

June 9, 2023

[Parliamentary document number] Bill by member Van Raan containing Amendment of the Criminal Code and the Code of BES criminal law in connection with making ecocide a criminal offense (Ecocide Penalization Act)

No. 2 PROPOSAL OF LAW

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

All who shall see or hear these read, salute! do so: Thus We have considered that it is desirable to strengthen the criminal law protection of the environment by criminalizing as an ecocide the willful infliction of serious, widespread and long-lasting damage to the environment;

So it is, that We, the Advisory Division of the Council of State heard, and in common consultations of the States General, have approved and understand, as We approve and understand hereby:

ARTICLE I

The Criminal Code is amended as follows:

a

In Article 7, second paragraph, under lettering of the parts b to e to c tot and with f, a part inserted, reading:

b. to the offense described in article 153;

B

In the Second Book a title is inserted after title V, reading:

TITLE VI. ECOCIDE

Article 153

1. If guilty of ecocide shall be punished with a term of imprisonment not exceeding fifteen years or a fine of the sixth category, anyone who, by act or omission, causes serious and widespread or serious and long-term damage to the environment, or creates a danger of such damage, which in any case concerns all endangerment that meets the damage criterion for ecocide.

2. For the application of the first paragraph: a.

the term environment is understood to mean: the entirety of conditions and influences within the physical living environment that are necessary for the protection of people, animals, plants and goods, of water, soil and air and of landscape, scientific and cultural-historical values and of climate control, as well as the relationships between them, are important.

- b. damage to the environment classified
 - as: 1°. widespread, if the damage occurs in a more than limited geographic area, crosses national borders or relates to an important part of an ecosystem, a large number of people or a large number of a specific animal or plant species; 2°. long-term, if the damage
 - is irreversible or cannot be done within a reasonable period of time be restored through natural recovery; and
 - 3°. serious, if the damage results in a very serious adverse change or changes, disturbance or disturbances of one or more parts of the environment.

ARTICLE II

The Criminal Code BES is amended as follows:

a

A section is added to Article 5, with replacement of the dot at the end of part 10 by a semicolon, reading: 11. to the offense described in article 158.

B

In the Second Book a title is inserted after title V, reading:

TITLE VI. ECOCIDE

Article 158

1. If guilty of ecocide shall be punished with a term of imprisonment not exceeding fifteen years or a fine of the sixth category, anyone who intentionally causes serious and widespread or long-term damage to the environment through acts or omissions, or creates a danger of such damage, whereby in any case, this concerns all endangerment that meets the damage criterion for ecocide.

2. For the application of the first paragraph: a.

the term environment is understood to mean: the entirety of conditions and influences within the physical living environment that are necessary for the protection of people, animals, plants and goods, of water, soil and air and of landscape, scientific and cultural-historical values and of climate control, as well as the relationships between them, are important. b.

damage to the environment classified as:

- 1°. widespread, if the damage occurs in more than a limited geographical area, crosses national borders, or affects a significant part of an ecosystem, a large number of people or a large number of a particular animal or plant species; 2°. long-term, if the damage is
 - irreversible or cannot be done within a reasonable period of time be restored through natural recovery; and
- 3°. serious, if the damage results in a very serious adverse change or changes, disturbance or disturbances of one or more parts of the environment.

ARTICLE III

This Act shall enter into force on a date to be determined by Royal Decree.

ARTICLE IV

This Act may be cited as: Ecocide Penalization Act.

Charges and orders that it shall be placed in the Official Gazette and that all ministries, authorities, colleges and officials concerned, will enforce the precise implementation.

Datum

The Minister of Justice and Security,