



Council of the  
European Union

Brussels, 28 November 2022  
(OR. en)

---

---

Interinstitutional File:  
2021/0422(COD)

---

---

15006/22  
ADD 1

LIMITE

COPEN 409  
DROIPEN 155  
ENV 1209  
JAI 1558  
CODEC 1841

#### NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	ST 14734/22, WK 16106/22 REV 1
No. Cion doc.:	ST 14459/21 + COR 1 + ADD 1 + ADD 2 COR 1 + ADD 3
Subject:	Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law - General approach - Declaration by the Italian delegation

Italy presents the following declaration for the minutes of the Coreper meeting at which the draft directive will be examined:

*‘Italy wishes to reiterate its doubts and concerns as regards Article 7(3) of the proposed text, relating to sanctions for legal persons.*

*As flagged and highlighted throughout the negotiations, Italy considers that the alternative possibility of sanctioning legal persons on the basis of 'fixed amounts' - as now set out in subparagraph (b) of Article 7(3) - should not have been inserted in the text.*

*In our opinion, in order to achieve the aim of creating sufficient, proportionate and dissuasive sanctions, only the possibility of sanctioning legal persons on the basis of the total worldwide turnover - as set out in subparagraph (a) of Article 7(3) - should have been foreseen. This mechanism is not new within the European instruments, as it is already provided in the competition sector and in the GDPR.*

*In addition, we regret that two possibilities are set out on an equal footing, without any priority being given to the possibility under (a). In our view, the possibility under (b) should only be used in the event that the possibility under (a) cannot be applied, for whatever reason.'*

---