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THE POSSIBLE EFFECTS OF THE NEW ECD ON THE PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW IN THE MEMBER STATES OF THE EUROPEAN UNION

Abstract:

The new Environmental Crime Directive (ECD) was adopted in April 2024 and is expected to be implemented by 2026 by the Member States of the European Union. The criminal law protection of the environment has a relatively long history in the European region, but it has been surrounded by controversy and legal debate. Directive 2024/1203/EU is replacing the Environmental Crime Directive of 2008. The latter legislation has faced continuous criticism since its acceptance. The “new” ECD was influenced by remarks on the protection of the environment through criminal law and by events in the international sphere, including the emerging concept of ecocide. In the presentation and paper, the Authors would like to explore the ECD’s novelties to answer the question, “*Is there anything new under the sun*” in the era of criminal law protection of the environment with particular regard to the European sphere. Furthermore, the approach must be critical, as environmental protection has a long history in the European Union; therefore, the new instruments should learn from the previous legislative shortcomings. Firstly, the Authors will highlight the history of environmental criminal law in the European Union and the failures of the previous ECD. Additionally, the international influencing factors, with special regard to ecocide, are emphasised. Finally, the potential changes in the Member States’ environmental crime legislation are summarised.

Keywords: *environmental protection, criminal law, environmental crime directive, EU Law*

1. INTRODUCTION

In the summer of 2025, climate change is more real than ever. In Central Europe, one day it’s a scorching 40°C, and only a few days later, the citizens must face severe storms as the temperature drops by half. Droughts are persistent problems for agriculture, and

desertification has become a reality in the European sphere as well. Besides climate change and global warming, other ecological issues need to be addressed. In the past few decades, we have been confronted with unprecedented biodiversity loss and species extinctions. The Living Planet Report, published by the WWF in 2024, reveals a staggering 73% decrease in wildlife populations since 1970.¹ Human-induced factors, including habitat loss, the adverse effects of invasive species, overexploitation, pollution, and climate change, primarily drive ecological dispare.² The unsustainable economic exploitation of species significantly contributes to this crisis, with numerous animals and plants being hunted, collected, harvested, and exploited for financial gain. It has been proven that criminal activities, such as transnational environmental crime, wildlife trafficking, and corruption, undermine conservation efforts. Under these circumstances, humanity must raise the question of how to combat climate change and hold those responsible for severe environmental degradation accountable. Environmental crimes pose an exceptional threat to society and humanity. Some environmentally detrimental activities are classified as crimes in national legislation and are subject to severe penalties. Furthermore, environmental crimes are often intertwined with serious and organised crime. As a result, the Council of the European Union has prioritised action against such activities as part of EMPACT (European Multidisciplinary Platform Against Criminal Threats).³ The European Union has set a wide range of environmental goals as part of the European Green Deal⁴, which are threatened by environmental crimes and ecological harm.

Regarding acts that harm the environment, the question also arises as to when it is necessary to impose the harshest criminal sanctions and what grounds can justify classifying environmental offences as serious crimes. The *ultima ratio* nature of criminal law means that it is the 'last resort', the most severe sanction that can be imposed for violating a legal interest.⁵ In the European Union, this question is answered by the new binding legislation. The adoption of the "new" Environmental Crime Directive, which was accepted on 11 April 2024 and entered into force on 20 May 2024, supports the protection of the environment through criminal law, replacing Environmental Crime Directive 2008/99/EC. Directive 2024/1203/EU includes a comprehensive list of conduct to be established as criminal offences in the national legal order of Member States. In comparison to the 2008 Directive, several new offence categories have been introduced, including "*qualified criminal offences*" that are conduct similar to ecocide.

In our article, we aim to highlight the key milestones of environmental criminal law in the European sphere, as well as the road that led to the acceptance of the "new" Environmental Crime Directive. Additionally, the shortcomings of Directive 2008/99/

1 WWF (2024): *Living Planet Report 2024: A System in Peril*. (Retrieved on 9 July 2025) from WWF: <https://wwflpr.awsassets.panda.org/downloads/2024-living-planet-report-a-system-in-peril.pdf>.

2 United Nations Environment Programme (2023, September 5): *Five drivers of the nature crisis*. (Retrieved on 9 July 2025) from UNEP: <https://www.unep.org/news-and-stories/story/five-drivers-nature-crisis>.

