



**EUROPEAN UNION
THE COUNCIL**

Brussels, 3 June 1999

SEMDOC

Statewatch European Documentation &
Monitoring Centre on justice and home
affairs in the European Union

PO Box 1516, London N16 0EW, UK
tel: 0181 802 1882 (00 44 181 802 1882)
fax: 0181 880 1727 (00 44 181 880 1727)

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NOTE

from :	Presidency
to :	Working Party on Substantive Criminal Law
No. prev. doc.:	5579/99 CK4 10 CRIMORG 13 JUSTPEN 5 ENFOPOL 8
Subject :	Questionnaire on signature and ratification of the Council of Europe Convention of 9 September 1998 on the Protection of the Environment through Criminal Law

At the Working Party on Substantive Criminal Law it was agreed on the basis of the comments made by the delegations that the Presidency would establish a questionnaire for the purpose of further proceedings regarding the proposal of the Danish delegation for a Draft Joint Action on combating serious environmental crime.

Delegations will find the questionnaire attached in the annex.

Delegations are invited to send in their replies by 5 July 1999 to the General Secretariat of the Council, for the attention of [name and contact information deleted].

**Questionnaire on signature and ratification of the Council of Europe Convention of
9 September 1998 on the Protection of the Environment through Criminal Law
("the Convention")**

I. Signature and ratification

- a) Has your country signed or ratified the Convention? If yes, please specify the date of signature/ratification.
- b) If your country has not signed or ratified the Convention is it proposed to do so? If yes, please indicate the period within which signature and/or ratification is expected to take place.
- c) In the event that your country does not propose to become a party to the Convention please indicate the relevant difficulties for your country and the extent to which the provisions of the Convention could be the subject of a separate instrument adopted within the framework of the European Union.

II. Reservations to the Convention

Did your country/does your country intend to:

- a) Enter reservations to the Convention: If yes, please specify the relevant provisions of the Convention.
- b) Make use of the opt-in possibilities in Article 8 and Article 11 of the Convention: If yes, please provide the relevant details.

III. Proposed Joint Action (Document 5579/99 CK4 10 CRIMORG 13 JUSTPEN 5 ENFOPOL 8)

- a) Is your country of the view that paragraph 2 points c and d of Article 2 and Article 4, especially paragraph 1 point b, as set out in the proposed Joint Action would enhance the provisions of the Convention?
- b) Has your country made a declaration under the Council of Europe Convention of 8 November 1990 on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime which in substance excludes environmental offences, or does your country intend to make such a declaration when it will ratify it.
- c) What are the views of your country concerning the other provisions of the proposed Joint Action?
- d) Does your country see any merit in the proposition that the Joint Action, when adopted, would become acquis of the Union and thus binding on the applicant countries ?

IV. Other proposals

What further proposals would your country wish to put forward for the purpose of combating serious environmental crime more effectively?
