Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	17082/25; WK 1021/26
No. Cion doc.:	11315/25 + ADD 1
Subject:	Draft Council Decision on the conclusion of the Council of Europe Convention on the protection of the environment through criminal law - Follow-up of the COPEN meeting on 14 January 2026 - Revised text - Informal written consultation

Draft Council Decision on the conclusion of the Envicrime Convention – Follow-up of the COPEN (General Matters) meeting on 14 January 2026

Informal written consultation: deadline Thursday 29 January 2026, 17:00

1. At the COPEN meeting on 14 January 2026, delegations continued the examination of the Commission proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the protection of the environment through criminal law. Discussions were conducted on the basis of ST 17082/25.

2. Subsequently to the meeting, the Presidency was in contact with delegations and consulted Member States through WK 1021/26. On that basis, a revised text was established, see the Annex to this note.

3. As announced, the Presidency would like to finalise the discussions on this file in writing. Unless any delegation informs the Presidency and the General Secretariat via Delegates Portal (Consultations section), it will be assumed that all Member States can accept the text as it stands in the Annex.

4. If agreement at technical level is reached, the draft Council Decision will be submitted to Coreper for approval (through a I-item, without discussion). Afterwards, the European Parliament will be consulted.

PUBLIC

ANNEX

(draft)

PUBLIC

COUNCIL DECISION

on the conclusion of the Council of Europe Convention on the protection of the environment through criminal law

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 83(2), in conjunction with Article 218(6), second subparagraph, point (a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament[1],

Whereas:

(1) In accordance with Council Decision (EU) 2025/2493 of 1 December 2025 [2], the Council of Europe Convention on the protection of the environment through criminal law ("the Convention") was signed on 3 December 2025, subject to its conclusion at a later date.

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1 Consent published in OJ L […].

2 Council Decision (EU) 2025/2493 of 1 December 2025 on the signing, on behalf of the European Union, of the Council of Europe Convention on the Protection of the Environment through Criminal Law, OJ L 2025/2493, 5.12.2025, *ELI: http://data.europa.eu/eli/dec/2025/2493/oj*

(1a) The Convention is in conformity with the Union objectives of ensuring a high level of protection of the environment and improving the quality of the environment, as laid out in Article 191 of the Treaty on the Functioning of the European Union, and of fighting against environmental crime, including by means of criminal law. Furthermore, Union action in the fight against environmental crime also aims to protect the fundamental rights of persons affected by such crime.

(2) The Convention lays down provisions on its purpose and scope, legal definitions and terminology, criminal offences, the liability of legal persons, sanctions and other measures, aggravating and mitigating circumstances, procedural rights and cooperation, preventive measures and civil society participation regarding environmental crime.

(3) On 11 April 2024, the European Parliament and the Council adopted, on the basis of Article 83(2) of the Treaty on the Functioning of the European Union, Directive (EU) 2024/1203 of the European Parliament and of the Council[3], which is broadly aligned with the Convention.

(3a) The Commission participated in the negotiations on behalf of the Union and ensured that the Convention is compatible with the relevant Union rules.

(4) The Union should become a Party to the Convention alongside its Member States, since the Union and its Member States have competence in the areas covered by the Convention. The Convention should be concluded on behalf of the Union as regards matters falling within the competence of the Union insofar as the Convention may affect common rules or alter their scope.

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[3] Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC, OJ L, 2024/1203, 30.4.2024, ELI: http://data.europa.eu/eli/dir/2024/1203/oj.

(4a) In the area of shared competences, Member States retain their competence insofar as the Convention does not affect common rules or alter their scope. The conclusion of the Convention by the Union is without prejudice to the Member States' competence as regards the ratification, approval or acceptance of the Convention in accordance with their internal procedures.

(5) In order to ensure full compatibility between the Convention and Directive (EU) 2024/1203, as well as the uniform and effective application of the Convention, the Union should, in particular, avail itself of the possibility provided in Article 56(3) of the Convention to specify the scope of the term "unlawful" and certain notions used for the purpose of defining criminal offences under the Convention by means of a reservation. A reservation in this regard is attached to this Decision.

(5a) This reservation is without prejudice to any other reservations or declarations that Member States might wish to make individually, where permissible. When Member States consider making any reservations or declarations individually, they should inform the Commission in advance.

(6) *(deleted)*

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(7) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(9) 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[4] and delivered an opinion on on 22 September 2025.[5]

(9a) Therefore, the Convention should be concluded and the attached reservation should be approved,

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[4] 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).

[5] OJ C […], […], p. […] (EDPS opinion 25/2025)

HAS ADOPTED THIS DECISION:

Article 1

The Council of Europe Convention on the Protection of the Environment through Criminal Law is hereby approved.[6]

Article 2

The reservation attached to this Decision is hereby approved.[7]

Article 2a

When Member States consider making any reservations or declarations individually, they shall inform the Commission in advance.

Article 3

This Decision shall enter into force on […].[8]

Done at Brussels,

For the Council

The President

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6 The text of the Convention is published in OJ L, […].

7 The reservation is published in OJ L, […].

8 The date of entry into force of the Convention will be published in the *Official Journal of the European Union*.

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Reservation concerning the definition of certain terms under the Council of Europe Convention on the Protection of the Environment through Criminal Law

In accordance with Article 56, paragraph 3, of the Convention on the Protection of the Environment through Criminal Law ("the Convention"), the European Union declares that, for its Member States, the notions "a domestic law, a regulation, an administrative provision or a decision taken by a competent authority aimed at protecting the environment" used for defining the term "unlawful" in Article 3(a) of the Convention shall mean Union law which contributes to the pursuit of one of the objectives of the Union's policy on the environment as set out in Article 191(1) of the Treaty on the Functioning of the European Union, as well as a law, regulation or administrative provision of a Member State of the European Union, or a decision taken by a competent authority of a Member State, which gives effect to the relevant Union law, including when national rules go beyond minimum requirements set out in Union law. The same meaning shall apply to the notions "domestic law" and "domestic provisions" used for the purposes of defining the relevant conduct under Articles 14, 19, 20, 21, 26, 29 and 30 of the Convention. Furthermore, the notions "protected" and "requirement" used for the purposes of defining the relevant conduct under Articles 13, 22, 27, 28 and 29 of the Convention shall be interpreted in accordance with domestic law, as defined above. This reservation is without prejudice to any reservations or declarations that Member States might wish to make individually, where permissible.