



Strasbourg, 11 April 2023

PC-ENV(2023)02

COMMITTEE OF EXPERTS ON THE PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW (PC-ENV)

1st meeting

3-4 April 2023

Strasbourg, Council of Europe

MEETING REPORT

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

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I. Background

On 23 November 2022, the [Committee of Ministers of the Council of Europe](#) adopted the [Terms of Reference](#) for a new [Committee of Experts on the Protection of the Environment through Criminal Law \(PC-ENV\)](#). The PC-ENV was subsequently established and entrusted with the elaboration of a new draft Convention on the Protection of the Environment through Criminal Law.

II. Opening of the meeting, introductory matters and election of the Chair and Vice Chair

The PC-ENV held its first meeting on 3-4 April 2023 at the Council of Europe in Strasbourg. The meeting was opened by Mr Bjørn Berge, the Deputy Secretary General (DSG) of the Council of Europe, who [underlined](#) the many negative impacts of environmental crime on human rights. He highlighted the well-placed position of the Council of Europe in providing a framework to help States prevent and combat these crimes and enhance international co-operation.

Following the adoption of the draft agenda, Mr Carlo Chiaromonte, the Secretary to the PC-ENV, provided background and procedural information, outlining that the PC-ENV is a subordinate body established under [the European Committee on Crime Problems \(CDPC\)](#), its Steering Committee. Upon finalisation of its work, the draft Convention will be sent for examination and adoption by the CDPC before going to the Committee of Ministers of the Council of Europe (the key decision-making body) for final approval and becoming open for signatures.

Mr Chiaromonte highlighted that the establishment of the PC-ENV followed from a comprehensive Council of Europe [Feasibility Study](#) which identified the appropriateness and feasibility of a new Convention on the Protection of the Environment through Criminal Law. He cited [Resolution CM/Res\(2021\)3](#) as the key legal tool regulating the functioning of the PC-ENV.

The PC-ENV held a *Tour de Table* in which all participants presented themselves, including their functions and experience on environmental and criminal law matters. The Committee elected Mr Šimon Pepřík from the Czech Republic as Chair of the PC-ENV and Ms Cristina Mauro from France as Vice-Chair and expressed their congratulations.

Mr Pepřík invited the Secretariat to provide a brief overview of the [PC-ENV website](#) as a key point of reference for the work moving forward, noting that the page will be frequently updated with all relevant PC-ENV documents and resources.

III. Presentations on current and ongoing initiatives

The United Nations Environment Programme (UNEP) [presented](#) the increasing trajectory of environmental crime and the use of treaties as a key tool to help drive national legislation in action and address transboundary challenges. The importance of considering how such treaties will be implemented on the ground during their elaboration was also emphasised. UNEP reiterated the importance of international co-operation, identifying the role of mutual legal assistance (MLA) and joint investigative teams (JITs) in this regard. UNEP further highlighted their extensive initiatives in the field of environmental protection, including the REN Project, Waste Force, UNWASTE, Green Customs Initiative (GCI) and Safety Across Asia for the Global Environment (SAFE).

The United Nations Office on Drugs and Crime (UNODC) [outlined](#) its Global Programme on Crimes that affect the Environment and its part in the International Consortium on Combating Wildlife Crime. UNODC discussed its evidence-based assessments in its various activities, e.g. supporting member States in identifying strengths and weaknesses in their preventive and criminal justice systems and strengthening their national legislation and international co-operation.

The European Commission [presented](#) recent developments on the proposal for a new European Union Directive on the protection of the environment through criminal law, which will replace the existing Environmental Crime Directive ([Directive 2008/99/EC](#)). The European Commission provided an overview of the main aspects that this proposal aspires to update, highlighting the inclusion of several new offences and improved provisions on sanctions, ancillary measures, limitation periods, jurisdiction and monitoring mechanisms.

INTERPOL discussed its Environmental Security Programme in the area of organised and emerging crimes, underlining its focus on fisheries crime, forestry crime, illegal mining, pollution crime and wildlife crime. INTERPOL further identified formal challenges associated with MLA in this field, including fundamental misunderstandings about national legal standards and lengthy procedures. They highlighted the importance of ensuring that a new common legal framework can be used by law enforcement agencies to allow effective prosecution of transboundary cases.

