

ATTACHMENT I

- The EU adopts the same terms and follows the same ratio in adopting effective, proportionate and dissuasive sanctions in reference to public health and/or environmental health and or “biosecurity”

ATTACHMENT I

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| 1) Commission Decision, 24-02-2006, n. 2006/148, | on Public Health Protection |
| 2) Commission Decision, 24-02-2006, n. 2006/147, | on Public Health Protection |
| 3) European Parliament Regulation, 15-02-2006, n. 336/2006, | on Ship Safety and Environmental Protection from Ship-Source Pollution |
| 4) European Parliament Regulation, 18-01-2006, n. 166/2006 | on Information and Participation to Environmental Issues of the Public in Decision-Making Processes, and Prevention and Reduction of Environmental Pollution |
| 5) Council Directive, 20-12-2005, n. 2005/94, | on Biosafety and Public Health Protection |
| 6) European Parliament Regulation, 14-12-2005, n. 2111/2005, | on the Safety of People |
| 7) European Parliament Directive, 26-10-2005, n. 2005/65, | on the Safety of People |
| 8) European Parliament Directive, 28-09-2005, n. 1775/2005, | on Public Safety and Transport Security |
| 9) European Parliament Directive, 07-09-2005, n. 2005/45, | on Maritime Safety and Ship-Source Pollution Prevention |
| 10) European Parliament Directive, 06-07-2005, n. 2005/33, | on the Protection of Human Health, the Environment, Public and Private Property and Cultural Heritage |
| 11) European Parliament Directive, 06-07-2005, n. 2005/32, | on Environmental Protection, Sustainable Development and Energy Consumption Efficiency |
| 12) European Parliament Directive, 21-04-2004, n. 2004/35, | on Protection of Human Health, the Environment, and Sustainable Development |
| 13) Council Decision 27-01-2003, n. 2003/8, | on Environmental Protection |

ATTACHMENT II

- EU legislation and Framework-decision on environmental protection through criminal law
- • Other norms where proportionate, **effective and dissuasive sanctions** must be applied in relation to various cases

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- **COUNCIL FRAMEWORK DECISION 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution**

Council Framework Decision 2005/667/JHA

of 12 July 2005

to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 31(1)(e) and 34(2)(b) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Whereas:

(1) The Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice [2] and the conclusions of the Tampere European Council of 15 and 16 October 1999, and in particular point 48 thereof, call for proposals for legislation to combat environmental crime, in particular common penalties and comparable procedural guarantees.

(2) The fight against intentional or seriously negligent ship-source pollution constitutes one of the Union's priorities. Points 32 to 34 of the conclusions of the Copenhagen European Council of 12 and 13 December 2002 and the statement of the JHA Council of 19 December 2002 following the shipwreck of the tanker Prestige, in particular, express the Union's determination to adopt all the measures needed to avoid recurrence of such damage.

(3) To this end, as the Commission stated in its Communication to the European Parliament and the Council on improving safety at sea in response to the Prestige accident, the legislation of the Member States should be approximated.

(4) The purpose of Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements [3] and this framework Decision, which supplements Directive 2005/35/EC with detailed rules in criminal matters, is to carry out this approximation.

(5) This framework Decision, based on Article 34 of the Treaty on the European Union, is the correct instrument for imposing on the Member States the obligation to provide for criminal penalties.

(6) Due to the specific nature of the conduct, common penalties with regard to legal persons should be introduced.

(7) The 1982 United Nations Convention on the Law of the Sea, signed by all the Member States and with the European Community as a party, is particularly important in the context of cooperation.

(8) The best possible cooperation should be organised between Member States to guarantee the swift transmission of information from one Member State to another. Contact points should be designated and identified.

(9) Since the objectives of this framework Decision cannot be achieved adequately by the Member States and can therefore, by reason of the cross-border character of the damage which may be caused by the behaviour concerned, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in that Article, this framework Decision does not go beyond what is necessary in order to achieve those objectives.

(10) This framework Decision respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty of the European Union and reflected in the Charter of Fundamental Rights of the European Union.

(11) This framework Decision does not contain an explicit obligation for Member States bordering straits used for international navigation subject to the regime for transit passage, as laid down in Part III, section 2 of the 1982 United Nations Convention on the Law of the Sea, to establish jurisdiction with regard to offences committed in such straits. The jurisdiction with regard to offences should be established in accordance with international law and in particular Article 34 of the 1982 United Nations Convention on the Law of the Sea.

