



Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion of the Council of Europe
Convention on the Protection of the Environment through Criminal Law

COUNCIL DECISION (EU) 2026/...

of ...

**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 Parliament¹,

¹ Consent published in OJ L ...

Whereas:

- (1) In accordance with Council Decision (EU) 2025/2493², 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.
- (2) 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 (TFEU), 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.
- (3) 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.
- (4) On 11 April 2024, the European Parliament and the Council adopted, on the basis of Article 83(2) TFEU, Directive (EU) 2024/1203 of the European Parliament and of the Council³, which is broadly aligned with the Convention.

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>).

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>).

- (5) The Commission participated in the negotiations on behalf of the Union, and ensured that the Convention is compatible with the relevant Union rules.
- (6) 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 in so far as the Convention may affect common rules or alter their scope.
- (7) In the area of shared competences, Member States retain their competence in so far 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.
- (8) 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. That 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.

- (9) 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 (TEU) and to the TFEU, 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.
- (10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (11) 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 Council⁴ and delivered its Opinion 25/2025 on 22 September 2025.
- (12) The Convention should be approved and the reservation attached to this Decision be made,

HAS ADOPTED THIS DECISION:

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>).

Article 1

The Council of Europe Convention on the Protection of the Environment through Criminal Law is hereby approved⁵⁺.

Article 2

The reservation attached to this Decision is hereby approved⁶⁺⁺.

Article 3

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

Article 4

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council
The President

⁵ The text of the Convention is published in OJ L, ..., ELI:
⁺ Delegations/OJ: see document ST 15396/25.
⁶ The reservation is published in OJ L, ..., ELI:
⁺⁺ Delegations/OJ: see document ST 5824/26 ADD1.