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Subject:	Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law - General approach - Declaration by the Finnish and Bulgarian delegations

Finland and Bulgaria present the following declaration for the minutes of the Council meeting at which the draft Directive will be considered:

'Finland and Bulgaria fully support the objectives of the proposal for the Directive on the protection of the environment through criminal law. However, we consider that the proposed provisions of Article 7 on the fines to be imposed on legal persons constitute an overly far-reaching and detailed harmonisation of criminal law. In addition, these provisions would, in practice, also significantly affect all other offence categories besides environmental offences.

Finland and Bulgaria are of the view that when reforms of such great principal significance are being considered in the area of EU criminal law, it is especially important to ensure that they are based on appropriately considered and weighty grounds and prepared very thoroughly. When considering the need to approximate criminal sanctions in certain areas, it is also necessary to keep in mind that legal traditions differ between Member States. In the area of criminal law, it is essential to ensure that the special features and fundamental elements of the national systems are respected.

In order to allow Member States to preserve the coherence of their national penal systems, certain flexibility is needed when approximating criminal sanctions. When common sanction levels are determined, due consideration should also be given to the overall level of severity and coherence of the national systems.'