Basic information	
2006/2651(RSP) RSP - Resolutions on topical subjects	Procedure completed
Resolution on the follow-up to Parliament's opinion on environmental protection: combating crime, criminal offences and penalties **Subject** 3.70.16 Law and environment, liability 7.40.04 Judicial cooperation in criminal matters	

Key events			
Date	Event	Reference	Summary
25/10/2006	Debate in Parliament		
26/10/2006	Decision by Parliament	T6-0458/2006	Summary
26/10/2006	Results of vote in Parliament		
26/10/2006	End of procedure in Parliament		

Technical information	
Procedure reference	2006/2651(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Debate or resolution on oral question/interpellation
Legal basis	Rules of Procedure EP 142-p5
Stage reached in procedure	Procedure completed

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Oral question/interpellation by Parliament		B6-0438/2006	23/10/2006	
Oral question/interpellation by Parliament		B6-0439/2006	23/10/2006	
Motion for a resolution		B6-0544/2006	25/10/2006	
Text adopted by Parliament, topical subjects		T6-0458/2006	26/10/2006	Summary

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.