

16 December 2021

EFCTC welcomes the European Commission proposal to strengthen the protection of the environment through criminal law

The European Fluorocarbon Technical Committee (EFCTC)¹ welcomes the adoption of the proposal from the Commission on the revision of the Environmental Crime Directive (COM (2021) 851 final² on 15 December 2021.

Under the new proposal, Member States shall ensure that the following conduct constitutes a criminal offence when it is unlawful and committed intentionally: Production, placing on the market, import, export, use, emission or release of fluorinated greenhouse gases [as defined in Article 2 (1) of Regulation 517/2014³ of the European Parliament and of the Council] or of products and equipment containing or relying on such gases.

Member States are required to ensure that the offences are punishable by effective, proportionate and dissuasive criminal penalties. These penalties include a maximum term of imprisonment of at least six years including fines, the maximum limit of which shall be not less than 5% of the total worldwide turnover of the legal person [undertaking] in the business year preceding the fining decision.

“This is an important step forward to combat the illegal trade of HFCs.” said Dr Nick Campbell, Chairman of EFCTC, “Illegal trade of HFCs is financing organised crime, threatening legitimate small businesses and ultimately, impacting climate targets. By criminalising this trade and introducing proportionate and harmonised penalties, this will not only deter those involved but also provides Member States’ enforcement authorities with the necessary tools they require to step up actions against illegal trade which has contributed to major environmental and economic consequences.”

The proposal also requires Member States to collect statistical data to monitor the effectiveness of their systems to combat environmental criminal offences.

EFCTC introduced an Action Line in 2019 to enable individuals and companies to confidentially report suspicious behaviour. Information is then shared with enforcement authorities leading directly to a criminal investigation. EFCTC’s Action Line is available in 14 languages (<https://efctc.integrityline.org/>).

EFCTC has also developed a pledge (#SayNoToIllegalHFCs) for organisations and individuals to commit to doing their part in eradicating the black market for HFCs. To learn more, please visit: <https://stopillegalcooling.eu/>.

¹ <https://www.fluorocarbons.org/>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=COM:2021:851:FIN>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0517>

About EFCTC

The European FluoroCarbons Technical Committee is a Cefic Sector Group that monitors legislation related to HFCs (hydrofluorocarbons), and HFOs (hydrofluoro-olefins) in the EU and at global level.

Fluorocarbons are used as feedstock, as refrigerants, as solvents and as blowing agents for insulation plastic foams.

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