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#### 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council  
Subject: Proposal for a Council Decision on the signing, on behalf of the European Union, of the Council of Europe Convention on the protection of the environment through criminal law  
- Adoption

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#### I. INTRODUCTION

1. By means of Decision (EU) 2023/2170<sup>1</sup>, the Council authorised the Commission to participate, on behalf of the Union, in the negotiations on a convention on the protection of the environment through criminal law superseding and replacing the 1998 Council of Europe Convention on the Protection of the Environment through Criminal Law.
2. The Commission conducted the negotiations in liaison with the Working Party on Judicial Cooperation in Criminal Matters (COPEN).

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<sup>1</sup> Council Decision (EU) 2023/2170 of 28 September 2023 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) (OJ L, 2023/2170, 16.10.202, ELI: <http://data.europa.eu/eli/dec/2023/2170/oj>).

3. Following successful conclusions of the negotiations, the Committee of Ministers of the Council of Europe adopted the Council of Europe Convention on the Protection of the Environment through Criminal Law ('Envicrime Convention') on 14 May 2025. The Envicrime Convention is envisaged to be opened for signature on 3 December 2025.
4. On 29 July 2025, the Commission submitted to the Council a proposal for a Decision on the signing, on behalf of the European Union, of the Envicrime Convention.<sup>2</sup>
5. The draft Council Decision is based on Article 83(2) of the Treaty on the Functioning of the European Union, in conjunction with Article 218(5) thereof.
6. The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>3</sup> and delivered an opinion on 22 September 2025<sup>4</sup>.
7. The COPEN Working Party discussed the proposal for a Council Decision at its meetings on 15 September, 3 October and 7 November 2025. Following an informal consultation<sup>5</sup>, agreement was reached on the text at technical level<sup>6</sup>.
8. Afterwards, lawyers-linguists revised the text of the draft Council Decision and the translations of the Envicrime Convention. The text as revised by the lawyer-linguists is set out in ST 15294/25 (draft Council Decision) and in ST 15396/25 (Envrime Convention).
9. The Council Decision should now be adopted, in time for the signing ceremony of the Envicrime Convention.

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<sup>2</sup> ST 11314/25 + ADD 1.

<sup>3</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

<sup>4</sup> OJ C [...], [...], p. [...] (*EDPS opinion 25/2025*)

<sup>5</sup> ST 15322/25 + REV 1.

<sup>6</sup> ST 15322/1/25 REV 1 ADD 1.

## II. CONCLUSION

6. In the light of the above, the Permanent Representatives Committee is invited to:
- (a) confirm agreement on the text of the Council Decision, as set out in ST 15294/25;
  - (b) confirm the text of the Envicrime Convention, as set out in ST 15396/25;
  - (c) recommend that the Council adopts the Council Decision as set out in ST 15294/25, through an 'A' item in one of its next meetings.
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