

COMBATING ENVIRONMENTAL CRIMINAL ILLEGALITIES IN A CROSS-BORDER CONTEXT – ONE OF THE BASIC OBJECTIVES OF THE EUROPEAN UNION

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Abstract

In this scientific study we will analyze current issues regarding the phenomenon of illegal acts of a criminal nature against the environment in a cross-border context that constitute crimes and the ways in which the European Union fights against it. Moreover, the article highlights the objectives the European Union has set to combat this problem. The protection and improvement of the quality of the environment in the European Union have always been among the priorities, because crimes against the environment constitute an escalating international dilemma that has lately been taking on more and more forms, which in fact represent a serious threat to humanity. By their nature, once environmental crime has emerged, it requires international cooperation, given the cross-border nature of pollution and its global implications. Moreover, this reality, initially ignored, has led to the gradual affirmation of this objective on the European Union's agenda. Such crimes pose a threat to the environment and therefore require an adequate and effective response, often necessitating cross-border cooperation.

Keywords: *environment, environmental crimes, European Union, cross-border context, Directive (EU) 2024/1203.*

Introduction

One of the basic features of the EU legal aspect is the priority in relation to the internal legal order of the member states and the candidate states. As we well know, the Republic of Moldova is also among the candidate countries for the union. One of the important legal acts of the EU are the directives, the directives are binding on the member states only in terms of achieving the result that must be achieved.

Therefore, the European Union has constantly developed its regulatory framework, in the special directives. All this was done to protect and quality of the environment covering all natural sources taking into account the diversity of situations in the different regions of

the Union. Since the European market is among the top three largest economies in the world, the fight against environmental illegalities at the EU level is also a positive global effect.

Materials and methods

Applied methods and materials. In order to carry out this study, several methods were used, including analysis, deduction, comparative, logical-legal, synthesis and systematic. At the same time, the research undertaken is based on the study of national and international legislation in force existing in the given field.

Results and discussion

„Directives are particularly useful when the aim is to harmonise the laws of member states in a field or to introduce a complex legislative change” (Craig Paul, Grainne de Burca. EU Law, p.85).

Therefore, as we can see, the directives are addressed to the member states of the union to adopt, implement, implementing measures that will lead to the introduction of changes in the national legislative system in each state, in order to ensure compliance with the result provided for in the directive, but leaving to the discretion of the national authorities the right and competence to choose the forms and means of implementation. In order for a directive to produce legal effects in a state, the intervention of the national authorities is necessary, placing on the addressees, the subjects directly involved, the obligation to take the necessary measures for its application as effectively as possible.

According to some authors (Prechal Sacha. Directives in EC law, 2006, p.5-6), „the process of fulfilling the obligations of the Treaty on the Functioning of the EU (TFEU) regarding the transposition of directives can be called by the phrase "implementation", which is carried out in three stages: transposition, application and enforcement”.

The story of the regulation of environmental protection against illegal acts by means of criminal law in the European Union begins with the Directive of the European Parliament and of the Council of 19 November 2008 (hereinafter Directive 2008/99/EC) (Directiva 2008/99/CE). Legislation has since been developed to mitigate the risks of environmental pollution. In 2009, a directive amending Directive 2005/35/EC (Directiva 2005/35/CE) on ship-source pollution and on the introduction of penalties for infringements was adopted, which aimed to harmonise the definition of ship-source pollution offences committed by natural or legal persons, the scope of their liability and the criminal nature of the penalties that may be applied in the case of such offences committed by natural persons, Directive 2009/123/EC (hereinafter Directive 2009/123/EC). They aim for the Union to ensure a high level of protection and improvement of the quality of the environment, to pursue a high level of protection, taking into account the diversity of situations in the different regions of the Union, to reduce the number of environmental crimes and their effects. Such crimes represent a threat to the environment and therefore require an appropriate and effective response, which often requires effective cross-border cooperation.

Thus, the main objective and purpose of the work is to estimate the legal relations and the system of measures adopted at the European level in order to prevent antisocial activities in the form of environmental crimes. We have chosen several partial objectives in the interest of achieving our main objective, namely: highlighting several points of view on the concept of environmental protection through criminal law; examining the legal instruments appropriate for the application of EU directives in the Republic of Moldova; analyzing current facts in the EU Member States that constitute crimes if they are contrary to the law

and are committed intentionally; the consequences that environmental crimes can cause; the sanctions that can be applied to individuals and how legal entities can be held accountable.