3 Council of the European Union (2023, March 9): *Council conclusions setting the EU's priorities for the fight against serious and organised crime for EMPACT 2022-2025 - Council conclusions*. (Retrieved on 9 July 2025) from Council of the European Union: <https://data.consilium.europa.eu/doc/document/ST-7101-2023-INIT/en/pdf>.

4 European Commission (2025): *Delivering the European Green Deal: On the path to a climate-neutral Europe by 2050*. (Retrieved on 10 July 2025) from European Commission: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/delivering-european-green-deal_en.

5 Karsai, K. (2013): *Ultima Ratio and Subsidiarity in the European Criminal Law*. *FORUM: ACTA JURIDICA ET POLITICA*, 3(1), p. 54.

EC are highlighted, summarising the issues that motivated the European Commission to initiate the adoption of a new legal instrument. Finally, the main “innovations” of Directive 2024/1203/EU are summarised, with special regard to the so-called “qualified offences” that demonstrate the European Union’s commitment to penalising acts comparable to ecocide. As the implementation of the “new” Environmental Crime Directive is still in progress, it is crucial to initiate a dialogue on potential legislative changes in the environmental criminal law of the Member States.

2. HISTORY OF THE PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW IN THE EUROPEAN SPHERE

In recent decades, there has been a growing demand in Europe for the criminalisation of acts against the environment. Currently, there are several legal instruments in EU law dedicated to environmental protection, including binding legislation related to criminalisation. However, a long road led to the moment when we can say that, in the European Union, there is a willingness to penalise those acts that harm the environment the most. The history of criminal law instruments for environmental protection in Europe can be found not only in EU law but also in the Council of Europe (CoE), which has played a crucial role in shaping environmental protection, both in general and specifically in the context of criminal law. EU law development was significantly influenced by a convention adopted by the Council of Europe in the late 1990s, which unfortunately did not receive substantial support from the Member States of the CoE.

The Convention on the Protection of the Environment through Criminal Law was adopted in 1998 under the auspices of the Council of Europe.⁶ The Convention sought to highlight the need for a common policy and to harmonise national laws on certain environmental crimes. To date, the Convention has been signed by fourteen states; however, only one, Estonia, has ratified it, and it has not yet entered into force.⁷ Another recent milestone was the adoption of a new international treaty within the framework of the Council of Europe. In 2025, the Member States adopted a new instrument, the Convention on the Protection of the Environment through Criminal Law. The international treaty is a significant step, as it is the first internationally recognised, legally binding instrument to address a wide range of environmental crimes.⁸ The convention still needs to be ratified by the states. Still, it remains a significant element in the fight against environmental crime, emphasising the willingness of European states to tackle ecological degradation and sanction the perpetrators of such acts.

Regarding the efforts of the European Union, the first attempt at criminalising environmental crimes was a Framework Decision adopted at the beginning of the 2000s. The preamble to Framework Decision 2003/80/JHA⁹ on the protection of the environment

6 Council of Europe (1998, November 4): Convention on the Protection of the Environment through Criminal Law. Strasbourg. ETS No. 172.

7 Council of Europe (2025, July 8): *Chart of signatures and ratifications of Treaty 172*. (Retrieved on 8 July 2025) from Council of Europe: <https://www.coe.int/en/web/Conventions/full-list?module=signatures-by-treaty&treaty=172>

8 Council of Europe (2025): *Protection of the Environment through Criminal Law*. (Retrieved on 8 July 2025) from Council of Europe: <https://www.coe.int/en/web/cdpc/convention-on-the-protection-of-the-environment-through-criminal-law>

