

ENPE

Working Groups
Workshop on the
Environmental Crime
Directive (EU) 2024/ 1203:
Prosecuting Legal Persons
University of Coimbra
27-28 October 2025



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The European Network of Prosecutors for the Environment (ENPE) is registered in Brussels, Belgium as an International Non-Profit Association (Association Internationale Sans-But Lucratif - AISBL) and was incorporated by Royal Decree in Belgium on 01 September 2016.

ENPE's purpose is *to promote the enforcement of environmental criminal law by supporting the operational work of environmental prosecutors.*

ENPE is co-funded by the European Union.

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Acknowledgments

Thanks go to the University of Coimbra Faculty of Law, Coimbra, Portugal, and Prof Alexandra Aragão and her team in particular for their assistance in hosting the workshop. We are also grateful to the University logistics and catering team for their excellent planning and organisation. Last but by no means least, we thank the delegates and presenters for their contributions and the Co-Chairs, Kateřina Weisssová & Diana Helila for their chairing and general oversight of the event.

Attendees:

ENPE: Rob de Rijck (Netherlands, co-Chair); Dr Martijn Zwiers (Netherlands); Kateřina Weisssová (Czech Republic, co-Chair); Branislav Delej (Slovakia); Teodor Nita (Romania); Sofia Ciobanu-Nita (Romania) Elliot Magro (Malta); Holger Buchhold (Germany) ; Dr. Maya Baußmann-Herr (Germany); Jennie Nordin (Sweden); Märta Warg (Sweden); Diana Helila (Estonia, co-Chair); Piotr Nowak (Poland); Anne Brosnan (England, UK); Shaun Robinson (England, UK); Sara Boogers (Belgium); Matilda Peza (Albania); Lidija Nikolic (Serbia); Dr Svetlana Nenadic (Serbia); Ida Sletsjøe (Norway); Elisabete Matos (Portugal); Leonor Cadiga (Portugal); Carla Oliveira (Portugal); Nuno Rebocho (Portugal); Joaquim Morgado (Portugal); Rui Videira (Portugal); Marta Viegas (Portugal); Alexandra Rodrigues (Portugal); Luísa Sarmiento (Portugal); Manuel Otero Portugal; Mariana Pereira da Costa (Portugal); Jorge Leitão (Portugal); David Smith (Ireland); Lina Chatziathanasiou (Cyprus); Dr Lars Teigelack (Germany); Prof Richard Macrory (day 2 only); Valerio Bagattini (Italy); Lucia Giron (Spain).

University of Coimbra: Prof Alexandra Aragão; Prof Anabela Rodrigues; Prof Sónia Fidalgo; Prof Miguel Ângelo Lemos.

United States Department of Justice; Environment & Natural Resources Division: Joseph (Joe) Poux.

European Commission Directorate-General for Environment: Elisabetta Reyneri.

Eurojust: Solveig Vordquarsen.

IMPEL: Ana Isabel Tété Garcia; Miguel Santos (Portugal); Martine Blondeel (Netherlands).

Executive Summary

The European Network of Prosecutors for the Environment – ENPE - organised a workshop for their three Working Groups focussing on Prosecuting Legal Persons under the Environmental Crime Directive (EU) 2024/ 1203 on the 27-28 October 2025. Forty-eight delegates and speakers attended representing 20 different countries.

Presentations and case studies were shared and were followed with wide-ranging and in-depth discussions around the different approaches to prosecution described by the speakers.



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All shareable presentations (separate file - Annex 1.0)

Delegates are pictured below outside the Faculty of Law, University of Coimbra [photo: ENPE]



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Background

The European Network of Prosecutors for the Environment is the beneficiary of a Specific Action Grant under the Framework Partnership Agreement (FPA) with reference ENV.E.4/FRA/2022/02 (“Direct award”) under the European Union’s LIFE Programme¹

The topic is: **ENPE II: Network for Environmental Governance and Information for Prosecutors (2025-27) – with specific reference to the implementation of the Environmental Crime Directive EU 2024/ 1203.**

The over-arching actions for which the grant has been awarded focus on the new Environmental Crime Directive (EU) 2024/ 1203 through collaborative working with other enforcement networks, agencies and organisations and delivering outputs from ENPE’s specialist working groups. They are:

