Environmental protection: combating serious crime. Framework Decision. Initiative Denmark

2000/0801(CNS) - 28/01/2000 - Legislative proposal

PURPOSE: To present measures to combat serious environmental crime. CONTENT : This is an initiative taken by Denmark in order to adopt a Council Framework Decision on environmental crime. 'Serious environmental crime' is defined as pollution of air, water, soil, or storage or disposal of waste, resulting in substantial damage to the environment or presenting an obvious risk of such damage. There must be aggravating circumstances present, a term which is also defined. The draft decision provides for the investigating and punishment of serious environmental crime. The main points are: - Member States must ensure that legal persons can be held liable. The offence must be punishable under criminal law. - It must be possible to seize and confiscate equipment and proceeds or assets of similar value in connection with the crime under national laws. - Member States must co-operate as extensively as possible in investigating and prosecuting the crime. This includes considering a limitation on the scope of any reservations they may have made to the 1959 European convention on Mutual Assistance in Criminal Matters. - Provisions for mutual assistance includes the provision that Member States shall, unsolicited, pass on to another Member State specific information on serious environmental crime where the supply of such information is appropriate for the conduct of an investigation or a prosecution. - Criminal proceedings must be capable of transfer to another Member State in accordance with international treaty. - Each Member State must designate one or more contact points for the collection and exchange of information on serious environmental crime. At least one contact point in each Member State has to be manned around the clock. - The Council's Secretariat is the 'keeper of the register', which contains special skills and know-how. Should Europol be assigned jurisdiction to deal with environmental crime, the responsibility will be transferred. Member States must supply information on special skills, expertise and know-how for the register.