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**EXPERT SUPPORT IN THE INVESTIGATION OF
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PRACTICE**

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Висловлюємо вдячність усім авторам за активну участь, якісний науковий матеріал та високий рівень академічної доброчесності.

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The Proceedings contain papers presented at the International Scientific and Practical Conference «Expert Support in the Investigation of Organized Crime: International Experience and National Practice», which brought together over 100 scholars and practitioners from Ukraine and other European countries. The materials address urgent scientific and practical issues, such as expert support for combating specific types of organized crime; the use of specialized knowledge and expert support for investigating organized crime during armed conflict; international cooperation in forensic support for combating organized crime; information support for law enforcement in countering organized criminal activity; innovative technologies and modern investigative methods; and criminal law, criminal procedure, and criminological issues in ensuring effective counteraction to organized crime.

We express our sincere gratitude to all authors for their active participation, high-quality academic contributions, and strong adherence to academic integrity.

The materials are published in the authors' original versions.

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Секція 6. КРИМІНАЛЬНО-ПРАВОВІ, КРИМІНАЛЬНО-ПРОЦЕСУАЛЬНІ ТА КРИМІНОЛОГІЧНІ ПРОБЛЕМИ ЗАБЕЗПЕЧЕННЯ ПРОТИДІЇ ПРОЯВАМ ОРГАНІЗОВАНОЇ ЗЛОЧИННОСТІ.....355

Каріна БУБЕН

КРИМІНАЛЬНО-ПРОВОА ВІДПОВІДАЛЬНІСТЬ ЗА УЧАСТЬ У ПСЕВДОРЕЛІГІЙНИХ ОРГАНІЗАЦІЯХ ЯК ФОРМАХ ОРГАНІЗОВАНОЇ ЗЛОЧИННОСТІ: НОВІ ВИКЛИКИ ДОКТРИНИ І ПРАКТИЦІ.....355

Владлена ВОЛОШИНА

МЕДІАЦІЯ ЯК ІННОВАЦІЙНА ПРОВОА ТЕХНОЛОГІЯ В СИСТЕМІ ПРОТИДІЇ ЗЛОЧИННОСТІ.....358

Ірина ГОРБАЧОВА

ПЕРЕВИЩЕННЯ ВЛАДНИХ ПОВНОВАЖЕНЬ В УМОВАХ ВОЄННОГО СТАНУ.....362

Сергій КОНОВАЛЬЧУК

НОТАРІУСИ ЯК ОСОБИ, ЩО НАДАЮТЬ ПУБЛІЧНІ ПОСЛУГИ, ТА СУБ'ЄКТИ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ.....366

Valeriu LUNGU

COMPETENȚA POLIȚIEI DE FRONTIERĂ A REPUBLICII MOLDOVA ÎN PREVENIREA ȘI CONTROLUL DEZORDINILOR ÎN MASĂ.....370

Boșcaneanu MARCEL

PERSPECTIVE ȘI PROVOCĂRI DE DREPT PENAL ÎN COMBATAREA CRIMINALITĂȚII DE MEDIU ÎN CONTEXT TRANSFRONTALIER.....382

Олексій ПАЛАМАРЧУК

ХАРАКТЕРИСТИКА ОРГАНІЗОВАНИХ ЗЛОЧИННИХ УГРУПОВАНЬ, ДІЯЛЬНІСТЬ ЯКИХ СПРЯМОВАНА НА ВЧИНЕННЯ КВАРТИРНИХ КРАДІЖОК.....392

Дмитро ПЕРСТИНЧИК

ОБ'ЄКТ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ, ЩО ПОЛЯГАЮТЬ У НЕЗАКОННИХ ДІЯХ ЩОДО ПІДАКЦИЗНИХ ТОВАРІВ.....396

Тарас ПОНУРКО

ОСОБЛИВОСТІ РАТИФІКАЦІЇ РИМСЬКОГО СТАТУТУ УКРАЇНОЮ.....401

Вадим ПОЖАР

ПРОБЛЕМАТИКА ЗАБЕЗПЕЧЕННЯ ПРАВ ПОТЕРПІЛОГО ПРИ ПРОВЕДЕННІ ЕКСПЕРТИЗИ У ДОСУДОВОМУ РОЗСЛІДУВАННІ.....405

Сергій РАДЕЦЬКИЙ

ОСОБЛИВОСТІ ВСТАНОВЛЕННЯ ОСОБИ ЗЛОЧИНЦЯ У ПРОВАДЖЕННІ ПРО ВЧИНЕННЯ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ ПРОТИ ЖУРНАЛІСТІВ.....409

