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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	15978/25
Subject:	Possible additional protocol to the United Nations Convention against transnational crime (UNTOC), dedicated to environmental crime - Non-paper by the Commission services

Delegations will find attached the draft recommendations of the open-ended intergovernmental expert group on crimes that affect the environment falling within the scope of UNTOC, and related offences covered by that Convention, to which reference is made in the Commission non-paper (see 5852/26 INIT). The recommendations are also available on the United Nations' [website](#).

United Nations

CTOC/COP/WG.11/2026/3



**Conference of the Parties to the
United Nations Convention
against Transnational
Organized Crime**

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**Open-ended intergovernmental expert
group on crimes that affect the
environment falling within the scope of
the United Nations Convention against
Transnational Organized Crime and
related offences covered by the
Convention**

Vienna, 24–26 February 2026

**Draft recommendations of the open-ended
intergovernmental expert group on crimes that affect the
environment falling within the scope of the United Nations
Convention against Transnational Organized Crime and
related offences covered by the Convention**

I. Introduction

1. In its resolution 12/4, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided, with respect to the work of the open-ended intergovernmental expert group on crimes that affect the environment falling within the scope of the Organized Crime Convention and related offences covered by it, that the Chair of the expert group shall submit a summary of its deliberations and any consensual recommendations to the Conference at its thirteenth session, for possible endorsement.
2. In his summary of deliberations of the first meeting of the expert group, held in Vienna from 30 June to 2 July 2025, the Chair of the expert group identified a number of discussion points for future consideration emanating from the meeting (see CTOC/COP/WG.11/2025/3, annex).
3. The discussion points for future consideration were subsequently considered during informal consultations convened by the Chair of the expert group and held in Vienna from 28 to 31 October 2025. Based on inputs provided by delegates during the informal consultations, the Chair of the expert group prepared an initial draft of the recommendations of the expert group. A first reading of the draft recommendations took place during the informal consultations, in the course of which comments on the draft recommendations were received.
4. The present document sets out the revised draft recommendations prepared by the Chair on the basis on the comments received during the above-mentioned informal consultations. The revised draft recommendations are intended to serve as a basis for the final negotiations of any consensual recommendations of the expert group, to take place during its second meeting.

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II. Draft recommendations of the open-ended intergovernmental expert group on crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime and related offences covered by the Convention

Recommendation 1

States Parties should enhance efforts to collectively implement and apply the United Nations Convention against Transnational Organized Crime when applicable to crimes that affect the environment.

Recommendation 2

States Parties should take, as necessary and appropriate and in accordance with their domestic law, effective measures to improve legislation and harmonize approaches on crimes that affect the environment, including relevant definitions, offences and applicable penalties, in order to facilitate and promote international cooperation, including on the basis of the application of the principle of dual criminality.

Recommendation 3

States Parties are urged to make crimes that affect the environment, in appropriate cases, serious crimes, in accordance with their national legislation, as defined in article 2 (b) of the Convention, in order to ensure that, where the offence is transnational in nature and involves an organized criminal group, effective international cooperation can be afforded under the Convention.

Recommendation 4

States Parties are urged to develop or amend national legislation, as necessary and appropriate, in accordance with fundamental principles of their domestic law, so that crimes that affect the environment falling within the scope of the Convention are treated as predicate offences, as defined in the Convention and as mandated in its article 6, for the purposes of money-laundering offences and are actionable under domestic legislation on proceeds of crime, so that assets derived from transnational organized crimes that affect the environment can be seized, confiscated and disposed of, including disposal by return.

Recommendation 5

States Parties should provide competent national authorities with sufficient resources to effectively implement national provisions and fulfil international obligations aimed at preventing and combating crimes that affect the environment.

Recommendation 6

States Parties are encouraged to consider, as appropriate, ratifying multilateral environmental agreements and other agreements related to the environment and crimes that affect the environment, as well as strengthening domestic environmental legislation, in order to support and complement efforts to prevent and combat such crimes.

Recommendation 7

States Parties should consider initiating the development of any additional protocol to the Organized Crime Convention aimed at preventing and combating crimes that affect the environment falling within its scope.

Recommendation 8

With regard to any possible response to address gaps identified in the international legal framework on crimes that affect the environment, including the development of any additional protocol to the Convention, the Conference of the Parties should consider the need:

- (a) To effectively prevent and combat such crimes, taking into account the experiences and challenges of States Parties, including through the implementation of national strategies;
- (b) For common and adaptable definitions of key terms and offences, taking into consideration the different legislative practices of States Parties;
- (c) To harmonize offences, while taking into consideration the different legislative practices of States Parties and ensuring sufficient adaptability to evolving criminal activities to enable international cooperation, including to facilitate the application of the principle of dual criminality;
- (d) To ensure the accountability of legal persons, including through measures to encourage compliance with domestic legislation and effective, proportionate and dissuasive criminal or non-criminal sanctions;
- (e) To strengthen international cooperation in accordance with the Convention, taking into account the particularities and complexities of different forms of crimes that affect the environment;
- (f) To prevent the corruption, fraud and money-laundering that facilitate such crimes and to strengthen the use of financial investigations, including, as appropriate, joint financial investigations;
- (g) To support effective investigations, including through the use, as appropriate and within the means of each States Party, of special investigative techniques, financial investigative techniques, forensic investigations and new technologies, including digital forensic capabilities;
- (h) To establish or strengthen national mechanisms to combat crimes that affect the environment, including, when applicable and appropriate, practitioner networks and specialized competent authorities and courts, while fostering cooperation between national agencies and ensuring training and capacity-building for practitioners;
- (i) To ensure, as appropriate, the effective identification, freezing or seizure, confiscation and return of proceeds of crime and property, equipment or other instrumentalities used in or destined for use in such crimes, including through measures to enhance the traceability of trafficked natural resources, waste and pollutants, and to facilitate the return of confiscated proceeds of crime;
- (j) To protect witnesses, victims, collaborators of justice, Indigenous Peoples, local communities, environmental defenders and reporting persons;
- (k) To establish appropriate procedures to provide access to compensation and restitution for victims of crimes that affect the environment covered by the Convention;
- (l) To prevent or limit the environmental damage caused by crimes that affect the environment, to assess environmental damage and to restore the environment or, if restoration is not possible, remediate it;
- (m) To promote technical assistance, including financial and material assistance, as well as capacity-building in prevention, investigation and prosecution of crimes that affect the environment, with a focus on supporting the needs and priorities of developing countries;

(n) To promote and improve the collection, exchange and analysis of reliable data and information on crimes that affect the environment, as well as good practices to prevent and combat such crimes;

(o) For the inclusive participation of States Parties, particularly developing countries and small island developing States, in expert discussions and any negotiation processes;

(p) To encourage active and meaningful multi-stakeholder participation, as appropriate, in designing, monitoring and implementing policies and instruments concerning crimes that affect the environment
