



Council of the  
European Union

Brussels, 14 July 2023  
(OR. en)

11837/23

LIMITE

COPEN 258  
DROIPEN 108  
JAI 1005  
ENV 851  
RELEX 893

#### 'I' ITEM NOTE

From:	Presidency/General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
No. Cion doc.:	11545/1/23 REV 1 + ADD 1 REV 1
Subject:	Council Decision authorising the European Commission to participate, on behalf of the European Union, in negotiations on a Council of Europe Convention superseding and replacing the 1998 Convention on the Protection of the Environment through Criminal Law (ETS No. 172) – Addition of a legal basis - Approval

1. On 7 July 2023, the Commission presented a recommendation for the abovementioned Council Decision, accompanied by draft negotiating guidelines (11545/1/23 REV 1 + ADD 1 REV 1).
2. The draft Council Decision, in the form recommended by the Commission, is based on Article 218(3) and (4) of the Treaty on the Functioning of the European Union (TFEU).
3. At the JHA Counsellors meeting on 14 July 2023, when examining the draft Council Decision for the first time, delegations agreed that Article 83(2) TFEU should be added as a legal basis.

4. The date of the approval of this addition by Coreper marks, for this file, the commencement of the opt-in period provided for in Article 3 of Protocol 21 to the Treaties. It also triggers the application of Protocol 22 to the Treaties.
5. In light of the above, Coreper is invited to:
- approve the addition of Article 83(2) TFEU as a legal basis to the draft Council Decision.

---