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„Green criminology” – a question about transnational environmental crime in Poland*

Introduction

It is said generally that crimes against the environment can take a very diverse form. They can be merely local in scale and committed by individual perpetrators (e.g., animal abuse, poaching), but can also be transnational of

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organised nature (smuggling of CITES species, waste trafficking). We can admit that widely used term of “transnational crime” refers to such a crime which crosses national borders, in some way. Specifically, that clearly visible process of progressing globalization, has made indeed the national borders less and less of obstacle for criminals¹. Also, we may share the opinion that in many ways, the concept of “transnational crime” adds the notion of “transnationality” to fuzzy and ambiguous conceptions of organized crime. Actually, so called “transnational crime”, which most often is related to all kinds of organised criminal groups may involve the cross-border movement of persons, goods or information².

In Poland, the primary manifestation of “transnational crime” is the smuggling of goods. Due to price differences between the European Union countries (like Poland) and third countries (Russian Federation, Belarus, Ukraine), the most common objects of smuggling are high-excite goods (fuels, alcohol, cigarettes). A quite important problem seems to be also the increase number of human smuggling³. Another issue which could be noticeable is serious transnational environmental crime. This sort of criminality is increasingly becoming the focus of the criminal underworld. It is so because, with relatively low threatened penalties (compared to, for example, human trafficking or drug trafficking), the Eco-crime brings to perpetrators very high profits⁴.

“Green criminology” as a relatively new field of research interests

In the 1990s, a new pioneering, out-of-the-box, multidisciplinary strand within criminology emerged, called “Green criminology” or else “Eco-criminology”⁵. It is debatable among theorists whether it should be considered a sub-discipline, branch, strand, or paradigm in criminology. In general, the “Eco-criminologists” point out that it is more important to solve practical crime problems than to build theoretical justifications for the scientific independence

¹ K. von Lampe, *Organized crime: analyzing illegal activities, criminal structures, and extra-legal governance*, Los Angeles–London–New Delhi–Singapore–Washington 2016.

² P.C. van Duyne, M.D.H. Nelemans, *Transnational organized crime: thinking in and out of Plato's Cave*, [in:] F. Allum, S. Gilmour (eds.), *Routledge handbook of transnational organized crime*, London 2012, pp. 36–51.

³ M. Perkowska, *Organised forms of illegal migration: the case of Poland's borders*, [in:] P. van Duyne, D. Sigel, G.A. Antonopoulos, J.K. Harvey, K. von Lampe (eds.), *Criminal defiance in Europe and beyond*, Hague 2020, pp. 295–324.

⁴ P.C. van Duyne, *Upper- and underworld cross-border crime economy*, [in:] P.C. van Duyne, K. von Lampe, N. Passas (eds.), *Upperworld and underworld in cross-border crime*, Nijmegen 2002, pp. 1–10.

⁵ E. Drzazga, *Zwiazki zielonej kryminologii z kryminologią tradycyjną*, „Archiwum Kryminologii” 2019, No. XLI, pp. 9–29.

of “Green criminology”, regarding the methodological, conceptual or else metaphysical disputes⁶.

We should also add that term of “Green criminology”, as such was first used by American criminologists⁷. However, some broader interest in the subject followed the publication of a special issue of the journal *Theoretical Criminology* on Eco-criminology, in 1998⁸. Furthermore, we can also encounter terms with similar meanings in the literature, these are: Radical Green Criminology⁹, Speciesist Criminology¹⁰, Environmental Criminology¹¹, Conservation Criminology¹², Constructivist Green Criminology¹³, Eco-global criminology¹⁴, Green-cultural Criminology¹⁵, or Critical Green Criminology¹⁶. We may generally say that a contemporary “Eco-criminological trend” is represented by, among others, M.J. Lynch, P. Beirne, P. Stretesky, R. White, R. Walters, A. Brisman, N. South, T. Benton, G. Pink, D. Heckenberg, R. Sollund, T. Spapens, D. Siegel, D. van Uhm, T. Wyatt, J. Maher, L. Bisschop, G. Meško, K. Eman.

In recent years, specialised sub-disciplines such as “Green victimology”, which focus on victims of environmental crime, have also emerged within “Green criminology”¹⁷. Additionally, in respect of the environmental crime

⁶ J. Narodowska, *Prawnokarne i kryminologiczne aspekty przestępczości przeciwko środowisku – wybrane zagadnienia*, [in:] W. Pływaczewski, E. Zębek, J. Narodowska (eds.), *Odpowiedzialność za środowisko z perspektywy prawa, kryminologii i nauk przyrodniczych*, Warsaw 2020, pp. 137–178.

⁷ J.M. Lynch, *The greening of criminology: a perspective for the 1990's*, „Critical Criminologist” 1990, No. 2(3), pp. 1–4.

⁸ N. South, P. Beirne, *Editors introduction*, „Theoretical Criminology” 1998, No. 2(2), pp. 147–148.

⁹ M.J. Lynch, P. Stretesky, *The meaning of green: contrasting criminological perspectives*, „Theoretical Criminology” 2003, No. 7(2), pp. 217–238.

¹⁰ P. Beirne, *Confronting animal abuse: law, criminology and human-animal relationship*, Lanham 2009.

¹¹ M. Wellsmith, *The applicability of crime prevention to problems of environmental harm: a consideration of illicit trade in endangered species*, [in:] R. White (ed.), *Global environmental harm: criminological perspectives*, London–New York 2010, pp. 132–149.

¹² C. Gibbs, M.L. Gore, E.F. McGarrell, L. Rivers, *Introducing conservation criminology towards interdisciplinary scholarship on environmental crimes and risks*, „British Journal of Criminology” 2010, No. 50(1), pp. 124–144.

