



Strasbourg, 28 February 2022

CDPC-EC(2022)4

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

WORKING GROUP ON THE ENVIRONMENT AND CRIMINAL LAW (CDPC-EC)

MEETING REPORT

4th meeting

24-25 February 2022

Teleconference

Document prepared by the CDPC Secretariat
Directorate General I – Human Rights and Rule of Law

Following its decisions at the 78th Plenary meeting on 3-4 November 2020, the Council of Europe European Committee on Crime Problems (CDPC) set up an ad hoc Working Group on the Environment and Criminal Law (CDPC-EC), consisting of experts appointed by the members of the CDPC. The Working Group was entrusted with the main task of assessing whether the drafting of a new Council of Europe Convention on the Protection of the Environment through Criminal Law to replace the existing 1998 Convention (ETS No.172), is feasible and appropriate or not, through a comprehensive Feasibility Study prepared by the Working Group.

The Working Group held its fourth and final meeting via the electronic platform KUDO, on 24-25 February 2022. Mr Thomas Grégoire, Chair of the Working Group, opened the meeting, welcomed all participants and provided an overview of the progress and current status of the Working Group, namely that it had, to date, held three meetings; the first of which the Working Group agreed to send written replies to three Contribution Points regarding (1) the reasons why the 1998 Convention was not signed or ratified in each respective State, (2) the elements or articles of the 1998 Convention that remain relevant today and finally, (3) the interdependency (if any) between criminal and administrative law in each domestic legal system. The second meeting was, therefore, dedicated to an examination of these contributions, agreeing to incorporate the conclusions into a preliminary draft Feasibility Study prepared by the Scientific Expert, Professor Veronique Jaworski. Following the examination of this preliminary draft in the third meeting, the Working Group was invited to submit written comments to be integrated into a revised text by the Secretariat. On this basis, the Chair expressed his appreciation for all of the comments received by the delegations.

The Chair highlighted that the aim of the fourth meeting was, therefore, dedicated to the examination and finalisation of the revised draft Feasibility Study. Mr Carlo Chiaromonte, Secretary to the CDPC, provided an overview of the working methods, namely that almost all of the comments received, where possible, were integrated by the Secretariat into the revised document which was then sent to the Working Group for their review prior to the meeting, in both tracked changes and clean format. The meeting, therefore, provided an opportunity to discuss the revised text and to raise any further comments in view of its finalisation.

The Chair proposed to review the draft Feasibility Study through a chapter-by-chapter analysis and opened the floor to the delegations. The Working Group expressed their appreciation for the work that had been carried out and for the inclusion of their proposals into the new text. Further changes included the incorporation of the legality principle when discussing the identification, definition and criminalisation of environmental crime, emphasising the respect for existing national legal frameworks, defining references to terms such as “environmental dumping” and “organised crime” and highlighting the role of the Council of Europe in protecting the environment given its substantial and successful work in the criminal law field as indicated through existing treaties such as the Budapest and Istanbul Conventions.

Additionally, the importance of maintaining the substantive interdependency of administrative and criminal law by a future Drafting Committee was emphasised, bearing in mind the widely shared view of the States on this matter. The Working Group also agreed to underline the inclusion of restorative measures and *actio popularis* as optional solutions, in order to respect the variations in domestic legislation.

Following the deliberations of the first day of the meeting, the Secretariat updated the draft Feasibility Study with the proposed changes and sent it to the Working Group for its review. The second day of the meeting, therefore, included a final examination of the text in which minor modifications were made.

On this basis, the Working Group approved the draft Feasibility Study and agreed to distribute it to the CDPC for examination and final adoption. The Chair concluded the meeting by expressing his sincere appreciation to all the members of the Working Group, including the Scientific Expert, for the fruitful contributions and discussions held, and made reference to the unprecedented and distressing circumstances of the international context following the crisis in Ukraine.

