



EUROPEAN COMMISSION

*Brussels, 28.06.2022
C(2022) 4591 final*

Dear Ceann Comhairle, dear Cathaoirleach,

The Commission would like to thank the Houses of the Oireachtas for their Opinion 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 {COM(2021) 851 final}.

The Commission welcomes the support of the Houses of the Oireachtas for a strengthened Directive on the protection of the environment through criminal law. The proposal forms part of a broader package of ambitious measures to improve EU legislation to protect the environment, biodiversity and climate under the European Green Deal.

The Commission strives to make the 2008 Directive more effective, especially to improve legal certainty through better definitions of environmental crime categories, to ensure that effective, dissuasive and proportionate sanctions are available in Member States, and to strengthen the enforcement chain.

The Commission notes the concerns of the Houses of Oireachtas about the interpretation of the terms 'deliberate' and 'negligent' under the proposal. The Commission would like to underline that the specific meaning of these terms is not defined by the Directive. They should, therefore, be interpreted in accordance with Member State legal systems. This approach respects national criminal law systems and is already applied in the 2008 Directive. The Commission would also like to stress that most environmental crime categories under the proposal are punishable for both intentional and negligent conduct. In addition, several offences are defined as endangerment crimes, to help ensure effective enforcement and a balanced burden of proof. The Commission also takes note of the recommendation for a better coordination of the enforcement of environmental crime legislation across Member States, including through lead agencies at national level. This may be important for the implementation of the Directive in the future.

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Negotiations in the Council continue with a view to taking account of Member State concerns, especially regarding the clarity of definitions and differences between national legal systems.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Houses of the Oireachtas and looks forward to continuing the political dialogue in the future.

Yours faithfully,

Maroš Šefčovič
Vice-President

Didier Reynders
Member of the Commission