(12) The practical application of the measures taken by the Member States in implementing this framework Decision, should be monitored by the Commission which should in five years from the date of implementation of this framework Decision, present a report to the Council. This report may include appropriate proposals,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purposes of this framework Decision, the definitions provided for in Article 2 of Directive 2005/35/EC shall apply.

Article 2

Criminal offences

1. Subject to Article 4(2) of this framework Decision, each Member State shall take the measures necessary to ensure that an infringement within the meaning of Articles 4 and 5 of Directive 2005/35/EC shall be regarded as a criminal offence.

2. Paragraph 1 shall not apply to crew members in respect of infringements that occur in straits used for international navigation, exclusive economic zones and on the high seas where the conditions set out in Annex I, Regulation 11(b) or in Annex II, Regulation 6(b), of the Marpol 73/78 Convention are satisfied.

Article 3

Aiding, abetting and inciting

Each Member State shall, in accordance with national law, take the measures necessary to ensure that aiding, abetting or inciting an offence referred to in Article 2 is punishable.

Article 4

Penalties

1. Each Member State shall take the measures necessary to ensure that the offences referred to in Articles 2 and 3 are punishable by **effective, proportionate and dissuasive criminal penalties** which shall include, at least for serious cases, criminal penalties of a maximum of at least between one and three years of imprisonment.

2. In minor cases, where the act committed does not cause a deterioration of the quality of the water, a Member State may provide for penalties of a different type from those laid down in paragraph 1.

3. The criminal penalties provided for in paragraph 1 may be accompanied by other penalties or measures, in particular fines, or the disqualification for a natural person from engaging in an activity requiring official authorisation or approval, or founding, managing or directing a company or a foundation, where the facts having led to his/her conviction show an obvious risk that the same kind of criminal activity may be pursued again.

4. Each Member State shall take the measures necessary to ensure that the intentionally committed offence referred to in Article 2 is punishable by a maximum of at least between five and ten years of imprisonment where the offence caused significant and widespread damage to water quality, to animal or vegetable species or to parts of them and the death or serious injury of persons.

5. Each Member State shall take the measures necessary to ensure that the intentionally committed offence referred to in Article 2 is punishable by a maximum of at least between two and five years of imprisonment where:

(a) the offence caused significant and widespread damage to water quality, to animal or vegetable species or to parts of them; or

(b) the offence was committed within the framework of a criminal organisation within the meaning of Council Joint Action 98/733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union [4], irrespective of the level of the penalty referred to in that Joint Action.

6. Each Member State shall take the measures necessary to ensure that the offence referred to in Article 2, when committed with serious negligence, is punishable by a maximum of at least between two and five years of imprisonment where the offence caused significant and widespread damage to water quality, to animal or vegetable species or to parts of them and the death or serious injury of persons.

7. Each Member State shall take the measures necessary to ensure that the offence referred to in Article 2, when committed with serious negligence, is punishable by a maximum of at least between one and three years of imprisonment where the offence caused significant and widespread damage to water quality, to animal or vegetable species or to parts of them.

8. Regarding custodial penalties, this Article shall apply without prejudice to international law and in particular Article 230 of the 1982 United Nations Convention on the Law of the Sea.

Article 5

Liability of legal persons

1. Each Member State shall take the measures necessary to ensure that legal persons can be held liable for the offences referred to in Articles 2 and 3, committed for their benefit by any persons acting either individually or as part of an organ of the legal person, who have a leading position within the legal person, based on:

(a) a power of representation of the legal person, or

(b) an authority to take decisions on behalf of the legal person, or

(c) an authority to exercise control within the legal person.

2. Apart from the cases provided for in paragraph 1, Member States shall take the measures necessary to ensure that a legal person can be held liable where lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of the offence referred to in Article 2 for the benefit of the legal person by a person under its authority.

3. The liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are involved as perpetrators, instigators or accessories in the offences referred to in Articles 2 and 3.

Article 6

Penalties against legal persons

1. Each Member State shall take the measures necessary to ensure that a legal person held liable pursuant to Article 5(1) is punishable by **effective, proportionate and dissuasive penalties**. The penalties:

(a) Shall include criminal or non-criminal fines, which, at least for cases where the legal person is held liable for offences referred to in Article 2, are:

(i) of a maximum of at least between EUR 150000 and EUR 300000;

(ii) of a maximum of at least between EUR 750000 and EUR 1500000 in the most serious cases, including at least the intentionally committed offences covered by Article 4(4) and (5).

