



**مداخلة الدكتور Noguera Vercher Antonio**  
**رئيس النيابة العامة المتخصصة في البيئة بإسبانيا**

## تحت عنوان: "التجربة الإسبانية في مجال الجريمة البيئية"



# FUNCTIONS OF THE PUBLIC PROSECUTOR'S OFFICE FOR ENVIRONMENTAL PROTECTION AND LAND PLANNING



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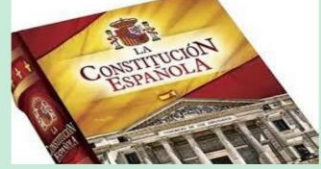
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## REGULATIONS OF THE PUBLIC PROSECUTOR'S OFFICE IN SPAIN

### ARTICLE 124 OF THE SPANISH CONSTITUTION:

1. The Public Prosecutor's Office, without prejudice to the functions entrusted to other bodies, shall have the task of promoting judicial action in defence of the rule of law, the rights of citizens and the public interest protected by law, on its own initiative or at the request of the persons concerned, of ensuring the independence of the courts and of seeking before them the satisfaction of the social interest.
2. The Public Prosecutor's Office shall perform its functions through its own organs in accordance with the principles of unity of action and hierarchical dependence and, in all cases, with the principles of legality and impartiality.
3. The law shall define the organic status of the Public Prosecutor's Office.
4. The Attorney-General of the State shall be appointed by the King, on the proposal of the Government, and after consultation with the General Council of the Judiciary.



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## REGULATIONS OF THE PUBLIC PROSECUTOR'S OFFICE IN SPAIN

### ARTICLE 126 OF THE SPANISH CONSTITUTION:

The judicial police depend on judges, courts and the Public Prosecutor's Office for the investigation of the offence and the discovery and arrest of the offender, in the terms established by law.

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## REGULATIONS OF THE PUBLIC PROSECUTOR'S OFFICE IN SPAIN

### ARTICLE 127 OF THE SPANISH CONSTITUTION:

1. Judges and magistrates, as well as prosecutors, as long as they are in active service, may not hold other public office or belong to political parties or trade unions. The law shall establish the system and modalities of professional association of judges, magistrates and prosecutors.

2. The law shall define the regime of incompatibilities of the members of the judiciary which shall ensure their complete independence.



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## ENVIRONMENTAL PROTECTION IN THE SPANISH CONSTITUTION

### ARTICLE 45 :

1. Everyone has the right to enjoy an appropriate environment for the development of their personality and the duty to preserve it.

2. The public authorities shall ensure the rational use of all natural resources, in order to protect and improve the quality of life and to defend and restore the environment, with recourse to the indispensable collective solidarity.

3. Those who violate the provisions of the preceding paragraph shall be incurred, in accordance with the terms laid down by law, criminal or, if necessary, administrative sanctions, and shall be obliged to make reparation for the damage caused.



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## THE ORIGIN OF THE SPECIALIZATION OF PROSECUTORS IN THE FIELD OF THE ENVIRONMENT

1. Parliamentary debates on corruption (1994)
2. Case Ballena Blanca and Malaya (2005):
  - Corruption,
  - Money laundering through urban planning
3. Law 10/2006 of 28 April 2006 on Forestry



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## COMPETENCES

- ✓ URBAN AND REGIONAL PLANNING
- ✓ HISTORICAL AND CULTURAL HERITAGE
- ✓ ENVIRONMENT
- ✓ ANIMAL ABUSE
- ✓ FOREST FIRES



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## COMPOSITION OF THE PUBLIC PROSECUTOR'S UNIT FOR ENVIRONMENTAL AFFAIRS

- 1.-Specialized Chief Public Prosecutor
- 2.-Three deputy prosecutors
- 3.-Fifty-two delegates:(one in each province)
- 4.- 105 specialized prosecutors
- 5.- A technical unit
- 6.-A police unit

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## PRINCIPAL TASKS OF THE CENTRAL UNITE IN MADRID

- ✓ Coordinate specialized delegates throughout Spain.
- ✓ Receive notices of violations of environmental legislation.
- ✓ Prioritize matters of greater importance.
- ✓ Prepare an annual report describing the situation of criminal and administrative violations of the environment.
- ✓ Organize and participate in events related to environmental protection.



