Resolution on the follow-up to Parliament's opinion on environmental protection: combating crime, criminal offences and penalties

2006/2651(RSP) - 26/10/2006 - Text adopted by Parliament, topical subjects

The European Parliament adopted a resolution on the follow-up to its opinion on environmental protection: combating crime, criminal offences and penalties. This resolution follows the judgment of the Court of Justice on 13 September 2005 ruling that the Community legislature is entitled to take measures which relate to the criminal law of the Member States which it considers necessary in order to ensure that the rules which it lays down on environmental protection are fully effective.

Parliament welcomed the judgment of the Court of Justice, which annulled the 2003 framework decision on environmental protection which had been adopted mistakenly under the third, rather than the first, pillar. It noted that the Court of Justice decision leads to a legal vacuum regarding the protection of the environment through criminal law. The adoption of the framework decision by the Council shows that the Member States recognise that criminal law instruments are necessary to strengthen the enforcement of environmental protection laws, and that they recognise the need for a certain harmonisation in the field of the protection of the environment through criminal law.

Parliament went on to regret that the Commission, in its communication on the implications of the Court's judgment of 13 September 2005 (see COM(2005)0583), was not more explicit on the action it intended to take in relation to the existing proposal for the directive on the protection of the environment through criminal law. It asked the Council to examine the Commission's original proposal with a view to amending it or providing guidance for a new proposal on the basis of Article 175 of the EC Treaty.

Stating that, unless the Council was determined to make progress in adopting a common position on the original Commission proposal, Parliament asked the Commission draw up a new proposal on the protection of the environment through criminal law on the basis of Article 175 of the EC Treaty, taking into account the Court of Justice's judgment and incorporating the result of the European Parliament's vote at first reading on the original proposal for a directive.