Environmental protection: combating crime, criminal offences and penalties

2001/0076(COD) - 09/04/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mrs Ria OOMEN-RUIJTEN (EPP-ED, NL) on the draft directive for environmental protection through the criminal law. Parliament makes it clear in the recitals that the directive contains only minimum rules, thereby leaving Member States free to introduce or apply more stringent penalties. Overall, the Parliament adopted the amendments tabled by the committee responsible (please refer to the summary dated 21/03/02). On a technical level, the Parliament preferred this proposal for a directive as opposed to the Council's proposed framework decision on the criminalisation of activities harmful to the environment. The framework decision lists a number of activities which are to be deemed criminal offences when they are committed intentionally or with serious negligence. (Refer to CNS/2000/0801). The Parliament wants to make the framework decision dependent on the proposed directive and deletes those parts which are covered by the directive. Parliament has amended the Commission's draft directive to ensure that incitement to breaking the law is also classed as an offence. It wants extradition to be possible in connection with custodial sentences, so that offenders can be punished in the country where the damage was done. It has added pollution of the air, soil and water with harmful substances or ionising radiation to the list of offences and has deleted the annex itemising Community legislation protecting the environment, preferring to refer to breaches of law in general terms.