

Council Updates Model Provisions on EU Substantive Criminal Law



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News

At its meeting on 8-9 December 2025, the Justice and Home Affairs Council approved Council [conclusions on "Model provisions on EU substantive criminal law"](#). The conclusions build on and update past conclusions on this matter, in particular: the [2002 conclusions](#) "on the approach to apply regarding approximation of penalties"; the 2009 guidance for the Council's criminal law deliberations ([→eu crim 4/2009, 140](#)), and the 2024 conclusions on "the future of EU criminal law" ([→eu crim 2/2024, 85-86](#)).

The model provisions are designed to facilitate negotiations on horizontally applicable substantive criminal law provisions in EU instruments, such as inciting, aiding and abetting, penalties for natural and legal persons, aggravating/mitigating circumstances, jurisdiction, limitation periods, etc.

The Council stressed that the updated model provisions are not binding on the co-legislators, but constitute a toolbox that co-legislators can use for the formulation of repeating provisions that apply for all legislative acts harmonising crimes. The conclusions will guide the Council on any future legislative proposal in this regard, so that standard language ensures consistency, coherence and efficiency across EU legislation.

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