

Environmental Crime Directive: Eurojust Note on Judicial Cooperation

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News

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The new Environmental Crime Directive was to be transposed into national law by EU Member States by 21 May 2026. The Directive establishes minimum EU-wide standards for the definition of environmental criminal offences and penalties, replacing the previous 2008 legislation. In addition, it introduces a significantly strengthened legal framework for preventing, detecting, investigating, prosecuting, and adjudicating environmental offences across the EU (→[eucrim 1/2024, 32-33](#)).

To support practitioners in the application of the new EU rules, Eurojust [published](#) a note on 29 May 2026 providing a concise overview of the Directive. The [note](#) focuses on provisions with direct implications for international judicial cooperation in criminal proceedings involving environmental offences. It also highlights the assistance that Eurojust can provide to practitioners in cross-border environmental crime investigations in light of the Directive's novelties. In this context, the note outlines the Directive's key provisions, in particular those relating to the definition of offences, penalties, jurisdiction, and cross-border cooperation. Eurojust's key statements on the Directive are as follows:

- *Definition of offences:* The Directive broadens the range of conduct classified as criminal, removing Member States' ability to opt for administrative sanctions in relation to such conduct. It significantly enhances the harmonisation of definitions of environmental criminal offences across the EU, thereby strengthening legal certainty and ensuring compliance with the principle of legality. Compared to the 2008 Environmental Crime Directive, six new types of criminalised conduct have been introduced, while most existing offences are now subject to an expanded scope and lower criminal liability thresholds. In total, 20 environmental criminal offences have been established.
- *Penalties:* The Directive introduces stricter criminal penalties by specifying the types and levels of sanctions applicable to both natural and legal persons. This development facilitates meeting the crime severity threshold required for cross-border judicial cooperation, thereby supporting the use of international cooperation instruments and specialised investigative tools.
- *Jurisdiction and conflicts of jurisdiction:* The Directive lays down jurisdictional rules for environmental criminal offences, defining when Member States are obliged to establish jurisdiction and when they may exercise extraterritorial jurisdiction. Where an offence falls within the jurisdiction of more than one Member State, the Directive requires the Member States concerned to cooperate in order to determine the most appropriate forum for prosecution. Where appropriate, Member States must refer conflicts of jurisdiction in criminal proceedings to Eurojust.

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Preprint eucrim 2026, Vol. 21(1)

ISSN: 1862-6947

<https://eucrim.eu>



- *National coordination*: Member States are required to establish mechanisms for strategic and operational coordination among all competent national authorities involved in combating environmental crime.
- *EU-level cooperation*: The Directive explicitly reinforces the role of Eurojust in providing technical and operational support to national authorities, thereby facilitating coordination in cross-border environmental crime investigations.

Eurojust concluded that the provisions of the Directive are expected to have direct positive implications for the cross-border cooperation at the judicial level. However, the Agency also stressed that environmental crime investigations are usually complex and resource-intensive, and require a multidisciplinary approach combining means of both administrative and criminal law, and highly specialised legal, technical and scientific knowledge.

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The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



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