



2025/2493

5.12.2025

**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**

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(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (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 Council of Europe Convention on the Protection of the Environment through Criminal Law ('the Convention') was adopted by the Committee of Ministers of the Council of Europe on 14 May 2025 and is envisaged to be opened for signature on 3 December 2025.
- (3) 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.
- (4) 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.
- (5) 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 Council <sup>(2)</sup>, which is broadly aligned with the Convention.
- (6) The Commission participated in the negotiations on behalf of the Union and ensured that the Convention is compatible with the relevant Union rules.
- (7) 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.
- (8) Pursuant to Article 53 of the Convention, the Convention is open for signature by the Union. The Union should become a Party to the Convention alongside its Member States, since both share competences in the areas covered by the Convention. In the area of shared competences, Member States retain their competence insofar as the Convention does not affect common rules or alter their scope. This Decision is without prejudice to the signature of the Convention by the Member States, in accordance with their internal procedures.

<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, 16.10.2023, ELI: <http://data.europa.eu/eli/dec/2023/2170/oj>).

<sup>(2)</sup> 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>).

- (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 Council <sup>(3)</sup> and delivered an opinion on 22 September 2025 <sup>(4)</sup>.
- (12) Therefore, the Convention should be signed,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing of the Council of Europe Convention on the Protection of the Environment through Criminal Law on behalf of the Union is hereby authorised, subject to the conclusion of the said Convention <sup>(5)</sup>.

*Article 2*

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

Done at Brussels, 1 December 2025.

*For the Council*

*The President*

K. DYBVAD BEK

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<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> Not yet published in the Official Journal.

<sup>(5)</sup> The text of the Convention will be published together with the decision on its conclusion.