

**L'ECO-MAFIA E IL TRASPORTO ILLEGALE DI RIFIUTI PERICOLOSI.  
LA QUESTIONE DELL'ALTO MARE**

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**The “Ecomafia” and the illegal trafficking of waste in the Mediterranean sea**

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Abstract

This study, held as part of the cycle of seminars "Jean Monnet, Mobility and Security in the Mediterranean Sea: illicit trafficking of persons and goods", deals with the issue of the protection of the environment.

In particular, the illicit waste trafficking is examined, with specific regard to the Mediterranean area, in order to identify effective instruments to prevent and contrast the eco-mafia phenomenon. In this regard, the research starts from the analysis of the "eco-mafia" concept and from the characteristics of the eco-mafia phenomenon, to dwell on the legal framework and, in detail, on the discipline provided by the Criminal Code and by Legislative Decree n. 152/2006 (so-called Testo Unico Ambientale, T.U.A.). In this regard, specific attention is addressed to the crime of "organized activities for the illegal trafficking of waste" traditionally provided for by art. 260 T.U.A and today reproduced by art. 452 *quaterdecies* of the Criminal Code. This analysis is also linked to articles 416 and 416 *bis* of the Criminal Code in order to understand the similarities existing with respect to the structure of criminal associations; some applicative issues are also investigated regarding to the "eco-mafia aggravating circumstance" and the "environmental aggravating circumstance", introduced with l. n. 68/2015.

Finally, acknowledging the critical issues that the regulatory framework reveals, both at national and transnational level, one wonders which are the most efficient instruments, in the Italian system of law, to deal with systematic phenomena that can cause damage, sometimes irreversible, to the environment.