APPENDIX I - Agenda

24 February 2022	
2.00 p.m.	Opening of the meeting Welcome and opening remarks by Mr Thomas GRÉGOIRE, chair of the CDPC-EC Working Group, and Mr Carlo CHIAROMONTE, Head of the Criminal Law Division
	Presentation of the revised draft Feasibility Study on the Protection of the Environment through Criminal Law
	Examination of the draft Feasibility Study
5.00 p.m.	End of day one

25 February 2022	
10.00 a.m.	Continued
<i>12.30 p.m.</i>	<i>Lunch Break</i>
<i>2.30 p.m.</i>	Approval of the Feasibility Study
	Identification of next steps and summary of discussions
<i>5.00 p.m.</i>	<i>Concluding remarks and close of the meeting</i>

Appendix II - List of participants

MEMBER STATES / ETATS MEMBRES

ALBANIA / ALBANIE

Mr Bledar MUSTAFARAJ, Prosecutor, Head of Penal Law Unit, Directorate of Penal and Civil Law
Ministry of Justice of Albania

AUSTRIA / AUTRICHE

Mr Christian MAYER, Desk Clerk of two units in Criminal Legislation Directorate at the Ministry of Justice

BELGIUM / Belgique

Mme Sylvie HILGERS, Fonctionnaire sanctionnatrice déléguée – Attachée, Service public de Wallonie,
Agriculture ressources naturelles environnement, Département de la Police et des Contrôles

Mme Delphine WYNANTS, Attachée, SPF Justice, Direction générale de la Législation, des Libertés et des
Droits fondamentaux, Direction Droit pénal, Service des infractions et procédures particulières

Ms Robertine DEGRAVE, Representative of the Brussels-Capital-Region

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Ms Sanela LATIĆ, Head of the Department for Cooperation with Judicial Bodies – Ministry of Justice

BULGARIA / BULGARIE

Mr Milen GEORGIEV, Chief Expert, “International legal cooperation and European affairs” Directorate, Ministry
of Justice of the Republic of Bulgaria

Ms Tea PENEVA, Expert, “International legal cooperation and European affairs” Directorate, Ministry of Justice
of the Republic of Bulgaria

CYPRUS / CHYPRE

Ms Lina CHATZIATHANASIOU, Counsel of the Republic, Law Office of the Republic

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Mr Šimon PEPŘÍK, Legislative Department, Ministry of Justice of the Czech Republic

ESTONIA / ESTONIE

Ms Mare TANNBERG, Adviser, Penal Law and Procedure Division, Criminal Policy Department, Ministry of
Justice

FINLAND / FINLANDE

Ms Leena MÄKIPÄÄ, Senior Ministerial Adviser, Legislative Affairs, Department for Criminal Policy and
Criminal Law, Ministry of Justice

Ms Heidi NUMMELA

Senior Specialised Prosecutor, National Prosecution Authority, Prosecution District of Southern Finland

FRANCE**Chair / Président**

M. Thomas GREGOIRE, Chef du bureau de la négociation pénale européenne et internationale, Ministère de la justice

M. Pierre BECKERS, Magistrat – Adjoint au chef du bureau de la négociation pénale européenne et internationale
Magistrate – Deputy head of the Office for European and international negotiations in criminal matters, Ministère de la justice

GEORGIA / GÉORGIE

Ms Nino LATSABIDZE, Deputy Head of International Relations and European Integration Department, Ministry of Environmental Protection and Agriculture of Georgia

Ms Mariam KOTOLASHVILI, Specialist, Department for International Relations and Legal Affairs, Office of the Prosecutor General of Georgia

GERMANY / ALLEMAGNE

Mr Markus BUSCH, Federal Ministry of Justice and Consumer Protection

Ms Katherina NEUFFER, Federal Ministry of Justice and Consumer Protection

GREECE / GRÈCE

Mr Christos NAINOTOS, Deputy Prosecutor of the Court of First Instance of Thessaloniki

NORTH MACEDONIA / MACEDOINE DU NORD

Ms PhD. prof Marina MALISH SAZDOVSKA, Professor at Faculty of Security

PORTUGAL

Mr António FOLGADO, Legal Adviser, Cabinet of the Minister for Justice

ROMANIA / ROUMANIE

Ms Mariana RADU, Assistant to the National Member for Romania at Eurojust

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Mr Mikhail MOTURENKO, Senior Prosecutor of the International Cooperation Department of the Organizational and Legal Directorate of the Main Directorate of International Legal Cooperation of the Prosecutor General's Office of the Russian Federation

SLOVENIA / SLOVÉNIE

Mr Klemen PRINCES, Criminal Law expert, International Cooperation Department, Ministry of Justice of the Republic of Slovenia

SWITZERLAND / SUISSE

Mme Manon SIMON, Juriste, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Domaine de direction Droit pénal, Unité Droit pénal international

Mme Géraldine ZUMWALD, Juriste, Département fédéral de l'environnement, des transports, de l'énergie et de la communication DETEC, Office fédéral de l'environnement OFEV, Division Droit, Service Coordination de l'exécution et de la surveillance

