Basic information

2021/0422(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Protection of the environment through criminal law Repealing Directive 2008/99 2007/0022(COD) **Subject** 3.70.16 Law and environment, liability **Legislative priorities** Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	MANDERS Antonius (EPP)	28/02/2022
	Shadow rapporteur ROBERTI Franco (S&D) CICUREL Ilana (Renew) TOUSSAINT Marie (Greens/EFA) BUXADÉ VILLALBA Jorge (ECR) JORON Virginie (ID) AUBRY Manon (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	ROOSE Caroline (Greens/EFA)	14/03/2022
ENVI Environment, Public Health and Food Safety	PIETIKÄINEN Sirpa (EPP)	11/03/2022
LIBE Civil Liberties, Justice and Home Affairs	BRICMONT Saskia (Greens/EFA)	05/09/2022
PETI Petitions	GHEORGHE Vlad (Renew)	01/03/2022

Council of the European Union	
European Commission	**Commission DG** / **Commissioner** Justice and Consumers / REYNDERS Didier

Key events

Date	Event	Reference	Summary
15/12/2021	Legislative proposal published	COM(2021)0851	Summary
27/01/2022	Committee referral announced in Parliament, 1st reading		
21/03/2023	Vote in committee, 1st reading		
21/03/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
28/03/2023	Committee report tabled for plenary, 1st reading	A9-0087/2023	Summary
29/03/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
17/04/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
11/12/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
26/02/2024	Debate in Parliament		
27/02/2024	Decision by Parliament, 1st reading	T9-0093/2024	Summary
27/02/2024	Results of vote in Parliament		
26/03/2024	Act adopted by Council after Parliament's 1st reading		
11/04/2024	Final act signed		
30/04/2024	Final act published in Official Journal		

Technical information

Procedure reference	2021/0422(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 2008/99 2007/0022(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 083-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/9/08011

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE737.290	12/10/2022	
Committee opinion	ENVI	PE731.606	26/10/2022	
Amendments tabled in committee		PE738.572	10/11/2022	
Amendments tabled in committee		PE738.573	10/11/2022	
Committee opinion	DEVE	PE731.806	07/12/2022	
Committee opinion	PETI	PE732.916	09/12/2022	
Committee opinion	LIBE	PE737.180	06/02/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0087/2023	28/03/2023	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0093/2024	27/02/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00082/2023/LEX	11/04/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0851	15/12/2021	Summary
Document attached to the procedure	SEC(2021)0428	15/12/2021	
Document attached to the procedure	SWD(2021)0465	15/12/2021	
Document attached to the procedure	SWD(2021)0466	15/12/2021	
Commission response to text adopted in plenary	SP(2024)270	08/07/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Reasoned opinion	SE_PARLIAMENT	PE731.654	29/04/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0089/2022	23/03/2022	

Additional information		
Source	**Document**	**Date**
European Parliament	Briefing	13/12/2023
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
TOUSSAINT Marie	Shadow rapporteur	JURI	16/01/2024	European Environmental Bureau
TOUSSAINT Marie	Shadow rapporteur	JURI	30/11/2023	Greenpeace France
TOUSSAINT Marie	Shadow rapporteur	JURI	31/08/2023	Stop Ecocide
TOUSSAINT Marie	Shadow rapporteur	JURI	09/06/2023	Association Sherpa
TOUSSAINT Marie	Shadow rapporteur	JURI	06/06/2023	Stop ecocide international
TOUSSAINT Marie	Shadow rapporteur	JURI	12/04/2023	Avaaz Foundation WeMove
TOUSSAINT Marie	Shadow rapporteur	JURI	30/03/2023	EEB
TOUSSAINT Marie	Shadow rapporteur	JURI	28/02/2023	Association Sherpa
TOUSSAINT Marie	Shadow rapporteur	JURI	30/01/2023	WWF European Policy Programme
MANDERS Antonius	Rapporteur	JURI	11/01/2023	European Environmental Bureau Stichting BirdLife Europe
CICUREL Ilana	Shadow rapporteur	JURI	09/01/2023	Représentation permanente de la France auprès de l'UE
MANDERS Antonius	Rapporteur	JURI	07/12/2022	CEFIC - European Chemical Industry Council
TOUSSAINT Marie	Shadow rapporteur	JURI	05/12/2022	OCLAESP
TOUSSAINT Marie	Shadow rapporteur	JURI	25/11/2022	European Law Institute
TOUSSAINT Marie	Shadow rapporteur	JURI	28/10/2022	Office français de la biodiversité
TOUSSAINT Marie	Shadow rapporteur	JURI	14/10/2022	Greenpeace European Unit
TOUSSAINT Marie	Shadow rapporteur	JURI	07/10/2022	ClientEarth
TOUSSAINT Marie	Shadow rapporteur	JURI	14/09/2022	WeMove

