

Warning: this is not an official translation. Under all circumstances the submitted original text in Dutch language to be found at <https://www.tweedekamer.nl/downloads/document?id=2023D47626> prevails.

36 475 **Legislative proposal by member Van Raan amending the Criminal Code and the BES Criminal Code with respect to the criminalisation of ecocide, consequently making it a criminal offence (Ecocide Criminalisation Act)**

No. 2 **DRAFT LEGISLATIVE PROPOSAL**

We, Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange Nassau, etc. etc. etc.

To all, who will see or hear this read, salute! Let it be known:

Whereas We have considered that criminal law protection of the environment should be reinforced by criminalising the intentional infliction of severe, widespread and long-term damage on the environment as ecocide;

Consequently, We, having heard the Advisory Division of the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

ARTICLE I

The Penal Code is amended as follows:

A

In Article 7(2), while relettering subsections b to e to c to f, a subsection shall be inserted reading:

b. to the offence defined in Article 153;

B

In Book Two, after Title V, a title shall be inserted reading:

TITLE VI. ECOCIDE

Article 153

1. Whoever causes severe and widespread or severe and long-term or irreversible damage to an ecosystem of considerable size or environmental value, or to a habitat within a protected site, or to the quality of air, soil or water, by any conduct (acts or omissions) committed with intent, or creates a risk to such damage, which in any case includes creating any danger which

meets the damage criterion of ecocide, shall be punished as guilty of ecocide by imprisonment of up to 15 years or a fine of the sixth category.

2. For the purposes of subsection 1:

a. ecosystem means: a dynamic complex of plant-, animal-, fungal- and micro-organisms and their non-living environment, interacting as a functional unit. It includes habitat types, habitats of species and species populations..

b. damage classified as:

1°. widespread, if the damage extends beyond a limited geographic area, crosses state boundaries, or is suffered by a significant part of an ecosystem, a large number of human beings or a large number of a certain animal or plant species;

2°. long term, if the damage cannot be redressed through natural recovery within a reasonable period of time; and

3°. severe, if the damage results in a significant adverse change or changes, disruption or disruptions of one or more components of the environment.

ARTICLE II

The BES Criminal Code is amended as follows:

A

A section is added to Article 5, replacing the full stop at the end of section 10° by a semicolon, reading:

11°. to the offence defined in Article 158.

B

In Book Two, after Title V, a title is inserted reading:

TITLE VI. ECOCIDE

Article 158

1. Whoever causes severe and widespread or severe and long-term or irreversible damage to an ecosystem of considerable size or environmental value, or to a habitat within a protected site, or to the quality of air, soil or water, by any conduct (acts or omissions) committed with intent, or creates a risk to such damage, which in any case includes creating any danger which meets the damage criterion of ecocide, shall be punished as guilty of ecocide by imprisonment of up to 15 years or a fine of the sixth category.

2. For the purposes of subsection 1:

a. ecosystem means: a dynamic complex of plant-, animal-, fungal- and micro-organisms and their non-living environment, interacting as a functional unit. It includes habitat types, habitats of species and species populations..

b. damage classified as:

1°. widespread, if the damage extends beyond a limited geographic area, crosses state boundaries, or is suffered by a significant part of an ecosystem, a large number of human beings or a large number of a certain animal or plant species;

2°. long term, if the damage cannot be redressed through natural recovery within a reasonable period of time; and

3°. severe, if the damage results in a significant adverse change or changes, disruption or disruptions of one or more components of the environment.

ARTICLE III

This Act shall be effective from a time to be determined by royal decree.

ARTICLE IV

This Act shall be cited as: Ecocide Criminalisation Act.

Order and command that it shall be published in the Official Gazette and that all ministries, authorities, boards and officials to whom it may concern shall enforce it accurately.

Issued

Justice and Security Minister,