9 Council Framework Decision 2003/80/JHA of 27 January 2003, OJ L 29, 5.2.2003, p. 55–58. CELEX-

through criminal law also references the Convention, which was taken into account when drafting the provisions of the Framework Decision.¹⁰ The five categories of criminal offences defined in the Convention have essentially been transferred to the Framework Decision and Directive 2008/99/EC¹¹ on the protection of the environment through criminal law. The draft Framework Decision, adopted by the Council at the turn of the millennium, was drawn up. At the same time, the European Commission initiated legislative work on the subject and adopted a proposal for a directive on environmental protection through criminal law in 2001.¹² This date also marked the beginning of a dispute over the competence to protect the environment through criminal law in the European Union.¹³ On 27 January, 2003, the Framework Decision on the protection of the environment through criminal law was finally adopted; however, it was ultimately annulled by the European Court of Justice in 2005 as „*the entire framework decision, being indivisible, infringes Article 47 EU as it encroaches on the powers which Article 175 EC confers on the Community*”¹⁴ Until the adoption of the Directive, the debate on the protection of the environment through criminal law and the resolution of the conflict of competences had lasted several years, until the Treaty of Lisbon¹⁵ clarified the Union's competence in the field of criminal law and its power to oblige Member States to adopt criminal law provisions. On the basis of this Treaty, the European Parliament and the Council may establish minimum standards in the field of criminal law through directives.¹⁶

3. THE “OLD” ENVIRONMENTAL CRIME DIRECTIVE

The specific competence provided in the Treaty of Lisbon ultimately led to the adoption of Directive 2008/99/EC on the protection of the environment through criminal law. Directive 2008/99/EC relied on the original Framework Decision and the original CoE Convention from 1998, with some notable differences. The second draft directive included, among other things, minimum rules at the Community level for the constituent elements of serious environmental crimes and the penalties for severe environmental crimes.¹⁷ It is also important to note that autonomous crimes are entirely independent from administrative law and the decisions of administrative authorities. The issuance of a permit is irrelevant in cases where the act causes death or serious bodily injury to anyone, or where there is a specific risk of such harm, in which case criminal liability can be established.¹⁸ Thus, all elements of the offence are constituted by the unlawfulness of the conduct, committed intentionally

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10 Council Framework Decision 2003/80/JHA, Preamble (10).

11 Hereinafter referred to as the “old” Directive.

12 Proposal of 13 March 2001 for a European Parliament and Council Directive on the protection of the environment through criminal law. OJ C 180 E of 26.6.2001.

13 Often also labelled as the ‘pillars’ dispute.

14 Case C-176/03 13 September 2005, ECLI:EU:C:2005:542. para 53.

15 Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, OJ C 306, 17.12.2007, p. 1–271, CELEX-12007L/TXT.

16 Görgényi I. (2018): Protection of the environment through criminal law considering the european standards – Környezetvédelmi büntetőjog az európai elvárásokra figyelemmel. *Journal of Agricultural and Environmental Law*, XIII(25), doi:10.21029/JAEL.2018.25.46. pp. 49–54.

17 Görgényi, I. (2011): The renewal of environmental criminal law in the new millennium - A környezetvédelmi büntetőjog megújulása az új évezredben. *Miskolci Jogi Szemle, Special Issue*, p. 101.

18 Görgényi (2011): p. 100.

or at least with serious negligence.¹⁹ The Directive established minimum standards, but Member States were free to adopt stricter measures: „*As this Directive provides for minimum rules, Member States are free to adopt or maintain more stringent measures regarding the effective criminal law protection of the environment. Such measures must be compatible with the Treaty.*”²⁰ Article 3 defined nine criminal offences, which Member States were required to implement into their national law and impose penalties with a deterrent effect on such conduct. The Directive aimed to harmonise the laws of the Member States and to protect the environment more effectively.

Looking back over the time that passed since the adoption of the „old” Directive, it had not lived up to the expectations, which is why the Commission adopted a proposal as part of the European Green Deal, for a new EU Directive on combating environmental crime in December 2021. The proposal aimed to enhance environmental protection by requiring Member States to adopt additional criminal law measures. It defines new environmental crimes, sets minimum penalties, and aims to enhance cooperation between law enforcement authorities.²¹

In addition, the Commission launched an EU consultation from 8 February 2021 until 03 May 2021, to gather a wide range of views from experts and EU citizens²² on how the provisions of the Directive could be adapted and expanded. As part of the consultation, participants were invited to complete a questionnaire and submit comments. The comments indicated that changes to the Directive may be necessary in several respects.²³ Among the key observations, enforcement, the introduction of a restorative justice system and strengthening cooperation between states were mentioned. The clarification and unambiguous definition of the concept of criminal offences, as well as the criminalisation of simple negligence, were also raised. Furthermore, it was emphasised that the penalties imposed by Member States are not dissuasive and therefore need to be strengthened. The need to define certain offences as autonomous offences was also expressed.²⁴

On this basis, it can be said that the proposal and consultation reflected the EU’s need to strengthen the legislative basis and further develop cooperation between Member States to ensure stronger environmental protection. On the European stage, despite EU regulations, an increasing number of states are committing themselves to tightening their domestic laws, particularly with regard to penalties for environmental crimes and climate-related standards. Unsurprisingly, Sweden has once again emerged as a champion

19 Ibid.

20 Directive 2008/99/EC, Preamble (12).

21 European Commission (2021, December 15): *European Green Deal: Commission proposes to strengthen the protection of the environment through criminal law*. (Retrieved on 8 July 2025) from European Commission Press Release: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6744.