¹³ A. Brisman, *The cultural silences of climate change contrarianism*, [in:] R. White (ed.), *Climate change from a criminological perspective*, Cham 2012, pp. 41–70.

¹⁴ R. White, *Researching transnational environmental harm: toward an eco-global criminology*, „International Journal of Comparative and Applied Criminal Justice” 2009, No. 33(2), pp. 229–248; R. White, *Transnational environmental crime. Toward an eco-global criminology*, London–New York 2011; R. Ellefsen, R. Sollund, G. Larsen (eds.), *Eco-global crimes. Contemporary problems and future challenges*, London–New York 2016 [first published Ashgate Publishing 2012].

¹⁵ A. Brisman, N. South, *A green-cultural criminology. An exploratory outline*, „Crime, Media, Culture” 2013, No. 9(2), pp. 115–135.

¹⁶ R. White, *Theorising green criminology. Selected essays*, London–New York 2020.

¹⁷ Idem, *Green victimology and non-human victims*, „International Review of Victimology” 2018, No. 24(2), pp. 239–255.

investigation methods and techniques, we can speak of so-called “Green or Environmental Forensics”¹⁸.

In a word, “Green criminology” focuses much on questions about the nature and dynamics of environmental crimes and harms (this provides a broader definition of crime), environmental laws (enforcement, prosecution, sentencing), environmental regulations (protection and conservation of the environment by administrative, civil, and criminal law measures), and eco-justice (valuing of and respecting human, animals, plants, and ecosystems)¹⁹.

We can assume that interdisciplinarity which is much characteristic feature for criminology, as a science manifests itself, among others in a permanent searching for some new research areas. And, just at the turn of the 20th and 21st centuries, this tendency led practically to the emergence of “Green criminology”, as new field of research interests²⁰.

Consequently, the representatives of this scientific movement define and explore new pathological phenomena, targeting the environment and at the same time going beyond the traditional framework of criminology delineated by the triad: crime, delinquency, and offender. On the other hand, the development of this new research perspective does not threaten the integrity of criminology as a separate branch of science, anyway. Just on the contrary, it significantly broadens its focus. Resuming, the green criminologists’ scientific activity, and the significance of their research output is standing beyond any question. Hence, it can be said that factually “Green criminology”, called also “Eco-criminology” has become one of the essential directions of criminological research, at present times²¹.

“Green criminology” in Poland – its origin, developments and main areas of the research studies

At the beginning of the second decade of the 21st century, some of the Polish criminologists, focused their research interests on environmental crime and damage. As pioneer in this field is regarded Professor Wiesław

¹⁸ V. Spikmans, *The evolution of environmental forensics: from laboratory to field analysis*, „WIREs Forensic Science” 2019, pp. 1–15.

¹⁹ R. White, *Theorising green criminology...*

²⁰ M. Grzyb, *Zielona kryminologia*, „Archiwum Kryminologii” 2011, Vol. XXXIII, pp. 7–26; M.J. Lynch, P. Stretesky, *The meaning of green: contrasting criminological perspectives*, „Theoretical Criminology” 2003, No. 7(2), pp. 217–238.

²¹ W. Plywaczewski, J. Narodowska, M. Duda, *Assessing the viability of environmental projects for a crime prevention-inspired culture of lawfulness*, [in:] H. Kury, S. Redo (eds.), *Crime prevention and justice in 2030. The UN and the Universal Declaration of Human Rights*, Cham 2021, pp. 275–292.

Pływaczewski²². In effect, the research team headed by Professor Wiesław Pływaczewski, focusing among others on transnational environmental organized crime was established, within the framework of the Criminology Department, at the University of Warmia and Mazury in Olsztyn. This team is already known, as the Olsztyn School of Eco-criminology. Despite only a decade of operation, researchers from the Olsztyn School of Eco-criminology have a noticeable scientific output, demonstrated, especially in the latest publications²³.

Their areas of research studies cover mainly questions related to ecological damages, environmental crime, and environmental law. These are for example, the illegal logging, land, water, and air pollution, climate change, fishing poaching, hunting poaching, illegal trade in endangered species (CITES), illegal waste trade, food adulteration, biodiversity loss, consequences of natural disasters, environmental warfare, invasive species, animal abuse, illegal pet trade²⁴. Also, the researchers have enriched the Polish criminological vocabulary with terms such as green victimology, criminal ornithology, criminal climatology, or water wars²⁵. What is more, the team is currently working on the first Polish handbook of Eco-criminology. It should be added that in Poland, there are two alternative interchangeably used names for this sub-discipline in parallel, namely “Green criminology” and “Eco-criminology”. Attempts to distinguish between their subject areas, however, seem of a merely theoretical, academic nature. Also, we have to stress that the term “environmental crime”, “environmental crime” or “natural heritage crime” is most commonly used to refer to this type of crime in Poland. The acronyms “EcoCrime” or “EnviCrime” are also gaining popularity.

The practice shows that indeed environmental crime is an area that is gradually attracting more and more interest from the criminal underworld,

²² W. Pływaczewski, P. Chorbot, *Ekokryminologia jako uzasadnienie badań na rzecz ochrony środowiska*, [in:] M. Kotowska, W. Pływaczewski (eds.), *Kryminologia wobec współczesnych zagrożeń ekologicznych*, Olsztyn 2011, pp. 8–9.

