



Conseil de
l'Union européenne

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Objet:	Proposition de directive du Parlement européen et du Conseil relative à la protection de l'environnement par le droit pénal et remplaçant la directive 2008/99/CE - Orientation générale partielle - Déclaration de Malte et de Chypre

Les délégations trouveront ci-joint une déclaration de Malte et de Chypre pour le procès-verbal du Coreper.

Declaration by Malta and Cyprus to inscribe in the minutes of Coreper relating to the proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC

Malta and Cyprus welcome the proposal of the European Commission to update and improve the efficiency of the European policy on the protection of the environment through criminal law.

Although we are of the view that Article 3(2)(g) and (h) should have remained outside the scope of this Directive, in the spirit of compromise, we can support the compromise text proposed by the Presidency with the aim of reaching a partial general approach on Articles 2, 3 and 4 during the Justice and Home Affairs Council on 9 June 2022.

However, we strongly insist on the need for greater flexibility regarding the penalties for maritime offences, including illegal acts relating to ship recycling and ship-source discharges of polluting substances (Article 3(2)(g) and (h)). Similar to the sanctions for legal persons, improvements are essential to allow Member States to prioritize effective administrative procedures against natural persons over criminal procedures. Article 5 of the proposal should therefore refer to effective, proportionate and dissuasive criminal or 'non-criminal' sanctions for natural persons.

Malta and Cyprus insist that this request should be duly and seriously taken into account in future negotiations on Article 5 of the proposal.