22 E.g. With the involvement of scientific/research institutes, government authorities responsible for environmental policy, national prosecutors and professional networks of prosecutors, national judges and professional networks of judges, national law enforcement professionals or professional networks of law enforcement professionals, local/regional authorities, European or international bodies dealing with environmental crime, non-governmental organizations, businesses/industries or business/industry associations, consumer organizations, and citizens.

23 European Commission (2021): *Environmental crime – improving EU rules on environmental protection through criminal law*. (Retrieved on 8 July 2025) from European Commission: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12779-Improving-environmental-protection-through-criminal-law/public-consultation_en.

24 Ibid.

of environmental protection. Furthermore, France has been really active in accepting new laws. *Emmanuel Macron* also spoke out specifically about the ecocide taking place in the Amazon region ahead of the G7 meeting in the summer of 2019. Subsequently, in the summer of 2021, the French National Assembly and Senate approved the strictest climate regulations to date, which impose extremely severe penalties on polluters, including heavy fines and imprisonment. Luxembourg, which has an exceptionally high ecological footprint, has also introduced stricter penalties, including fines and prison sentences, for environmental crimes. Further initiatives are also underway in Germany, the Netherlands and Spain.²⁵

4. THE NEW ENVIRONMENTAL CRIME DIRECTIVE - REASONS FOR REFORM AND THE ACCEPTANCE OF NEW LEGISLATION

Based on the goals set by the TEU²⁶ and TFEU²⁷ for the European Union, the EU is committed to ensuring a high level of environmental protection and improving the quality of the environment. The reasoning behind the acceptance of a “new” ECD was the increasing threat posed by environmental crimes that are undermining the EU’s environmental goals. Also, it is essential to note that environmental crimes are often transboundary in nature and committed internationally, as recognised by the “new” ECD, they “*increasingly extend beyond the borders of the Member States*”.²⁸ The cooperation must lead to more effective detection, investigation, prosecution, and adjudication of environmental crimes. In this regard, the strengthened cooperation of Member States’ authorities is required to combat environmental crimes effectively. Also, the sanctions set by the „old” ECD were not sufficient, so a reform was needed to provide “*effective, proportionate and dissuasive criminal penalties*”.²⁹

The following table lists the main shortcomings of the “old” ECD, along with the solution provided by the “new” ECD for each issue.

Additionally, the “new” ECD addressed some other shortcomings, including the reference to “*specialised regular training [...] judges, prosecutors, police and judicial staff and to competent authorities’ staff involved in criminal proceedings and investigations*”.³⁰ As policing and adjudicating environmental crimes require specialised knowledge, it is crucial to train police officers, prosecutors, and judges who are familiar with the necessary procedures and tactics to combat environmental crimes effectively, as well as to sanction those who commit such crimes.³¹ As environmental crimes are often perceived as victimless or less serious, it is time to recognise the danger they pose to society, the economy, and the natural environment.³² Other new elements of the Directive are the broader legislation

25 See Sziebig, O. J. (2022): Ecocide in EU law – developments to date and possible scenarios - Ökocídium az uniós jogban - eddigi történések és lehetséges szcenáriók. *EU JOG (online)*, pp. 1-12.

26 Treaty on European Union, Article 3(3).

27 Treaty on the Functioning of the European Union, Article 194.

28 Directive (EU) 2024/1203, Preamble para (3).

29 Directive (EU) 2024/1203, Preamble para (4).

30 Directive (EU) 2024/1203, Article 18.

31 Olsen Lundh, C. (2024): The Revised EU Environmental Crime Directive: Changes and Challenges in EU Environmental Criminal Law with Examples from Sweden. *Eucrim*(Issue 2). doi:<https://doi.org/10.30709/eucrim-2024-013>. pp. 167-168.