²³ M. Duda, *Organised crime in the cross border amber traffic: aetiology, phenomenology and combating a criminal market*, [in:] P.C. van Duyne, J.B. Banach-Gutierrez, G.A. Antonopoulos, K. von Lampe, P. Larsson, J. Harvey (eds.), *Green and transnational crime in Europe and beyond. Synergies and challenges*, London–New York 2025, pp. 169–184; J. Narodowska, *Criminological and legal aspects of the illegal dog market in Poland*, [in:] P.C. van Duyne, J.B. Banach-Gutierrez, G.A. Antonopoulos, K. von Lampe, P. Larsson, J. Harvey (eds.), op. cit., pp. 185–199; W. Pływaczewski, J. Narodowska, A. Nowak, M. Duda, S. Buczyński, *Encyclopedia of Polish criminology*, Warsaw 2025; W. Pływaczewski, J. Narodowska, M. Duda, S. Buczyński (eds.), *Dzieje polskiej myśli kryminologicznej. Stan badań w stulecie niepodległości*, Warsaw 2025.

²⁴ J. Narodowska, *Criminological and legal aspects of the illegal dog market in Poland*, [in:] P.C. van Duyne, J.B. Banach-Gutierrez, G.A. Antonopoulos, K. von Lampe, P. Larsson, J. Harvey (eds.), op. cit., pp. 185–199.

²⁵ W. Pływaczewski, M. Duda, J. Narodowska, *Criminal climatology – new tool for identification of civilization threats in the environmental protection areas. National, regional and global perspective*, „Internal Security” 2020, No. 12(1), pp. 281–298.

and therefore also requires some research studies, as well. Also, it is worth to mention that environmental crime can be common crime (e.g., stealing trees from a forest, littering forests, fishing poaching) or economic crime (illegal waste trade, amber smuggling, food adulteration). And, quite often this type of crime is taking cross-border dimension, involving organized criminal groups. Although from a criminal law perspective, it is not always possible to prove participation in an organised criminal group, from a criminological point of view, there is no doubt that this type of criminal activity is of an organised nature²⁶.

In particular, areas of criminal activity of this kind are illegal mining and trade in amber, illegal trade and transport of waste, illegal transport and export of plants or animals (CITES crime), and illegal export or import of cultural monuments. At the same time, we may notice that increased public awareness of the problem is putting increased pressure on law enforcement agencies to combat it effectively. And, criminal liability for environmental crimes has been included by the Polish legislator in both the Penal Code (Penal Code, 1997) and many other laws (Inland Fisheries Act, 1985; Hunting Act, 1995; Animal Protection Act, 1997; Environmental Protection Act, 2001; Nature Protection Act, 2004; Geological and Mining Act, 2011; Alien Species Act, 2021).

We should also mention that there is no one specialised service dealing with environmental crime, in Poland. However, representatives of the doctrine postulate the establishment of a centralised state agency, e.g., the Nature Protection Service, or the separation of a division for environmental crime within the police structures. Currently, within the country, these tasks are primarily the responsibility of the general law enforcement agencies (police, prosecutors). Crimes of a cross-border nature are combated by state services such as the Customs and Tax Service (which is part of the National Revenue Administration) and, as a subsidiary measure, the Border Guard.

The role of National Revenue Administration in the fight against transnational environmental crime: theoretical and practical aspects

In Poland, the National Revenue Administration (hereafter: NRA) was established on 1 March 2017 by merging the tax administration, the Customs Service and the tax inspection. NRA is respectively subordinated to the Minister

²⁶ W. Plywaczewski, *Plundering and destruction of protected species of marine fauna and flora from the perspective of organised crime*, [in:] E.W. Plywaczewski, E.M. Guzik-Makaruk (eds.), *Current problems of the penal law and criminology/Aktuelle Probleme des Strafrechts und der Kriminologie*, Warsaw 2019, pp. 633–644.

responsible for public finance. The legal basis of its activity is the National Tax Administration Law, adopted in 2016²⁷. According to this law, the NRA constitutes a specialised government administration performing tasks in the field of realisation of income from various sources: taxes, customs duties, fees and non-tax budget receivables. The NRA also has tasks in the protection of the interests of the State Treasury and protection of the customs territory of the European Union. It also provides service and support to taxpayers in proper compliance with tax obligations or services, and it lends support to the entrepreneur in the proper performance of customs obligations (Article 1 (2)). Within the NRA, there is a functioning separate Customs and Fiscal Service, which is a uniformed formation made up of officers (Article 1 (3)).

Hence, it can be seen that the scope of the National Revenue Administration's tasks is very wide, including, *inter alia*, identifying, detecting and combating crimes and offences related to the violation of provisions on trading goods, which are banned or limited under Polish law, EU law or international agreements. Moreover, there is also the task of preventing these crimes as well as prosecuting their perpetrators if they were disclosed by the Customs and Tax Service. Other tasks concern the disclosure and recovery of property threatened with forfeiture in connection with criminal offences; performing tasks resulting from bans and restrictions in foreign trade, established in particular for the protection of human and animal, plant, environmental, health and safety, consumer protection, international security, national heritage, intellectual property rights and commercial policy measures; cooperation with competent authorities of other countries as well as international organizations and international institutions (Article 2).

The NRA strategy for 2021–2024 assumes that one of the directions of the undertaken activities is to support the development of the national financial system through the objective of promoting the security of economic turnover. This includes: 1) seeking to increase the effectiveness of protection against the influx of undesirable goods, 2) harmonising the procedures of customs branches in market surveillance activities, and 3) improving the use of risk analysis for the effective selection of consignments for controls²⁸.

The tables below present data on the number of orders for property collaterals made by Customs and Tax Offices (Table 1) and the value of the property collaterals (Table 2). Data cover the pre-trial stage.

