Online appendix to: Fit for purpose?

Assessing collaborative innovation in the European Network for Prosecutors for the Environment

Attachment 1: Description of the respondents

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| --- | --- | --- |
| Organization | Country | Internal/ external source |
| Environmental Agency | UK | Internal |
| Openbaar Ministerie, Functioneel Parket | The Netherlands | Internal |
| Environmental Protection Agency | Ireland | Internal |
| National Environmental Crime Unit | Sweden | Internal |
| Environment Agency | UK | Internal |
| Riksenheten for Milijo-och Arbestsmiljomal vid Aklagarmyndigheten, Sweden | Sweden | Internal |
| Riksenheten for Milijo-och Arbestsmiljomal vid Aklagarmyndigheten, Sweden | Sweden | External |
| Environmental Agency | UK | External |
| EUROJUST | Sweden | External |
| Dublin City Council | Ireland | External |
| EUFJE | Belgium | External |
| Openbaar Ministerie Antwerpen | Belgium | External |
| European Commission,  Directorate-General Environment | Belgium | External |

Attachment 2: Data sources with reference numbers

|  |  |  |
| --- | --- | --- |
| Source | Document | Ref.Number |
| ENPE, observer member | Interview 1 | 1 |
| ENPE, full member | Interview 2 | 2 |
| ENPE, associate member | Interview 3 | 3 |
| ENPE, full member | Interview 4 | 4 |
| ENPE, observer member | Interview 5 | 5 |
| ENPE, observer member | Interview 6 | 6 |
| ENPE, observer member | Interview 7 | 7 |
| ENPE, associate member | Interview 8 | 8 |
| ENPE, full member | Interview 9 | 9 |
| ENPE, associate member | Interview 10 | 10 |
| ENPE, project manager | Interview 11 | 11 |
| ENPE, associate member | Interview 12 | 12 |
| ENPE, full member | Interview 13 | 13 |
| ENPE | Board meeting April 2017 | 14 |
| ENPE | LIFE Activity report Mach 2017 | 15 |
| ENPE | Board meeting February 2017 | 16 |
| ENPE | LIFE Project + Board meeting April 2017 | 17 |
| ENPE | Statutes | 18 |
| ENPE | Newsletter I: Third edition | 19 |
| ENPE | Newsletter II: Brexit Special | 20 |
| ENPE | Newsletter III: How to handle court proceedings invoking non-compliance with EU waste | 21 |
| ENPE | Newsletter IV: European Judicial Training Network | 22 |
| IMPEL, ENPE, European Forum for Judges of the Environment (EUFJE), EnviCrimeNet | EU Enforcement Conference Conclusions | 23 |
| Council of the European Union | Council Conclusions on countering environmental crime, (OR. en)15412/16 , Brussels. (12-12-2016) | 24 |
|  |  |  |
| ENPE | EUFJE Conference (2016) | 26 |
| EUFJE | Conference 2016 Questionnaire | 27 |
| ENPE | Board meeting February 2016 | 28 |
| ENPE | Board meeting July 2016 | 29 |
| ENPE | Board meeting October 2016 | 30 |
| ENPE | LIFE Project + Board meeting April 2016 | 31 |
| ENPE | LIFE Project + Board meeting March 2016 | 32 |
| ENPE | LIFE Project + Board meeting January 2016 | 33 |
| ENPE | General meeting October 2016 | 34 |
| ENPE | General meeting May 2016 | 35 |
| ENPE | LIFE Project + Board meeting November 2015 | 36 |
| ENPE | Board meeting August 2015 | 37 |
| EnviCrimeNet | Intelligence Project on Environmental Crime (2015) | 38 |
| ENPE | EUFJE Conf./ Evaluation Directive 2008/99 from Commission (2015) | 39 |
| Eurojust | Strategic Project on Environmental Crime (2014) | 40 |
| ENPE | Newsletter on environmental crime (2013) | 41 |
| EUROPOL | EU SERIOUS AND ORGANISED CRIME THREAT ASSESSMENT (SOCTA 2013) | 42 |
| ENPE | Minutes of First General Assembly (2013) | 43 |
| Eurojust and ENPE | Strategic Meeting 2016 | 44 |
| ENPE | Speech Lars Magnusson (2012) | 44 |
| EUFJE | EUFJE Conference Program (2011) | 45 |

Attachment 3: Topic List

The sequence of the questions differs from the order of the tables and code books. Sequence of questions can also differ slightly between the interviews. This has the benefit that interviews remain fairly conversational and situational, while the data collection remains systematic for each respondent (Patton, 1990:288).

|  |  |
| --- | --- |
| Topic list for ENPE observer members and non-members | |
| *Contextual variables* | *10 min.* |
| Past collaborations | Have you collaborated with EU partners and/or network members before ENPE was founded, and if so: how did you experience that collaboration? |
| Commission | How would you describe the influence of the Commission on the network activities? |
|  | In determining the course of action by the network, how would you describe the influence of the Commission? |
| *Drivers* | *5 min.* |
| Embeddedness | What European partners or affiliated organizations collaborate with ENPE ? |
| *Open question* | *10 min.* |
|  | What barriers are there, in your perspective, to the functioning of ENPE? |
|  | What is the potential of ENPE to strengthen national enforcement of European laws and regulation within the environmental domain? |

