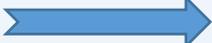




1st Agrinatura conference - 18th May 2022

**Agroecology and biodiversity aspects in the EU Green Deal:
the role of Criminal Law**

Amalia Orsina – University of Catania (Department of Law)

Criminal Law  an important contribution to the **Farm to fork and Biodiversity strategies**



EU GREEN DEAL :

- the need «to combat **food fraud**»;
- the need «to combine better health and environmental protection and increased global competitiveness»
by «**strengthening the legal framework**»;
- the need «to step up efforts against **environmental crime**».

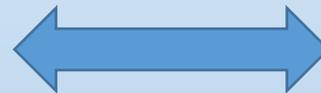
Two aspects

- 1) The **interaction** between **food criminal law** and **environmental criminal law**
- 2) The role of criminal law in **the fight against organized crime in the agri-food field**

1. Interaction between food criminal law and environmental criminal law



Pollution has a negative impact on food



Agri-food production itself causes pollution

(...1. **Interaction** between **food criminal law** and **environmental criminal law**)

Two key issues:

a) The application of the **legislation on waste disposal** to food production waste



the need to impose the qualification of food production waste as “waste”
and to apply a criminal sanction to those who do not comply with this qualification

b) The so called “**hidden pollution**”



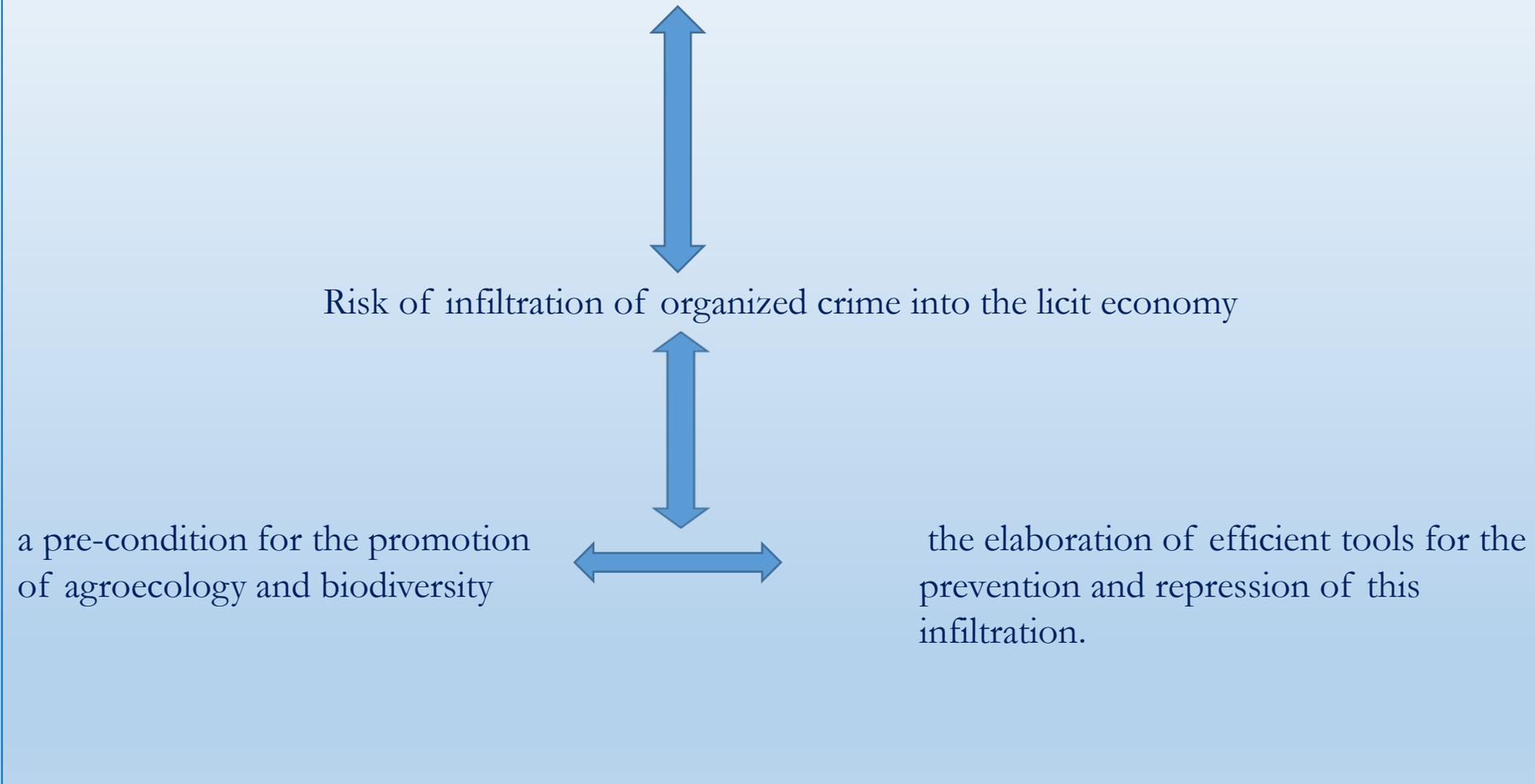
the need to provide for specific conditions under which the agricultural use of effluents is allowed
and to apply a criminal sanction to those who do not comply with the aforementioned conditions

(...1. **Interaction** between **food criminal law** and **environmental criminal law**)

Examples: - **art. 452 *bis* of the Italian Criminal Code: environmental pollution** (significant deterioration “of biodiversity, including the agricultural one”) - imprisonment from two to six years and a fine from € 10.000 to € 100.000;
- **art. 452 *quarter*: environmental disaster** (particularly burdensome or irreversible alteration of the balance of an ecosystem) - imprisonment from five to fifteen years.

More generally speaking: Criminal law in the Member States  contribution to the goal of a «fair, healthy and environmentally-friendly food system» (EU Green Deal)

2. Fight against organized crime in the agri-food field



(...2. Fight against **organized crime in the agri-food field**)

Two key issues:

a) The fraud against the EU's financial interests



committed by criminal organizations through the illegal receipt of funding for agriculture

b) Illegal counterfeiting of food products



commercial loyalty to other agri-food producers and consumers

(...2. Fight against **organized crime in the agri-food field**)

Examples: - art. 517 *quater* of the Italian Criminal Code: counterfeiting of **PGI** (Protected Geographical Indications) and **DOP** (Protected Designation of Origin) products - imprisonment of up to two years and with a fine of up to € 20.000

More generally speaking: Criminal law in the Member States  «actions to combat food fraud, including strengthening enforcement and investigative capacity at EU level» (EU Green Deal).