²⁷ Act of 16 November 2016 on the National Revenue Administration (Journal of Laws 2016, item 1947, with later amendments).

²⁸ *Kierunki działania i rozwoju Krajowej Administracji Skarbowej na lata 2021–2024*, <https://www.gov.pl/web/kas/strategia-kas> (accessed: 21.11.2024).

Table 1

General number of pre-trial orders for (the application of asset freezing) property collaterals in preparatory proceedings conducted at Customs and Tax Offices in the years 2017–2022

2017	2018	2019	2020	2021	2022
14,555	2,992	1,163	558	1,277	1,262

Source: elaborated on the basis of data from the Polish Ministry of Finance.

Table 2

Total value of property collateral in the course of pre-trial proceedings in the Customs and Fiscal Offices in 2017–2022

2017	2018	2019	2020	2021	2022
PLN 1,626,851	PLN 22,104,274	PLN 54,614,721	PLN 138,045,758	PLN 404,997,336	PLN 354,243,135

Source: elaborated on the basis of data from the Polish Ministry of Finance.

Broadly speaking, the actions taken by NRA support the provision of security for citizens and the state budget. In this sense, its particular role in preventing and combating serious crime, including cross-border crime, should be highlighted (Tables 1 and 2). This applies to such offences as environmental crime: illegal amber smuggling, illegal transport of waste, transport and export of plants or animals listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereafter: CITES). In addition to environmental offences, there is the protection of cultural objects: illegal export or import of cultural monuments that will be discussed further in this paper²⁹. Importantly, the activities undertaken by the NRA affect not only the security of Polish citizens and the state budget of Poland but also security in international economic trade. This issue is also very relevant from the perspective of Poland's membership in the European Union³⁰.

Combating illegal mining and trade in amber

First of all, it should be mentioned that a crucial role in combating illegal mining and trade in amber is played by an agreement on cooperation between NRA and the Ministry of the Environment signed in 2018. The agreement not only comprises the illegal mining and trade in amber but also other stones used in jewellery (precious, semi-precious and decorative stones and meteorites).

²⁹ Act of 15 April 2021 on the amendments into the Act on the National Revenue Administration (Journal of Laws 2021, item 954); Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods (PE/82/2018/REV/1) (Official Journal of the European Union L 151, 7.6.2019, pp. 1–14).

³⁰ M. Chackiewicz, *Rola kontroli w wykrywaniu zjawiska przestępczości w międzynarodowym obrocie towarowym na wybranych przykładach*, „Gospodarka Materiałowa i Logistyka” 2022, Vol. LXXIV, No. 3.

This cooperation assumes the exchange of information, knowledge and experience between the ministries and their subordinate entities. Hence, particularly valuable specimens seized by the NRA during their actions against smuggling of those valuables are to be handed over to museums or cultural or scientific institutions after being forfeited to the State Treasury.

It is reported that illegal amber mining in Poland causes environmental degradation, and the smuggling of amber and gemstones into Poland contributes to the loss of revenue to the state budget. Further, according to estimates from the Ministry of the Environment, only about 0.6 tonnes of amber, out of the approximately 10 tonnes on the market each year, is legally harvested³¹.

It should be noted that the importation of amber into Poland is not subject to restrictions (importation is not prohibited, nor is a licence required). However, the importation of amber must, like the importation of any other goods, be declared to the customs authority for the payment of customs duties and other taxes. Illegal importation of amber, i.e. without submitting a required declaration to the customs authority or customs at the border, constitutes so-called customs smuggling according to the Criminal Tax Code³².

One of the major events was the seizure of approximately three tonnes of amber raw material and several hundred pieces of jewellery products in a Warsaw flat in 2017 by NRA officers together with police officers. The company that traded the amber did not pay VAT, which was estimated at over PLN 440,000³³.

During their duties, NRA offices carry out searches and often uncover attempts to smuggle raw amber from Ukraine. The amber is hidden in all possible ways in cars and transported to Poland. For example, in 2020, NRA officers at the Polish-Ukrainian border in Medyka stopped the smuggling of amber valued at around 220,000 zlotys. As it turned out, a Ukrainian citizen transporting amber was trying to import up to 26 kilograms of the precious mineral. The amber was hidden in a cache in the door of a Renault passenger car. The Ukrainian concealed the import of amber to avoid being charged, which would have amounted to approximately 50,000 zlotys. It is estimated that smuggling amber from Ukraine is a profitable business. In 2018 alone,

³¹ *Stop nielegalnemu wydobywaniu bursztynu w Polsce*, <https://www.gov.pl/web/srodowisko/stop-nielegalnemu-wydobywaniu-bursztynu-w-polsce> (accessed: 21.11.2024); *Zwalczanie nielegalnego wydobywania i obrotu bursztynem*, <https://e-prawnik.pl/informacje/zwalczanie-nielegalnego-wydobywania-i-obrotu-bursztynem.html> (accessed: 21.11.2024). Further about criminological aspects of illegal mining and smuggling of amber in Poland and Ukraine, see: B. Kowalski, *Kryminologiczne aspekty nielegalnego wydobywania oraz przemytu bursztynu w Polsce i na Ukrainie*, [in:] D. Dajnowicz-Piesiecka, E. Jurgielewicz-Delegacz, E.W. Pływaczewski (eds.), *Prawo karne i kryminologia wobec kryzysów XXI wieku*, Warsaw 2022, pp. 727–739.

³² K. Jakubowski, *Przemyt bursztynu do Polski*, <https://jawnylublin.pl/przemyt-bursztynu-do-polski/> (accessed: 21.11.2024).

