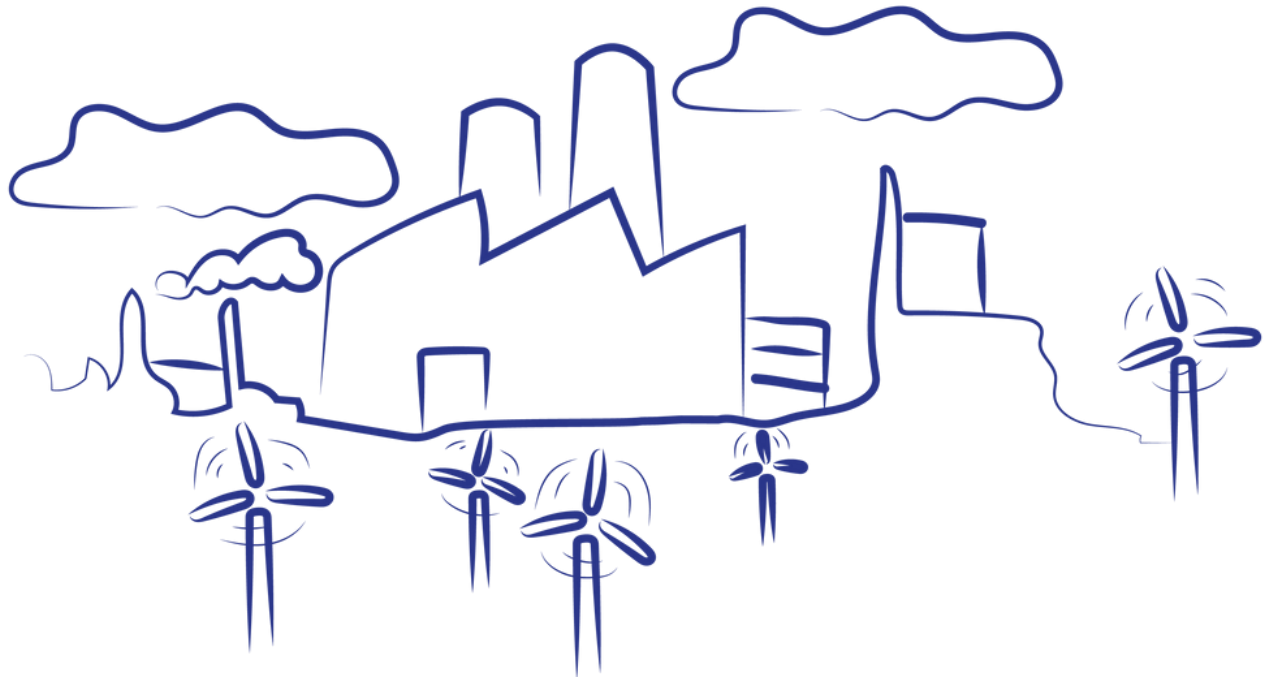


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# Decree-Law No. 116/2025: Measures to Combat Environmental Crimes and Remediate the so called “Terra dei Fuochi”

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## **I.1. Decree-Law No. 116/2025 as a response to the ECHR's condemnation of Italy**

On 30 July 2025, the Council of Ministers approved Decree-Law No. 116/2025. This came into force on 9 August 2025 and establishes “*Urgent provisions to combat illegal activities relating to waste, for the remediation of the Terra dei Fuochi area, and for assistance to populations affected by natural disasters*”. This measure aims to address the ongoing environmental and health emergency affecting the entire country, particularly in the Campania region, where illegal waste activities and the repeated crime of “*illegal waste combustion*” under Article 256 bis of Legislative Decree No. 152/2006 (hereafter the “**Environmental Code**”) have been entrenched for years. This criminal offence was introduced to put an end to the dramatic phenomenon of abandoned and piled-up materials and objects.

Decree-Law No. 116/2025 introduced amendments to:

- the Environmental Code;
- the Criminal Code;
- the Code of Criminal Procedure;
- Law No. 146 of 16 March 2006;
- the Anti-Mafia Code;
- Legislative Decree No. 231/2001;
- Highway Code (Codice della strada).

In addition, the Commissioner for remediation measures in the provinces of Naples and Caserta was authorised to spend around 15 million on waste removal.