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PERSPECTIVE ȘI PROVOCĂRI DE DREPT PENAL ÎN COMBATEREA CRIMINALITĂȚII DE MEDIU ÎN CONTEXT TRANSFRONTALIER

În prezentul studiu științific vom încerca să analizăm aspecte de actualitate privind fenomenul faptelor ilegale contra mediului ce constituie infracțiuni și modurile în care pot fi combătută această criminalitate în context transfrontalier. Protecția și îmbunătățirea calității mediului al Uniunii Europene a fost întotdeauna printre prioritățile, motivele principale de preocupare continuă la nivelul Parlamentului European și ale Consiliului. Prin urmare, orice persoană are dreptul la o viață curată și sănătoasă și un mediu sănătos și durabil. Pe măsură ce drepturile omului și mediul sunt interdependente, un mediu curat, sănătos și durabil este absolut necesar pentru exercitarea unei game largi de drepturi ale omului. Totodată, pe tot mapamondul, drepturile omului sunt afectate în mod negativ și încălcate drept consecință a schimbărilor climatice. Un sistem riguros de asigurare a respectării legislației de mediu generează beneficii importante pentru bunăstarea economică și socială a unei țări. Aceasta protejează sănătatea publică și mediul înconjurător și se asigură că resursele naturale continuă să ofere bunuri valoroase și servicii pentru societate. Grație lui, statele obțin rezultate ecologice mai bune și implementează politicile de mediu cu cheltuieli totale minime prin concentrarea resurselor limitate în domeniile în care este cea mai mare nevoie de acestea și în care au cele mai bune efecte. Astfel de infracțiuni reprezintă o amenințare la adresa mediului și necesită prin urmare un răspuns adecvat și eficient, pentru care este necesară de multe ori o cooperare transfrontalieră eficientă.

Cuvintele-cheie: *mediu, provocări de drept penal, infracțiuni împotriva mediului, criminalitate de mediu în context transfrontalier.*

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CRIMINAL LAW PERSPECTIVES AND CHALLENGES IN COMBATING ENVIRONMENTAL CRIME IN A CROSS-BORDER CONTEXT

In this scientific study we will try to analyze current issues regarding the phenomenon of illegal acts against the environment that constitute crimes and the ways in which this crime can be combated in a cross-border context. The protection and improvement of the quality of the European Union's environment has always been among the priorities, the main reasons for continuous concern at the level of the European Parliament and the Council. Therefore, every person has the right to a clean and healthy life and a healthy and sustainable environment. As human rights and the environment are interdependent, a clean, healthy and sustainable environment is absolutely necessary for the exercise of a wide range of human rights. At the same time, all over the world, human rights are negatively affected and violated as a consequence of climate change. A rigorous system of ensuring compliance with environmental legislation generates important benefits for the economic and social well-being of a country. It protects public health and the environment and ensures that natural resources continue to provide valuable goods and services for society. Thanks to it, states achieve better environmental outcomes and implement environmental policies with minimal overall costs by concentrating limited resources in areas where they are most needed and have the greatest impact. Such crimes pose a threat to the environment and therefore require an appropriate and effective response, which often requires effective cross-border cooperation.

Key words: *environment, criminal law challenges, environmental crimes, environmental crime in a cross-border context.*

Introduction. Environmental crime has now become an obvious reality at both local and national levels, as well as internationally. Preventing and combating it is a constant concern and even a priority for public authorities, civil society and specialists in the field.

According to the most recent assessments, environmental crime ranks fourth globally among illicit profit-generating activities, surpassed only by drug trafficking, counterfeiting and human trafficking. However, studies highlight that this type of crime, although extremely serious, remains insufficiently known, rarely investigated and only sporadically sanctioned by the competent national and international authorities.

Currently, ecological disasters caused by human activities are becoming more frequent, often resulting from the commission of various crimes. Daily reality highlights the fact that ecological crime is becoming increasingly dangerous: there is a significant increase in the number of crimes against the environment, new forms of their manifestation appear, and the damage to the environment is constantly increasing. As a result, the life, health and ecological security of the population are threatened.