³³ *Zwalczanie nielegalnego wydobywania...*

Polish customs officials seized more than 700 kg of amber stones in an attempt to enter Poland illegally.

According to experts, there is a mafia behind the black market of amber mining and smuggling in Ukraine, which corrupts or intimidates the local justice system and police³⁴. In Ukraine, amber is mined in illegal open-pit mines, causing devastation to the local environment as motor pumps are used in mining and forests are cut down. The scale of illegal amber mining is so large that there are violent clashes between ore miners and the police³⁵.

Another example is the disclosure by NRA officers of over 400 kg of amber at the border in Dorohusk in 2019. It is estimated that this is the largest smuggling of amber on the Polish border that has been foiled in the last few years, and the market value of the seized goods may be up to PLN 8 million. Officers of the Road Customs Branch in Dorohusk, based on a risk analysis, directed a truck crossing the border to be scanned with an X-ray device. After interpreting the image obtained, the NRA officers carried out a detailed search of the vehicle. As a result of the actions taken, they found 400.45 kg of amber which was being smuggled into Poland without paying the taxes due. Among the smuggled amber were some rare, large and beautiful specimens³⁶.

The table below presents data on seizures of smuggled amber made by the Polish services, including the number of arrests and the weight of amber illegally smuggled.

Table 3

Number of seizures of smuggled amber in years 2018–2022

Year	Number of seizures of smuggled amber	Quantity [kg]
2018	99	1,236
2019	77	1,049
2020	17	249
2021	12	140
2022	3	11,6

Source: elaborated on the basis of data of the Polish Ministry of Finance.

Interestingly, there has been a visible decrease in the apprehensions of smuggled amber in recent years³⁷. Below are the data on the seizures of smuggled amber for the years 2018–2022 (at the Polish border) and the amount of amber in kilograms.

³⁴ M. Duda, *Organised crime in the cross border...*, pp. 169–184.

³⁵ *Duży przemysł bursztynu w Medyce. Przestępczy biznes na Ukrainie*, <https://www.portal-przemyski.pl/duzy-przemysl-bursztynu-w-medyce-przestepczy-biznes-na-ukrainie-film/> (accessed: 21.11.2024).

³⁶ *Rekordowy przemysł bursztynu udaremniony przez lubelską KAS*, <https://www.gov.pl/web/kas/rekordowy-przemysl-bursztynu-udaremniony-przez-lubelska-kas> (accessed: 21.11.2024).

³⁷ See also: K. Jakubowski, *Przemysł bursztynu do Polski*, <https://jawnylublin.pl/przemysl-bursztynu-do-polski/> (accessed: 21.11.2024).

Combating illegal trade and transport of waste

Illegal transport of waste is another problem faced by Poland. Despite its import requiring prior notification and approval from the Polish Chief Inspector of Environmental Protection, unfortunately, there has been an increase in the illegal trade and transport of waste. It has also been noted that waste is usually transported from richer countries to poorer ones, with the risk that the latter becomes a ‘global dumping ground’. As the national law on waste management in Poland is becoming much more stringent, Poland is becoming less interesting as a final destination. Instead, it has become a transit country³⁸.

In the table below, you will find data on illegal trade and transport of waste provided by the Polish Ministry of Finance.

Table 4

Total number of waste disclosures in years 2018–2022

Year	Total number of waste disclosures	Quantity [kg]
2018	212	4,346,106
2019	308	5,836,725
2020	239	8,649,607
2021	318	4,376,753
2022	491	6,413,384

Source: elaborated on the basis of data from the Polish Ministry of Finance.

Data from 2018–2022 indicate an increase in waste disclosures, as illustrated in Table 4 above. The support of the NRA in combating this offence is crucial, as officers, as a result of their control activities, detect many cases of such transportation. In this way, the NRA is actively collaborating in the fight against environmental crimes. Namely, it monitors cross-border shipments of waste by entities that transport such cargoes.

For example, in 2020, a transport of more than 23 tonnes of illegal waste was detected by the Kujawsko-Pomorskie NRA. Officers of the NRA inspecting a lorry detected transport of more than 23 tonnes of mixed waste and mechanically processed items, including metal aluminium cans, although it was apparent from the transport documentation and the firm’s declaration that the items being transported should be plastics and rubber. This act constitutes a violation of the applicable waste and road transport legislation and is punishable by a fine of PLN 12.000 for the carrier³⁹.

³⁸ K. Grzelak, *Zamiast nasion – nielegalne odpady. Wyniki kontroli w porcie w Gdyni*, <https://www.national-geographic.pl/artykul/zamiast-nasion-nielegalne-odpady-wyniki-kontroli-w-porcie-w-gdyni> (accessed: 25.11.2024).

³⁹ *Nielegalny transport 23 ton odpadów*, <https://www.gov.pl/web/kas/nielegalny-transport-23-ton-odpadow> (accessed: 21.11.2024).

In turn, in 2022, the Łódź NRA stopped the transport of almost 25 tonnes of illegal waste from the UK to Poland. Officers from the NRA carried out a risk analysis and inspected the transport, thanks to which they stopped the illegal import of waste from the UK to Poland. The goods were transported contrary to the requirements of waste shipment. Twenty-five tonnes of shredded plastic waste were attempted to be imported in a vehicle without proper labelling and without the required documents. In this case, the organisers of the illegal transport are facing fines of up to PLN 100,000⁴⁰.

