



2020/2027(INI)

5.10.2020

DRAFT OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Legal Affairs

on liability of companies for environmental damage
(2020/2027(INI))

Rapporteur for opinion: Saskia Bricmont

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that environmental protection is a fundamental right according to Article 37 of the EU Charter of Fundamental Rights;
2. Considers that today's environmental degradation has far-reaching consequences for a wide range of human rights; considers that prevention and criminal sanctions are important deterrents against environmental damage;
3. Deplores the lack of effective implementation of EU directives that aim to establish criminal liability of legal persons for environmental offences¹; stresses the urgent need to update such legislation; calls on the Commission and the Member States to allocate appropriate financial and human resources to preventing, investigating and prosecuting environmental crimes;
4. Calls on the Commission to make full use of Article 83(2) TFEU and to consider the adoption of an overall framework directive on environmental offences; calls on the Commission to evaluate the possibility of a legislative proposal for the crime of ecocide and of including environmental crimes among the categories of offences in Article 83(1) TFEU;
5. Recognises the direct or indirect connection between environmental offences and transnational organised crime and corruption²;
6. Calls on the Commission, Europol and Eurojust to provide support and a more institutionalised structure for existing networks of practitioners;
7. Calls on the Commission to explore the possibility of extending the mandate of the EPPO in future to cover such offences;
8. Calls on the Commission and the Member States to set up protection and support schemes for the victims of environmental damage and to ensure their full access to justice, information and compensation; emphasises the key role of environmental NGOs in raising awareness and taking legal action and calls on the Commission and the Member States to provide them with the appropriate financial support.

¹ Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage, Directive 2008/99/EC on the protection of the environment through criminal law, and Directive 2009/123/EC amending Directive 2005/35/EC.

² See the report for EFFACE 'Organised Crime and Environmental Crime: Analysis of International Legal Instruments' (2015), or the study 'Transnational environmental crime threatens sustainable development' (2019).