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Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2021/0422(COD) Awaiting committee decision
Protection of the environment through criminal law Repealing Directive 2008/99 2007/0022(COD)	
Subject 3.70.16 Law and environment, liability	
Legislative priorities Joint Declaration 2022	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 MANDERS Antonius	28/02/2022
		Shadow rapporteur	
		 ROBERTI Franco	
		 DURAND Pascal	
		 BUXADÉ VILLALBA Jorge	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Petitions	 GHEORGHE Vlad	01/03/2022
	 Development	 ROOSE Caroline	14/03/2022
	 Civil Liberties, Justice and Home Affairs	 BRICMONT Saskia	05/09/2022
 Environment, Public Health and Food Safety	 PIETIKÄINEN Sirpa	11/03/2022	
Council of the European Union European Commission	Commission DG Justice and Consumers	Commissioner REYNDERS Didier	

Key events			
15/12/2021	Legislative proposal published	COM(2021)0851	Summary

27/01/2022	Committee referral announced in Parliament, 1st reading		
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Forecasts

13/03/2023	Indicative plenary sitting date
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Technical information

Procedure reference	2021/0422(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 2008/99 2007/0022(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 083-p2
Stage reached in procedure	Awaiting committee decision
Committee dossier	JURI/9/08011

Documentation gateway

Legislative proposal		COM(2021)0851	15/12/2021	EC	Summary
Document attached to the procedure		SEC(2021)0428	15/12/2021	EC	
Document attached to the procedure		SWD(2021)0465	15/12/2021	EC	
Document attached to the procedure		SWD(2021)0466	15/12/2021	EC	
Reasoned opinion	SE_PARLIAMENT	PE731.654	29/04/2022	NP	
Committee draft report		PE737.290	12/10/2022	EP	
Committee opinion	ENVI	PE731.606	26/10/2022	EP	
Amendments tabled in committee		PE738.572	10/11/2022	EP	
Amendments tabled in committee		PE738.573	10/11/2022	EP	
Committee opinion	DEVE	PE731.806	07/12/2022	EP	
Committee opinion	PETI	PE732.916	09/12/2022	EP	

Protection of the environment through criminal law

PURPOSE: to strengthen the protection of the environment through criminal law.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: criminal law is one part of a comprehensive EU strategy to protect and improve the status of the environment. The current EU legislation that provides common minimum rules to criminalise environmental crime is [Directive 2008/99/EC](#) on the protection of environment through criminal law. Criminal law measures come in as a last resort when other measures have not sufficed to ensure compliance. Enforcement gaps have been identified in all Member States and at all levels of the enforcement chain (police, prosecution and criminal courts). The lack of coordination between administrative and criminal law enforcement and sanctioning often hinders effectiveness.

CONTENT: the proposed Directive establishes minimum rules concerning the definition of criminal offences and sanctions to protect the environment more effectively.

The proposal has six objectives:

(1) Improve the effectiveness of investigations and prosecution by updating the scope of the Directive

The following new categories of criminal offences have been proposed in the revised Environmental Crime Directive: (i) illegal timber trade; (ii) illegal ship recycling; (iii) illegal water abstraction from ground- or surface water; (iv) serious breaches of EU chemicals legislation; (v) serious breaches related to dealing with fluorinated greenhouse gases; (vi) serious breaches of legislation on invasive alien species with Union concern; (vii) serious circumvention of requirements to get a development consent and to do environmental impact assessment causing substantial damage; (viii) source discharge of polluting substances from ships.

(2) Improve the effectiveness of investigations and prosecutions by clarifying or eliminating vague terms used in the definitions of environmental crime

The proposal clarifies undefined legal terms used to describe environmental crime in the current Directive, such as for instance 'substantial damage'. This will lead to a more harmonised application of criminal law and understanding of environmental crime across the EU, and more legal certainty to duty-holders.

(3) Ensure effective, dissuasive and proportionate sanction types and levels for environmental crime

The Commission proposes to set a common minimum denominator for sanctions for environmental crimes. Where offence cause or are likely to cause death or serious injury to any person, Member States should provide at least up to ten years imprisonment. The draft directive also proposes additional sanctions, including the restoration of nature, exclusion from access to public funding and procurement procedures or the withdrawal of administrative permits.

(4) Foster cross-border investigation and prosecution

Criminal activities related to the environment often have a cross-border dimension, while some environmental crimes usually impact several countries (for example the illicit trafficking of waste, of protected species or of wildlife products, or have cross-border effects (e.g. in the case of cross-border pollution of air, water and soil). Cross-border cooperation between law enforcement and judicial authorities is therefore essential.