Another example could be the case of 2020 revealed in the Gdynia harbour. Containers arrived in the port of Gdynia from Turkey and were supposed to carry plant seeds but instead were found to contain more than 5,000 tonnes of waste. There were 5,200 tonnes of waste in the form of soil, earth and stones hidden in 214 containers. The illegal cargo was found during an inspection carried out by the officers of the Pomeranian NRA with the participation of inspectors from the Voivodeship Inspectorate of Environmental Protection in Gdansk. According to the shipping documents, the containers were supposed to contain plant seeds⁴¹.

It is also worth noting that in 2022, National Revenue Administration officers from the Polish-Ukrainian border crossing in Medyka foiled the importation into Poland of more than 160 kg of illegal waste. These were powdered catalytic converters transported in paper bags. They were declared for clearance as tiling glue. The powdered catalytic converters were found by customs officers in two cars with Polish registration numbers but driven by Ukrainian citizens. The type of goods was established on the basis of a test carried out at the Customs and Fiscal Laboratory⁴².

Furthermore, in 2021, during an inspection on the A4 motorway, NRA officers stopped a transport containing almost 24 tonnes of used electrical coils in Lower Silesia. The Polish consignee did not have the required waste processing permit and was unable to recover or neutralise the waste in a manner consistent with EU regulations. For this reason, the Provincial Inspector of Environmental Protection considered the shipment to be illegal⁴³.

In general, the scale of waste smuggling is difficult to estimate, and waste management has a large so-called “grey area”. According to the Polish Chief Inspector of Environmental Protection, in 2018, attempts to smuggle more

⁴⁰ KAS zatrzymała transport 25 ton nielegalnych odpadów, <https://www.gov.pl/web/kas/kas-zatrzymala-transport-25-ton-nielegalnych-odpadow> (accessed: 25.11.2024).

⁴¹ K. Grzelak, *Zamiast nasion – nielegalne odpady...*

⁴² N. Ziętał, *Celnicy z Medyki udaremnili przemyt ponad 160 kg nielegalnych odpadów*, <https://przemysl.naszemiasto.pl/celnicy-z-medyki-udaremnili-przemyt-ponad-160-kg/ar/c1-8683311> (accessed: 21.11.2024).

⁴³ *Transport 24 ton nielegalnych odpadów zatrzymany na Dolnym Śląsku*, <https://www.polsatnews.pl/wiadomosc/2021-08-20/kas-transport-24-ton-nielegalnych-odpadow-zatrzymany-na-dolnym-slasku/> (accessed: 21.11.2024).

than 14,000 tonnes of illegal waste into Poland were detected, and 53 attempts to illegally import waste were prevented. This is much more than in previous years, as in 2017, inspections detected less than 4,500 tonnes of waste imported illegally and around 300 tonnes in 2016. The problem is that relatively low penalties for smuggling and illegal waste dumping are causing this activity to offer rather high profits and low risk of penalties. The opacity of the system might be an additional factor, as well⁴⁴.

Combating illegal transport and export of plants or animals

As it is rightly emphasised in the literature, crime related to the illegal international trade in goods is one form of economic crime which poses a serious threat to the financial interests of the state. Such crime not only has a negative impact on the state budget but also very often damages the environment and human safety⁴⁵.

If the objects of smuggling are, for example, plants or animals that are protected under international law, then this importation and marketing may have a negative impact on the natural environment, which also directly affects the people who live there. Its consequence, uncontrolled destruction of the natural environment, including the killing of protected animal species, poses a threat to the ecosystem as a whole. In addition, as noted, because these animals are not quarantined, they can carry diseases that are dangerous to the life and health of humans, especially children. Last but not least, the illegal trade in these animals contributes to their extinction. The international trade in endangered species mainly concerns live animals, souvenirs and ornaments, medicines and cosmetics, and food⁴⁶.

⁴⁴ D. Pietrzyk, *Przemysł odpadów atrakcyjny dla grup przestępczych*, <https://biznes.interia.pl/gospodarka/news-przemysl-odpadow-atrakcyjny-dla-grup-przestepczych,nId,4758946> (accessed: 21.11.2024). See also: M. Górski, M. Pchałek, W. Radecki, J. Jerzmański, M. Bar, S. Urban, J. Jendrońska, *Prawo ochrony środowiska. Komentarz*, Warsaw 2019.

⁴⁵ M. Duda, *CITES crimes in Poland – causes, manifestation, counteracting*, „Studia Prawnoustrojowe” 2021, No. 52, pp. 67–83; idem, *Przemysł dziedzictwa naturalnego i naturalnego – wyzwanie dla kryminologii w XXI wieku*, [in:] D. Dajnowicz-Piesiecka, E. Jurgielewicz-Delegacz, E.W. Pływaczewski (eds.), *Przestępczość XXI wieku. Szanse i wyzwania dla kryminologii*, Warsaw 2019, pp. 105–119; E. Melaniuk, *Przestępczość wobec dzikich zwierząt w ujęciu prawno-kryminologicznym*, „Biuletyn Kryminologiczny” 2019, No. 26, pp. 130–160.

⁴⁶ E. Melaniuk, op. cit., pp. 130–160; W. Pływaczewski, M. Duda, Незаконная торговля видами животных и растений, подпадающих под действие CITES в сети «Интернет»: криминологические аспекты [Ecocriminology towards illegal trade in CITES species on the Internet], [in:] В.В. Зайцев, О.А. Серова (eds.), *Цифровая экономика: проблемы правового регулирования* [Digital economy – Problems of legal regulation], Moscow 2019, pp. 180–189.

