

## Terms of reference of the Committee of Experts on the protection of the environment through criminal law (PC-ENV)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Category: Subordinate body

Duration: 1 January 2024 – 31 December 2024<sup>1</sup>

Programme: Advancing social justice, good health and a sustainable environment

Sub-programme: Protection of the environment and human rights

### Deliverable

Under the authority of the Committee of Ministers, and of the European Committee on Crime Problems (CDPC), the PC-ENV is instructed to complete the following deliverable, within the following deadlines:

	Category ▼	Priority ▼	Deadline ▼
<p>1. Draft Convention superseding and replacing the European Convention on the Protection of the Environment through Criminal Law (ETS No. 172), as well as a draft Explanatory Report thereto.</p> <p>(i) The Committee shall ensure that the draft Convention deals with, inter alia, the following issues:</p> <ul style="list-style-type: none"> <li>- purpose and scope of the Convention;</li> <li>- terminology and definitions of the Convention;</li> <li>- substantive criminal law: offences, persons responsible and sanctions;</li> <li>- procedural law and international co-operation;</li> <li>- prevention measures;</li> <li>- any other issue which it deems to be of consequence for the protection of the environment through criminal law.</li> </ul> <p>(ii) The Committee shall consider the inclusion of the following issues in the draft Convention: civil society participation and monitoring mechanisms, where appropriate.</p> <p>(iii) The Committee shall ensure that the substantive criminal law provisions of the draft Convention are worded in such a way that they can be effectively implemented by States Parties and enable national criminal law provisions based on the draft Convention to be sufficiently clear and precise, so that individuals may ascertain which conduct constitutes a criminal offence.</p> <p>(iv) The Committee shall ensure that the aforesaid draft Convention is fully compatible with already existing, relevant international and supranational legally binding standards.</p> <p>(v) The Committee shall consider the previous and current work carried out in this field by the relevant international and supranational organisations, notably the United Nations, the European Union and INTERPOL, as well as the previous work of the Council of Europe in this area.</p> <p>(vi) In its work, the Committee should take into account the human rights and rule of law standards of the Council of Europe, the relevant jurisprudence of the European Court of Human Rights, as well as the best practices of member States and other international organisations and initiatives.</p> <p>(vii) In its work, the Committee should take into account the documents “Feasibility Study on the Protection of the Environment through Criminal Law CDPC(2021)9-Fin”, “Model Provisions for Council of Europe Criminal Law Conventions CDPC(2014)17-Fin” and “Draft Elements for an Explanatory Report CDPC(2014)24-Fin”.</p>	A	1	31/12/2024
<p><b>Key</b></p> <p>A: deliverable under preparation (2022-2023 terms of reference or Committee of Ministers’ decision) or deliverable foreseen in the terms of reference provisionally approved for 2024-2025 and reviewed where relevant in the framework of the preparation of the draft Programme and Budget 2024-2027</p> <p>B: review of implementation/re-examination foreseen by the recommendation/protocol/convention</p> <p>C: newly proposed deliverable</p>			

### Composition

#### • Members

Governments of member States are invited to designate one or more representatives of the highest possible rank with recognised expertise in the environmental situation and criminal law and the challenges States are now facing regarding environmental crime. The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the Committee of Experts shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

<sup>1</sup> Cf [CM/Del/Dec\(2022\)1449/10.3](#). The terms of reference were adopted by the Committee of Ministers until 30 June 2024. It is proposed to extend them until the end of the year.

- **Participants**

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Conference of INGOs of the Council of Europe;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- other international organisations, including United Nations Environment Program (UNEP); United Nations Office for Drugs and Crime (UNODC); International Criminal Police Organisation (INTERPOL); Organisation for Security and Co-operation in Europe (OSCE); Organisation for Economic Co-operation and Development (OECD); Financial Action Task Force (FATF).

- **Observers**

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Environmental Bureau (EEB);
- World Wide Fund for Nature European Policy Office (WWF-EPO);
- Greenpeace;
- International Union for Conservation of Nature (IUCN);
- Wild Legal;
- Global Initiative to End Wildlife Crime (EWC);
- States having been invited by decision of the Committee of Ministers to participate in the negotiations.

Observer status may be requested in accordance with Article 8 of [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

## Working methods

The rules of procedure of the Committee are governed by [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Plenary meetings ▼			
	Members incl. Chair	Meetings per year	Days per meeting
2024	47	2	3

The PC-ENV will appoint from amongst its members a Gender Equality Rapporteur.

The Chair of the PC-ENV will be invited to attend meetings of the CDPC and/or its Bureau to inform them on progress with its work.

## Budgetary information\*

	Meetings per year	Days per meeting	Members reimbursed	Plenary in €K	Bureau in €K	Working groups in €K	Secretariat (A, B)
2024	2	3	47	90.0	-	-	0.5 A; 0.5 B

\*The costs include the per diem, travel costs, interpretation, translation and document printing. These costs are calculated on the basis of standard costs.