



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 15 October 2008 (17.10)  
(OR. fr)**

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**Interinstitutional File:  
2007/0022 (COD)**

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**14242/08  
ADD 1**

**CODEC 1320  
DROIPEN 77  
ENV 680**

**ADDENDUM TO "I/A" ITEM NOTE**

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from: General Secretariat of the Council  
to: COREPER/COUNCIL

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No. Cion prop.: 6297/07 DROIPEN 10 ENV 95 SAN 20 CONSOM 7 CODEC 113

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Subject: Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law **[first reading]**

- Adoption of the legislative act (**LA + S**)
- = Statement

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**STATEMENT BY THE FRENCH, LUXEMBOURG, PORTUGUESE, ROMANIAN,  
LATVIAN, BULGARIAN, SPANISH, CZECH AND MALTESE DELEGATIONS**

The French, Luxembourg, Portuguese, Romanian, Latvian, Bulgarian, Spanish, Czech and Maltese delegations state that the inclusion of a correlation table in Article 8(2) of the Directive cannot be construed as establishing any legal obligation going beyond that in the third paragraph of Article 249 of the Treaty establishing the European Community, which stipulates that "a directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods".

Such a provision is also inconsistent with point 34 of the Interinstitutional Agreement on better law-making (OJ C 321, 31.12.2003, p. 1) and cannot be taken as a precedent in discussions on other legislation.