To prevent this, the Washington Convention – the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) – was adopted in 1973. This convention created the legal basis defining rules for international trade, a conservation regime, and a plan of action that will contribute to the conservation and restoration of endangered species⁴⁷. According to Ewelina Melaniuk, the illegal international trade of endangered animal species is one of the most significant non-legal trades globally, along with arms, drugs, and human trafficking. This trade generates an annual profit of \$140 billion. Measures are being taken to combat this illegal trade. Therefore, as she rightly stresses, in order to be able to combat it effectively, it is not enough to tackle this from one country. It is important to establish cooperation with other countries and to develop common tactics to deal with it⁴⁸. What is more, the illegal trade in protected wildlife can also be a source of funding for armed conflict and terrorism⁴⁹.

We can agree with the view that, in Poland, an important role in the fight against illegal trade in endangered fauna species is played by the NRA and environmental NGOs. Polish criminal provisions on the illegal smuggling and trafficking of endangered species are included in the Nature Conservation Act, 2004. This offence is covered by Articles 128 and 128a of this Act. In the NRA, at various organisational levels, specialised training has been systematically organised since 1998 on the illegal trade in endangered fauna species⁵⁰. This, in turn, appears to have had a positive impact on the effectiveness of the actions taken, which is reflected in the number of seized specimens. Table 5 presents the number of seizures of CITES specimens by Polish services.

Table 5

Number of seized specimens of CITES species in years 2017–2021

Year	Number of seized specimens
2017	3,597
2018	13,811
2019	368,831
2020	20,950
2021	20,928

Source: elaborated on the basis of data from the Polish Ministry of Finance.

⁴⁷ E. Melaniuk, op. cit., pp. 130–160.

⁴⁸ Ibidem, pp. 142–143.

⁴⁹ W. Plywaczewski, *Organised trafficking in protected species of wild flora and fauna as a means of supporting armed conflicts and terrorism*, „Białostockie Studia Prawnicze” 2011, No. 10, pp. 189–206.

⁵⁰ E. Melaniuk, op. cit., pp. 142–143.

In addition, the detailed data made available by the Ministry of Finance further indicate that the major part of seized specimens come from Ukraine, and they cover, in particular, preparations containing *hirudo medicinalis* – medicinal leech derivatives, bear bile ointment, *hirudo medicinalis* live, *hippocampus coronatus* capsules, *Acipenseriformes* spp. – sturgeon caviar, and dietary supplements containing derivatives of *hippocampus japonicus*.

Combating illegal export or import of cultural monuments

Cultural heritage is recognised, alongside natural heritage, as an integral part of human heritage, both at global, regional and national levels. Therefore, crime in both areas should be considered together⁵¹. Actually, it is said that a phenomenon of smuggling of cultural goods is one of the greatest threats to the integrity of the world's cultural heritage. Illegal movements cause countries to lose control over elements of their heritage and identity and are effectively deprived of the possibility of displaying the products of their culture⁵². As Olgierd Jakubowski argues until the accession to the Schengen area, the control of the system of protection of movable monuments against illegal export was largely based on border control. After Poland's accession to the Schengen zone, there was a drastic decrease in the number of permits issued for the permanent export of monuments abroad⁵³.

Indeed, the protection of cultural property is one of the areas of NRA activities, and between 2017 and 2021, the NRA conducted 51 cases concerning the smuggling of historical and collector's items into Poland. In most cases, these were archaeological artefacts discovered in an attempt to smuggle them across the eastern border of the EU. Objects were professionally concealed in order to avoid customs control and the payment of duties and taxes. Among the most interesting concealment methods was the interior of a laptop (after removing the motherboard) in which 442 coins and commemorative medals were hidden and a fuel tank in which unique female jewellery from the Bronze Age and early Middle Ages, packaged in plastic bags, was concealed⁵⁴.

⁵¹ J. Narodowska, *An overview of offences against monuments in Polish law*, „Studia Prawno-oustrojowe” 2023, No. 61, pp. 305–326; M. Duda, *Treasure hunting – a hobby or a crime? Legal and criminological perspective*, „Studia Prawnooustrojowe” 2023, No. 62, pp. 149–169.

⁵² O. Batura, G. Hoog, N. van Wanrooij, *Why do we know so little about illicit trade in cultural goods? An analysis of obstacles to collecting reliable data sector*, [in:] P. van Duyne, D. Sigel, G.A. Antonopoulos, J.K. Harvey, K. von Lampe (eds.), op. cit., pp. 427–476.

⁵³ O. Jakubowski, *Zjawisko przemytu dóbr kultury*, „Archiwum Kryminologii” 2014, Vol. XXXVI, pp. 389–421.

⁵⁴ KAS z nowymi uprawnieniami w zakresie ochrony dóbr kultury, <https://www.gov.pl/web/kas/kas-z-nowymi-uprawnieniami-w-zakresie-ochrony-dobr-kultury> (accessed: 25.11.2024).

According to the data, in 2020, more than 440 numismatic items dating from the 17th to the 19th century were seized by NRA officers at the road border crossing in Dorohusk. The antique objects illegally imported into Poland were hidden in a laptop computer. A 49-year-old Ukrainian citizen, a passenger on a coach from Kyiv to Poznań, had hidden 442 coins, a commemorative medal and a decorative element, which is probably part of a decoration, in his laptop (in the place of a hard drive). Among the hidden coins were Dutch thalers (called levkas) dating from 1648, and 159 17th-century shekels, including those of Gustavus Augustus. Another 261 coins from the 17th, 18th and 19th centuries - half-tracks, orts and pennies from the reigns of, among others, Sigismund III Vasa, Stefan Batory and Stanisław August Poniatowski. Among the coins are the Polish “3 grosze” from 1831 – a coin of the Polish Kingdom during the November Uprising – minted with stamps prepared as a result of the decision of the Provisional Government of 10 February 1831. The entire collection is complemented by 17 Roman coins, known as denarii. In the laptop, a commemorative medal from the 19th century with the inscription “Handicraft and Industrial Exhibition in Cracow 1872” was also found⁵⁵. It should also be noted that, for example, in 2020, the NRA foiled the smuggling of 966 antique items into Poland⁵⁶.

