is the Act of 20 July 2018 amending the Waste Act and certain other Acts, which introduced very important provisions concerning the obtaining of information enclosed in investigations carried out by law enforcement authorities with regard to illegal waste shipments. If an investigator needs to collect more evidence available to the Chief Inspectorate of Environmental Protection, it is possible to request access to the files of a given proceeding. On the basis of these provisions, law enforcement authorities provide access to the documentation of the conducted investigation. Evidence obtained under this procedure may contribute to faster identification of entities responsible for illegal waste shipments and bringing them to justice.

67 Dz.U. 2018, item 1479.
There is still no joint inter-ministerial strategy against environmental crimes to date. It has been assumed that cooperation will be established on the basis of bilateral or multilateral agreements. The cooperating institutions have the right to sign agreements which usually cover the following aspects of cooperation:
— exchange of information between the parties involved,
— joint patrols,
— technical assistance for specialised activities,
— sharing of facilities,
— sharing of databases.

What is not contained here is the establishment of joint inter-ministerial teams used to solve specific problems occurring in the area of environmental crime (e.g. joint investigation teams and combating of the frequent fires at waste disposal sites). In this context, an exception is the opportunity to set up such teams in situations involving a threat from organised criminal groups. However, this is governed by other (classified) regulations.

The most urgent issue at the moment seems to be the development of a permanent cooperation network at the national level for the coordination of activities in areas particularly at risk of environmental crime. This has been emphasised in the assessments of the Council of the European Union on preventing and combating environmental crime in Poland.68

The third element — concerning the exchange of information — is likely to be resolved in a relatively simple manner. It seems to be of vital importance for effective action in the area of environmental crime to create or separate a joint database at national level and to set up an analytical structure to deal with the problem in question. The two possible approaches here seem to be:

1. Expanding the analytical structure of the Chief Inspectorate of Environmental Protection, where — in addition to collecting information on adults with convictions for environmental offences recorded in the National Criminal Register files and information on persons tried and convicted at first instance in district courts and in county courts obtained on the basis of MS-S6 reports on persons tried at first instance — all information would be collected on the conducted petty offence proceedings and the results of inspections carried out. These collections should also include a list of business entities involved in or used to commit environmental crimes and offences, as well as accurately described modus operandi of the offenders. This will allow analytical steps to be taken, the effects of which may be anticipatory with regard to future threats. The first issue to be analysed in this way could be an attempt to obtain an overall picture of the level of waste handling crime in Poland.

2. It would be possible to use the opportunities arising from the legally defined rules of cooperation with the National Criminal Information Centre to encourage the introduction of the above-mentioned data into the NCIC database with the possibility of correlating them with data on other types of crime. It would enable the analytical unit of the Chief Inspectorate of Environmental Protection to conduct effective analyses, both operational and strategic.

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Keywords: environmental crimes, combating, distribution of tasks, coordination, supervision, information exchange, risk analysis

Summary: In Poland there are over a dozen bodies engaged in protection of environment. The tasks in the field of combating environmental crime are carried out by several institutions with varied duties and control and investigative powers, including appearing before trial court. The system of law enforcement institutions engaged in environmental protection is undoubtedly dispersed. There is no agency legally entitled to coordinate or influence the activities undertaken by other institutions within the system. The main role here is undoubtedly played by Environmental Protection Inspectorate. It was tasked with both monitoring of compliance with the environmental protection regulations in a very wide scope, as well as independent conduct of certain operational activities and granted investigative powers. The role of the Environmental Protection Inspection will increase in the future, as evidenced by the establishment in 2021 of the Department for Combating Environmental Crimes at the Chief Inspectorate for Environmental Protection. So far, the vast majority of investigations concerning environmental crimes are conducted by the Police. There are, however, no specialised police units fighting environmental crimes and corresponding activities are carried out by departments combating economic crimes. Cases concerning organized forms of environmental crime are conducted by the Police Central Bureau of Investigation. No coherent strategy to combat environmental crime has been developed so far. Cooperation between various involved institutions is based on bilateral and multilateral agreements. An undertaking necessary to improve the effectiveness of combating environmental crimes is currently primarily the development of common database of these crimes mechanisms and perpetrators, as well as establishment of an analytical structure dealing with this issue.
Palabras clave: delitos contra el medio ambiente, prevención, reparto de tareas

Resumen: En Polonia, la protección del medio ambiente corre a cargo de más de una docena de instituciones. Las tareas en el ámbito del delito contra el medio ambiente son llevadas a cabo por las instituciones a las que se han impuesto una serie de obligaciones y se les han otorgado diversas competencias relacionadas con la realización de actividades de inspección e investigación, incluida la comparecencia independiente ante los tribunales de primera instancia. Es indudable que el sistema de instituciones de protección penal del medio ambiente tiene un carácter fragmentario. Ninguna de las instituciones que lo componen tiene poderes de coordinación definidos por ley ni la posibilidad de influir en las actividades realizadas por otras instituciones. El papel principal aquí lo desempeña sin duda la Inspección de Protección del Medio Ambiente. Su misión consiste tanto en controlar el cumplimiento de la normativa medioambiental en un sentido muy amplio, como en llevar a cabo de forma independiente determinadas actividades de carácter operativo y se le han otorgado poderes de investigación. El papel de la Inspección va a crecer en el futuro, como demuestra la creación en 2021 del Departamento de Lucha contra los Delitos Medioambientales en la Inspección General de Protección del Medio Ambiente. Hasta ahora, la gran mayoría de los procesos penales en casos medioambientales los lleva a cabo la policía. Sin embargo, no dispone de unidades especializadas en este ámbito y las actividades las lleva a cabo la división policial de lucha contra delitos económicos. Los casos relativos a la delincuencia organizada contra el medio ambiente, por otra parte, son llevados por la Oficina Central de Investigación de la Policía. Todavía no se ha desarrollado una estrategia coherente para combatir los delitos contra el medio ambiente. Las relaciones de cooperación entre las distintas instituciones se basan en acuerdos bilaterales y multilaterales entre ellas. En la actualidad, lo que se necesita para mejorar la eficacia de la lucha contra los delitos contra el medio ambiente es, en primer lugar, la creación de una base de datos uniforme sobre los mecanismos de estos delitos y sus autores y el establecimiento de una estructura analítica que se ocupe de este problema.