- ***Assist with the implementation of the Environmental Crime Directive EU 2024/ 1203***
- ***Deliver support to operational prosecutors through the activities of and outputs from the three specialist ENPE Working Groups***
- ***Contribute to the Action Plan of the Environment Compliance and Governance (ECG) Forum and related initiatives***

The specific actions that need to be undertaken to effect these over-arching actions and to which this workshop is aligned, are:

- Assist ENPE members to implement new EU environmental legislation (EU 2024/1203 in particular)
- Awareness raising - including sharing knowledge, experience, and environmental crime cases, via the ENPE website and crimes database and develop guidance and training materials on specific topics regarding ECD implementation².

ENPE Working Groups

The three ENPE WGs reflect the needs of the ENPE members and direction from the European Commission, focusing on: **wildlife crimes; waste crimes & Illegal pesticides and pollution crimes**. Their activities and outputs will closely follow the requirements set out under the new ECD, such as provision of **awareness-raising and training materials** as set out in the actions above. This workshop contributes to delivering those actions.

¹ Regulation (EU) 2021/783 of the European Parliament and of the Council of 29.04.2021 and Commission Implementing Decision C(2021)4997 of 9.7.2021.

² Taken from ENPE SAG agreement 2025-2027



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1.0 Introduction

Kateřina Weissov, ENPE Board member, co-chair of the ENPE Waste & Illegal Pesticides Working Group and **workshop chair** for Day 1, opened the workshop welcoming everyone to the beautiful Trinity College Chapel conference venue and offering grateful thanks to the University of Coimbra Faculty of Law and Professor Alexandra Arago and her team for their organisation and hosting of the event.

The 2025 '4 Networks' conference, held in Bratislava, Slovakia on the 21-22 May 2025 included breakout sessions on specific areas of the Environmental Crime Directive (ECD) 2024/ 1203 where it was clear that there was a real need for a dedicated workshop on this important topic – the prosecution of legal persons. All delegates and speakers were thanked for coming and everyone was looking forward to a busy and productive couple of days.

Elisabetta Reyneri, Legal and Policy officer from the European Commission (EC) Directorate-General Environment (DG ENV) updated the group on their work which was focussed on the transposition of the new ECD. This workshop was extremely relevant to the ambition of ensuring that European Union (EU) law on paper being effective 'on the ground'.

The deadline of ECD transposition - 21/05/26 is fast approaching so these type of events are very useful in equipping Member States with the relevant knowledge to deliver under this new legislation. DG ENV is working with the Directorate General for Justice (DG JUST) 'behind the scenes' on this. Challenges are acknowledged but they are well prepared and will do their best to assist.



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2.0 Presentations & discussion

The workshop focussed on a series of presentations including an overview of applicable legislation, including challenges identified, reinforced with individual case studies from ENPE members presented from the delegate's country of origin.

There then followed a set period of discussion where questions were put to the presenters and chairs from the workshop delegates. All workshop presentations available for sharing are included in pdf format in Annex 1.0

The first presentation of the workshop was delivered by ENPE President, Rob de Rijck.

1. Directive 2024/ 1203 and the prosecution of legal persons – Observations & dilemmas Rob de Rijck, ENPE President

ENPE
Est. 2016
Brussels
AISBL
70 members
38 countries

**Directive 2024/1203 and
the prosecution of legal persons**
Observations and dilemmas

**ENPE Workshop,
Coimbra, 27 October 2025**

(EU) ECD 2024/1203

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Overview

Rob opened his presentation noting the importance of the topic. His experience reflected Dutch (i.e. Netherlands) law, although there will be elements that are applicable elsewhere of course.

It was set out that modern society must have legal persons. The number of legal persons is enormous, globally, and still huge in the EU with legal person types varying in size from single persons to multinational concerns.

Criminal law has more difficulties dealing with legal person as economic actors, than civil law. The Economic Offences act 1950 (Netherlands), introduced criminal liability of legal persons in Dutch law.

The ECD has its own definition. 'Legal person' means any legal entity having such status under the applicable national law, except for states or public bodies exercising their duties.