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| Topic list for ENPE full members and board members | |
| *Contextual variables* | *10 min.* |
| Past collaborations | Have you collaborated with EU partners and/or network members before ENPE was founded, and if so: how did you experience that collaboration? |
| Commission | How would you describe the influence of the Commission on the network activities? |
|  | In determining the course of action by the network, how would you describe the influence of the Commission? |
| *Drivers* | *30 min.* |
| Informality | Would you describe the network activities as informal, or formal? |
|  | How do you perceive the informal or formal character of ENPE? |
|  |  |
| Shared Logic | To what extent do network members/ partners agree on the urgency of environmental protection, over for example market performance? |
|  | To what extend do network members/partners agree on prosecution as the appropriate means to solve problems with compliance? |
| Embeddedness | What European partners or affiliated organizations collaborate with ENPE ? |
| Information exchange | How does being a network member or partner inform your daily work? |
|  | Can you given an example of information that became available to you through the network, and proved relevant in your daily work,? |
| Professional logic | Is prosecution a justified means to fight environmental crime, and if so: why? |
| *Collaborative process* | *10 min.* |
| Trust | Can you rely on fellow members/partners of ENPE and if so, can you give an example? |
|  | Do you feel partners and members can share difficulties with compliance issues? |
| Capacity building | To what extent do network activities build skills, strategies and analytics of prosecutors for the environment? |
| Joint responsibility | Is there a permanent working group, within the ENPE? |
|  | If so, what is their goal and how do they work to achieve that? |
| Self-regulatory capacity | 10 min. |
| Number of network participants | Do you perceive the member of the network as a functional amount? |
|  | Do you see limits to the expansion of network members? |
| Face to Face | How often do you meet the network members/ partners? |
|  | How often are you in contact with network members/partners, and how do you keep contact? |
| *Open question* | *10 min.* |
|  | What barriers are there, in your perspective, to the functioning of ENPE? |
|  | What is the potential of ENPE to strengthen national enforcement of European laws and regulation within the environmental domain? |

Attachment 4: Code books for analysing the collected data

|  |  |  |
| --- | --- | --- |
| Condition | Operationalization | Code |
| Small scale | Text implies network keeps a small scale to safeguard efficiency | Small\_scale |
|  | Text implies the network aims to expand its members | Network\_expand |
| Face to face meetings | Text implies network meetings are face to face | FacetoFace |
|  | Text implies network activities are done via email | NotFacetoFace |
| Trust | Network members entrust each other with difficulties and challenges in non-compliance | Process\_Trust |
|  | Network members state their network colleagues are not trustworthy | Process\_Notrust |
| Capacity building | Text says the network is considerate of design and function, and the application of skills, strategies and analytics of prosecutors for the environment | Building |
|  | Text says the network is inconsiderate of design and function, and the application of skills, strategies and analytics of prosecutors for the environment | Absent\_Building |
| Joint responsibility | Text mentions a joint ownership through a working group | Working\_group |
|  | Text mentions peer pressure through the working group exerts compliance. | Peers\_Panel |
| Informality | Text states network members perceive ENPE as informal | Informal |
|  | Text states network members perceive ENPE as formal | Formal |
| Shared logic of appropriateness | Text states the network members agree on the importance of environmental protection over market performance. | Shared\_Logic |
|  | Text states the network members do not agree on the importance of environmental protection over market performance. | Conflicting\_Logic |
| Embeddedness | Text mentions collaborative European partners | Embedded |
|  | Text mentions European institutions to share information with. | Embedded\_info |
| Information exchange | Text states or signals information exchanged | Info\_Exchange |
|  | Text states information should be kept within the ENPE | Info\_Locked |
| Shared professional logic | Text states prosecution is a logical means of enforcement of EU law in the environmental domain | Shared\_Professional |
|  | Text states bargaining or administrative sanctions are a logical means of enforcement of EU law in the environmental domain | Conflicting\_Professional |
|  | Text states norms and values of the prosecution job | Prosecution\_Norms\_Values |
|  | Text states norms and values independent from the prosecution job | Random\_Norms\_Values |
| Barriers | Unspecified | Barriers |
| Positive past collaboration | Text states the network members have positively collaborated with EU partners and (observer) members in the past | PastColl\_Positive |
|  | Text states the network member’s prior collaboration with EU partners and (observer) members was conflicted | PastColl\_Negative |
| Role Commission | Text states the Commission supports the networks with resources, influence or importance | Supportive\_Commission |
|  | Text states the Commission is not contributing to the networks with resources, influence or importance | Passive\_Commission |

