

## ADMINISTRATIVE SANCTIONS AND IMMEDIATE COLLECTION BY THE REGIONAL AUTHORITY

### CONTROL 3

The Decree of 05/06/2008 (and its successive amendments) relating to the investigation, detection, prosecution and punishment of infringements, as well as to environmental remedial measures, is aimed in particular at more effective punishment of environmental infringements. To this end, it introduced a system of administrative fines and an immediate collection system (transaction).

#### The Service of the Regional Sanctioning Official

The recording agents of the Public Service of Wallonia (SPW-DG03)<sup>1</sup> can record<sup>2</sup> infringements in the field of the environment, agriculture, animal welfare and natural heritage and draw up official reports (PV). These PVs are then forwarded to the Public Prosecutor's office. If the latter waives the prosecution or fails to notify of their decision within the prescribed time limit and where no immediate collection has been proposed to the offender (the alleged facts have not caused damage to another person), the Service of the Regional Sanctioning Official (*Service du fonctionnaire sanctionnateur régional - SFS*) has the power to prosecute the offender and, if necessary, impose an administrative fine.

#### An increasing number of administrative procedures

In 2016, the SFS received 2,633 initial PVs<sup>3</sup>. Following an investigation, these initial PVs resulted in 2,378 prosecution cases<sup>4</sup>. Of these, 650 cases resulted in an administrative procedure that resulted in the imposition of administrative fines totalling €1,640,000. Since the entry into force of the decree of 05/06/2008 and the introduction of crackdown and recording regimes, the number of cases handled by the SFS has increased fourfold, while the amount of fines has increased 17-fold. Compared to 2015, the amount of administrative fines has decreased, with SFS services favouring remedial measures or suspended fines<sup>5</sup>.

#### A variety of infringements

In 2016, the 2,378 PVs processed by the SFS mainly

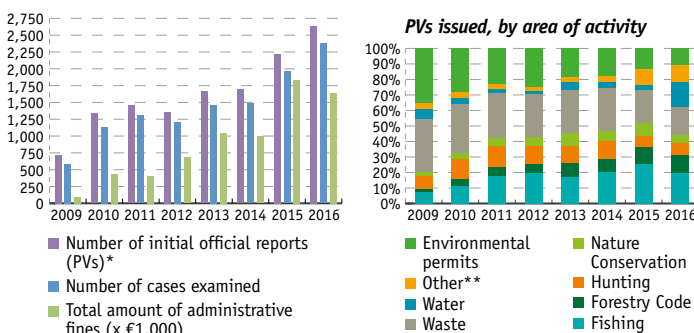
concerned violations of fisheries (19.6%), waste (18.7%) and water (15.5%) legislation. Since 2009, the areas in which infringements recorded in the PVs investigated by the SFS have diversified. As a result, the proportion of PVs relating to waste and environmental permits has fallen considerably: in 2009, they accounted for almost 70% of the PVs processed by the SFS, whereas in 2016, this figure was around 30%. This reflects the fact that many companies have regularised their environmental permits. The proportion of PVs for fisheries infringements increased by a factor of 2.5 (from 7.6% to 19.6%), infringements relating to water more than doubled (from 6.6% to 15.5%), and violations of the Forestry Code<sup>6</sup> increased by a factor of 6 (from 1.8% to 11.1%). This development is the result of more systematic prosecutions in the context of PVs issued by officers of the Nature and Forests Department.

#### Transactions also increasing

In 2016, the system of immediate collection by sanctioning officials led to 703 immediate collections, for a total proposed amount of €88,000, and a total amount paid of €78,000.

<sup>[1]</sup> Municipalities may also appoint recording agents and sanctioning officials. | <sup>[2]</sup> Decree of 05/06/2008 | <sup>[3]</sup> Initial PV: initial recording of one or more infringements concerning one or more presumed perpetrators. As a result of the investigation, the initial PV may give rise to one or more subsequent PV(s). | <sup>[4]</sup> A prosecution case may be dropped, resulting in remedial measures or an administrative fine. | <sup>[5]</sup> A remedial measure may be ordered, accompanied by a suspended fine in the event of non-completion. | <sup>[6]</sup> Decree of 15/07/2008

Fig. CONTROL 3-1 Administrative procedures applied in Wallonia following the recording of environmental infringements

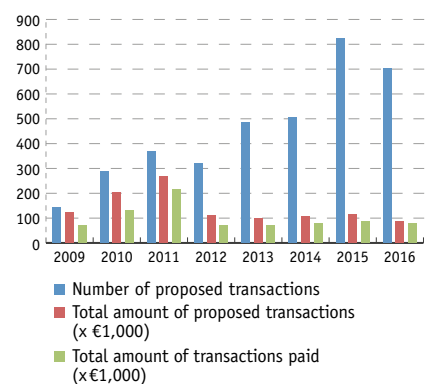


\* An initial PV may contain one or more infringements under different legislation, identify one or more alleged perpetrators and generate several cases for examination (subsequent PVs).

\*\* Noise, soil, Environment Code, animal welfare, etc.

SOERW 2017 – Source: SPW - DG03 - DPC (SFS)

Fig. CONTROL 3-2 Application of the immediate collection system in Wallonia



SOERW 2017 – Source: SPW - DG03 - DPC