MANDERS Antonius	Rapporteur	JURI	07/09/2022	European Law Institute
TOUSSAINT Marie	Shadow rapporteur	JURI	02/09/2022	WeMove
TOUSSAINT Marie	Shadow rapporteur	JURI	01/09/2022	European Environmental Bureau
ROOSE Caroline	Rapporteur for opinion	DEVE	01/09/2022	European Environmental Bureau Humane World for Animals Europe International Fund for Animal Welfare Stichting BirdLife Europe The Born Free Foundation WWF European Policy Programme Stop Ecocide International
TOUSSAINT Marie	Shadow rapporteur	JURI	31/08/2022	Stop Ecocide International
TOUSSAINT Marie	Shadow rapporteur	JURI	05/07/2022	Humane World for Animals Europe
ROOSE Caroline	Rapporteur for opinion	DEVE	23/06/2022	OCDE
TOUSSAINT Marie	Shadow rapporteur	JURI	20/05/2022	European Environmental Bureau
TOUSSAINT Marie	Shadow rapporteur	JURI	17/05/2022	ECCJ
TOUSSAINT Marie	Shadow rapporteur	JURI	05/05/2022	Association Sherpa
ROOSE Caroline	Rapporteur for opinion	DEVE	20/04/2022	TRAFFIC International The Born Free Foundation WWF European Policy Programme Humane Society International (TR 05097472836-90) IFAW
WIEZIK Michal	Shadow rapporteur for opinion	ENVI	20/04/2022	World Wildlife Fund Humane Society International International Fund for Animal Welfare Born Free Foundation
GHEORGHE Vlad	Rapporteur for opinion	PETI	20/04/2022	WWF
GHEORGHE Vlad	Rapporteur for opinion	PETI	20/04/2022	WWF, IFAW, Born Free Foundation, Humane Society International
TOUSSAINT Marie	Shadow rapporteur	JURI	07/04/2022	Association Sherpa
TOUSSAINT Marie	Shadow rapporteur	JURI	21/03/2022	WWF European Policy Programme
TOUSSAINT Marie	Shadow rapporteur	JURI	09/03/2022	European Environmental Bureau
TOUSSAINT Marie	Shadow rapporteur	JURI	23/02/2022	WWF European Policy Programme
TOUSSAINT Marie	Shadow rapporteur	JURI	17/02/2022	OCLAESP
TOUSSAINT Marie	Shadow rapporteur	JURI	17/02/2022	Association Sherpa

Other Members

Transparency		
Name	Date	Interest representatives
WÖLKEN Tiemo	15/03/2023	Avaaz Foundation
TOUSSAINT Marie	20/09/2022	Europaparc

Final act

Directive 2024/1203
OJ OJ L 30.04.2024

Summary

Corrigendum to final act 32024L1203R(01)
OJ OJ L 15.04.2025

Protection of the environment through criminal law

2021/0422(COD) - 15/12/2021 - Legislative proposal

PURPOSE: to strengthen the protection of the environment through criminal law.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: criminal law is one part of a comprehensive EU strategy to protect and improve the status of the environment. The current EU legislation that provides common minimum rules to criminalise environmental crime is Directive 2008/99/EC on the protection of environment through criminal law. Criminal law measures come in as a last resort when other measures have not sufficed to ensure compliance. Enforcement gaps have been identified in all Member States and at all levels of the enforcement chain (police, prosecution and criminal courts). The lack of coordination between administrative and criminal law enforcement and sanctioning often hinders effectiveness.