Attachment 5: Code trees

Open coding tree:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Condition | Code | Sub code |  |
| Network variables | Self-regulatory capacity | Network member | |  |
|  |  |  | Expand members |  |
|  |  |  | Moderate numbers (perceived) | |
|  |  | Face to face meetings | |  |
|  |  |  | Face to face |  |
|  |  |  | No face to face |  |
|  | Collaborative process | Trust |  |  |
|  |  |  | Trustworthy process | |
|  |  |  | No trust |  |
|  |  | Capacity building | |  |
|  |  |  | Capacity building present | |
|  |  |  | Capacity building absent | |
|  |  | Joint Ownership | |  |
|  |  |  | Working group present | |
|  |  |  | Peer pressure |  |
|  | Drivers |  |  |  |
|  |  | Informality |  |  |
|  |  |  | Informal |  |
|  |  |  | Formal |  |
|  |  | Shared logic of appropriateness | |  |
|  |  |  | Shared logic present | |
|  |  |  | Conflicting logic present | |
|  |  | Information exchange |  | |
|  |  |  | Information shared | |
|  |  |  | Information not shared | |
|  |  | Embeddedness | |  |
|  |  |  | EU Partner |  |
|  |  |  | International partners | |
|  |  | Information exchange | |  |
|  |  |  | Information shared | |
|  |  |  | Information not shared | |
|  |  | Shared professional logic | |  |
|  |  |  | Conflicting professional logic | |
|  |  |  | Shared professional logic | |
|  |  |  | Prosecutor values |  |
|  |  |  | Prosecutor norms |  |
|  | Barriers |  |  |  |
|  |  | Factors hindering the collaborative process | | |
| Contextual variables | Micro level | Past collaborations | |  |
|  |  |  | Positive past collaborations | |
|  |  |  | Negative past collaborations | |
|  | Meso-level | Presence of network coordinator | |  |
|  |  |  | Supportive Commission | |
|  |  |  | Passive Commission | |

Axial coding tree:

|  |  |  |  |
| --- | --- | --- | --- |
| Condition Code | | | Sub code |
| Barriers | Cultural differences | |  |
|  | Work load | | Lack of permission |
|  |  | | Work stress |
|  | Lack of funding | |  |
|  | Language | |  |
|  | European Union Membership | |  |
|  | Scope of the membership | |  |
|  | Passive members | |  |
|  | Other priorities than environmental crime | |  |
|  | | Challenges arising from the prosecution protocol | |
|  | Dependency on individual commitment | |  |

Selective coding tree:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Condition | Code | Sub code |  |
| Network variables | Self-regulatory capacity | Network member | |  |
|  |  |  | Expand members |  |
|  |  |  | Moderate numbers (perceived) | |
|  |  | Face to face meetings | |  |
|  |  |  | Face to face |  |
|  |  |  | No face to face |  |
|  | Collaborative process | Trust |  |  |
|  |  |  | Trustworthy process | |
|  |  |  | No trust |  |
|  |  | Capacity building | |  |
|  |  |  | Capacity building present | |
|  |  |  | Capacity building absent | |
|  |  | Joint Ownership | |  |
|  |  |  | Working group present | |
|  |  |  | Peer pressure |  |
|  | Drivers |  |  |  |
|  |  | Informality |  |  |
|  |  |  | Informal |  |
|  |  |  | Formal |  |
|  |  | Shared logic of appropriateness | |  |
|  |  |  | Shared logic present | |
|  |  |  | Conflicting logic present | |
|  |  | Information exchange |  | |
|  |  |  | Information shared | |
|  |  |  | Information not shared | |
|  |  | Embeddedness | |  |
|  |  |  | EU Partner |  |
|  |  |  | International partners | |
|  |  | Shared professional logic | |  |
|  |  |  | Conflicting professional logic | |
|  |  |  | Shared professional logic | |
|  |  |  | Prosecutor values |  |
|  |  |  | Prosecutor norms |  |
|  | Barriers | Lack of permission | Time |  |
|  |  |  | Money |  |
|  |  |  | No priority |  |
|  |  | Institutional differences | Language |  |
|  |  |  | Legal system |  |
|  |  |  | Transpositions |  |
|  |  |  | Prosecution |  |
|  |  |  | EU-membership |  |
| Contextual variables | Micro level | Past collaborations | |  |
|  |  |  | Positive past collaborations | |
|  |  |  | Negative past collaborations | |
|  | Meso-level | Presence of network coordinator | |  |
|  |  |  | Supportive Commission | |
|  |  |  | Passive Commission | |
|  |  | Lack of permission | Lack of Time | |
|  |  |  | Lack of money | |
|  |  |  | Combating environmental crime in networks is no priority | |
|  | Macro-level | Institutional differences | Language barriers | |
|  |  |  | Different legal systems barrier | |
|  |  |  | Different transpositions jurisdiction barrier | |
|  |  |  | Decentralized prosecution barrier | |
|  |  |  | No EU-membership barrier | |