The Global Initiative to End Wildlife Crime (EWC) provided a [statement](#) underlining their role in advocating for and offering technical support towards the creation of a new global agreement on wildlife crime, as well as in amending current international instruments to take a “One Health” approach to wildlife trade and markets. EWC encouraged the PC-ENV to closely monitor the ongoing process within the Vienna UN Duty Station, where the UNODC is collecting Member States’ views on a potential global agreement to tackle wildlife trafficking.

IV. Open discussion on the structure and scope of the new Convention

Mr Chiaromonte presented the Terms of Reference for the PC-ENV and the general structure of other Council of Europe Criminal Law Conventions such as the [2011 Istanbul Convention](#), the [2017 Convention on Offences relating to Cultural Property](#) and [the model provisions for Council of Europe Criminal Law Conventions](#).

The Chair opened the floor to the PC-ENV to provide general observations on the scope and structure of the new Convention. Several delegations reiterated the importance of referring to the articles from the [1998 Council of Europe Convention on the Protection of the Environment through Criminal Law](#) that were identified in the aforementioned Feasibility study as suitable to remain in the new Convention.

The PC-ENV also emphasised the need to keep existing international instruments in mind, such as the 1998 Aarhus Convention, as well as other Council of Europe texts which might align with the future Convention or serve as inspiration: article 29 of the [1997 Oviedo Convention](#), the [2001 Convention on Cybercrime](#), the [2005 Convention on the Prevention of Terrorism](#), and the [2022 Recommendation on the protection of witnesses and collaborators of justice](#).

The delegations underlined the importance of monitoring mechanisms and agreed to discuss whether such a mechanism should form part of the new Convention and, if so, to what extent. The PC-ENV, therefore, instructed the Secretariat to prepare a document outlining the different monitoring systems as already used in other areas of the Council of Europe, including their methodologies and financial implications, to be examined by the PC-ENV before its next meeting.

The PC-ENV further discussed the liability of legal persons and the possibility of either maintaining the traditional wording currently used in criminal law conventions or introducing more specific standards on monetary sanctions. The PC-ENV agreed to include both possibilities in the first draft of the Convention as options for examination at the next meeting. Greenwashing was also raised as a problematic and relevant issue which could be considered as a possible offence.

V. Next steps and closing of the meeting

The PC-ENV instructed the Secretariat to prepare, in consultation with the Chair and Vice-Chair, an initial draft of the Convention to be sent before the summer to all members and observers for examination and written comments. All written comments received will then be compiled by the Secretariat and redistributed to the PC-ENV in advance of the substantive discussions on this first draft at the second meeting.

Several delegations underlined that they would not be able to contribute to the forthcoming discussions on the new Convention before the legislative process in the European Commission is complete. The PC-ENV, therefore, agreed to request an amendment to the number of meetings stated in the Terms of Reference to two in 2023 and two in 2024 in view of the finalisation of its work by the current deadline of June 2024.

The second meeting of the PC-ENV will be held on 16-18 October 2023 at the Council of Europe in Strasbourg. The Chair closed the first meeting by expressing his appreciation for the insightful and fruitful observations and discussions.

APPENDIX I - Agenda

3 April 2023	
9:30 a.m.	<p style="text-align: center;">Opening of the meeting</p> Opening remarks by Mr Bjørn Berge, Deputy Secretary General of the Council of Europe
	Presentation of introductory matters by Mr Carlo Chiaromonte, Secretary to the PC-ENV: <ul style="list-style-type: none"> • Adoption of the agenda • Background information and procedure
	<i>Tour de table:</i> <ul style="list-style-type: none"> • Introduction of all participants
	<i>Coffee break</i>
	Election of the Chair and Vice-Chair of the PC-ENV
12:30 – 2:00 p.m.	<i>Lunch break</i>
	Presentations and exchange of views on current and ongoing initiatives: <ul style="list-style-type: none"> • United Nations Environment Program (UNEP) • United Nations Office on Drugs and Crime (UNODC) • European Commission
	Examination of the terms of reference of the PC-ENV
5:00 p.m.	End of day one