One of the innovations of the new Directive is the fine based on a legal person's annual turnover. This possibility exists in Dutch as of 2015, but case law still has to be developed. One case is to be before the Court of Appeal in 2026.

Rob suggested other penalties are more effective than fines in many cases (see Article 7 section 2 of the ECD). However, challenges in their execution are evident e.g. placing an organisation or person under judicial supervisions or closure of establishments.

If you can criminally prosecute Legal Persons, what happens to the 'natural persons' involved? Rob set out how, under the Dutch criminal code, a natural person with, or related to, a corporation, can also be criminally liable.

The question of whether some 'big legal persons' are too big for imposing really effective penalties, was raised.

Discussion topics

It was clarified that in Dutch law you can prosecute both legal and natural persons, and that this can also happen where the person is in practice the same. Also, you must always when interviewing a person make the distinction whether he or she is interviewed as a natural person or as the representative of a legal person..

Also, prosecutions can be conducted 'in absentia' where a non-existent natural person(s) is listed in the company details. In some legal systems, this was different,

In summary, it was noted that new international tools are needed to assist prosecutors in multinational cases.



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2. Dr Martijn Zwiers, Senior Prosecutor at the National Office for Serious Fraud, Environmental Crime and Asset Confiscation, Netherlands – Criminal Liability of Companies (examples)

Mr. dr. Martijn Zwiers – Senior Prosecutor at the Dutch National Office for Serious Fraud, Environmental Crime and Asset Confiscation

OPENBAAR MINISTERIE

NL Case study

Prosecution of middle to large companies and their leadership

Overview

Dr Zwiers followed on from Rob's introductory presentation providing more detail on the situation in the Netherlands which makes it relatively easy to prosecute small and medium-sized companies for environmental offences. There are various and many options used by prosecutors and the courts are well-versed in these types of prosecutions. In cases involving larger and/ or more complex companies, more challenges are presented. In this respect, two case law examples were provided:

1. **The Kievit case** – where a medium-sized company gave advice to farmers and was subject to a fraud case. Although it had an easy structure, the challenges were that only some of the board members could be connected to specific provable frauds – 'burden of proof' was needed for the others and the 'fraud' in its breadth, described.

The outcome was that the court convicted board members of criminal organisations (following a constant stream of fraudulent activities) but not of 'actual crime leadership'.

2. **Grizzly beer** – a fast-growing company with an informal structure. The prosecutors needed to make sure the right persons were being prosecuted. It was a very complex situation and the share-holders were not clear with the company changing shape and changing hands. Compliance aspects were simple 'box-ticking' e.g. hiring the compliance manager who wasn't suitable.

The outcome resulted in the prosecution of the Board members under 'Duty of Care' provisions. It was an approach that will be taken forward for future complex prosecutions of this type.



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Discussion

Discussions following the presentation included questions on the different approaches taken. It was certainly the case that the Netherlands seems to have relevant and varied experience in this area of environmental prosecution and were happy to share this experience.

3. Joe Poux, Acting Chief, Environmental Crimes Section, US DoJ

Corporate Criminal Prosecutions

JOSEPH POUX
ACTING CHIEF,
ENVIRONMENTAL CRIMES SECTION
U.S. DEPARTMENT OF JUSTICE
JOSEPH.POUX@USDOJ.GOV



Overview

The questions “Why should we prosecute companies?” and “Why not just go after the individual criminals who commit the crime?” were asked at the start of the presentation.

It was set out that there are always reasonable arguments to leave the companies alone but to achieve deterrence we need to hold the employer responsible, not just the employee. The employer is the only party that can achieve long-term change as the employee can be and usually is, fired. Additionally, prosecuting individuals is very difficult and does not necessarily effect long-term change as often the requisite criminal knowledge does not always reside in just one employee and courts are sympathetic to individual defendants.

Although the US had prosecuted companies since the early 1900s, it was only in the 1970s and 1980s that the US began prosecuting companies for environmental crimes because that is when its major environmental statutes came into being. This was a period when lots of incidents happened and congress took a view to punish those responsible. The Exxon Valdez oil spill in Alaska in 1989 is a great example. It was a massive company with a complex set up. But a simple test was applied whereby the larger company exercise control so they can be held liable as well.