Conclusions

“Eco-crime” is becoming an increasingly important challenge in Poland, both for the legislator (legislative response to changing crime trends), law enforcement authorities (effective prosecution of perpetrators), and society (raising awareness of the harmfulness of such acts and condemning social consent). Academic researchers also play an essential role in acting as experts and advisors, training opinion leaders, and shaping social attitudes. Specially that, a new branch of criminology, this is “Green criminology” has experienced particular development in recent years. Even if, it appeared in Polish criminology only a decade ago, but is rapidly catching up with the achievements of global “Green criminology”. And, representatives of the Olsztyn School of Eco-criminology have unquestionable achievements in this field. They conduct criminological research on almost all pathologies in the area of environmental crime. Particular attention is required to those forms of crime that are of the most enormous scale, bring the perpetrators the most significant profits, and cause the most environmental damage. It is because these types of areas of

⁵⁵ *Zatrzymaliśmy przemysł kilkunastu zabytkowych monet*, <https://www.gov.pl/web/kas/zatrzymalismy-przemysl-kilkuset-zabytkowych-monet>, (accessed: 25.11.2024).

⁵⁶ *KAS z nowymi uprawnieniami...*

criminal activity are controlled by organised criminal groups, the most often of a transnational nature.

Also, we should notice that law enforcement authorities have an important role in the environment crime prevention system. In this regard, the National Revenue Administration in Poland is playing a crucial role in the fight against transnational crime, including illegal activities related to amber smuggling, transport of waste, transport and export of plants or animals listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora, as well as the import and export of cultural monuments.

Indeed, the findings based on available data and case studies indicate this national unit is not only acting as a kind of an effective guardian of security in the international trade in goods but also as an authority responsible for the disclosure and recovery of property threatened with forfeiture in connection with criminal offences. Hence, the activity of NRA allows for strengthening the safety of public finance in Poland and cooperation in many spheres with other competent state authorities, which, as a final result, could bring common benefits and the better effectiveness of various services.

This is particularly visible in the area of combating all sorts of economic crimes, closely linked with those against the environment, as well. It should be noted that the role of NRA in Poland is very important at the national, EU and international levels, focusing on the best interests of states and their citizens, as a whole.

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Summary

„Green criminology” – a question about transnational environmental crime in Poland

Keywords: environmental protection law, eco-crime, cross-border crime, organized crime, green criminology, Olsztyn school of eco-criminology, national revenue administration.

The purpose of this article is to introduce the achievements of green criminology in the context of combating transnational environmental crime. In addition, the Polish scientific contribution to the development of this new sub-discipline of criminology was highlighted by illustrating the main directions

of research on transnational environmental crime. Then the tasks of the National Revenue Administration in the context of detecting and combating transnational crime against the environment were presented. Selected representative elements of the above phenomenon were also illustrated, such as crime related to illegal mining and smuggling of amber, illegal transportation of waste, illegal trade in endangered plants and animals (CITES) and illegal export or import of cultural monuments. The conclusions point out that environmental crime poses an increasingly significant threat to both the environment and the financial interests of the State Treasury. The authors note that environmental crime is more and more often taking on the character of economic crime. Given the above, it is necessary both for efficient operation of services in this area (the role of law enforcement agencies) and continuous monitoring of the problem from a scientific perspective (the role of green criminology).

Streszczenie

„Zielona kryminologia” – pytanie o transgraniczną przestępczość przeciwko środowisku w Polsce

Słowa kluczowe: prawo ochrony środowiska, przestępczość przeciwko środowisku, przestępczość transgraniczna, przestępczość zorganizowana, zielona kryminologia, Olsztyńska Szkoła Ekokryminologii, Krajowa Administracja Skarbowa.

Celem niniejszego artykułu jest przybliżenie dorobku zielonej kryminologii w kontekście zwalczania transgranicznej przestępczości przeciwko środowisku. Autorzy zaprezentowali genezę i główne obszary badawcze zielonej kryminologii. Ponadto podkreślili polski wkład naukowy w rozwój tej nowej subdyscypliny kryminologii poprzez zilustrowanie głównych kierunków badań nad transgraniczną przestępczością przeciwko środowisku w Polsce, ze szczególnym uwzględnieniem aktywności Olsztyńskiej Szkoły Ekokryminologii. Następnie przedstawiono zadania Krajowej Administracji Skarbowej w kontekście wykrywania i zwalczania międzynarodowej przestępczości przeciwko środowisku, a także również wybrane, reprezentatywne elementy powyższego zjawiska, takie jak: przestępczość związana z nielegalnym pozyskiwaniem i przemytem bursztynu, nielegalnym transportem odpadów, nielegalnym handlem roślinami i zwierzętami zagrożonymi wyginięciem (CITES) oraz nielegalnym wywozem lub przywozem zabytków kultury. We wnioskach wskazano, że przestępczość przeciwko środowisku stanowi istotne zagrożenie zarówno dla środowiska naturalnego, jak również dla interesów finansowych Skarbu Państwa. Autorzy zauważyli, że przestępczość ekologiczna coraz częściej przyjmuje charakter przestępczości gospodarczej. W związku z powyższym konieczne jest sprawne działanie służb w tym obszarze (rola organów ścigania) oraz nieustanne monitorowanie problemu z perspektywy naukowej (rola zielonej kryminologii).

