

Environmental crime in figures

The French Ministerial Statistical Department for Internal Security (*Service statistique ministériel de la sécurité intérieure*, also known by its acronym “SSMSI”) has published, for the first time, a study on environmental damages.[\[1\]](#)

The publication of these figures, which do not, however, cover all environmental crimes, is interesting.

What findings can be made?

The figures are those reported by the national police and gendarmerie services. The study, therefore, does not include offenses that may be recorded by customs services, environmental inspectors, the French Biodiversity Agency, agents of the French National Forests Office or municipal police forces.

They concern the recorded offenses, the plaintiffs and the persons involved in the perpetration of such offenses. The study does not provide information about the prosecution of these offenses before the courts.

Environmental major and minor offenses mainly concern natural resources and animals

In 2021, the national police and gendarmerie services recorded 31,400 environmental major and minor offenses throughout the French territory.

These offenses, to be understood within the meaning of the French nomenclature of offenses, are highly heterogeneous:

- Natural resources: 45%;
- Animals: 34%;
- Prevention: 11%;
- Waste: 4%;
- Pollution: 4%;
- Protected species: 1%.

Nearly half of the offenses relate to acts that lead to the depletion or degradation of natural resources, i.e., offenses related to illegal logging or mining (55%, i.e., 25% of the total) and breaches of hunting or fishing regulations (29%, i.e., 13% of the total).

Acts against animals represent one third of these offenses.

Offenses concerning breaches of prevention rules and regulations include breaches of regulations concerning fire, pollution, hazardous, nuclear or chemical substances, as well as those concerning so called classified facilities for the protection of the environment (*installations classées pour la protection de l'environnement* or "ICPE"[2]). The distinction between this category and pollution or waste-related offenses is not obvious, since the prevention rules and regulations partly overlap with pollution and waste-related issues categorized as such.

All the rest (about 10%) concern air, water, soil or other forms of pollution, transport or dumping of waste, including cross-border transport and dumping of waste, and trade in or possession of protected species of fauna and flora.

Environmental major and minor offenses are on the rise overall

Between 2016 and 2021, the number of environmental offenses recorded by the national police and gendarmerie services increased by 7%, i.e., an average of 1.3% per year. But this is an overall increase which followed an uneven trend.

Indeed, if we look at the figures in detail, it appears that the various categories of environmental offenses have evolved along different lines between 2016 and 2021:

- Pollution and waste related offenses have significantly increased: +96% (i.e., +14% on average per year) and +63% (i.e., +10% on average per year) respectively;
- Offenses related to the depletion of other natural resources and to the prevention of damages to the natural environment, animals or protected species have relatively increased: +30% (i.e., +5% on average per year), +26% (i.e., +5% on average per year), +16% (i.e., +3% on average per year) and +13% (i.e., +3% on average per year) respectively;
- Illegal logging, mining, and hunting/fishing offenses have decreased: -11% (i.e., -2% on average per year) and -18% (i.e., -4% on average per year) respectively.

All of this must be interpreted with caution, depending on the specific context of each offense: Legislative developments such as the adoption of new environmental justice measures with Law No. 2020-1672 or the creation of the 4th class minor offense punishing the elimination of bio-waste by open burning, increased public awareness of environmental issues and animal welfare, one-off events such as the (illegal) organization of music festivals in the Coussouls de Crau Nature Reserve, etc.

Geographical particularities

While there are on average 4.5 environmental offenses per 10,000 inhabitants throughout the French territory as a whole, this rate rises to 9.3 in rural communities and 6.8 in urban units with 2,000 to 10,000 inhabitants.

This finding, which differs from what is observed in most criminal and delinquency phenomena, is due to the nature of the crime: Most environmental offenses such as those related to hunting, fishing and natural resources, require the presence of a natural area (forest, river, protected area, national park), a situation that is more frequent in rural communities or small urban units.

The analysis of the environmental offenses can then be broken down according to the environmental characteristics of each territory.

French Guiana has a much higher rate of environmental offenses than the other French regions: 42 environmental offenses per 10,000 inhabitants in 2021, compared to 4.5 environmental offenses for the country as a whole. 73% of the offenses perpetrated in this region are related to illegal mining. 98% of all illegal mining related offenses have been recorded in this region.

The only other region with a rate of environmental offenses above 10 is Corsica (18 environmental offense per 10,000 inhabitants). More specifically, these offenses concern violations of fire prevention regulations (46%) and illegal logging (19%).

Apart from the crime-to-population ratio, it is logical to note that water-related offenses (pollution, fishing, failure to comply with prevention rules) are more prevalent in coastal areas or areas with rivers running through them, and that forest-related offenses (illegal logging and failure to comply with fire prevention rules and regulations) are related to forest areas.

The profile of the plaintiffs and persons involved in the offenses

It is preferable to use the term “plaintiff” rather than “victim” because people who filed complaints about environmental offenses may be direct victims (e.g., the owner of a contaminated property) or indirect victims when the complaint is filed by an association (approved associations may file complaints to defend the interests or objectives of their organization).

Out of the 12,000 recorded major environmental offenses, the number of plaintiffs may appear to be small (7,600). This is due to the fact that the offenses may have been revealed at the initiative of the police and gendarmerie services or directly reported to the public prosecutor, who may have asked the police or gendarmerie services for additional investigations.

Two profiles stand out among the plaintiffs: Legal entities (half of which are State entities and agencies and local authorities) owning places affected by illegal logging or mining, the destruction of protected species, illegal hunting or fishing, the abandonment or illegal dumping of waste, and private individuals who mainly filed complaints about acts concerning animals.

Although 8% of the persons identified by the security services as involved in the perpetration of environmental offenses are legal entities, this figure varies significantly according to the type of environmental offenses: They account for 24% of the person involved in acts of pollution, but only for 3% and 1% respectively of the person involved in hunting/fishing offenses or animal-related offenses. The most represented industries are the agricultural industry (14%), the automotive industry (8%), the public works industry (7%) and the construction industry (7%). The relevant offenses vary depending on the industry concerned: The agricultural industry is mainly concerned with offenses against natural resources and acts against animals, while the automotive and construction industry are more concerned with waste-related offenses.

[1] Available here: https://www.interieur.gouv.fr/content/download/131604/1045783/file/IA46_.pdf (in French only)

[2] Under French law, an *installation classée pour la protection de l'environnement* (ICPE) (literally a classified facility for the protection of the environment) is an industrial or agricultural facility that is likely to present a risk or cause pollution or nuisance, especially for the safety or health of local residents

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