The distinction between ‘knowing violations’ and not knowing was made and the concept of ‘willful blindness’ introduced.

In fact, in the US these days, approximately 28-33% of all corporate prosecutions are environmental cases and almost 99% of corporate cases are resolved by plea bargaining. Companies generally, are very willing, since *certainty* is an attractive prospect for companies – knowing what they will need to do.



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Probation is used in penalizing the guilty companies with 70% of convicted companies are placed on probation to ensure continued improvement.

Subpoenas were discussed, and Joe and his team have noticed that obfuscation from the defendants means that much more targeted subpoenas are now issued e.g. specific categories of documents are targeted. But a lack of resources means that there is no facility to do so as it can be very challenging to go through huge volumes of documents obtained with search warrants now also need to include 'virtual' access (terabytes).

Complications include attorney client issues with defence counsel and individual interplay often being extensive and lawyers can be appointed to all individuals being prosecuted.

Navigating this is often difficult. Also, casualties (e.g. the recent Baltimore bridge incident) complicates criminal investigations and where pollution/ environmental damage has occurred, evidence can be lost during clean-up operations.

Discussion

Questions and discussion focused around the extent and scale of these types of prosecution with much of the US experience being of considerable value to the prosecutors present.

Close of Day 1 – 27 October 2025



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Day 2 - 28 October 2025

Diana Helila, ENPE Permanent Representative for Estonia, chaired Day 2, introducing the day and summarising what had been discussed so far, before the presentations commenced.

4. Joaquim Morgado, Prosecutor, Public Prosecution Service of Portugal - a practical case of criminal liability of legal persons in crimes against the environment



MINISTÉRIO PÚBLICO
PORTUGAL

PROCURADORIA-GERAL REGIONAL DE LISBOA
DEPARTAMENTO DE INVESTIGAÇÃO E AÇÃO PENAL REGIONAL DE LISBOA

MEANS OF SELF-CONTROL – NATIONAL STEEL INDUSTRY (SN)



OVERVIEW OF SN - OPEN SOURCE

1

Overview

Mr Morgado presented on a unique Portuguese case relating to air pollution. The investigation, from 2019, followed a complaint about high levels of air pollution produced at a Portuguese national steel industry plant. This was a fascinating insight into how Portuguese environmental enforcement enabled a tailored approach to sanctions.

The important role of efficient and effective of ‘self-monitoring’ mechanisms was stressed, setting out that these were “essential for strengthening the verification of legality”. Provided that effective mechanisms are implemented to ensure that the data collected reflects the actual situation and, above all, complies with the requirements contained in the respective authorisations and licences.

The failure of these mechanisms resulting in pollution could result in different sanctions, but in this case, the size and significance of the organisation and its operation, together with the economic impact it had, meant that public confidence in its systems was vital.

Portuguese criminal law, in less serious cases, has a procedural mechanism for temporarily suspending criminal proceedings, which involves fulfilling certain obligations for a set period of time, after which, if these obligations are met, the case is closed.



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In this specific case, it was Mr Morgado's understanding that the application of such a procedure would be the best solution to adopt, since, in addition to the pollution phenomenon being of short duration, even if relatively serious, rather than criminally punishing the company, it would be more important to correct the company's existing procedures and bring them into line with the environmental licence that had been granted, thus avoiding further episodes of pollution in the future.