(b) may, for all cases, include penalties other than fines, such as:

(i) exclusion from entitlement to public benefits or aid;

(ii) temporary or permanent disqualification from engaging in commercial activities;

(iii) placing under judicial supervision;

(iv) a judicial winding-up order;

(v) the obligation to adopt specific measures in order to eliminate the consequences of the offence which led to the liability of the legal person.

2. For the purpose of the implementation of paragraph 1(a), and without prejudice to the first sentence of paragraph 1, Member States in which the euro has not been adopted shall apply the exchange rate between the euro and their currency as published in the Official Journal of the European Union on 12 July 2005.

3. A Member State may implement paragraph 1(a) by applying a system, whereby the fine is proportionate to the turnover of the legal person, to the financial advantage achieved or envisaged by the commission of the offence, or to any other value indicating the financial situation of the legal person, provided that such system allows for maximum fines, which are at least equivalent to the minimum for the maximum fines established in paragraph 1(a).

4. A Member State that implements the framework Decision in accordance with paragraph 3 shall notify the General Secretariat of the Council and the Commission that it intends to do so.

5. Each Member State shall take the measures necessary to ensure that a legal person held liable pursuant to Article 5(2) is punishable by **effective, proportionate and dissuasive penalties or measures**.

Article 7

Jurisdiction

1. Each Member State shall take the measures necessary to establish its jurisdiction, so far as permitted by international law, with regard to the offences referred to in Articles 2 and 3 where the offence has been committed:

(a) fully or in part in its territory;

(b) in its exclusive economic zone or in an equivalent zone established in accordance with international law;

(c) on board of a ship flying its flag;

(d) by one of its nationals if the offence is punishable under criminal law where it was committed or if the place where it was committed does not fall under any territorial jurisdiction;

(e) for the benefit of a legal person with a registered office in its territory;

(f) outside of its territory but has caused or is likely to cause pollution in its territory or its economic zone, and the ship is voluntarily within a port or at an offshore terminal of the Member State;

(g) on the high seas, and the ship is voluntarily within a port or at an offshore terminal of the Member State.

2. Any Member State may decide that it will not apply, or that it will apply only in specific cases or circumstances, the jurisdiction rules set out in:

(a) paragraph 1(d);

(b) paragraph 1(e).

3. Member States shall inform the General Secretariat of the Council accordingly where they decide to apply paragraph 2, where appropriate with an indication of the specific cases or circumstances in which the decision applies.

4. When an offence is subject to the jurisdiction of more than one Member State, the relevant Member States shall strive to coordinate their actions appropriately, in particular concerning the conditions for prosecution and the detailed arrangements for mutual assistance.

5. The following connecting factors shall be taken into account :

(a) the Member State in whose territory, exclusive economic zone or equivalent zone the offence was committed;

(b) the Member State in whose territory, exclusive economic zone or equivalent zone the effects of the offence are felt;

(c) the Member State in whose territory, exclusive economic zone or equivalent zone a ship from which the offence was committed is in transit;

(d) the Member State of which the perpetrator of the offence is a national or a resident;

(e) the Member State in whose territory the legal person on whose behalf the offence was committed has its registered office;

(f) the Member State of the flag of the ship from which the offence was committed.

6. For the application of this Article, the territory includes the area referred to in Article 3(1)(a) and (b) of Directive 2005/35/EC.

Article 8

Notification of information

1. Where a Member State is informed of the commission of an offence to which Article 2 applies or of the risk of the commission of such an offence which causes or is likely to cause imminent pollution, it shall immediately inform such other Member States as are likely to be exposed to this damage, and the Commission.

2. Where a Member State is informed of the commission of an offence to which Article 2 applies or of the risk of the commission of such an offence which is likely to fall within the jurisdiction of a Member State, it shall immediately inform that other Member State.

3. Member States shall without delay notify the flag State or any other State concerned of measures taken pursuant to this framework Decision, and in particular Article 7.

Article 9

Designation of contact points

1. Each Member State shall designate existing contact points, or, if necessary, create new contact points, in particular for the exchange of information as referred to in Article 8.

2. Each Member State shall inform the Commission which of its departments acts or act as contact points in accordance with paragraph 1. The Commission shall notify the other Member States of these contact points.

