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
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 reviewal. 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

<table>
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<tr>
<th>Time</th>
<th>Activity</th>
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| 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

<table>
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<tr>
<th>Time</th>
<th>Activity</th>
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<tr>
<td>10.00 a.m.</td>
<td>Continued</td>
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<tr>
<td>12.30 p.m.</td>
<td>Lunch Break</td>
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<tr>
<td>2.30 p.m.</td>
<td>Approval of the Feasibility Study</td>
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<td>Identification of next steps and summary of discussions</td>
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<tr>
<td>5.00 p.m.</td>
<td>Concluding remarks and close of the meeting</td>
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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 procedures 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 Simon PEPRÍK, 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 MAKIPAA, 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 NAINTOS, Deputy Prosecutor of the Court of First Instance of Thessaloniki

**NORTH MACEDONIA / MACÉDOINE 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
TURKEY / TURQUIE
Mr Hikmet YILDIZ, Rapporteur Judge, Directorate General for International Relations and EU Affairs, Ministry of Justice of the Republic of Turkey

Mr Güray GÜÇLÜ, Legal Counselor, Permanent Representation of Turkey to the Council of Europe

UNITED KINGDOM / ROYAUME UNI
Ms Fatima KHOEI, Environment and Human Rights Policy Advisor, Environmental Governance Team, Natural Environment, Trees and Landscape Directorate, Department for Environment, Food and Rural Affairs

Mr Andrew THOMPSON, Ministry of Justice

EXPERTS / INTERVENANTS
Mme Véronique JAWORSKI, Senior Lecturer, University of Strasbourg, Researcher at the SAGE political social sciences laboratory / Maître de conférence HDR à l'Université de Strasbourg, Chercheur à SAGE

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EUROPEAN UNION / UNION EUROPÉENNE
Ms Claudia KORTHALS, Responsible for the revision of the Environmental Crime Directive, European Commission

Mr Simon HOFMANN, European Commission, DG JUST, Unit B1 – General Criminal Matters

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SECRETARIAT OF THE COUNCIL OF EUROPE
SECRETARIAT DU CONSEIL DE L'EUROPE

Directorate General of Human Rights and Rule of Law /
Direction Générale des droits de l’Homme et Etat de Droit

Mr Carlo CHIAROMONTE Head of Criminal Law Division / Secretary to the CDPC
Chef de la Division du droit pénal / Secrétaire du CDPC

Ms Phoebe JAMIESON Criminal Law Division / Division du droit pénal

Ms Lucy ANCELIN Assistant / Assistante

Ms Claire ROBINS Assistant / Assistante

INTERPRETERS / INTERPRÈTES

Mme Claudine PIERSON

Mme Léa OUEDRAOGO