



2025/0244(NLE)

23.10.2026

DRAFT RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Protection of the Environment through Criminal Law
(13172/26 – C10-0245/2026 – 2025/0244(NLE))

Committee on Legal Affairs

Rapporteur: Ilhan Kyuchyuk

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Protection of the Environment through Criminal Law

(13172/26 – C10-0245/2026 – 2025/0244(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (13172/26),
 - having regard to the Council of Europe Convention on the Protection of the Environment through Criminal Law (15396/25),
 - having regard to the request for consent submitted by the Council in accordance with Article 83(2) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C10-0245/2026),
 - having regard to Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the Protection of the Environment through Criminal Law and replacing Directives 2008/99/EC and 2009/123/EC¹,
 - having regard to its position of 8 July 2026 on the draft Council decision on the conclusion of the Council of Europe Convention on the Protection of the Environment through Criminal Law on behalf of the European Union²,
 - having regard to Article 2 of the draft Council decision, as amended to include the approval of the declaration on the territorial application within the European Union of the Council of Europe Convention on the Protection of the Environment through Criminal Law,
 - having regard to Rule 107(1) and (4) and Rule 117(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Legal Affairs (A10-0000/2026),
1. Gives its consent to the conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the Council of Europe.

¹ OJ L, 2024/1203, 30.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1203/oj>.

² Texts adopted, P10 TA(2026)0256.

EXPLANATORY STATEMENT

On 11 May 2024 the European Parliament and the Council signed a new Directive (EU) 2024/1203 of the European Parliament and of the Council¹, replacing Directive 2008/99/EC of the European Parliament and of the Council², which had been widely considered ineffective. To address shortcomings in the effectiveness of environmental criminal law, Directive (EU) 2024/1203 laid down minimum rules with regard to the definition of criminal offences and penalties in order to protect the environment more effectively, as well as measures in order to prevent and combat environmental crime.

Almost simultaneously with the EU procedure concerning Directive (EU) 2024/1203, the Council of Europe (CoE) began work on a revised Convention on the Protection of the Environment through Criminal Law³ ('new Convention') to replace the one dating back to 1998⁴ ('old Convention'). The old Convention was a pioneering instrument which was the first international instrument containing definitions of the most serious environmental offences committed intentionally or with negligence, as well as provisions on jurisdiction, effective and dissuasive sanctions, confiscation measures, reinstatement of the environment, corporate liability, cooperation between the parties to that convention and international cooperation, and the rights for groups, foundations or associations which aim at the protection of the environment to participate in criminal proceedings in accordance with domestic law.

On 3 April 2023 the CoE set up the Committee of Experts on the Protection of the Environment through Criminal Law (PC-ENV). A draft of the new Convention was finalised on 9 October 2024. On 14 May 2025 the new Convention was adopted by the Committee of Ministers of the CoE and opened for signature on 3 December 2025.

The Commission participated in the negotiations on the basis of Council Decision (EU) 2023/2170 of 28 September 2023⁵. Following successful conclusion of the negotiations, the Council adopted Council Decision (EU) 2025/2493 of 1 December 2025 on the signing, on behalf of the European Union, of the CoE Convention on the Protection of the Environment through Criminal Law⁶. Subsequently, pursuant to Article 218 of the Treaty on the Functioning of the European Union (TFEU), the Council requested the consent of the European Parliament to the conclusion of the new Convention⁷.

¹ Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC (OJ L, 2024/1203, 30.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1203/oj>).

² Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28, ELI: <http://data.europa.eu/eli/dir/2008/99/oj>).

³ Council of Europe Convention on the Protection of the Environment through Criminal Law, signed in Luxembourg on 14 May 2025 (CM(2025)52).

⁴ Council of Europe Convention on the Protection of the Environment through Criminal Law, signed in Strasbourg on 4 November 1998 (ETS No. 172).

⁵ Council Decision (EU) 2023/2170 of 28 September 2023 authorising the European Commission to participate, on behalf of the European Union, in negotiations on a Council of Europe Convention superseding and replacing the 1998 Convention on the Protection of the Environment through Criminal Law (ETS No. 172) (OJ L, 2023/2170, 16.10.2023, ELI: <http://data.europa.eu/eli/dec/2023/2170/oj>).

⁶ OJ L, 2025/2493, 5.12.2025, ELI: <http://data.europa.eu/eli/dec/2025/2493/oj>.

⁷ C10 0035/2026.

According to the Commission's assessment, the new Convention establishes binding international standards for defining and criminalising serious environmental offences punishable by effective, proportionate and dissuasive sanctions. It also strengthens prevention measures and international cooperation to address environmental crime, including through cross-border investigations, information exchange and the collection of statistical data. Upon its entry into force, neighbouring countries will apply criminal law standards consistent with those of the EU, thereby, in effect, improving cooperation, investigations and accountability. For EU Member States, the new Convention is consistent with Directive (EU) 2024/1203, however they can go beyond the requirements of both that Directive and that Convention when implementing their provisions.

The new Convention is expected to enter into force upon ten ratifications, including at least eight ratifications by member States of CoE. Alongside CoE member States, the new Convention is open for signature by non-member States that have participated in its elaboration and the EU.

The European Parliament gave its consent to the conclusion of the new Convention on 8 July 2026⁸. Following that, the Commission suggested adding a declaration on the territorial within the Union of the new Convention to the Council decision ('declaration'). In that declaration the Union specifies that the new Convention is not applicable in relation to Denmark nor Ireland, in light of Protocols 21 and 22 annexed to the Treaty on the European Union and the TFEU⁹. As such, Article 2 of the draft Council decision has been amended to the effect that Council approves the declaration alongside the reservation concerning the definition of certain terms under the new Convention. Following that amendment, on 1 October 2026 the Council requested that the European Parliament gives a new consent to the conclusion of the new Convention¹⁰.

In light of the above considerations, the Rapporteur fully recommends that the Parliament give its consent to the conclusion of the new Convention.

⁸ Texts adopted, P10_TA(2026)0256.

⁹ 13172/26 ADD 1.

¹⁰ C10 0245/2026.

ANNEX: DECLARATION OF INPUT

The rapporteur declares under his exclusive responsibility that he did not include in his report input from interest representatives falling within the scope of the Interinstitutional Agreement on a mandatory transparency register¹, or from representatives of public authorities of third countries, including their diplomatic missions and embassies, to be listed in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.

¹ Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register (OJ L 207, 11.6.2021, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2021/611/oj).