Environmental crimes: deal on new offences and reinforced sanctions

Persbericht JURI 16-11-2023 - 16:57

- New EU crimes include pollution caused by ships, mercury use, and the illegal depletion of water resources
- Offences causing death to be punishable with 10 years of prison
- Firms risk fines of 3 or 5% of annual worldwide turnover or of 24 or 40 million euro
- Environmental crime is a main source of income for organised crime alongside drugs, arms, and human trafficking

On Thursday, Parliament and Council negotiators reached a provisional agreement on an update of EU environmental crimes and sanctions rules to strengthen ecosystem protection.

The new rules provide an updated list of acts related to the environment that qualify as criminal offences at EU level and of the related sanctions, to ensure a more effective enforcement of EU environmental legislation. The list will include, among other offences, the import and use of mercury and fluorinated greenhouse gases, the import of invasive species, the illegal depletion of water resources, and pollution caused by ships. Parliament and Council negotiators also agreed on stricter sanctions for so-called qualified offences, i.e. those causing the destruction of an ecosystem or habitat within a protected site or damage to air, soil or water quality.These would include offences comparable to ecocide with catastrophic results such as widespread pollution or large-scale forest fires.

Sanctions: imprisonment and fines

Individuals, including company representatives, committing environmental offences leading to death can be sentenced to imprisonment for 10 years.Qualified offences would be punishable by eight years in prison, while for other criminal offences, depending on factors such as the durability, severity or reversibility of the damage, the punishment would be a five–year prison sentence.

Offenders may also face other sanctions, such as fines, and an obligation to reinstate the damaged environment or compensate for the damage caused. The same sanctions may be expected for companies, as alongside others like the withdrawal of licences, bans on access to public funding, or closure. Following transposition, when it comes to fines member states will be able to choose between levying them at 3 or 5% of yearly worldwide turnover, depending on the nature of the crime, or to choose fixed amounts of either 24 or 40 million euro.

Whistleblowers' protection and training

MEPs also ensured that persons reporting offences will be provided with support, that judges, prosecutors, police and other judicial staff will undergo specialised regular training, and that member states will organise awareness-raising campaigns to reduce environmental crime. They can also establish a fund to support prevention measures and tackle the consequences of environmental offences. In cross-border cases, national authorities will be required to cooperate among themselves and with other competent bodies, such as

Eurojust, Europol or the European Public Prosecutor's Office. Member states will also be required to prepare national strategies on combatting environmental crime and collect related statistical data, while the European Commission will have to regularly update the list of criminal offences.

Quote

Following the agreement, European Parliament rapporteur [redacted] (EPP, NL) said: "We successfully negotiated a zero-tolerance position on environmental crimes that have huge consequences for human health and the environment. It is crucial that we fight these cross-border crimes at EU level with harmonised, dissuasive, and effective sanctions to prevent new environmental crimes. Prevention is key, and that is why we highlighted the need for more resources, research, training and awareness-raising campaigns targeting both the public and private sector. There is no more hiding behind permits or legislative loopholes: this law is future-proof, meaning that the list of offences will be kept up to date. If you pollute, you will pay for your crimes; not only criminal companies paying fines, but also jail time for representatives of polluting companies."

Next steps

The agreed draft law requires formal approval by the Legal Affairs Committee and the European Parliament as a whole, as well as by the Council, before it can enter into force.

Background

Environmental crime is the fourth largest criminal activity in the world and is considered one of the main sources of income for organised crime alongside drugs, weapons and human trafficking. With the aim of tackling the rising number of environmental criminal offences, the Commission introduced a proposal for strengthening the protection of the environment in the EU through criminal law in December 2021.

Contact:

[redacted]

Press Officer

[redacted]

[redacted]@europarl.europa.eu

[redacted]@europarl.europa.eu

@EP_Legal