Article 10

Territorial scope

This framework Decision shall have the same territorial scope as Directive 2005/35/EC.

Article 11

Implementation

1. Member States shall adopt the measures necessary to comply with the provisions of this framework Decision by 12 January 2007.

2. By 12 January 2007, Member States shall transmit to the General Secretariat of the Council and to the Commission the texts of the provisions transposing into their national law the obligations imposed on them by this framework Decision. On the basis of that information and a written report by the Commission, the Council shall, by 12 January 2009 at the latest, assess the extent to which Member States have complied with this framework Decision.

3. By 12 January 2012, the Commission shall, on the basis of information supplied by the Member States on the practical application of the provisions implementing this framework Decision, submit a report to the Council and make any proposals it deems appropriate which may include proposals to the effect that Member States shall, concerning offences committed in their territorial sea or in their exclusive economic zone or equivalent zone, consider a ship flying the flag of another Member State not to be a foreign ship within the meaning of Article 230 of the 1982 United Nations Convention on the Law of the Sea.

Article 12

Entry into force

This framework Decision shall enter into force on the day following that of its publication in the Official Journal of the European Union.

Done at Brussels, 12 July 2005.

For the Council

The President

G. Brown

[1] Opinion of the European Parliament of 13 January 2004 (OJ C 92, 16.4.2004, p. 19).

[2] OJ C 19, 23.1.1999, p. 1.

[3] See page 11 of this Official Journal.

[4] OJ L 351, 29.12.1998, p. 1.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29, Article 31(e) and Article 34(2)(b) thereof,

Having regard to the initiative of the Kingdom of Denmark(1),

Having regard to the opinions of the European Parliament(2),

Whereas:

(1) The Union is concerned at the rise in environmental offences and their effects, which are increasingly extending beyond the borders of the States in which the offences are committed.

(2) Such offences pose a threat to the environment and therefore call for a tough response.

(3) Environmental offences are a problem jointly faced by Member States, which should therefore take concerted action to protect the environment under criminal law(3).

(4) The European Commission has submitted in March 2001 a proposal for a Directive of the European Parliament and the Council concerning the protection of the environment by criminal law(4), based on Article 175(1) of the Treaty establishing the European Community.

(5) The Council considered it appropriate to incorporate into the present Framework decision a number of substantive provisions contained in the proposed Directive, in particular those defining the conduct which Member States have to establish as criminal offences under their domestic law.

(6) The European Parliament delivered its opinion on the proposed Directive on 9 April 2002. The European Commission submitted in October 2002 an amended proposal for a Directive pursuant to Article 250(2) of the Treaty establishing the European Community. The Council did not consider it appropriate to modify the present Framework Decision on that basis.

(7) The Council has considered this proposal but has come to the conclusion that the majority required for its adoption by the Council can not be obtained. The said majority considered that the proposal went beyond the powers attributed to the Community by the Treaty establishing the European Community and that the objectives could be reached by adopting a Framework-Decision on the basis of Title VI of the Treaty on European Union. The Council also considered that the present Framework Decision, based on Article 34 of the Treaty on European Union, is a correct instrument to impose on the member States the obligation to provide for criminal sanctions. The amended proposal submitted by the Commission was not of a nature to allow the Council to change its position in this respect.

(8) Not only physical persons but also legal persons should be held liable for environmental offences.

(9) Member States should establish wide-ranging jurisdiction with respect to the said offences in such a way as to avoid that physical or legal persons would escape prosecution by the simple fact that the offence was not committed in their territory.

(10) On 4 November 1998 the Council of Europe adopted a Convention on the protection of the environment through criminal law, which has been taken account of in the provisions of the present instrument,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purposes of this Framework Decision

- (a) "unlawful" means infringing a law, an administrative regulation or a decision taken by a competent authority, including those giving effect to binding provisions of Community law aiming at the protection of the environment;
- (b) "water" means all kinds of groundwater and surface water including the water of lakes, rivers, oceans and seas;
- (c) "legal person" means any legal entity having such status under the applicable national law, except for States or other public bodies acting in the exercise of their sovereign rights and for public international organisations.