(5) Improve informed decision-making on environmental crime through improved collection and dissemination of statistical data

The proposal addresses the need to systematically collect information on efforts to combat environmental crime and to provide statistical data on environmental crime. It requires Member States to collect, publish and send relevant statistical data to the Commission. It also establishes an obligation for the Commission to regularly publish a report based on the statistical data provided by the Member States. This provision also aims to help address the current limited availability of environmental crime data which would assist in evaluating the effectiveness of national systems in fighting environmental criminal offences.

(6) Improve the operational effectiveness of national enforcement chains to foster investigations, prosecutions and sanctioning

To ensure an effective, integrated and coherent enforcement system that includes administrative, civil and criminal law measures, Member States should organise internal cooperation and communication between all actors along the administrative and criminal enforcement chains and between punitive and remedial sanctioning actors. Following the applicable rules, Member States should also cooperate through EU agencies, in particular Eurojust and Europol, as well as with EU bodies, including the European Public Prosecutors Office (EPPO) and the European Anti-Fraud Office (OLAF), in their respective areas of competence.

Transparency				
TOUSSAINT Marie	Shadow rapporteur	JURI	17/02/2022	OCLAESP
TOUSSAINT Marie	Shadow rapporteur	JURI	17/02/2022	Association Sherpa
TOUSSAINT Marie	Shadow rapporteur	JURI	23/02/2022	WWF European Policy Programme
TOUSSAINT Marie	Shadow rapporteur	JURI	09/03/2022	European Environmental Bureau
TOUSSAINT Marie	Shadow rapporteur	JURI	21/03/2022	WWF European Policy Programme
TOUSSAINT Marie	Shadow rapporteur	JURI	07/04/2022	Association Sherpa
WIEZIK Michal	Shadow rapporteur for opinion	ENVI	20/04/2022	World Wildlife Fund Humane Society International International Fund for Animal Welfare Born Free Foundation
GHEORGHE Vlad	Rapporteur for opinion	PETI	20/04/2022	WWF

GHEORGHE Vlad	Rapporteur for opinion	PETI	20/04/2022	WWF, IFAW, Born Free Foundation, Humane Society International
ROOSE Caroline	Rapporteur for opinion	DEVE	20/04/2022	TRAFFIC International The Born Free Foundation WWF European Policy Programme Humane Society International (TR 05097472836-90) IFAW
TOUSSAINT Marie	Shadow rapporteur	JURI	05/05/2022	Association Sherpa
TOUSSAINT Marie	Shadow rapporteur	JURI	17/05/2022	ECCJ
TOUSSAINT Marie	Shadow rapporteur	JURI	20/05/2022	European Environmental Bureau
ROOSE Caroline	Rapporteur for opinion	DEVE	23/06/2022	OCDE
TOUSSAINT Marie	Shadow rapporteur	JURI	05/07/2022	Humane Society International/Europe
TOUSSAINT Marie	Shadow rapporteur	JURI	31/08/2022	Stop Ecocide International
ROOSE Caroline	Rapporteur for opinion	DEVE	01/09/2022	European Environmental Bureau Humane Society International/Europe International Fund for Animal Welfare Stichting BirdLife Europe The Born Free Foundation WWF European Policy Programme Stop Ecocide International
TOUSSAINT Marie	Shadow rapporteur	JURI	01/09/2022	European Environmental Bureau
TOUSSAINT Marie	Shadow rapporteur	JURI	02/09/2022	WeMove
MANDERS Antonius	Rapporteur	JURI	07/09/2022	European Law Institute
TOUSSAINT Marie	Shadow rapporteur	JURI	14/09/2022	WeMove
TOUSSAINT Marie	Shadow rapporteur	JURI	07/10/2022	ClientEarth
TOUSSAINT Marie	Shadow rapporteur	JURI	14/10/2022	Greenpeace European Unit
TOUSSAINT Marie	Shadow rapporteur	JURI	28/10/2022	Office français de la biodiversité
TOUSSAINT Marie	Shadow rapporteur	JURI	25/11/2022	European Law Institute
TOUSSAINT Marie	Shadow rapporteur	JURI	05/12/2022	OCLAESP
MANDERS Antonius	Rapporteur	JURI	07/12/2022	European Chemical Industry Council
CICUREL Ilana	Shadow rapporteur	JURI	09/01/2023	Représentation permanente de la France auprès de l'UE
MANDERS Antonius	Rapporteur	JURI	11/01/2023	European Environmental Bureau Stichting BirdLife Europe

TOUSSAINT Marie	Member	20/09/2022	Europaparc	
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