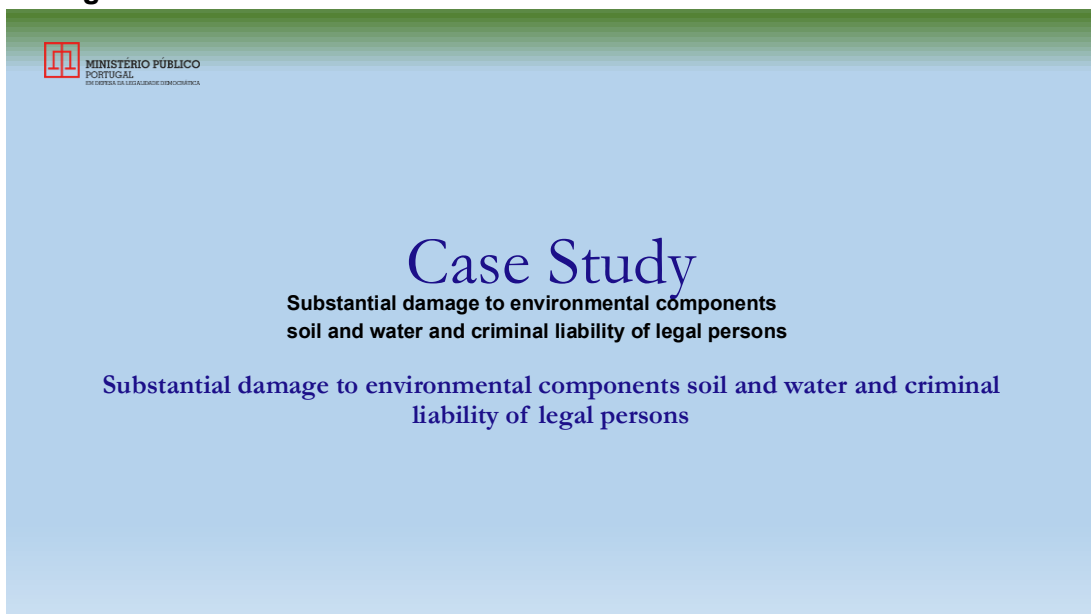
This was achieved by requiring the company to make substantial investments in genuine self-monitoring that could be verified and validated by an independent external body. These mechanisms were implemented and no further episodes of pollution occurred, which was greatly appreciated by the local population, as an important industry was maintained and air quality was restored.

To summarise, Mr Morgado set out very clearly: "In industries of vital importance to the national economy, when faced with a minor incident or polluting phenomenon, rather than punishing, it is important to restore community confidence in the violated criminal law, which can be achieved through agreement and the concrete imposition of obligations that ensure compliance with the law and the protection of the environment, people and property."

Discussion

Discussion included reference to other sanctions available and possible impact, and the comparable approaches taken in other jurisdictions. It was also noted that the Portuguese system is similar in many respects to that set out in the new ECD (EU) 2024/ 1203.

5. Substantial damage to environmental components soil and water and criminal liability of legal persons, Rui Videira, Prosecutor, Public Prosecution Service of Portugal.



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Overview

A landfill in Portugal comprising truly inert (non-organic or hazardous) waste does not require integrated environmental protection systems such as leachate collection and treatment, since the waste material should not generate any hazardous emissions.

An investigation revealed that some of the waste deposited at the landfill in question was in fact hazardous, and organic, requiring the implementation of environmental protection systems. These were not actually carried out by ***the prosecuted legal person***.

The waste operating company were accepting inappropriate waste and had not implemented an adequate environmental protection system.

In 2019, the licensing authority revoked the permit to operate the landfill, however, the disposal of waste continued until 2020.

Complications during the case preparation included identification of the de facto managers of the landfill.

A concerted effort involving different enforcement authorities and including the examination of personal documents and aerial photography, was needed to construct a strong case.

A detailed and thorough investigation, including analysis of waste, soil and groundwater concluded that contamination was evident due to hazardous wastes having been deposited as well as the inert waste that the landfill was initially licensed to accept. The Portuguese code of criminal procedure was discussed in comparison to the relevant articles and sections in the new ECD.

Discussion

This included more detail on the case and comparable jurisdictions with examples provided and compared.



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6. Prof Sónia Fidalgo, University of Coimbra - *Criminal liability of legal persons and the applicable penalties*

Criminal Liability of Legal Persons and Applicable Penalties

Sónia Fidalgo

Professor – Faculty of Law, University of Coimbra

Integrated Researcher -University of Coimbra Institute for Legal Research

Overview

This presentation examined two central innovations of Directive (EU) 2024/1203 on environmental protection through criminal law: the definition of unlawful conduct and the sanctioning regime for legal persons. The Directive maintains the traditional dependence of environmental criminal law on administrative law, rejecting the creation of an autonomous environmental offence. However, it introduces the controversial notion that conduct may be unlawful even when carried out under an authorisation issued “in manifest breach of relevant substantive legal requirements”— an expression whose vagueness raises concerns about legal certainty and the prospects for harmonisation across Member States.