Article 2

Intentional offences

Each Member State shall take the necessary measures to establish as criminal offences under its domestic law:

- (a) the discharge, emission or introduction of a quantity of substances or ionising radiation into air, soil or water which causes death or serious injury to any person;
- (b) the unlawful discharge, emission or introduction of a quantity of substances or ionising radiation into air, soil or water which causes or is likely to cause their lasting or substantial deterioration or death or serious injury to any person or substantial damage to protected monuments, other protected objects, property, animals or plants;
- (c) the unlawful disposal, treatment, storage, transport, export or import of waste, including hazardous waste, which causes or is likely to cause death or serious injury to any person or substantial damage to the quality of air, soil, water, animals or plants;
- (d) the unlawful operation of a plant in which a dangerous activity is carried out and which, outside the plant, causes or is likely to cause death or serious injury to any person or substantial damage to the quality of air, soil, water, animals or plants;
- (e) the unlawful manufacture, treatment, storage, use, transport, export or import of nuclear materials or other hazardous radioactive substances which causes or is likely to cause death or serious injury to any person or substantial damage to the quality of air, soil, water, animals or plants;
- (f) the unlawful possession, taking, damaging, killing or trading of or in protected wild fauna and flora species or parts thereof, at least where they are threatened with extinction as defined under national law;
- (g) the unlawful trade in ozone-depleting substances;

when committed intentionally.

Article 3

Negligent offences

Each Member State shall take the necessary measures to establish as criminal offences under its domestic law, when committed with negligence, or at least serious negligence, the offences enumerated in Article 2

Article 4

Participation and instigation

Each Member State shall take the necessary measures to ensure that participating in or instigating the conduct referred to in Article 2 is punishable.

Article 5

Penalties

1. Each Member State shall take the necessary measures to ensure that the conduct referred to in Articles 2 and 3 is punishable by **effective, proportionate and dissuasive penalties** including, at least in serious cases, penalties involving deprivation of liberty which can give rise to extradition.

2. The criminal penalties provided for in paragraph 1 may be accompanied by other penalties or measures, in particular the disqualification for a natural person from engaging in an activity requiring official authorisation or approval, or founding, managing or directing a company or a foundation, where the facts having led to his or her conviction show an obvious risk that the same kind of criminal activity may be pursued.

Article 6

Liability of legal persons

1. Each Member State shall take the necessary measures to ensure that legal persons can be held liable for conduct referred to in Articles 2 and 3 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on

- (a) a power of representation of the legal person, or
- (b) an authority to take decisions on behalf of the legal person, or
- (c) an authority to exercise control within the legal person,

as well as for the involvement as accessories or instigators in the commission of conduct referred to in Article 2.

2. Apart from the cases already provided for in paragraph 1, each Member State shall take the necessary measures to ensure that a legal person can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission referred to in Articles 2 and 3 for the benefit of that legal person by a person under its authority.

Liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, instigators or accessories in the conduct referred to in Articles 2 and 3.

Article 7

Sanctions for legal persons

Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 6 is punishable by **effective, proportionate and dissuasive sanctions**, which shall include criminal or non-criminal fines and may include other sanctions such as:

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of industrial or commercial activities;
- (c) placing under judicial supervision;

(d) a judicial winding-up order;

(e) the obligation to adopt specific measures in order to avoid the consequences of conduct such as that on which the criminal liability was founded.

Article 8

Jurisdiction

1. Each Member State shall take the necessary measures to establish its jurisdiction with regard to the offences referred to in Articles 2 and 3 where the offence has been committed:

(a) fully or in part in its territory, even if the effects of the offence occur entirely elsewhere;

(b) on board a ship or an aircraft registered in it or flying its flag;

(c) for the benefit of legal persons with a registered office in its territory;

(d) by one of its nationals if the offence is punishable under criminal law where it was committed or if the place where it was committed does not fall under any territorial jurisdiction.

2. Subject to the provisions of Article 9, any Member State may decide that it will not apply, or that it will apply only in specific cases or circumstances, the jurisdiction rule set out in:

(a) paragraph 1(c);

(b) paragraph 1(d).

Article 9

Extradition and prosecution

1. (a) Any Member State which, under its law, does not yet extradite its own nationals shall take the necessary measures to establish its jurisdiction over the offences provided for in Articles 2 and 3 when committed by its own nationals outside its territory.

(b) Each Member State shall, when one of its nationals is alleged to have committed in another Member State an offence involving the conduct described in Articles 2 and 3, and it does not yet extradite that person to that other Member State solely on the ground of his nationality, submit the case to its competent authorities for the purpose of prosecution if appropriate. In order to enable prosecution to take place, the files, information and exhibits relating to the offence shall be transmitted in accordance with the procedures laid down in Article 6(2) of the European Convention on Extradition. The requesting Member State shall be informed of the prosecution initiated and of its outcome.