We reiterate that one of the fundamental concerns of the European Union is to ensure a high level of protection and improvement of the quality of the environment, and based on this concern, the Union has found that the existing rules on penalties under Directive 2008/99/EC of the European Parliament and of the Council and under sectoral environmental regulations at Union level have not been sufficient to ensure compliance with Union law in the field of environmental protection. Such compliance should be reinforced by providing for effective, proportionate and dissuasive criminal penalties which are commensurate with the seriousness of the offences and which are capable of conveying greater social disapproval than the use of administrative penalties. Complementarity between criminal and minor offence law is essential for the prevention and deterrence of unlawful acts which cause environmental damage.

As a result, a new act has recently been approved at the European Union level, 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 (hereinafter Directive (EU) 2024/1203), by which the policy and regulation on the detection and investigation of acts constituting environmental crime and also on the prevention and attempted commission of such crime have been deepened and strengthened. The purpose of this Directive is to establish minimum rules as regards the definition of criminal offences and sanctions in order to ensure more effective protection of the environment and as regards measures to prevent and combat environmental crime and the effective enforcement of Union law on the environment.

By means of this Directive, the European Parliament and the Council recognised that the list of environmental offences set out in Directive 2008/99/EC should be revised and additional offences based on the most serious infringements of Union environmental law should be added. Sanctions should be strengthened to increase their deterrent effect and the effectiveness of the detection, investigation, prosecution and judgment of environmental offences should be improved. Member States should criminalise certain unlawful acts, provide for a higher degree of precision in the definition of the relevant offences and harmonise the types and levels of sanctions. Accordingly, failure to comply with a legal obligation to act can have the same negative impact on the environment and human health as active behaviour. Therefore, in defining environmental offences under this Directive, both actions and inactions should be covered, as appropriate.

Therefore, with the new Directive, Member States should provide for criminal sanctions in their national law for serious infringements of Union law on environmental protection. The possibilities for Member States to choose to apply administrative or criminal sanctions, or both, for serious infringements, including those causing damage to the marine environment, set out in the Common Fisheries Policy, where Union law provides for a comprehensive set of control and enforcement rules under Council Regulations (EC) No 1224/2009 and (EC) No 1005/2008, have been extended.

With the new amendments, in order to constitute an environmental crime under Directive (EU) 2024/1203, the act should be unlawful. In order to be unlawful, the act should infringe Union law which contributes to the pursuit of one of the objectives of Union policy on the environment as set out in Article 191(1) TFEU, regardless of the legal basis of Union law, which could include, for example, Articles 91, 114, 168 or 192 TFEU, or it should

infringe laws, regulations or administrative provisions of the Member States, or decisions taken by a competent authority of a Member State implementing Union law. Therefore, an act should constitute a criminal offence when committed intentionally and, in certain cases, also when committed at least with recklessness/serious negligence. In particular, an unlawful act which causes death or serious injury to persons, significant damage or a considerable risk of significant damage to the environment or which is otherwise considered to be particularly harmful to the environment should also constitute a criminal offence when committed at least with recklessness/serious negligence (Directive (EU) 2024/1203, Art. 9 general provisions). The Directive provides for the possibility for Member States to adopt or maintain stricter criminal law rules.

Another important point defined in the new directive is that some offences include a qualitative threshold for the act to constitute an offence, namely that such an act causes the death of a person or serious injury to a person or significant damage to the quality of air, water or soil or to an ecosystem, animals or plants. In order to protect the environment to the greatest extent possible, this qualitative threshold should be understood broadly, including, where appropriate, significant damage to fauna and flora, habitats, services provided by natural resources and ecosystems, and ecosystem functions. The term "ecosystem" has been specified, which should be understood as a dynamic complex of communities of plants, animals, fungi and microorganisms and their abiotic environment, interacting as a functional unit, and should include habitat types, species habitats and species populations. An ecosystem should also include ecosystem services through which an ecosystem contributes directly or indirectly to human well-being, as well as ecosystem functions, which refer to natural processes within an ecosystem (Directive (EU) 2024/1203, art. 13 general provisions).