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## STATISTICS 2023



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## STATISTICS 2023

CRIMES ASSOCIATED WITH SENTENCES		2023
ENVIRONMENT	Convictions	61
	Acquittals	32
URBAN PLANNING AND DEVELOPMENT	Convictions	295
	Acquittals	64
HISTORICAL AND CULTURAL HERITAGE	Convictions	39
	Acquittals	6
FAUNA AND FLORA	Convictions	218
	Acquittals	40
FOREST FIREST	Convictions	90
	Acquittals	28
ANIMAL ABUSE	Convictions	256
	Acquittals	52

**CONVICTIONS 2023: 959**

**ACQUITTALS 2023: 222**

It is important to highlight the influence that the strike promoted by the justice unions in 2023 has had on the decrease in environmental cases.

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## FOREST FIRES2023



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## STATICTICS 2023

In 2023, our High Court of Cassation issued 3 judgments in cassation concerning crimes against the environment, 2 of which were convictions and 1 acquittal, in land use planning, it issued 5, 4 convictions and 1 acquittal, in Flora and Fauna, he issued 1 conviction, 1 conviction for forest fire, and 2 for pet abuse, including 1 acquittal and 1 conviction.

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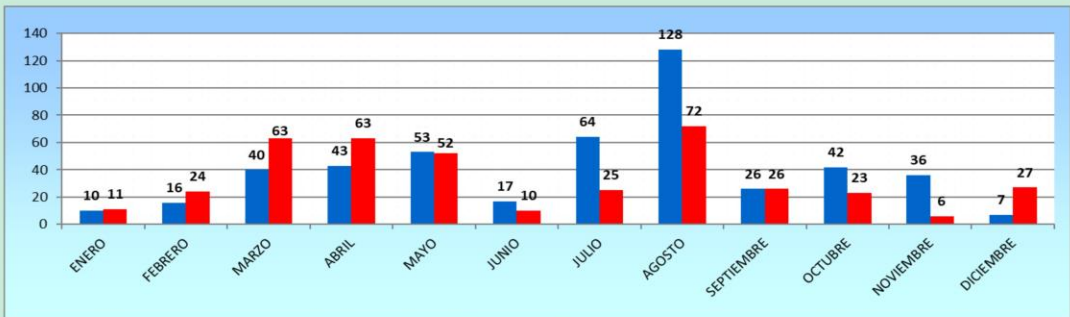
## FOREST FIRES 2023 PERSONS ARRESTED WHO WERE SUSPICIOUS PROVOKING IN FOREST FIRES

	ENE	FEB	MAR	ABR	MAY	JUN	JUL	AGO	SEP	OCT	NOV	DIC	TOTAL DET-INV
ANDALUCÍA	3	9	17	15	8	3		22	9	8	3	6	103
ARAGÓN		1	2										4
ASTURIAS			5	8	8		1	8	4	8		7	49
ISLAS BALEARES			1	2								1	4
ISLAS CANARIAS					1		1	1					3
CANTABRIA	1		3	4				1	1		1	2	13
CASTILLA-LA MANCHA	3	2	8	9	9		2	4	1			1	39
CASTILLA Y LEÓN			2	8			3	9	3	1		2	28
CATALUÑA		1	1		2	1	2	1					8
C. VALENCIANA	3	1	7	4	5		3	1	3	1	2	2	30
EXTREMADURA	1	1	3	2	5		3	2				2	19
GALICIA		9	11	4	6	6	4	10	4	3			57
LA RIOJA			1	1								1	3
MADRID				3	8		8	7					26
NAVARRA				1			1	2	3				7
PAÍS VASCO													0
REGIÓN DE MURCIA			2	2				2			1	2	9
C.A. de CEUTA													0
C.A. de MELILLA													0

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## FOREST FIRES 2023



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## FOREST FIRES 2023 SUMMARY



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From January 1 to December 31, 2023, the year improved compared to the results of 2022, which turned out to be one of the worst years since records began. On the other hand, 2023 was the second best year in terms of the number of fires of the decade with 7,748 fires while the average is 9,979. The data on the forest area affected are not as positive either. With 89,068 hectares burned, it is the fourth worst year of the decade.