2. For the purpose of this Article, a national of a Member State shall be construed in accordance with any declaration made by that State under Article 6(1)(b) and (c) of the European Convention on Extradition of 13 December 1957.

Article 10

Implementation

1. Member States shall adopt the measures necessary to comply with the provisions of this Framework Decision before 27 January 2005
2. Before 27 April 2005, Member States shall communicate to the General Secretariat of the Council and to the Commission the texts of the provisions transposing into their national law the obligations imposed on them by this Framework Decision. On the basis of that information and a written report by the Commission, the Council shall, no later than 27 January 2006, check the extent to which Member States have taken the measures necessary to comply with this Framework Decision.

Article 11

Territorial application

This Framework Decision shall apply to Gibraltar.

Article 12

Effective date

This Framework Decision shall take effect on the day of its publication in the Official Journal of the European Union.

Done at Brussels, 27 January 2003.

For the Council

The President

G. Papandreou

(1) OJ C 39, 11.2.2000, p. 4.

(2) Opinions delivered on 7 July 2000 (OJ C 121, 24.4.2001, p. 494) and on 9 April 2002 (not yet published in the Official Journal).

(3) See also the Annex.

(4) OJ C 180 E, 26.6.2001, p. 238

ANNEX

The Council takes note that Austria intends to comply with Article 2(f) and (g) as far as minor cases are concerned and Article 3 by providing for **effective, proportionate and dissuasive sanctions** under administrative criminal law

- • Other norms where proportionate, **effective and dissuasive sanctions** must be applied in relation to various cases

According to EU legislation, **proportionate, effective and dissuasive sanctions**, as well as jurisdiction, must be applied also in relation to other cases that include money laundering, unfair commercial practice, cybercrime, and illicit drug trafficking

- 1) **Council Decision, 19-12-1996, n.97/210**
- 2) **Council Recommendation, 24-09-1998, n. 98/560**
- 3) **Council Directive, 01-10-1998, n. 98/76**
- 4) **European Parliament Directive, 22-05-2001, n. 2001/29**
- 5) **Council Decision, 28-05-2001, n. 2001/413**
- 6) **Council Decision, 25-10-2004, n. 2004/757**
- 7) **Council Decision, 24-02-2005, n. 2005/222**
- 8) **European Parliament Directive, 11-05-2005, n.2005/29**
- 9) **Council Directive, 18-07-2005, n.2005/47**
- 10) **European Parliament Directive, 26-10-2005, n. 2005/60**

ATTACHMENT III

VENICE CHARTER ON THE STUDY AND PROTECTION OF ECOSYSTEMS

(Venice, 23, 24, 25 October)

RESPECTING THE EARTH

IMPLIES THAT INDIVIDUALS BE ITS GUARDIANS

Preamble

The Venice Conference hosted by the International Environmental Science Academy, held on 23 to 25 of October 2003,

- RECALLS and reaffirms the principle and contents asserted in the Resolution and International Declarations starting with the UN Stockholm Conference on Environment, 16 June 1972, to the Rio Charter in 1992 and subsequent Conferences up to the Johannesburg Conference in 2002;
- IS AWARE that the "environmental issue" has stretched beyond municipal, regional and governmental boundaries and now stands at the supranational, global and planetary level;
- BELIEVES that current problems on the exploitation of natural resources involve the study of environmental rarefaction and depletion that lead to high risk implications for the ecosystem, such as the extinction, over the last three centuries, of plants and animal species, and are a hazard for the ones that still exist;
- OBSERVES that an inter-disciplinary approach in tackling the study and protection of ecosystems is emerging not only among institutions but also at the community level which has proven to be the better solution in coping with environmental issues;
- NOTES that such perspective implies the study and evaluation of:

- 1) historical and cultural, anthropological data (tracing the origins, time and source of the environmental alteration and evaluating the way to respond to such changes, to verify whether old traditions in using natural resources can be recovered as well as the historical, cultural identity of a community);
 - 2) economic data (the economic context in which the alteration occurred; the inter-relations and/or *cum causa* of the natural changes; the instruments and /or the economic path to guarantee compatible development);
 - 3) political data (identification of different solutions adopted by States and Communities)
 - 4) scientific data (sources of environmental alteration under a biogeochemical perspective and evaluation of Scientific solutions to decrease and/or eliminate the alteration)
 - 5) health data (Health protection)
 - 6) juridical data (norms to protect ecosystems and promotion of institutional initiatives to guarantee effective protection of natural resources)
- UNDERLINES the need to achieve new forms of cooperation on environmental issues between States and peoples to promote international agreements that guarantee and protect the planet's integrity, according to sustainable development policies;
 - AFFIRMS the need to reach a harmonic co- evolution between individuals and the environment