CONTENT: the proposed Directive establishes minimum rules concerning the definition of criminal offences and sanctions to protect the environment more effectively.

The proposal has six objectives:

(1) Improve the effectiveness of investigations and prosecution by updating the scope of the Directive

The following new categories of criminal offences have been proposed in the revised Environmental Crime Directive: (i) illegal timber trade; (ii) illegal ship recycling; (iii) illegal water abstraction from ground- or surface water; (iv) serious breaches of EU chemicals legislation; (v) serious breaches related to dealing with fluorinated greenhouse gases; (vi) serious breaches of legislation on invasive alien species with Union concern; (vii) serious circumvention of requirements to get a development consent and to do environmental impact assessment causing substantial damage; (viii) source discharge of polluting substances from ships.

(2) Improve the effectiveness of investigations and prosecutions by clarifying or eliminating vague terms used in the definitions of environmental crime

The proposal clarifies undefined legal terms used to describe environmental crime in the current Directive, such as for instance ‘substantial damage'. This will lead to a more harmonised application of criminal law and understanding of environmental crime across the EU, and more legal certainty to duty-holders.

(3) Ensure effective, dissuasive and proportionate sanction types and levels for environmental crime

The Commission proposes to set a common minimum denominator for sanctions for environmental crimes. Where offence cause or are likely to cause death or serious injury to any person, Member States should provide at least up to ten years imprisonment. The draft directive also proposes additional sanctions, including the restoration of nature, exclusion from access to public funding and procurement procedures or the withdrawal of administrative permits.

(4) Foster cross-border investigation and prosecution

Criminal activities related to the environment often have a cross-border dimension, while some environmental crimes usually impact several countries (for example the illicit trafficking of waste, of protected species or of wildlife products, or have cross-border effects (e.g. in the case of cross-border pollution of air, water and soil). Cross-border cooperation between law enforcement and judicial authorities is therefore essential.

(5) Improve informed decision-making on environmental crime through improved collection and dissemination of statistical data

The proposal addresses the need to systematically collect information on efforts to combat environmental crime and to provide statistical data on environmental crime. It requires Member States to collect, publish and send relevant statistical data to the Commission. It also establishes an obligation for the Commission to regularly publish a report based on the statistical data provided by the Member States. This provision also aims to help address the current limited availability of environmental crime data which would assist in evaluating the effectiveness of national systems in fighting environmental criminal offences.

(6) Improve the operational effectiveness of national enforcement chains to foster investigations, prosecutions and sanctioning

To ensure an effective, integrated and coherent enforcement system that includes administrative, civil and criminal law measures, Member States should organise internal cooperation and communication between all actors along the administrative and criminal enforcement chains and between punitive and remedial sanctioning actors. Following the applicable rules, Member States should also cooperate through EU agencies, in particular Eurojust and Europol, as well as with EU bodies, including the European Public Prosecutor's Office (EPPO) and the European Anti-Fraud Office (OLAF), in their respective areas of competence.

Protection of the environment through criminal law

2021/0422(COD) - 27/02/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 499 votes to 100, with 23 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject matter

The proposed Directive establishes minimum rules with regard to the definition of criminal offences and penalties in order to protect the environment more effectively, as well as with regard to measures to prevent and combat environmental crime and to effectively enforce Union environmental law.

Criminal offences

The new Directive includes an updated list of criminal offences. It provides that Member States must ensure that the following conduct constitutes a criminal offence when it is **unlawful and intentional**:

Member States should ensure that the following conduct constitutes a criminal offence where it is **unlawful and intentional**:

- the placing on the market, in breach of a prohibition or another requirement aimed at protecting the environment, of a product the use of which on a larger scale, namely the use of the product by several users, regardless of their number, results in the discharge, emission or introduction of a quantity of materials or substances, energy or ionising radiation into air, soil or water and causes or is likely to cause the death of, or serious injury to, any person or substantial damage to the quality of air, soil or water, or substantial damage to an ecosystem, animals or plants;