Environmental crime is a modern category in the general set of crimes. It results in the actual damage to the quality of the environment or the creation of a danger to this essential social value. Environmental crimes can be committed both by action and by

inaction, with guilt manifested in the form of intention or imprudence, in any of the ways provided for by law. Environmental crime is thus a defining element of the criminal liability relationship in environmental law. Environmental crimes are among the most profitable forms of organized crime globally, having a significant impact not only on the environment, but also on the health of the population.

In recent years, the role of criminal liability has significantly increased, amid the intensification of activities that have generated negative effects on the environment and caused serious damage to it. This development has led to the awareness of the need to introduce stronger and more effective sanctions, capable of limiting and discouraging the criminal phenomenon in the field of environmental protection. In this context, criminal liability - which, for a long time, occupied a secondary role within the legal liability specific to environmental law - has become the main form of holding accountable legal subjects who have caused serious damage to the environment and its components.

The late imposition of criminal liability as a means of effective environmental protection is also due to a series of historical considerations. Traditionally, criminal law protects material values such as heritage, life, physical integrity, personal freedom, and less so a broad and relatively imprecise value such as the environment. Historically, the first criminal incriminations were aimed at combating the consequences of various environmental contaminations on public health and the pollution of water, soil, air, etc. It is equally true that, in the past, environmental pollution was not an urgent problem, because the harm caused to it was not as numerous, as obvious and extensive as it is today.

Basic content. Everyone has the right to a clean and healthy life and a healthy and sustainable environment. As human rights and the environment are interdependent, a clean, healthy and sustainable environment is absolutely necessary for the exercise of a wide range of human rights, such as the right to life, health, food, water, sanitation, etc. [13]. In fact, this objective is a noble one, but also ambitious for the entire international society.

But at the same time, any element, regardless of its nature - animal, vegetable, biological or psychological - becomes, from the moment it interacts with other elements, susceptible to participating in a causal relationship. In the same sense, the relationship between man and society is analyzed through the prism of the ecological particularities that influence it. The relationships between the environment and the social sciences are complex and varied. One of the most relevant areas of intersection and mutual influence is represented by the way in which environmental conditions, natural or artificial, determine and shape the criminal phenomenon.

The United Nations believes that the most serious problems that humanity will face in the 21st century are climate change processes, soil desertification, biological diversity, and ozone layer depletion. These phenomena are determined by the essential changes that occur in nature under the influence of man, presenting changes that, in the

last decades of the 20th century, have reached levels dangerous for the normal rhythm of life on Earth.

To stop these phenomena, the International Community has developed and adopted the Rio Conventions – documents that are intended at the first stage to stabilize, and subsequently to reduce the anthropogenic impact on nature on a global scale. All environmental problems have a local origin, but can affect a much wider area. Therefore, the consequences of the impact can have local, international and global implications. That is why the actions planned to monitor and prevent the extensive effects of local problems have been developed and taken under control through regional and global agreements. The emphasis is on measures that minimize the net costs of complying with international agreements by solving, as far as possible, both domestic and international problems [8, p. 43].

Another document adopted at an international level is Protocol I to the Geneva Convention, which was the first legal instrument to codify an explicit international criminal offence relating to environmental protection, which provides for «the prohibition of the use of methods of warfare which are intended or may be expected to cause (widespread, long-term and severe) damage to the natural environment» [12]. This principle has been integrated into the Rome Statute of the International Criminal Court (ICC) [14].

The increasingly visible campaign to combat crimes against future generations, in close connection with the principles of sustainable development and intergenerational equity, brings to the attention of the international community the need to expand the global legal framework. This initiative aims to include in the Rome Statute a new category of crimes, aiming to punish serious violations of economic, social and cultural rights, as well as significant environmental degradation. The proposal is based on already established international standards, such as the prohibition of transboundary environmental damage, the provisions of the International Covenant on Economic, Social and Cultural Rights and the norms established in the Rome Statute [1, p. 448].

A recent report by the United Nations Environment Programme (UNEP) and INTERPOL (June 2016) estimates that environmental crime has now reached a record high of \$258 billion, far exceeding the illicit trade in small arms, with international criminal organisations profiting from the plunder of the planet's resources. In terms of value, by category, the document puts forward the following estimates: losses caused by criminal exploitation reach an amount of \$9-26 billion; forestry crimes, including those committed by legal entities and illegal logging, are valued at between \$51-152 billion; fishing-related crimes between \$11-24 billion; illegal mining \$12-24 billion; waste \$10-12 billion.