Also for the purposes of this Directive, several other terms have been used: the term "harm" should be understood in a broad sense, namely as including any form of physical harm to a person, including a change in the function of the body or cellular structure, the causing of a temporary, chronic or fatal illness, a malfunction of the body or other impairment of physical health, but excluding mental health (Directive (EU) 2024/1203, art. 13 general provisions). Likewise, the notion of "serious negligence" should be interpreted in accordance with national law, taking into account the relevant case-law of the Court of Justice. Accordingly, Directive (EU) 2024/1203 does not require the introduction into national law of the notion of "serious negligence" for each constituent element of the offence, such as possession, sale or offering for sale, placing on the market and other similar elements. In such cases, Member States have the possibility to decide that the notion of 'grave negligence' is relevant for certain elements of the offence, such as the protective status, the 'negligible quantity' or the 'likelihood' of the act causing significant damage. Another term applied 'legal person' means any legal entity which has this status under the applicable national law, with the exception of States or public bodies exercising public authority and public international organisations.

Therefore, according to Directive (EU) 2024/1203 adopted in 2024, the acts constituting predicate offences have been listed in the directive. Thus, in accordance with Article 3(2), Member States shall ensure that the following acts constitute criminal offences when they are unlawful and committed intentionally (Directive (EU) 2024/1203, art. 3 paragraph (2)):

(a) the discharge, emission or introduction of a quantity of matter or substance, energy or ionising radiation into the air, soil or water, which causes or is likely to cause death or serious injury to a person or significant damage to the quality of air, soil or water or significant damage to an ecosystem, animals or plants;

(b) placing on the market, in breach of a prohibition or other requirement aimed at environmental protection, a product the widespread use of which, namely use by several users, regardless of their number, results in the discharge, emission or introduction of a quantity of matter or substances, energy or ionising radiation into the air, soil or water, and causes or is likely to cause the death of a person or serious injury to a person or significant damage to the quality of air, soil or water or significant damage to an ecosystem, animals or plants;

(c) the manufacture, placing or making available on the market, export or use of substances on their own, in mixtures or in articles, including their incorporation into articles, where the act causes or is likely to cause death or serious injury to a person, significant damage to the quality of air, soil or water or significant damage to an ecosystem, animals or plants, and:

(I) are restricted under Title VIII of Regulation (EC) No 1907/2006 of the European Parliament and of the Council and Annex XVII thereto;

(II) are prohibited under Title VII of Regulation (EC) No 1907/2006;

(III) do not comply with Regulation (EC) No 1107/2009 of the European Parliament and of the Council;

(IV) do not comply with Regulation (EU) No 528/2012 of the European Parliament and of the Council;

(V) do not comply with Regulation (EC) No 1272/2008 of the European Parliament and of the Council; or

(VI) are prohibited under Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council;

(d) the manufacture, use, storage, import or export of mercury, mercury compounds, mercury mixtures and mercury-added products, where such act is committed in breach of the requirements laid down in Regulation (EU) 2017/852 of the European Parliament and of the Council and causes or is likely to cause the death of a person or serious injury to a person or significant damage to air, soil or water quality or significant damage to an ecosystem, animals or plants;

(e) the execution of projects within the meaning of Article 1(2)(a), referred to in Article 4(1) and (2) of Directive 2011/92/EU of the European Parliament and of the Council, where such an act is carried out without development consent and causes or is likely to cause significant damage to the quality of air or soil or the quality or status of water, or significant damage to an ecosystem, animals or plants;

(f) the collection, transport or treatment of waste, the supervision of such operations and the subsequent maintenance of disposal sites, including actions taken as a trader or broker, where such action:

(I) concerns hazardous waste as defined in point 2 of Article 3 of Directive 2008/98/EC of the European Parliament and of the Council and concerns a quantity which cannot be neglected of such waste; or

(II) concerns waste other than that referred to in point (I) and causes or is likely to cause the death of a person or serious injury to a person or significant damage to the quality of air, soil or water or significant damage to an ecosystem, animals or plants;

(g) shipment of waste within the meaning of point (26) of Article 2 of Regulation (EU) 2024/1157 of the European Parliament and of the Council where such an act concerns a quantity which cannot be neglected, whether carried out in a single shipment or in several apparently linked shipments;

(h) recycling of ships falling within the scope of Regulation (EU) No 1257/2013, where such an act is carried out in non-compliance with the requirements referred to in Article 6(2)(a) of that Regulation;

(i) discharges from ships of polluting substances falling within the scope of Article 3 of Directive 2005/35/EC into any of the areas referred to in Article 3(1) of that Directive, unless such discharges from ships meet the conditions for the exceptions provided for in Article 5 of that Directive, which cause or are likely to cause deterioration of water quality or damage to the marine environment;