- the manufacture, placing or making available on the market, export or use of substances, whether on their own, in mixtures or in articles, including their incorporation into articles, where such conduct causes or is likely to cause the death of, or serious injury to, any person, substantial damage to the quality of air, soil or water, or substantial damage to an ecosystem, animals or plants;

- ship-source discharge of polluting substances;

- the construction, operation and dismantling of an installation, where such conduct causes or is likely to cause the death of, or serious injury to, any person or substantial damage to the quality of air, soil or water, or substantial damage to an ecosystem, animals or plants;

- the abstraction of surface water or groundwater, where such conduct causes or is likely to cause substantial damage to the ecological status or ecological potential of surface water bodies or to the quantitative status of groundwater bodies.

New rulescontain the so-called **qualified** offence, such as large-scale forest fires or widespread pollution of air, water and soil, which leads to an ecosystem being destroyed and is therefore comparable to ecocide and cause: (a) the destruction of, or widespread and substantial damage which is either irreversible or long-lasting to, an ecosystem of considerable size or environmental value or a habitat within a protected site, or (b) widespread and substantial damage which is either irreversible or long-lasting to the quality of air, soil or water.

Penalties for natural persons

Environmental crimes committed by individuals and company representatives would be punishable with imprisonment depending on how long-lasting, severe or reversible the damage is. Qualified offences could be punished with **eight** years, those causing the death of a person with **ten** years in prison and the other offences with up to five years of imprisonment.

Member States should take the necessary measures to ensure that natural persons who have committed criminal offences may be subject to accessory criminal or non-criminal penalties or measures which may include the following:

- an obligation to: (i) restore the environment within a given period, if the damage is reversible, or (ii) pay compensation for the damage to the environment, if the damage is irreversible or the offender is not in a capacity to carry out such restoration;

- fines that are proportionate to the gravity of the conduct and to the individual, financial and other circumstances of the natural person concerned and, where relevant, that are determined taking due account of the gravity and duration of the damage caused to the environment and of the financial benefits generated from the offence;

- exclusion from access to public funding, including tender procedures, grants, concessions and licences;

- where there is a public interest, following a case-by-case assessment, **publication** of all or part of the judicial decision that relates to the criminal offence committed and the penalties or measures imposed, which may include the personal data of convicted persons only in duly justified exceptional cases.

Liability of legal persons

Member States should take the necessary measures to ensure that a legal person held liable for criminal offences is punishable by **effective, proportionate and dissuasive criminal or non-criminal penalties or measures**.

For companies the fines will reach **3 or 5%** of their yearly worldwide turnover or alternatively **EUR 24 or EUR 40 million** depending on the nature of the crime. Member States should decide whether to prosecute criminal offences that did not take place on their territory.

Limitation periods

The proposed Directive lays down limitation periods as such: (i) at least **ten years** from the commission of a criminal offence punishable by a maximum term of imprisonment of at least ten years; (ii) at least **five years** from the commission of a criminal offence punishable by a maximum term of imprisonment of at least five years; (iii) at least **three years** from the commission of a criminal offence punishable by a maximum term of imprisonment of at least three years.

Access to justice

Persons affected or likely to be affected by the criminal offences and persons having a sufficient interest or maintaining the impairment of a right, as well as non-governmental organisations that promote environmental protection and meet requirements under national law, should have appropriate procedural rights in proceedings concerning those offences, where such procedural rights for the public concerned exist in the Member State in proceedings concerning other criminal offences, for instance as a civil party.

Training

Member States should take necessary measures to ensure that specialised regular training is provided to judges, prosecutors, police and judicial staff and to competent authorities' staff involved in criminal proceedings and investigations with regard to the objectives of this Directive.

Member States should establish and publish a **national strategy** on combatting environmental criminal offences by three years from the date of entry into force of this Directive.

Protection of the environment through criminal law

2021/0422(COD) - 30/04/2024 - Final act

PURPOSE: to provide common definitions of environmental criminal offences and for effective, proportionate and dissuasive criminal penalties for serious offences.

LEGISLATIVE ACT: Directive (EU) 2024/1203 of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC.