Thereby

The International Academy of Environmental Sciences:

- 1) REAFFIRMS to conduct its activities according to the fundamental principles set down by the Rio Declaration, in particular themes regarding:
 - access to environmental information and decision-making processes;
 - sustainable development;
 - supporting southern developing countries in devising and implementing adequate environmental policies;
 - repudiation of war and promotion of peace among peoples to guarantee the development and conservation of the environment.

2) ASSERTS to follow and apply other fundamental principles in developing its activities:

I The environment is constituted by natural ecosystems, by man, and by their mutual interaction, history, the historical-artistic and cultural heritage of every Nation, included the urban ecosystem;

II The environment, production and employment are rights that must not be antithetical as they represent complementary and compatible values,

III The compatibility principle states:

III.1 Research conducted by public and private entities in decision-making must be oriented towards a balanced and sustainable development of resources.

III.2 Consciousness of man's historic and cultural identity in using resources must be respected and is fundamental in guaranteeing economic growth and development.

III.3 All policies aimed at experimenting, testing and adopting solutions that guarantee the respect of ecosystems and their reproductive cycles must be assured.

IV As stated in the environmental responsibility principle, whoever intentionally damages the environment is responsible to restore and/or reimburse the damages produced that have altered nature's equilibrium and consequently harmed human health, as well as other specific forms of environmental compensation that go beyond the "polluter pays" formula.

V Transboundary protection must be a priority goal in Government's environmental policies. In particular:

- all direct unilateral action to resolve great ecological transboundary or world problems must be based, if possible, on international consent;
- in such context all initiatives which tend to qualify transboundary environmental crimes and serious damages to the ecosystems as crimes against the humanity must be promoted;
- along the course mentioned above, all initiatives that extend the International Criminal Court jurisdiction must be upheld.

Environmental protection must be implemented in tandem with landscape, historical, monumental, artistic and archaeological heritage conservation of every Country and must also be associated with an effective territorial plan.

3) Sets itself the following objectives:

- To adopt strategies of saving and optimizing energy consumption and raw materials as an unfailing priority of every policy.

- Promote and support environmental volunteer work in the interest and common good of all people, and as a fundamental link between institutions and education. Such training would offer employment opportunities for the young workforce and would also serve to raise environmental awareness among citizens.

- Promote every legislative, scientific and technological initiative, in all fields (including historical, anthropological, cultural, medical, ecological, juridical and economic), to guarantee that citizens be informed and socially active in decision-making processes in relation to environmental risks, particularly in evaluating environmental impact.

- Promote as much knowledge as possible on the environment, landscapes and the territory, so that citizens' sense of identity, culture and their respect of the environment is heightened;

- Develop effective strategies founded on the followings principles:

1. Every State and every corporate body (including health authorities) must promote a widespread health campaign to raise public awareness so that the work field and businesses adopt automatic control systems to prevent health risks stemming from pollutants and toxic agents;

2. The Environmental Impact Assessment and any other means to forecast and prevent possible transboundary impact must be adopted when working with dangerous and/or harmful production activities;

3. An activity's impact will be determined according to:

– its past, negative consequences as already judged and proven dangerous by judicial authorities and public administrations;

– its effects, as reported in scientific literature;

– the assertion of Institutions , at Conventions, from Member States.

- The study and promotion of preventive policies are based on the principles of the Rio Charter. Any absence of scientific certainty must not be a pretext to avoid adequate and effective measures to prevent environmental degradation, and reduce the threat to human health, the animal and plant world, even in terms costs.

- compliance to the principle of prevention in which dangerous and hazardous activities must be monitored. A world database ought to be established to provide interdisciplinary information to the community. The Academy therefore proposes the foundation of an interdisciplinary corpus whose main task is to devise a satellite atlas that observes the health planet earth; the promotion of international meetings among public and private institutions and corporations to exchange scientific know-how. At last, the academy strives to create an Observatory which follows the ratification and implementation of international treaties essays and conventions.

Venice, 25 October 2003

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