(j) the operation or closure of an installation in which a hazardous activity is carried out or in which hazardous substances or mixtures are stored or used, where such act and such hazardous activity or such hazardous substances or mixtures fall within the scope of Directive 2012/18/EU of the European Parliament and of the Council or Directive 2010/75/EU of the European Parliament and of the Council and that act causes or is likely to cause the death of a person or serious injury to a person or significant damage to the quality of air, soil or water or significant damage to an ecosystem, animals or plants;

(k) the construction, operation and dismantling of an installation, where such act and such installation fall within the scope of Directive 2013/30/EU of the European Parliament and of the Council and that act causes or is likely to cause the death of a person or serious injury to a person or significant damage to the quality of air, soil or water or significant damage to an ecosystem, animals or plants;

(l) the manufacture, production, processing, handling, use, possession, storage, transport, import, export or disposal of radioactive materials or substances, where such act and such materials or substances fall within the scope of Directive 2013/59/Euratom, Directive 2014/87/Euratom or Directive 2013/51/Euratom and that act causes or is likely to cause the death of a person or serious injury to a person or significant damage to the quality of air, soil or water or significant damage to an ecosystem, animals or plants;

(m) abstraction of surface water or groundwater within the meaning of Directive 2000/60/EC of the European Parliament and of the Council, where such an act causes or is likely to cause significant damage to the ecological status or ecological potential of bodies of surface water or to the quantitative status of bodies of groundwater;

(n) killing, destroying, taking, keeping, selling or offering for sale of a specimen or specimens of species of wild fauna or flora listed in Annex IV or in Annex V where the species in Annex V are subject to the same measures as those adopted for the species in Annex IV to Council Directive 92/43/EEC and of a specimen or specimens of the species referred to in Article 1 of Directive 2009/147/EC of the European Parliament and of the Council, except where the act concerns a negligible quantity of such specimens;

(o) trade in a specimen or specimens, or parts or derivatives thereof, of species of wild fauna or flora listed in Annexes A and B to Council Regulation (EC) No 338/97 and import

of a specimen or specimens, or parts or derivatives thereof, of such species listed in Annex C to that Regulation, except where the act concerns a negligible quantity of such specimens;

(p) placing or making available on the Union market or exporting from the Union market raw materials or other relevant products associated with deforestation and forest degradation, in breach of the prohibition laid down in Article 3 of Regulation (EU) 2023/1115, except where the act concerns a negligible quantity;

(q) any act causing the deterioration of a habitat within a protected site or the disturbance of animal species listed in point (a) of Annex II to Directive 92/43/EEC within a protected site within the meaning of Article 6(2) of that Directive, where such deterioration or disturbance is significant;

(r) the introduction into the Union, placing on the market, holding, breeding, transport, use, exchange, allowing for the reproduction, raising or cultivation, release into the environment or spread of invasive alien species of Union concern, where the act infringes:

(I) the restrictions laid down in Article 7(1) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council and causes or is likely to cause the death of a person or serious injury to a person or significant damage to the quality of air, soil or water or significant damage to an ecosystem, animals or plants; or

(II) a condition of the permit issued under Article 8 or of the permit granted under Article 9 of Regulation (EU) No 1143/2014 and causes or is likely to cause the death of a person or serious injury to a person or significant damage to the quality of air, soil or water or significant damage to an ecosystem, animals or plants;

(s) the production, placing on the market, import, export, use or release of ozone-depleting gases, whether in pure form or in mixtures, as referred to in Article 2(a) of Regulation (EU) 2024/590 of the European Parliament and of the Council, or the production, placing on the market, import, export or use of products and equipment and parts thereof containing or relying on ozone-depleting substances, as referred to in Article 2(b) of that Regulation;

(t) the production, placing on the market, import, export, use or release of fluorinated greenhouse gases, on their own or in mixtures, as referred to in point (a) of Article 2 of Regulation (EU) 2024/573 of the European Parliament and of the Council, or the production, placing on the market, import, export or use of products and equipment and parts thereof containing or relying on fluorinated greenhouse gases, as referred to in point (b) of Article 2 of that Regulation, or the putting into service of such products and equipment.

As we note, the aforementioned illegal acts that constitute crimes must be committed intentionally, but the European legislator considers that some of them will constitute crimes if they are committed at least with gross negligence, these are the acts listed in letters (a)-(d), (f) and (g), letters (i)-(q), letter (r) point (II) and letters (s) and (t).

All the above-mentioned illegal acts shall constitute qualified criminal offences, if the acts in question cause (Directive (EU) 2024/1203, art. 3 para. 3):

(a) significant and widespread destruction or damage, which is irreversible or long-lasting, to an ecosystem of considerable size or with considerable ecological value, or to a habitat within a protected site; or

(b) significant and widespread damage, which is irreversible or long-lasting, to the quality of air, soil or water.