The presentation also outlined the development of environmental criminal law in Portugal, from the absence of environmental offences in the 1982 Penal Code, to their introduction in 1995, and to the significant 2007 reform that finally recognised the criminal liability of legal persons in the Penal Code (Article 11). Since then, Portuguese law has provided a dedicated system of penalties for corporate offenders, with fines serving as the primary sanction. The Portuguese Penal Code also provides for alternative penalties and accessory penalties to be applied to legal entities (Articles 90-A et seq.).

The new Directive goes further than its 2008 predecessor by specifying concrete types and levels of sanctions, including environmental restoration and mandatory due diligence systems for legal persons. However, the introduction of turnover-based maximum fines (Article 7(3)) raises serious compatibility issues with national systems — such as Portugal’s daily-fine model — and with constitutional principles relating to legality, determinacy of penalties, and proportionality.

The presentation concluded that, despite the EU’s important role in strengthening environmental protection, several weaknesses in the Directive cast doubt on whether its transposition will lead to a more effective criminal law framework in practice.



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Discussion

Discussion included questions around the points raised in the presentation, in particular whether there were other mechanisms that might be employed more effectively, going forward.

7. Norway - Ida Sletsjøe, ØKOKRIM, Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime - *Criminal liability of legal persons in cases of environmental crime - examples from Norway*



Overview

Ida provided a summary of criminal liability and cases as an example of how Norway prosecutes legal persons in the context of environmental crimes. It was not easy to summarise the presentation in such a limited space but the cases provided were very helpful.

All offences are subject to corporate penalties, including all environmental offences. But there is a wide definition of 'enterprise'. According to Norwegian law the criminal liability of legal persons is optional.

The Supreme court in Norway has ruled that environmental crime shall be severely punished and some cases were provided as examples. These included a variety of different sanctions and cases involving 'cultural' and heritage' crimes.

