



European Green Deal: Commission proposes to strengthen the protection of the environment through criminal law

Brussels, 15 December 2021

Today, the Commission has adopted a proposal for a new EU Directive to crack down on environmental crime, fulfilling a key commitment of the [European Green Deal](#). The proposal intends to make protection of the environment more effective by obliging Member States to take criminal law measures. It defines new environmental crimes, sets a minimum level for sanctions and strengthens the effectiveness of law enforcement cooperation. It also obliges the Member States to support and assist people who report environmental offences and cooperate with the enforcement. This proposal will help to protect nature and natural resources, as well as public health and well-being.

Main objectives of the proposal

The proposal **sets new EU environmental criminal offences**, including illegal timber trade, illegal ship recycling or illegal abstraction of water. In addition, the proposal **clarifies existing definitions** of environmental criminal offences, providing for an increased legal certainty.

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 have to provide at least for imprisonment of up to ten years. 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.

The proposal also aims at **making relevant investigations and criminal proceedings more effective**. It provides for support of inspectors, police, prosecutors and judges through training, investigative tools, coordination and cooperation, as well as better data collection and statistics. The Commission proposes that each Member State develops national strategies that ensure a coherent approach at all levels of enforcement and the availability of the necessary resources.

The proposal will help **cross-border investigation and prosecution**. Environmental crimes often impact several countries (for example the illicit trafficking of wildlife) or have cross-border effects (for example in the case of cross-border pollution of air, water and soil). Law enforcement and judicial authorities can only tackle these crimes when they work together across borders.

The Commission will continue to support Member States by offering law enforcement practitioners and their professional networks a platform for strategic discussions and providing them with financial assistance. Finally, as environmental crime is a global phenomenon, the Commission will continue to promote international cooperation in this area.

Members of the College said:

Executive Vice-President for the European Green Deal, Frans **Timmermans**, said: *"The willful destruction of our natural environment threatens our very survival as humanity. Letting law-breakers act with impunity undermines our collective efforts to protect nature and biodiversity, fight the climate crisis, reduce pollution, and eliminate waste. Serious abuses must be met with a serious response, and today's proposal lays the groundwork for that."*

Vice-President for Values and Transparency, Vera **Jourová**, said: *"The environment knows no borders and crimes against it display their negative effects across Member States. We must use all possible means to protect the environment at Union level. Criminal law is one of them, and this proposal will give law enforcement authorities and the judiciary the tools to act more effectively against environmental crimes across the Union."*

Commissioner for the Environment, Oceans and Fisheries Virginijus **Sinkevičius**, said: *"Environmental crimes cause irreversible and long-term damage to people's health and the environment. Yet, they are hard to investigate and bring before the Court, while sanctions tend to be weak. That is why we need to strengthen our environmental criminal law. At a time where the international community discusses the crime of ecocide, a high level of environmental protection is not only important for present but also future generations as we redouble our efforts to fight"*

environmental degradation."

Commissioner for Justice, Didier **Reynders**, said: *"There is no time to lose. We must make sure that our rules on fighting environmental crime are targeted and ambitious enough to create a real change. With this new directive, we have another strong tool to protect the environment and ultimately our planet. The proposal today builds on lessons learned and experience gained over the past years and will directly address root-causes that have prevented the protection of the environment from being as effective as it should be."*

Next steps

The legislative proposal will now be submitted to the European Parliament and the Council.

Background

The impact of environmental crime on the natural environment in Europe and the world manifests itself in increasing levels of pollution, a degradation of wildlife, a reduction in biodiversity and the disturbance of ecological balance.

Environmental crime is highly lucrative – it can be as profitable as illegal drug trafficking – but the sanctions are much lower, and it is less often prosecuted. These factors make it highly attractive for organised crime groups.

The proposal contributes to the [Zero Pollution Action Plan](#), the [Circular Economy Action Plan](#) and the [Biodiversity Strategy for 2030](#) and promotes environmental rule of law.

Today's proposal follows the publication in 2020 of the Commission's evaluation of the 2008 Environmental Crime Directive ([Directive 2008/99/EC](#) on the protection of the environment through criminal law). The results indicate that the number of successfully prosecuted environmental cases was low, sanctions were too insufficient to be a deterrent and cross-border cooperation was weak.

For More Information

[Questions and answers](#)

[Factsheet on Strengthening EU law to combat environmental crime](#)

[Proposal for a new Directive on environmental crime](#)

[Communication accompanying the proposal](#)

[Guidance on combating environmental crime and related infringements](#)

[Summary Guide on combating environmental crimes and related infringements](#)

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Press contacts:

[Vivian LOONELA](#) (+32 2 296 67 12)

[Christian WIGAND](#) (+32 2 296 22 53)

[Daniela STOYCHEVA](#) (+32 2 295 36 64)

[Jördis FERROLI](#) (+32 2 299 27 29)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)