Moreover, according to the directive, in addition to the offences relating to the acts listed above, Member States may provide, in accordance with their national law, for additional offences to protect the environment.

Therefore, the list of illegal acts that constitute offences under the new Directive (EU) 2024/1203 compared to Directive 2008/99/EC is much more numerous, not in vain in the general framework of the new directive it is mentioned that the existing rules on sanctions under Directive 2008/99/EC and under sectoral environmental regulations at Union level were not sufficient to ensure compliance with Union law in terms of environmental protection.

The possibility of conviction, punishment, by attempting to commit environmental offences, including through one of the forms of participation instigation and complicity represented a step forward in addressing this issue and streamlining the punishment process as a crime. Environmental offences have been extended and, in addition to the previous acts, aiding and abetting, instigation and attempt are also punishable by the directive. The criminal liability of legal persons has been extended, with strict criminal and non-criminal sanctions, such as exclusion from the right to public benefits or aid, temporary or permanent exclusion from access to public funding, including tender procedures, grants and concessions, or definitive disqualification from carrying out commercial activities, placing under judicial supervision, judicial winding-up order and temporary or definitive closure of the establishments that were used to commit the offence.

If we compare the new Directive (EU) 2024/1203 with Directive 2008/99/EC, we note that instigation and aiding and abetting the intentional commission of an environmental offence have been retained, but have been supplemented by the attempt to commit these acts. Attempting to commit an offence which causes or is likely to cause the death of a person or serious injury to a person, or which causes or is likely to cause significant damage to the environment or which is otherwise considered to be particularly harmful should also constitute an offence when committed intentionally. The notion of “attempt” is interpreted in accordance with national law (Directive (EU) 2024/1203, art.29 general provisions).

Continuing the series of ideas from a comparative perspective, we note that the new Directive (EU) 2024/1203 includes sanctions applicable to natural persons, which did not exist in Directive 2008/99/EC. These new regulations will allow Member States to take the necessary measures to ensure that the list of illegal acts that constitute the above-mentioned crimes are punishable by effective, proportionate and dissuasive criminal sanctions.

As for the liability of legal persons, they are also found in the new Directive (EU) 2024/1203, but with small concretizations, rectifications. If we refer to the sanctions applied to legal persons, here in this segment significant changes have taken place: it was mentioned that for legal persons held liable for the offences referred to in the directive in Articles 3 and 4, they include criminal or other fines and may also include other criminal sanctions or measures of a different nature; an amount has been established in the case of the application of criminal or other fines, which is proportional to the gravity of the act and to the individual, financial and other situation of the legal person in question and the Member States must adopt the necessary measures to ensure that the maximum level of such fines is not lower than the amounts expressly proposed in the directive. At the same time, Member States were given the possibility to provide for rules for cases where it is not possible to establish the amount of the fine on the basis of the total worldwide turnover of the legal person in the

financial year preceding the one in which the offence was committed or in the financial year preceding the decision to impose the fine.

Analyzing further the content of Directive (EU) 2024/1203 in comparison with Directive 2008/99/EC, we note that it has been supplemented with many new issues, with several articles, including: circumstances that may be considered aggravating; circumstances that may be considered mitigating; freezing and confiscation of instruments and proceeds of environmental crimes; setting out limitation periods that allow for the investigation, prosecution, trial and judgment of environmental crimes; establishing jurisdiction over these crimes; establishing effective and proportionate investigative tools for the investigation or prosecution of these types of crimes; protecting persons who report environmental crimes or who contribute to their investigation; publishing information in the public interest and access to justice for the public concerned; taking measures to prevent and reduce environmental crimes; resources - national authorities detecting, investigating, prosecuting or adjudicating environmental crimes have sufficient qualified staff and sufficient financial, technical and technological resources to effectively carry out their functions related to the implementation of the Directive; training - regular provision of judges, prosecutors, police, judicial staff and staff of competent authorities involved in criminal proceedings and investigations with specialised training; establishment of appropriate mechanisms for coordination and cooperation at strategic and operational level between all competent authorities involved in preventing and combating environmental crimes; cooperation between Member States and the Commission and other Union bodies, offices or agencies, taking into account that environmental crimes are of a cross-border nature, the competent authorities of the Member States concerned should consider transmitting information on those crimes to the appropriate competent bodies; establishment and publication of a national strategy on combating environmental crime by 21 May 2027; establishing a system for recording, producing and making available anonymised statistical data on the reporting, investigation and judicial stages of environmental crime; the European Commission shall establish by 21 May 2027 implementing powers by means of implementing acts, a standard, easily accessible and comparable format for the transmission of statistical data; evaluating, reporting and reviewing the content of the Directive, so that by 21 May 2028, the Commission must submit to the European Parliament and the Council a report assessing the extent to which Member States have taken the necessary measures to comply with this Directive. Member States shall provide the Commission with the information necessary for drawing up that report, and respectively by 21 May 2031, the Commission shall carry out an impact assessment of the Directive, determining whether it is necessary to update the list of environmental crimes referred to in the Directive, and shall submit a report to the European Parliament and the Council. Member States shall provide the Commission with the information necessary for the preparation of that report, including a summary of the implementation of the Directive and the actions taken, statistical data, paying particular attention to cross-border cooperation. Where appropriate, that report shall be accompanied by a legislative proposal.