32 Europol (2015, February 20): *EnvCrimeNet Intelligence Project on Environmental Crime: Report on*

concerning legal persons³³, the detailing of aggravating³⁴ and mitigating³⁵ circumstances. Moreover, every Member State must adopt a national strategy for combating environmental criminal offences by 21 May 2027.³⁶

Table 1. Short comparison of ECDs³⁷

Identified problematic area	Directive 2008/99/EC	Directive 2024/1203/EU
<i>legislative approach</i>	fragmented and heavily reliant on national law ¹	harmonisation of Member States' law by accepting a more specific legislation
<i>penalisation</i>	lack of autonomous environmental crime - indirect and subordinate protection	listing the punishable conduct and introducing autonomous environmental crime
<i>elements of the criminal act</i>	lack of precise definitions regarding the material element	concrete crimes, more precise legislation, including the material elements
<i>intent, negligence</i>	lack of detailed rules relating to the subjective elements of criminal offences	definition of the requisite intent, specifying negligence
<i>transboundary nature of environmental crimes</i>	did not provide for the need for close cooperation between Member State authorities	enhancing cooperation among MSs' authorities and between EU bodies and MSs' authorities
<i>implementation of ecocide</i>	did not recognise the existence of the most serious environmental crimes	including qualified criminal offences and refers explicitly to ecocide

4.1. The category of “qualified offences” in the ECD as a means of ecocide regulation

Although responsibility for environmental damage has a long history, the concept of ecocide can be traced back to the 1970s, specifically to the United States' war methods as part of the Vietnam War Effort that caused severe ecological damage in Vietnam. Ecocide disappeared for a long time as the International Law Commission deleted the autonomous environmental crime from the Draft Convention of the Crimes against Peace and Security of Mankind in 1996. But, ecocide has again emerged through the work of *Polly Higgins* and the *Stop Ecocide Foundation*.³⁸ Later, in the European sphere, ecocide gained significant

Environmental Crime in Europe. (Retrieved on 10 July 2025) from Europol: https://www.europol.europa.eu/cms/sites/default/files/documents/ipcc_report_on_environmental_crime_in_europe_0.pdf. p. 7.

33 Directive (EU) 2024/1203, Article 7.

34 Directive (EU) 2024/1203, Article 8.

35 Directive (EU) 2024/1203, Article 9.

36 Directive (EU) 2024/1203, Article 21.

37 Edited by Authors.

38 On the history of ecocide, see Zsigmond-Sziebig, O. J. (Expected to be published in 2025). *Ecocide - an*

support from the European Union and found its way to the new ECD. The definition of ecocide³⁹ has long been shrouded in uncertainty, as there has been no universally accepted scientific or legal definition. In the most general sense, ecocide refers to large-scale, severe, widespread or long-term environmental destruction. In 2021, an Independent Expert Panel⁴⁰ was established to propose a definition⁴¹ of ecocide that can be incorporated into the Rome Statute of the International Criminal Court.

The support for the implementation of ecocide is evident from the documents accepted by the institutions of the European Union. The new ECD specifically mentions ecocide, but just in the preamble: „*qualified criminal offences can encompass conduct comparable to ecocide*”⁴². The qualified offences must be implemented in the law of the Member States, and the wording of the ECD⁴³ is remarkably similar to the ecocide definition established by the Independent Expert Panel. It's worth mentioning that in some Member States of the European Union, ecocide legislation was already accepted. These MSs include France and Belgium.⁴⁴

5. CONCLUDING REMARKS

Implementing the “new” Environmental Crime Directive could potentially lead to changes in the legislation of Member States concerning environmental crimes. The new Environmental Crime Directive may significantly influence the criminalisation of environmental offences, including penalties. However, we must keep in mind that there are differences between EU Member States regarding ecological protection and environmental harm. Some Member States emphasise detecting environmental crimes more strongly and have already established prosecutors’ offices and other authorities with specialised competence to combat such crimes. Additionally, disparities exist not only in policing but also in the criminalisation of environmental offences across EU Member States. The previous ECD did not result in a high degree of harmonisation in the area of environmental crime, as it relied heavily on Member States’ regulations and administrative legal solutions. Finally, judicial practice concerning environmental offences varies depending on the court of competent jurisdiction, even within the same Member State. In the most optimistic scenario, EU Member States will pay particular attention to implementing the new directive, thereby enabling its objectives to be realised. The successful implementation of this legal instrument would undoubtedly lead to increased focus at the EU level on combating environmental crime

evolving legislative concept in the light of care for creation.