The number of large forest fires (GIFs), considering as such those which exceeded 500ha, was 20, this figure being close to the average of the last 10 years.

The most significant data in terms of incidence in 2023 are that in the first months of the year there were fires in much higher numbers than the average of the last 10 years. According to provisional data published for the period from 1 January to 30 April, the area burned so far was just over double this average, mainly in the Principality of Asturias, where 12 GIFs were produced out of the 23 for the whole of 2023.

This shows the growing importance of fires that occur outside of the high-risk summer season.

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## FOREST FIRES 2024 PERSONS ARRESTED WHO WERE SUSPICIOUS PROVOKING IN FOREST FIRES

DETENIDOS - INVESTIGADOS EN INCENDIOS FORESTALES AÑO 2024 por Comunidades Autónomas													
	ENE	FEB	MAR	ABR	MAY	JUN	JUL	AGO	SEP	OCT	NOV	DIC	TOTAL DET-INV
ANDALUCÍA	1	1	4	10									
ARAGÓN				3									
ASTURIAS		2		3									
ISLAS BALEARES			1	1									
ISLAS CANARIAS													
CANTABRIA			2	3									
CASTILLA-LA MANCHA			3	3									
CASTILLA Y LEÓN	1	1	2	5									
CATALUÑA				2									
C. VALENCIANA	2	3	3	10									
EXTREMADURA				1									
GALICIA	1	1		8									
LA RIOJA													
MADRID													
NAVARRA													
PAIS VASCO													
REGIÓN DE MURCIA			2	3									
C.A. de CEUTA													
C.A. de MELILLA													
TOTAL DETEN-IMPUL	5	8	17	52									

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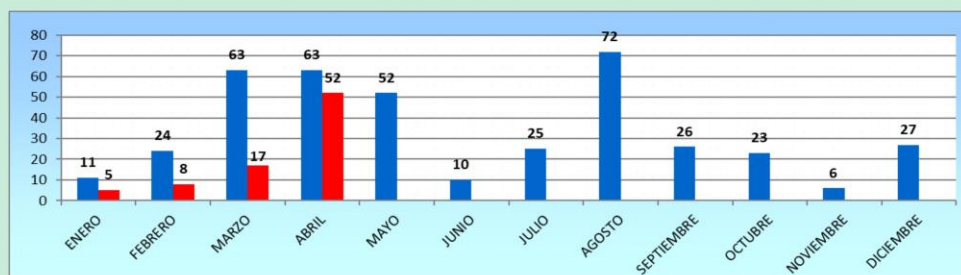
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## FOREST FIRES 2024

DETENIDOS-INVESTIGADOS EN INCENDIOS FORESTALES													
AÑO 2023	ENERO	FEBRERO	MARZO	ABRIL	MAYO	JUNIO	JULIO	AGOSTO	SEPTIEMBRE	OCTUBRE	NOVIEMBRE	DICIEMBRE	TOTAL
TOTAL	11	24	63	63	52	10	25	72	26	23	6	27	402

AÑO 2024	ENERO	FEBRERO	MARZO	ABRIL	MAYO	JUNIO	JULIO	AGOSTO	SEPTIEMBRE	OCTUBRE	NOVIEMBRE	DICIEMBRE	TOTAL
TOTAL	5	8	17	52									



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## OZONE-DEPLETING GASES



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**More than 15 cases have been prosecuted, with 4 convictions to date and 11 cases awaiting conviction in which, presumably, a conviction will also be obtained, since generally there are agreements with the accused.**

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## DEMOLITION ILLEGAL CONSTRUCTIONS 2023



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The prosecutor's offices mention in their annual reports that's during the year 2023 a total of 72 demolitions were actually carried out, 37 voluntary and 35 forced, they refer to a total of 64 orders waiting to be executed.

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