

# Protection of the environment through criminal law

2025/0244(NLE) - 17/02/2026 - Legislative proposal

**PURPOSE:** to conclude the Council of Europe convention on the protection of the environment through criminal law.

**PROPOSED ACT:** Council Decision.

**ROLE OF THE EUROPEAN PARLIAMENT:** Council may adopt the act only if Parliament has given its consent to the act.

**BACKGROUND:** the Council of Europe Convention on the Protection of the Environment through Criminal Law was signed on 3 December 2025, subject to its conclusion at a later date. The Convention is consistent with the Union's objectives of ensuring a high level of environmental protection and improving environmental quality, as well as combating environmental crime, including through criminal law.

The Convention lays down provisions on its purpose and scope, legal definitions and terminology, criminal offences, the liability of legal persons, sanctions and other measures, aggravating and mitigating circumstances, procedural rights and cooperation, preventive measures and civil society participation regarding environmental crime.

The Union should become a party to the Convention alongside its Member States, given that both the Union and its Member States have competences in the areas covered by the Convention. The Convention should be concluded on behalf of the Union with regard to matters within the Union's competence insofar as the Convention may affect common rules or alter their scope. In areas of shared competence, the Member States retain their competence to the extent that the Convention does not affect common rules or alter their scope.

**CONTENT:** the draft Council decision aims at approving the **Council of Europe Convention on the protection of the environment through criminal law**.

The aim of the Convention is to effectively prevent and combat environmental crime, to promote and enhance national and international co-operation and to establish minimum rules to guide states in their national legislation.

The Convention applies to the prevention, detection, investigation, prosecution and punishment of criminal offences established in accordance with this Convention, namely:

- offences related to **illegal pollution**, placing products on the market in breach of environmental requirements, chemical substances, radioactive materials or substances, mercury, ozone-depleting substances and fluorinated greenhouse gases;
- offences related to the unlawful collection, treatment, transport, recovery, disposal or shipment of **waste**;
- offences related to the unlawful operation or closure of an **installation** involving dangerous substances;
- offences related to the unlawful recycling of **ships** and the ship-source discharges of polluting substances;

- offences related to the unlawful abstraction of **surface water** or groundwater and trade in wood from illegal logging;

- offences related to unlawful **mining**;

- offences related to unlawful killing, destruction, taking and possession of **protected wild flora or fauna**, trading in protected wild fauna or flora, unlawful deterioration of habitats within a protected site and offences related to invasive alien species;

- **particularly serious offence** when committed intentionally and leading to particularly serious damage or destruction or causing irreversible, widespread and substantial damage, or long-lasting, widespread and substantial damage to an ecosystem of considerable size or environmental value, or to a habitat within a protected site, or to the quality of air, soil or water.

In order to ensure the uniform and effective application of the Convention, the Union should, in particular, avail itself of the possibility provided in Article 56(3) of the Convention to specify the scope of the term 'unlawful' and certain notions used for the purpose of defining criminal offences under the Convention by means of a reservation. A reservation in this regard is attached to this Decision.

Ireland and Denmark did not participate in the adoption of this decision and are not bound by it or subject to its application.