CONTENT: this Directive establishes **minimum rules** with regard to the definition of criminal offences and penalties in order to protect the environment more effectively, as well as with regard to measures to **prevent and combat environmental crime** and to effectively enforce Union environmental law.

The law will only apply to offences committed within the EU. However, member states are able to choose to extend their jurisdiction to offences that have been committed outside their territory.

Criminal offences

This Directive specifies which unlawful conduct may constitute a criminal offence. Behaviour constitutes a criminal offence when it is **intentional** and, in certain cases, also when it is the result of at least serious negligence. In particular, unlawful conduct which causes **death or serious injury to persons, or substantial damage to the environment or creates a considerable risk of such damage**, or which is considered to be particularly harmful to the environment will also constitute a criminal offence when it is the result of at least serious negligence.

The number of conducts that will constitute a criminal offence will increase from **nine to 20**. The new offences include:

- the discharge, emission or introduction of a quantity of materials or substances, energy or ionising radiation into the air, soil or water,

- serious breaches of legislation on chemicals,

- the shipment of waste, where such behaviour involves a significant quantity,

- illegal recycling of polluting ship components,

- the construction, operation and dismantling of an installation,

- the abstraction of surface water or groundwater,

- any behaviour causing the deterioration of a habitat within a protected site,

- the production, placing on the market, import, export, use or release of substances that deplete the ozone layer.

Inciting or aiding and abetting the commission of a criminal offence will also be punishable as a criminal offence.

New rules contain the so-called **qualified offence**, such as large-scale forest fires or widespread pollution of air, water and soil, which leads to an ecosystem being destroyed and is therefore comparable to ecocide and cause: (a) the destruction of, or widespread and substantial damage which is either irreversible or long-lasting to, an ecosystem of considerable size or environmental value or a habitat within a protected site, or (b) widespread and substantial damage which is either irreversible or long-lasting to the quality of air, soil or water.

Penalties and sanctions

Intentional offences which cause the death of a person will be punishable with a maximum prison sentence of at least **ten years**. Other offences will result in imprisonment of up to **five years**. The maximum prison sentence for qualified offences will be at least **eight years**.

Member States will take the necessary measures to ensure that penalties or measures for legal persons held liable for the criminal offences and will include criminal or non-criminal fines and may include other criminal or non-criminal penalties or measures, such as: (i) an obligation to restore the environment or pay compensation; (ii) fines proportionate to the seriousness of the behaviour; (iii) exclusion from entitlement to public benefits or aid; (iv) withdrawal of permits and authorisations to pursue activities that resulted in the relevant criminal offence; (v) closure of establishments used for committing the offence.

For companies the fines will be at least **5%** of the total worldwide turnover for the most serious offences or alternatively **EUR 40 million**. For all other offences, the maximum fine will be at least **3%** of turnover or alternatively **EUR 24 million**.

Aggravating circumstances

The following circumstances can, in accordance with national law, be regarded as an aggravating circumstance: (i) the offence caused the destruction of, or irreversible or long-lasting substantial damage to, an ecosystem; (ii) the offence was committed in the framework of a criminal organisation; (iii) the offence involved the use by the offender of false or forged documents; (iv) the offence was committed by a public official when performing his or her duties; (v) the offence generated or was expected to generate substantial financial benefits.

Limitation periods

The directive lays down limitation periods as such: (i) at least **ten years** from the commission of a criminal offence punishable by a maximum term of imprisonment of at least ten years; (ii) at least **five years** from the commission of a criminal offence punishable by a maximum term of imprisonment of at least five years; (iii) at least **three years** from the commission of a criminal offence punishable by a maximum term of imprisonment of at least three years.

Access to justice

Persons affected or likely to be affected by the criminal offences referred to in the Directive, and persons having a sufficient interest or maintaining the impairment of a right, as well as non-governmental organisations promoting environmental protection and meeting the conditions laid down by national law, must have appropriate procedural rights in proceedings concerning such offences.

Last, Member States will have to draw up and publish a **national strategy** for combating environmental criminal offences by 21 May 2027 at the latest.

ENTRY INTO FORCE: 20.5.2024.