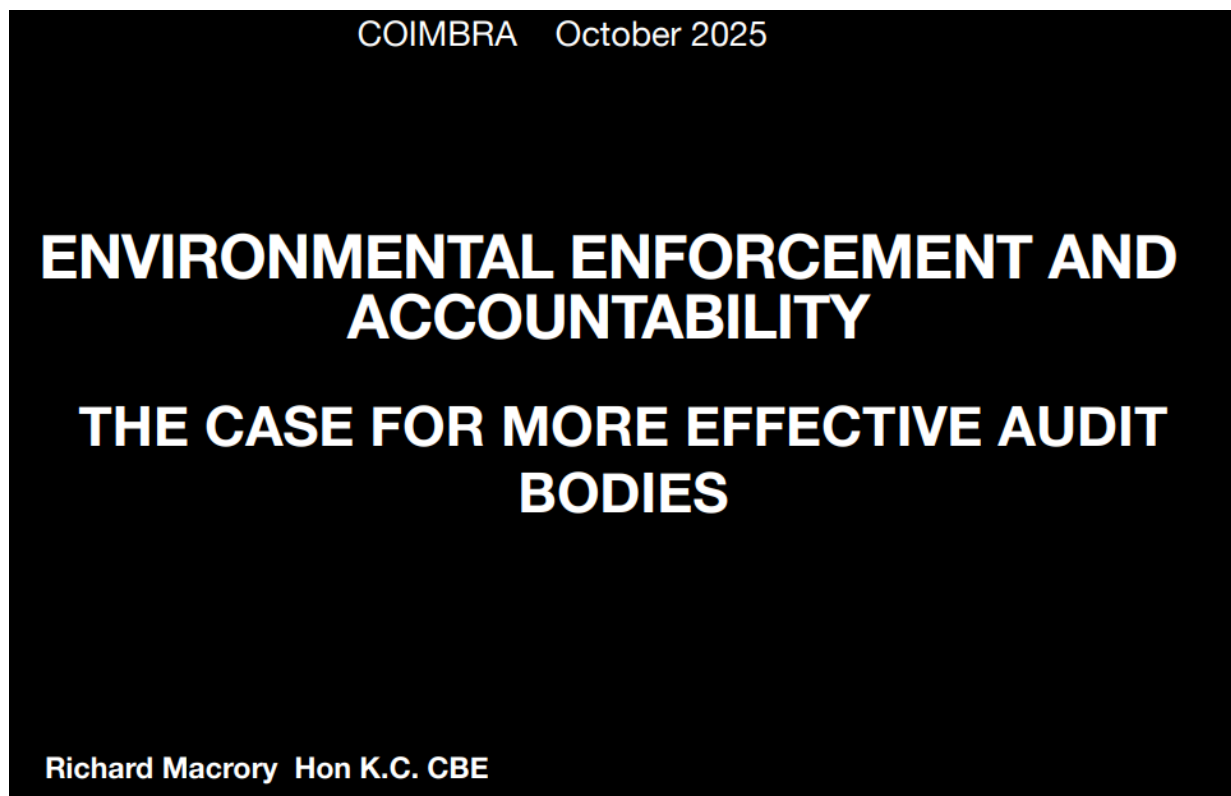


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Discussions included question around the numbers of 'legal' as opposed to 'natural' persons and whether penalties might be for legal persons as opposed to private enterprises. In general, level of sanctioning is based on a broad assessment.

8. **Professor Richard Macrory - *Environmental enforcement and accountability: The Case for More Effective Audit Bodies***



Overview

Professor Macrory provided an informative and thought-provoking presentation. He started by noting that the European Commission focussed its environmental infraction proceedings (the vast majority of which were settled without going to court) on ensuring that directives were properly transposed into national law and that Member States complied with judgments of the European court. For failures to implement in practice the Commission now considered only the most serious or systematic failures.

Against that background, he introduced the idea that Member States could and perhaps should install independent expert regulatory bodies to ensure that public bodies including national governments correctly implemented EU environmental legislation and complied with their legal duties. He compared and contrasted specialist environmental regulatory/audit



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bodies that existed in Austria, Portugal, and Hungary, the only examples he was aware of within the EU.

He noted that national economic audit bodies and ombudsmen which exist within all Member States do sometimes investigate environmental issues, but in his view these was not sufficiently systematic, and specialist bodies at national level were needed.

Professor Macrory acknowledged that legal action taken by environmental groups and individuals could be valuable in holding government and public bodies to account. But NGOs did not cover all areas of environmental law, and it was difficult to settle such litigation before going to court.

In the UK the Office for Environmental Protection (OEP), had been set up post- Brexit in 2021 to replicate as far as possible the role of the European Commission. Its jurisdiction covered England and NI (with similar bodies in other parts of the UK) and Professor Macrory felt it was a recent and significant example of the type of body he was advocating.

Its core function is to investigate the implementation of environmental law. Reports are then published before parliament and the (UK) government must respond within 3 months. It also has powers to take legal action against government, public bodies and local authorities for significant failures of environmental law duties. The procedures were designed to encourage settlement and negotiation if possible without going to court. As of Oct 2025, 26 cases had been dealt with and resolved satisfactory, and no court case had yet proved necessary. The OEP's work is clearly taken seriously by the UK government

Professor Macrory encouraged the European Commission and Member States to think about the value of establishing such bodies throughout the EU. He doubted whether one model would suit all jurisdictions but argued that there were some core minimum criteria;

- Independence from government as far as possible, and staff with specialist environmental expertise, especially in environmental law
- A duty on government and other public bodies to co-operate and provide information to the body
- A duty to investigate and publish reports on the implementation of environmental law
- A duty on Government to respond to such reports within an appropriate time
- A duty to investigate potential breaches of environmental law duties by government, public bodies and local government
- Powers to mediate and resolve by agreement such breaches
- Ideally powers to take legal action where settlement not possible, but otherwise a duty at least to publish reports on the results of its investigations
- Provision for a public complaint system to alert problem areas
- Publication of an enforcement prioritisation strategy and a duty to review it regularly



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Discussion

Delegate discussion afterwards included question related to the examples of similar bodies provided and possibilities and challenges of these being set up, not least funding, in the EU in future.