4 April 2023	
9:30 a.m.	Planning the future work of the PC-ENV: <ul style="list-style-type: none"> • Identification of steps in the elaboration of the draft Convention on the Protection of the Environment through Criminal Law • Open discussion on the structure of the new Convention
	<i>Coffee break</i>
	Continued
12:30 – 2:00 p.m.	<i>Lunch break</i>
	Continued

	Identification of next steps
	Summary of discussions, outcomes and dates of next meeting
5:00 p.m.	Concluding remarks and close of the meeting

Appendix II - List of participants

MEMBER STATES / ETATS MEMBRES

ARMENIA / ARMENIE

Ms Varduhi MELIKYAN

Counselor of the Council of Europe Division,
European Department
Ministry of Foreign Affairs

Mrs Nelli SAROYAN

Head of the International Treaties and Law
Department
Ministry of Foreign Affairs

AUSTRIA / AUTRICHE

Mr Christian MAYER Apologised / Excusé

Public Prosecutor
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1 and IV 2
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AZERBAIJAN / AZERBAIDJAN

Mr Babak ZAKIRZADE

Senior prosecutor
Department of non-criminal proceedings

BELGIUM / BELGIQUE

Madame Clara LAMBREY

Attachée
Federal Public Service Justice
Directorate General Legislation, Freedoms and
Fundamental Rights

BULGARIA / BULGARIE

Ms Tea PENEVA

Chief expert
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International legal cooperation and European
affairs Directorate
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CROATIA / CROATIE

Apologised / Excusé

CYPRUS / CHYPRE

Ms Lina CHATZIATHANASIOU

Counsel of the Republic A

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Šimon PEPŘÍK

Chair of the PC-ENV / Président du PC-ENV
Senior legal counsellor
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ESTONIA / ESTONIE

Mr Markko KÜNNAPU

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FINLAND / FINLANDE

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FRANCE

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GEORGIA / GEORGIE

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GERMANY / ALLEMAGNE

Mr Markus BUSCH

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GREECE / GRECE

Mrs Kalliopi THEOLOGITOU

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IRELAND / IRLANDE

Ms Carol O'SULLIVAN

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ITALY / ITALIE

Mr Pasquale FIMIANI

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LATVIA / LETTONIE

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LITHUANIA / LITUANIE

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LUXEMBOURG

Mme Barbara UJLAKI

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Ministère de la Justice

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Apologised / Excusé

**NORTH MACEDONIA / MACEDOINE DU
NORD**

Mr Nikola PROKOPENKO

State Counsellor in criminal matters

NORWAY / NORVEGE

Ms OkKyong PARK-BHASIN

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Norwegian Ministry of Justice and Public
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EUROPEAN UNION / UNION EUROPEENNE

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HOLY SEE / SAINT-SIEGE

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Mr Tetsushi HIRANO
Chargé de mission
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* * * *

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Mme Marine CALMET
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* * * *

**COUNCIL OF EUROPE BODIES AND INSTITUTIONS /
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Ms Yuliia OVCHYNNYKOVA

(Ukraine, ALDE)

PACE Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly

Ms Eleonor HOURIGAN

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Ms Aiste RAMANAUSKAITE

Secretary of the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe

Ms Jannick DEVAUX

Secretariat of the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe

**STANDING COMMITTEE OF THE BERN
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LA CONVENTION DE BERNE**

Mr Mikaël POUTIERS

Secretary of the Bern Convention on biodiversity

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**SECRETARIAT OF THE COUNCIL OF EUROPE
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**Private Office of the Secretary General and the Deputy Secretary General / Cabinet de la
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Mr Bjørn BERGE

Deputy Secretary General / Secrétaire Général adjoint

Mr Matthias KLOTH

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Interpreters / Interprètes

Ms Lucie DE BURLET - Head of Team / Chef d'équipe
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