TRANSPOSITION: no later than 21.5.2026.

Protection of the environment through criminal law

2021/0422(COD) - 28/03/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Antonius MANDERS (EPP, NL) on the proposal for a directive of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter

The report strengthened the subject matter of the proposed Directive stating that it should establish minimum rules concerning the definition of criminal offences and sanctions as well as concerning the measures, means and resources necessary to prevent and combat environmental crime and to properly enforce the Union’s environmental law, in order to protect the environment more effectively.

Definitions

Members proposed to include the definition of 'environmental damage' to mean serious harm to any person’s health, or substantial damage to the quality of air, the quality of soil or the quality of water, or to biodiversity, ecosystem services and functions, animals or plants, which is detrimental to anything that grows, blooms and lives, including but not limited to the damage as referred to in Article 2 of Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage.

Offences

The report stated that Member States should ensure that the following conduct constitutes a criminal offence when it is unlawful and committed intentionally:

- the discharge, emission or introduction of a quantity of materials or substances, energy, or ionising radiation into air, soil or water which causes or is likely to cause death or serious harm to any person's health or substantial damage to the quality of air, the quality of soil or the quality of water, or to biodiversity, ecosystem services and functions, animals or plants;

- the placing on the market or illegal trade, including online, of a product, the use of which, in breach of a prohibition or another requirement, causes or is likely to cause death or serious harm to any person's health or substantial damage to the quality of air, the quality of soil or the quality of water, or to biodiversity, ecosystem services and functions, or animals or plants as a result of the product's use on a larger scale;

- the manufacture, placing or making available on, import to and export from the Union market, including online, or use of substances, whether on their own, in mixtures or in articles, including their incorporation into articles, when it causes or is likely to cause death or serious harm to any person's health or substantial damage to the quality of air, the quality of soil or the quality of water, or to biodiversity, ecosystem services and functions, animals or plants;

- any conduct that causes a forest fire or a significant deterioration of more than one hectare of forest.

Penalties for natural persons

Member States should take the necessary and appropriate measures, including having effective procedures in place, to ensure that the offences are punishable by effective, proportionate and dissuasive criminal penalties. They should take the necessary measures to develop measures other than imprisonment in order to contribute to the restoration of the environment.

Member States should also take the necessary measures to ensure that natural persons who have committed the relevant offences may be subject to additional sanctions or measures which should include:

- obligation to reinstate the environment within a given time period, or to compensate for the damage caused, if the perpetrator is not in a capacity to carry out such a reinstatement or if the damage is irreversible;

- fines, proportionate to the gravity and duration of the damage caused to the environment as well as to the financial benefits accrued by committing the offence;

- disqualification from exercising a leading position within a legal person of the type used for committing the offence;

- a requirement to pay the costs of the proceedings borne by the successful party, in accordance with conditions and exceptions provided for in national law applicable to court proceedings.

Liability of legal persons

Legal persons that commit an offence would be held liable under civil law, where relevant, for any harm or damage they cause as a result of that offence, and, in conformity with national law, can be required to compensate the persons who have suffered that harm or damage. The level of sanctions should be proportionate and adapted to reflect the **degree of severity and duration of the damage caused**.

Members propose to increase the fines imposed on legal persons so that the maximum limit is not less than 10% of the average worldwide turnover of the legal person in the three business years preceding the fining decision.

Mitigating circumstances

Member States should take the necessary measures to ensure that, in relation to relevant offences, the following circumstances may be regarded as mitigating circumstances:

- the offender restores nature to its previous condition before the start of a criminal investigation;

- the offender takes steps to minimise the impact and extent of the damage or remediates the damage of has the damage remediated before the start of a criminal investigation.

Precautionary measures

Necessary measures should be taken to ensure that their competent judicial authorities may order the **immediate cessation of the unlawful conducts** referred to in this Directive or impose measures to prevent the execution of such conducts, in order to avert damage being caused to the environment.

Limitation measures

Lastly, Member States should take the necessary measures to provide for a limitation period allowing for the investigation, prosecution, trial and judicial determination of criminal offences for a sufficient period of time after the discovery of criminal offences (and not only after their commission).