

(English version)

**Priority question for written answer P-001121/26
to the Commission
Cristina Guarda (Verts/ALE)
(18 March 2026)**

Subject: Implementation of Directive (EU) 2024/1203 of 11 April 2024 on the protection of the environment through criminal law

Can the Commission answer the following questions:

1. Is it possible for a Member State to transpose an EU directive on the environment while backsliding on the objective of the directive itself, and is this in line with Article 191 of the Treaty on the Functioning of the European Union (TFEU)?
2. What is the correct interpretation of Article 3(1) of Directive (EU) 2024/1203, specifically as regards the clause: ‘Such conduct shall be unlawful even where it is carried out under an authorisation issued by a competent authority of a Member State [...] if such authorisation is in manifest breach of relevant substantive legal requirements’, bearing in mind also Recital 10 of the directive?
3. Does it consider that a Member State’s transposition of Directive (EU) 2024/1203 which excludes the aforementioned case of unlawful conduct — hence limiting that unlawful conduct solely to cases of authorisation obtained through fraud, corruption, extortion or coercion — can be seen as constituting full implementation of the directive? Is that kind of transposition in line with the objective of the directive itself, or with the aim of preventing impunity and backsliding on the criminal protection of the environment, which is already enshrined in the domestic law of the Member State?

Submitted: 18.3.2026

**Answer given by Ms Roswall on behalf of the European Commission
(17 April 2026)**

The Environmental Crime Directive (ECD) ⁽¹⁾ entered into force on 20 May 2024 and must be transposed in national law by 21 May 2026. All Member States bound by the directive are obliged to take the necessary measures to ensure that its objectives are achieved.

Article 3(1) last sub-paragraph of the ECD referred to by the Honourable Member is part of the definition of unlawful conduct under the directive.

Firstly, it clarifies that a conduct is considered unlawful if a relevant authorisation is obtained fraudulently, or by corruption, extortion or coercion.

Secondly, it provides that where an authorisation is in manifest breach of relevant substantive legal requirements, the holder is not exempt from criminal liability. Operators who act in good faith are not covered by this provision.

Only those who rely on manifestly unlawful authorisations and damage the environment or human health may be liable to criminal prosecution, if their breach is substantial and obvious.

Recital 10 of the directive clarifies that this provision is not intended to shift from the competent authorities to operators the burden to ensure legality of authorisations.

In order to fully and correctly transpose the ECD, the Member States bound by it must ensure that their national law considers a conduct carried out under an authorisation unlawful, if such an authorisation is in manifest breach of substantive relevant legal requirements.

⁽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.