Among the causes, the cited report identifies permissive laws and the fact that the already insufficient security forces suffer from chronic underfunding. This provides the opportunity for organized crime networks and armed rebel groups to enrich themselves, thanks to a trade that fuels conflicts, devastate ecosystems and threaten endangered

wildlife species. Last but not least, associated with the major phenomena of contemporary crime, led by corruption, they mutually potentiate their action and effects. Transnational organized crime networks often use environmental crime in order to «launder» money from drug trafficking. Transnational criminal groups are involved in the trafficking of waste and dangerous chemicals, often using «misleading labeling» in order to escape the demanding control of the bodies called upon to enforce the law [2, p. 85].

It is evident that such complexity requires a sustained multidisciplinary public intervention against organized criminal networks in the field, including through cross-border cooperation and stricter accountability, even criminal.

Criminal liability in the field of environmental protection, conservation and improvement represents a relatively recent form of sanctioning ecological damage, given that, for a long period, it had a secondary role.

Historically, criminal law is one of the first legal instruments used to protect the environment. However, the development of a coherent set of specific rules that would outline a genuine criminal law of the environment is a more recent process.

For a long time, priority was given to preventive measures, considered in environmental law to be the most effective in repairing damage caused to it, followed by civil and contraventional liability. However, the amplification of the criminal phenomenon in the ecological sphere and the emergence of new forms of aggression against the environment have imposed the need to introduce more severe criminal sanctions that are more appropriate to current realities. In this context, criminal liability in environmental law has acquired increasing importance, and at national, European and international levels there is an increasing interest in defining a distinct set of «environmental crimes» and in consolidating a genuine environmental criminal law, which will certainly also analyze environmental crime in a cross-border context.

«From this perspective, criminal law has specifically come to the aid of public law, whether constitutional law, administrative law, fiscal law, economic legislation and even public international law, by establishing particular criminal regulations in the matter, until their coagulation into a specific criminal law, with tendencies towards autonomy» [7, p. 253].

Environmental crimes proper must target those acts that seriously harm the environment, generating profoundly destructive effects on ecosystems and human communities. Criminal liability aims to protect the environment and its components - air, water, soil, subsoil and biodiversity, as well as guarantee the fundamental human right to a healthy environment, constitutionally enshrined.

«In terms of prosecuting environmental crimes, a series of difficulties arise, related to the need for special means and equipment for detection and evidence, a certain qualification of the instrumental agents, the diffuse or difficult-to-detect nature of the effects of pollution, etc.» [5, p. 435].

In recent years, an unprecedented development of organized environmental crime in a cross-border context has been observed, which has led to a sustained fight against

dangerous actions that threaten the safety and security of citizens of the world's states. Globalization, as a current phenomenon in full expansion, brings with it not only positive effects, but also numerous negative aspects, which leave their mark on all areas of economic, cultural, social and political life.

At European and global level there is no consensus regarding the terminology of the phenomenon of environmental crime. Attempts to define the concept are quite clumsy and controversial and, most of the time, the definition of the term is avoided, retaining only a functional classification of the crimes to which it refers.

However, important legal steps have been taken towards creating a more adequate legislative framework, which would better cope with the current criminal phenomenon. The adoption at European level of Framework Decision 2008/841/JHA of the Council of Europe of 24 October 2008 on the fight against organised crime is commendable and welcome, as it represents a concrete example of harmonisation in the field, an aspect which can contribute to a firmer and more qualified reaction of the competent judicial bodies [11, p. 226].

Framework Decision 2008/841/JHA [3] on the fight against organised crime aims to «improve the common capabilities of the Union and the Member States and to combat transnational organised crime. This objective is pursued, in particular, by harmonising legislation. Closer cooperation between the Member States of the European Union is necessary to counter the dangers and the expansion of criminal organisations and to respond effectively to the expectations of citizens and their own requirements» (Article 1).

Extrapolating from the general to the particular level, from organized crime in general to environmental crime in particular, we find a similar situation at both levels. Environmental crime is taking on increasingly serious forms at European and global level. The new approved framework directive only reinforces and supports the idea that each Member State must contribute to better cooperation at European and global level, for better control of this phenomenon.

The favorite areas in which environmental crime has developed are: illicit trade in wild species, rare or endangered species, trafficking in radioactive and nuclear materials, trafficking in hazardous waste, intentional pollution of water, air, soil, subsoil, etc.

