



Strasbourg, 10 October 2024

PC-ENV(2024)06

COMMITTEE OF EXPERTS ON THE PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW

5th meeting

7-9 October 2024

Strasbourg, Council of Europe

MEETING REPORT

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

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Opening of the meeting

The 5th and last meeting of the PC-ENV took place on 7-9 October 2024 at the Council of Europe in Strasbourg, under the Chairmanship of Mr Šimon Pepřík (Czechia). Having agreed on the text of the draft Convention on the Protection of the Environment through Criminal Law during its 4th meeting, the Committee examined and discussed the text of the draft Explanatory Report prepared by the Secretariat on the basis of the discussions held during the four previous meetings, and other Council of Europe documents, in this 5th meeting.

The meeting was opened by the Chair of the PC-ENV, who welcomed all participants and expressed his appreciation for the written contributions received. The Secretary to the PC-ENV, Mr Carlo Chiaromonte, welcomed the participants on behalf of the Council of Europe and expressed his satisfaction with the pro-active co-operation with the delegations when preparing the draft Explanatory Report.

General comments on the draft Explanatory Report

The Chair opened the floor for delegations to provide comments on the draft Explanatory Report. Several delegations thanked the Secretariat and expressed their general satisfaction with the text of the draft Explanatory Report. The Chair explained the purpose of the draft Explanatory Report, which is to serve as a commentary on the Convention and facilitate the understanding of the Convention's provisions.

Delegations affirmed the importance of drafting the Explanatory Report in a way to ensure, to the widest extent possible, the interpretation of the Convention as a living instrument, taking into account present-day conditions and upcoming developments in the field of environmental protection.

Introduction of the draft Explanatory Report

The introduction of the draft Explanatory Report explains the phenomenon of environmental crime and highlights the many forms it may take. Criminal networks that engage in environmental crime additionally engage in other types of crimes, such as corruption, money laundering or trafficking, including in people, weapons, and drugs. The Committee considered it important to highlight the fact that environmental crime requires a global, collaborative effort and that it cannot be countered effectively in isolation. The introduction also explains the aim of the Convention which is to protect the environment in a wide sense, encompassing all natural resources, such as air, soil, and water, ecosystems, including the services and functions of those ecosystems, as well as wild fauna or flora and habitats. The introduction of the draft Explanatory Report further highlights previous action taken by the Council of Europe in this field.

Commentary on the Preamble and the provisions of the Convention

The group agreed on the explanation of the Preamble and the three first chapters ("Purposes, scope, definitions and non-discrimination"; "Integrated policies and data collection"; and "Prevention") with minor changes.

The chapter on substantive criminal law was in general well-received by delegations. The Committee agreed to provide examples of some of the terms related to the definition of offences for illustrative purposes and to better clarify their meaning. Articles 27 and 28 ("Offences related to the unlawful killing, destruction, taking and possession of protected wild fauna or flora"; and "Offences related to the unlawful trading in protected wild fauna or flora") were subject to lengthier discussions. It was agreed to include an explanation that both of these offences can be committed in the course of any economic and private activities and provide for a non-exhaustive list of fauna and flora species covered by these criminal offences.

The remaining content of the draft Explanatory Report was agreed on with minor changes.

Next steps and closing of the meeting

Following fruitful debates, the PC-ENV agreed on the text of the draft Explanatory Report. The Chair congratulated the Committee on finalising its work on the Convention on the Protection of the Environment through Criminal Law and its Explanatory Report and congratulated all participants of States, the European Commission, international organisations, NGOs, civil society and relevant bodies of the Council of Europe, including the Parliamentary Assembly, the Standing Committee of the Bern Convention, and the European Court of Human Rights, on this historical achievement. The Chair also thanked the Committee for their commitment and the valuable contribution of their expertise and dedication to the important issue of protecting the environment. Delegations also highlighted the excellent results achieved in such a short time, emphasising that this draft Convention has been finalised in a very short space of time after the Reykjavik Declaration, adopted at the 4th Summit of Heads of State and Government of the Council of Europe (Reykjavik, 16-17 May 2023), in which the Heads of State and Government of the Council of Europe declared their commitment to strengthen their work at the Council of Europe on the human rights aspects of the environment, to identify the challenges raised by the triple planetary crisis of pollution, climate change and loss of biodiversity for human rights, and to contribute to the development of common responses thereto.

The Secretariat explained that the draft Convention and the draft Explanatory Report will be sent to the European Committee on Crime Problems (CDPC) for evaluation and approval at its Plenary meeting on 20-22 November 2024. The Convention will thereafter undergo editorial and legal checks by the Council of Europe Editorial Unit, SPDP, and the Directorate of Legal Advice and Public International Law (DLAPIL) before being transmitted to the Secretariat of the Council of Europe Committee of Ministers and put on the agenda of the relevant rapporteur group, in this case the GR-J (Rapporteur Group - Legal Cooperation), for transmission to the Parliamentary Assembly (PACE) for an opinion. The opinion and the draft Convention will then be on the agenda of the next GR-J session for further examination. When the GR-J approves the text, it will be transmitted to the Committee of Ministers (CM) at Deputy level for adoption, or if a Ministerial Session is coming up, it will be transmitted to the Ministers for adoption after approval by the Deputies.

APPENDIX I – Agenda

7 October 2024	
10:00 a.m.	Opening of the meeting Welcome and opening remarks by Mr Šimon Pepřík, Chair of the PC-ENV, and Mr Carlo Chiaromonte, Secretary to the PC-ENV
	Adoption of the agenda
	Background information and aim of the fifth meeting
	Examination of the text of the draft Explanatory Report to the draft Convention on the Protection of the Environment through Criminal Law
11:00 a.m.	<i>Coffee break</i>
	Continued
12:30 – 2:00 p.m.	<i>Lunch break</i>
	Continued
3:30 p.m.	<i>Coffee break</i>
	Continued
5:30 p.m.	End of day one

8 October 2024	
9:30 a.m.	Examination of the text of the draft Explanatory Report to the draft Convention on the Protection of the Environment through Criminal Law
11:00 a.m.	<i>Coffee break</i>
	Continued
12:30 – 2:00 p.m.	<i>Lunch break</i>
	Continued
3:30 p.m.	<i>Coffee break</i>
	Continued
5:30 p.m.	End of day two

9 October 2024	
9:30 a.m.	Completion of the text of the draft Explanatory Report
12:00 – 2:00 p.m.	<i>Reception</i> <i>Lunch break</i>
	Approval of the text of the draft Explanatory Report
	Summary of discussions and outcomes
4:00 p.m.	Concluding remarks and close of the meeting

APPENDIX II – List of participants

MEMBER STATES / ETATS MEMBRES

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GERMANY / ALLEMAGNE

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