9. **Germany – Dr Lars Teigelack, Ministry of Justice North-Rhine Westfalia & Dr. Maya Baußmann-Herr, Public Prosecutor, Frankfurt Prosecutors Office – *The German perspective***



Die Justiz des Landes
Nordrhein-Westfalen



Sanctioning of legal persons in Germany

ENPE Working Groups Workshop on The Environmental Crime Directive

Coimbra, 28.10.2025

StA Dr. Lars Teigelack, State Department of Justice of Northrhine-Westphalia, Germany

→ www.justiz.nrw

Overview

Lars and Maya provided a comprehensive summary of the German situation in relation to prosecuting legal persons for environmental crimes. This included an overview of German sanctioning in general, separating criminal and administrative offences, and then with a focus on administrative/ regulatory offences committed by legal persons.

The German Law applicable was introduced together with discussion around the difficulties for the prosecution in such cases such as attributing responsibility and other externalities affecting the prosecution, such as insolvency. The case studies that were provided as a key part of the



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presentation were very helpful and focussed on unauthorised handling of waste and illegal operation of a waste facility. With reference to the new ECD 2024/ 1203, it is anticipated that sanctions of maximum fine amounts will increase for cases such as these.

Discussion

Discussions focussed around how this system works in practice - difficulties and challenges and there were comparisons made with other jurisdictions and their systems.

10. Prof Miguel Ângelo Lemos - *“Ecocide” and the question of the international criminal responsibility for serious environmental damage*

“Ecocide” and the question of the international criminal responsibility for serious environmental damage

Miguel Manero de Lemos

Overview

The Environmental Crime Directive, along with, for example, the campaign Stop Ecocide International, suggest that ecocide is not yet an international crime, but it should become one.

This presentation explored a different suggestion, namely, that conduct that causes catastrophic environmental damage is already criminalized under international law. In that sense, ‘ecocide’ is already a crime under international law. While digging into the past of International Criminal Law, the presentation also explored the possibility that such a crime has existed for a long time

Discussion

The main point of discussion was aligning this contention to the ongoing, modern-day fight against environmental crime and how, practically, the prosecution of environmental crimes in Europe today relates to the points and issues put forward. Some challenges were presented and useful, thought-provoking ideas were shared.



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3.0 Conclusion

The need for this workshop was clear after the 2025 4Networks conference, held in Bratislava, Slovakia on the 21-22 May, where breakout sessions on the Environmental Crime Directive (ECD) 2024/ 1203 identified an important area requiring more focus – the prosecution of legal persons.

The European Commission, through the Directorate-General for Environment recognised this workshop as being extremely relevant to the ambition of ensuring that European Union (EU) law on paper being effective 'on the ground'.

The ambition is to equip Member States with the relevant knowledge to implement and deliver under this new EU environmental legislation (EU 2024/1203 in particular) through **awareness raising - including sharing knowledge, experience, and environmental crime cases**.

Through a series of presentations and discussions from different jurisdictions, and how Member States in Europe as well as how the United States prosecute legal persons, delegates were able to compare and contrast different approaches, challenges and successes in this area of prosecution. The additional interventions provided by specialist academics, added to the knowledge and introduced new concepts, worthy of further analysis. In summary there were several key themes arising over the two days:

- The distinction between between 'legal' and natural persons in the context of prosecution of environmental crimes, and how different jurisdictions approach this;
- Sanctions applicable must be appropriate to the crime and those prosecuted – and the new ECD 2024/ 1203 allows for this;
- Independent expert regulatory bodies could and perhaps should be considered to be established by Member States to ensure that EU legislations such as the ECD 2024/ 1203 is transposed and applied effectively.

The feedback received from all delegates who participated in the post-workshop questionnaire survey was very positive, with many respondents noting how valuable the sessions had been for them in their understanding of this area of the Directive, and a particular reference to ENPE's "strong commitment to address its provisions and topics".

Should there be sufficient demand, it is intended to replicate the workshop for members based in Central and Eastern Europe, perhaps in the early Summer of 2026.



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[Photo: A Brosnan]



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[Photo: A Brosnan]

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