Finally, Member States must transpose Directive (EU) 2024/1203 and bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 21 May 2026. They shall forthwith inform the Commission thereof. When Member States adopt such measures, they shall contain a reference to the Directive or be accompanied by such a reference on the occasion of their official publication. The Commission shall be notified of the texts of the main provisions of national law which they adopt in the field covered by the Directive.

Thus, the Republic of Moldova recently took measures to improve the legal framework of criminal and contravention liability for environmental offenses through Law No. 136 of 06.06.2024 amending certain normative acts (amending the Criminal Code and the Contravention Code) of the Republic of Moldova, which entered into force on 07.09.2024.

In conclusion, it is clear that the EU proposes to ensure a level of protection and continuous quality of the environment, to protect the environment in a broad sense covering natural resources. The EU also proposes to have comprehensive regulation in this area, in order to decrease the number of environmental crimes and their effects, which undermine the effectiveness of Union environmental law.

As mentioned above, environmental crime is increasingly spreading beyond the borders of the Member States in which it is committed. It is therefore crucial to provide an adequate and effective response, which often requires effective cross-border cooperation.

In the old Directive 2008/99/EC, the rules on penalties were not sufficient to ensure compliance with Union law on environmental protection, the list of offences needed to be revised and supplemented with additional offences based on the most serious infringements of Union law on the environment, and the penalties should be strengthened to increase their deterrent effect, and the effectiveness of the detection, investigation, prosecution and judgment of environmental offences should be improved, therefore the European Parliament and the Council decided to adopt a new directive, Directive (EU) 2024/1203.

Therefore, one way to step up the fight against environmental crime is to amend, renew and supplement the legal aspects transposed by directives. The new directive should apply without prejudice to the general rules and principles of national criminal law concerning sentencing or the application and enforcement of penalties in the light of the specific circumstances of each case. Member States should be able to determine the most appropriate penalties or additional measures. It should also be without prejudice to civil liability under national law or the obligation to make good, in accordance with Union or national law, the damage or loss caused as a result of a specific offence as defined in the directive.

In order to ensure a coherent approach to combating environmental crime, Member States should adopt, publish, implement and regularly review a national strategy on combating environmental crime, setting out the objectives, priorities and appropriate measures, as well as the necessary resources. That national strategy should address, in particular, the objectives and priorities of the national policy in the field of environmental crime, the methods of coordination and cooperation between competent authorities, the procedures and mechanisms for monitoring and regular evaluation of the results achieved, as well as the assistance of European networks with activities in areas of direct relevance to combating environmental crime and related infringements.

At the same time, in order to effectively combat environmental crime as defined in the new Directive, it is necessary for the competent authorities in the Member States to collect accurate, consistent and comparable statistical data on such crimes. Member States should therefore ensure an appropriate system for recording, producing and transmitting available statistical data on the crimes defined in the Directive.

Finally, Member States should also cooperate through Union agencies, in particular Eurojust and Europol, as well as with Union bodies, including the European Public Prosecutor's Office and the European Anti-Fraud Office, in their respective areas of competence. Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, such cooperation should be provided for in order to ensure

effective action against the offences defined in the Directive, including technical and operational assistance provided, where appropriate, by Eurojust to the competent national authorities, according to the needs of those authorities, in order to coordinate their investigations.

Given that environmental crimes also affect fundamental rights, combating these crimes at Union level, at the level of each country, is essential to ensure the protection of the respective rights of each individual member.

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