We reiterate that one of the fundamental concerns of the European Union is to ensure a high level of protection and improvement of the quality of the environment, and based on this concern, the Union has found that the existing rules on penalties under Directive 2008/99/EC of the European Parliament and of the Council and under sectoral environmental regulations at Union level have not been sufficient to ensure compliance with Union law in the field of environmental protection. Such compliance should be reinforced by providing for effective, proportionate and dissuasive criminal penalties which are commensurate with the seriousness of the offences and which are capable of conveying greater social disapproval than the use of administrative penalties.

Complementarity between criminal and minor offence law is essential for the prevention and deterrence of unlawful acts which cause environmental damage.

As a result, a new act has recently been approved at the European Union level, Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC (hereinafter Directive (EU) 2024/1203) [4], by which the policy and regulation on the detection and investigation of acts constituting environmental crime and also on the prevention and attempted commission of such crime have been deepened and strengthened. The purpose of this Directive is to establish minimum rules as regards the definition of criminal offences and sanctions in order to ensure more effective protection of the environment and as regards measures to prevent and combat environmental crime and the effective enforcement of Union law on the environment.

By means of this Directive, the European Parliament and the Council recognised that the list of environmental offences set out in Directive 2008/99/EC should be revised and additional offences based on the most serious infringements of Union environmental law should be added. Sanctions should be strengthened to increase their deterrent effect and the effectiveness of the detection, investigation, prosecution and judgment of environmental offences should be improved. Member States should criminalise certain unlawful acts, provide for a higher degree of precision in the definition of the relevant offences and harmonise the types and levels of sanctions. Accordingly, failure to comply with a legal obligation to act can have the same negative impact on the environment and human health as active behaviour. Therefore, in defining environmental offences under this Directive, both actions and inactions should be covered, as appropriate.

Therefore, with the new Directive, Member States should provide for criminal sanctions in their national law for serious infringements of Union law on environmental protection. The possibilities for Member States to choose to apply administrative or criminal sanctions, or both, for serious infringements, including those causing damage to the marine environment, set out in the Common Fisheries Policy, where Union law provides for a comprehensive set of control and enforcement rules under Council Regulations (EC) No 1224/2009 [9] and (EC) No 1005/2008 [10].

In this context, it is increasingly evident that the current situation generates new objectives for scientific research: defining international, world, transnational, global crimes, analyzing and detecting manifestations of the globalization of crime, the structure of transnational crime, the fundamental role of criminal organizations, the factors and processes of the globalization of crime [6, p. 217].

One of the biggest challenges in combating environmental crime is its cross-border nature. International cooperation is essential to address this problem, as demonstrated by the seizure of ivory products in the EU originating from Africa. Initiatives such as the Nature Crime Alliance seek to promote collaboration between governments, civil society organizations, companies and institutions to combat these crimes.

Conclusions. It is clear that the EU aims to ensure a high level of protection and continuous improvement of the quality of the environment, to protect the environment in a broad sense covering all natural resources. The EU also aims to have comprehensive regulation in this area, in order to decrease the number of environmental crimes and their effects, which undermine the effectiveness of Union environmental law.

As mentioned above, environmental crime is increasingly spreading beyond the borders of the Member States in which it is committed. It is therefore crucial to provide an adequate and effective response, which often requires effective cross-border cooperation. Environmental crime is a serious and growing problem, which manifests itself in various forms. It is not limited to air, water and soil pollution, but is also driving commercially valuable wildlife species closer to extinction. Environmental crime can also include crimes in a cross-border context that accelerate climate change, destroy fish stocks, deforest and deplete essential natural resources, etc. These crimes can have a detrimental impact on the economies and security of several nations, in some cases even endangering the very existence of a country or a people. In addition, a significant proportion of pollution and wildlife crimes have been proven to involve organized crime networks.

Recently, organized crime groups have expanded their criminal activities in the area of trafficking in plant and animal species, the export of hazardous waste, radioactive materials, which gives an added danger to these acts and outlines a close link between cross-border organized crime and environmental crime. Although environmental crimes have been considered non-specific offenses of business crime, and only when they cause or risk causing substantial losses, assume special knowledge in the field of business on the part of the criminals and have been committed by business people in the exercise of their professions or functions, it must be taken into account, it should not be neglected that environmental pollution crimes (in particular) are committed by «white collars», an aspect that strengthens the link between business crime and environmental crime.

Therefore, environmental crime is difficult to detect, criminals difficult to track down and punish, which makes it attractive to cross-border organized criminal groups with devastating effects: increased pollution, reduced biodiversity and, worse, causing major risks to human health.