39 The ecocide term is a composition of the words eco (oikos, Greek: ecosystem) and cide (caedere, Latin: destruction).

40 Independent Expert Panel for the Legal Definition of Ecocide.

41 Ecocide: „*unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts*”. In: STOP Ecocide Foundation. (2021, June). Independent Expert Panel for the Legal Definition of Ecocide: *Commentary and Core text*. (Retrieved on 6 July 2025) from STOP Ecocide Foundation.

42 Directive (EU) 2024/1203, Preamble para (21).

43 Art. 3. para 3. “*Member States shall ensure that criminal offences relating to conduct listed in paragraph 2 constitute qualified criminal offences if such conduct causes: (a) the destruction of, or widespread and substantial damage which is either irreversible or long-lasting to, an ecosystem of considerable size or environmental value or a habitat within a protected site, or (b) widespread and substantial damage which is either irreversible or long-lasting to the quality of air, soil or water.*”

44 Ecocide Law (2025): *Ecocide / serious environmental crimes in national jurisdictions*. (Retrieved on 10 July 2025) from Ecocide Law: <https://ecocidelaw.com/existing-ecocide-laws/>.

and to the imposition of harsher penalties. Furthermore, a high level of legal harmonisation would be achieved in this area, which is especially important in the 27-member EU. It is hoped that Member States will seize opportunities for cooperation to combat environmental crime, while continuing to ensure effective collaboration with EU bodies and agencies that have already played a significant role in this effort (e.g., Europol). Nonetheless, the preparation of Member States' strategies, which will undoubtedly reflect their commitment to reducing environmental crime, represents a new element. Effective action against environmental crime is essential to achieving the European Union's environmental and climate goals. The "new" Directive therefore provides an opportunity to promote harmonisation and ensure that Member States can more effectively combat environmental crimes that are a serious threat to human health, nature protection, biodiversity and the economy. Since the implementation period for the "new" Directive coincides with the ratification process of the convention adopted by the Council of Europe, it is worthwhile to examine both processes in relation to the Member States of the European Union. Hopefully, the Member States will ensure the effective implementation of the provisions of the Environmental Crime Directive, and a new „era” of environmental criminal law can start in the European sphere.



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MOGUĆI EFEKTI NOVOG ECD-A NA ZAŠTITU ŽIVOTNE SREDINE KROZ KRIVIČNO PRAVO U DRŽAVAMA ČLANICAMA EVROPSKE UNIJE

Apstrakt:

Nova Direktiva o ekološkom kriminalu (ECD) usvojena je u aprilu 2024. i očekuje se da će države članice Evropske unije implementirati do 2026. godine. Krivičnopravna zaštita životne sredine ima relativno dugu istoriju u evropskom regionu, ali je bila okružena kontroverzama i pravnim raspravama. Direktiva 2024/1203/EU zamenjuje Direktivu o ekološkom kriminalu iz 2008. Potonji zakon se suočavao sa stalnim kritikama od svog prihvatanja. Na „novi“ ECD su uticale primedbe o zaštiti životne sredine kroz krivično pravo i događaji u međunarodnoj sferi, uključujući novonastali koncept ekocida. U prezentaciji i radu autori bi želeli da istraže novine ECD-a kako bi odgovorili na pitanje „*Ima li šta novo pod suncem*“ u eri krivičnopravne zaštite životne sredine sa posebnim osvrtom na evropsku sferu. Štaviše, pristup mora biti kritičan, pošto zaštita životne sredine ima dugu istoriju u Evropskoj uniji; stoga, novi instrumenti treba da uče iz prethodnih zakonskih nedostataka. Prvo, autori će istaći istoriju krivičnog prava životne sredine u Evropskoj uniji i neuspehe prethodnog ECD-a. Dodatno, naglašeni su međunarodni uticajni faktori, sa posebnim osvrtom na ekocid. Na kraju, sumirane su potencijalne promene u zakonodavstvu država članica o ekološkom kriminalu.

Ključne reči: zaštita životne sredine, krivično pravo, direktiva o ekološkom kriminalu, pravo EU

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