Protection of the environment through criminal law

2007/0022(COD) - 19/11/2008 - Final act

PURPOSE: to establish measures on the protection of the environment through criminal law.

LEGISLATIVE ACT: Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law.

CONTENT: the Council adopted a Directive on the protection of the environment through criminal law after reaching agreement with the European Parliament at first reading.

The new legislative act obliges Member States to provide for effective, proportionate and dissuasive criminal penalties in their national legislation for serious infringements of provisions of Community law on the protection of the environment. These infringements include, for example:

- the emission of materials or ionising radiation into air, soil or water;
- the collection, transport, recovery or disposal of waste, including the shipment of waste;
- the operation of a plant in which a dangerous activity is carried out or in which dangerous substances or preparations are stored or used;
- the production, processing, handling, use, holding, storage, transport, import, export or disposal of nuclear materials or other hazardous radioactive substances;
- the killing, destruction, possession or taking of specimens of protected wild fauna or flora species;
- the placing on the market or use of ozone-depleting substances.

Member States shall ensure that **inciting, aiding and abetting** the intentional conduct referred to above is punishable as a criminal offence.

Legal persons can be held liable for offences where such offences have been committed for their benefit by any person who has a leading position within the legal person, acting either individually or as part of an organ of the legal person.

ENTRY INTO FORCE: 26/12/2008.

TRANSPOSITION: 26/12/2010.