However, data on documented criminal activity, charges and convictions, together with a substantial amount of unreported and uncharged incidents, show a strong imbalance in relation to the significance and prevalence of cross-border environmental crime. The confluence of substantial financial incentives, minimal risk of apprehension and ineffective punitive measures has made environmental crime highly profitable.

Environmental security covers a fairly wide range, from the ecological consequences of armed conflicts to the consequences of environmental catastrophes on human security or states. In this set of causes, phenomena, effects and global developments or those that tend to become global, the question naturally arises: What are the priorities? Of course, in an international system decisively marked by

interdependencies, global phenomena, risks and threats must be known and analyzed in detail.

However, in certain cases, for example, the risk of a breakdown, a catastrophe, a pandemic, etc., the subjective factor, the human factor, may also intervene, which aggravates the conjunctures (states) induced or produced by objective (environmental) factors. As for risk, in a broad sense, it can be stated that it is embodied in the discrepancy between the «positive expectation» and the «negative event» and by its probability of occurrence. Risk is caused by the indeterminacy and the impossibility of knowing future events with certainty.

Therefore, environmental crimes represent a serious threat to nature and humanity, with economic, social and public health implications. Combating these crimes requires coordinated action at a global level as well as the strengthening of national legislation and international cooperation.

Lista de referințe:

1. Antoci Al., Mîndrescu M. Eficiența procedurilor penale în prevenirea și investigarea criminalității de mediu în contextul transfrontalier. În materialele conferinței științifice naționale cu participare internațională Protecție drepturilor și libertăților fundamentale ale omului în procesul asigurării ordinii și securității publice. Chișinău 05 decembrie 2024, ediția a IV, p. 446-456.

2. Conferința națională «apărarea mediului și a fondului forestier prin dreptul penal» din 15 noiembrie 2016. Discursul domnului Augustin Lazăr, procurorul general al Parchetului de pe lângă Înalta Curte de Casație și Justiție din România https://www.mpublic.ro/ro/content/c_15_11_2016 (accesat la 12.11.2025).

3. Decizia-cadru 2008/841/JAI privind lupta împotriva crimei organizate, publicată în Jurnalul Oficial al UE, L 300, pp. 42 - 45.

4. Directiva (UE) 2024/1203 a Parlamentului European și a Consiliului din 11 aprilie 2024 privind protecția mediului prin intermediul dreptului penal și de înlocuire a Directivelor 2008/99/CE și 2009/123/CE.

5. Duțu M. Dreptul mediului. Tratat. Abordare integrată, Editura Economică, București, 2003, Vol. I, p. 435.

6. Duțu M. Cuvânt de deschidere - Conferința «Marea criminalitate în contextul globalizării», în Studii și Cercetări Juridice, anul 1 (57), nr. 2, București, Editura Academiei Române, 2012, p. 217.

7. Duțu M. Răspunderea în dreptul mediului, Editura Academiei Române, București, 2015, p. 253.

8. Larii I., Stoleru E. Pericolul și tendințele globale ale infracțiunilor ecologice. În materialele conferinței științifico-practice internaționale Criminalitatea transfrontalieră și transnațională: Tendințe și forme actuale de manifestare, probleme de prevenire și combatere. Chișinău 26 iunie 2018, p. 42-48.

Section 6. Criminal legal, criminal procedure and criminalistics problems of ensuring counteraction against
manifestations of organized crime

9. Regulamentul (CE) nr. 1224/2009 al Consiliului din 20 noiembrie 2009 de stabilire a unui sistem de control al Uniunii pentru asigurarea respectării normelor politicii comune în domeniul pescuitului.

10. Regulamentul (CE) nr. 1005/2008 al Consiliului din 29 septembrie 2008 de instituire a unui sistem comunitar pentru prevenirea, descurajarea și eliminarea pescuitului ilegal, nedeclarat și nereglementat.

11. Rusu I. Lupta împotriva crimei organizate în Uniunea Europeană, Revista Dreptul, 2012, nr. 5, p. 226.

12. Convention Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. <https://www.refworld.org/legal/agreements/icrc/1977/en/104942>

13. What is the Right to a Healthy Environment? Information Note. OHCHR, UNEP, UNDP, 2022. Disponibil: <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>.

14. The Rome Statute of the International Criminal Court, N. Doc. A/CONF.183/9, article 8(2) (b)(iv) [Rome Statute]. <chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>