Decree-Law No. 116/2025 was issued in response to the 30 January 2025 judgment of the European Court of Human Rights (hereafter referred to as the “**ECHR**”) in the case of “*Cannavacciuolo and Others v. Italy*”, in which Italy was found to have violated Articles 2 and 8 of the European Convention on Human Rights. Article 2 provides that «*everyone’s right to life shall be protected by law*», while Article 8 protects the right to respect for private and family life. The judgment refers to widespread environmental pollution, particularly of agricultural land, which has caused serious illness and death among the population living in the “*Terra dei Fuochi*” (*Land of Fire*)’ area. As indicated in the judgment, this area includes the territory located between the province of Naples and the south-western part of the province of Caserta («*as defined by the Campania Regional Agency for Environmental Protection, refers to the territory between the province of Naples and the south-western area of the province of Caserta. The pollution of the territory in question is referred to as the “Terra dei Fuochi” phenomenon*»). The main issue in this case concerns the failure of the competent authorities to adopt appropriate and sufficient measures to protect the lives of the applicants residing in areas affected by large-scale pollution resulting from the illegal dumping, burial, and/or uncontrolled abandonment of hazardous, special, and urban waste, often associated with its incineration.

Although ECHR did not award the applicants compensation for health damage, it gave the Italian state two years to adopt general measures to combat the phenomenon. Following the ruling, the government expanded the commissioner's powers to intervene in and monitor illegal landfills, and amended a series of regulations. The updated content of these regulations is of particular interest to businesses, as it significantly impacts the environmental sector.

In this context, Article 8 of Decree-Law No. 116/2025 allows the use of data, orthophotographic surveys and all content in the National Land Use Map of the Agency for Agricultural Subsidies to verify morphological and chemical-physical changes in the soil. This is part of the prevention and enforcement activities aimed at identifying violations under the Environmental and Criminal Codes.

## I.2. The changes made

### I.2.a. Amendments to the Environmental Code

Decree-Law No. 116/2025 makes significant amendments to the Environmental Code, introducing new offences and increasing penalties for environmental crimes, particularly those relating to the illegal disposal, storage, incineration and transportation of waste.

The following main changes can be highlighted:

<b>The changes made</b>
Art. 212 <i>“National Register of Environmental Managers”</i>
<p><i>Article left unchanged from paragraph 1 to paragraph 19 bis.</i></p> <p><i>19-ter. Without prejudice to the offense referred to in Article 256, a company that transports goods by road on behalf of third parties and, being required to do so, is not registered in the National Register of Environmental Managers and commits a violation of the provisions of Title VI of Part IV in the context of transport activities, shall be subject, in addition to the penalties provided for the specific violation, to the additional penalty of suspension from the National Register of natural and legal persons engaged in the transport of goods by road on behalf of third parties, referred to in Law No. 298 of June 6, 1974, for a period of fifteen days to two months. In the event of repeated violations pursuant to Article 8-bis of Law No. 24 of October 24, 1981, No. 689 of October 24, 1981, or recidivism pursuant to Article 99 of the Criminal Code, the additional penalty of removal from the National Register of natural and legal persons engaged in the transport of goods by road on behalf of third parties shall apply, with a prohibition on re-registration before two years have elapsed.</i></p>
Art. 255 <i>“<del>Illegal dumping of waste</del> Illegal dumping of non-hazardous waste”</i>
<p><i>1. <del>Without prejudice to the provisions of Article 256, paragraph 2, anyone who, in violation of the provisions of Articles 192, paragraphs 1 and 2, 226, paragraph 2, and 231, paragraphs 1 and 2, abandons or deposits waste or discharges it into surface water or groundwater shall be punished with a fine of between one thousand and ten thousand euros. If the abandonment concerns hazardous waste, the penalty shall be increased up to twice the amount.</del> Unless the act constitutes a more serious offense, anyone who, in violation of the provisions of Articles 192, paragraphs 1 and 2, 226, paragraph 2, and 231, paragraphs 1 and 2, abandons or deposits waste or discharges it into surface or</i></p>

deposits waste or discharges it into surface or groundwater shall be punished with a fine of between €1,500 and €18,000. When the abandonment or deposit is carried out using motor vehicles, the driver of the vehicle shall also be subject to the additional penalty of suspension of their driving license for a period of one to four months, in accordance with the provisions of Title VI, Chapter II, Section II of Legislative Decree No. 285 of April 30, 1992.

1.1. Unless the act constitutes a more serious offense, business owners and managers of entities who abandon or deposit waste in an uncontrolled manner or discharge it into surface or groundwater in violation of the prohibition referred to in Article 192, paragraphs 1 and 2, shall be punished with imprisonment for a term of six months to two years or a fine of three thousand to twenty-seven thousand euros.

~~1-bis. Anyone who violates the prohibition referred to in Article 232-ter shall be punished with an administrative fine ranging from €30 to €150. If the abandonment concerns smoking product waste referred to in Article 232-bis, the administrative fine shall be increased up to twice the amount.~~ Except for the cases referred to in Article 15, paragraph 1, letter f-bis), of Legislative Decree No. 285 of April 30, 1992, when the abandonment or deposit concerns waste within the meaning of Articles 232-bis and 232-ter of Legislative Decree No. 152 of April 3, 2006, an administrative fine of between €80 and €320 shall be imposed.

1-ter. The violations referred to in paragraph 1-bis may be ascertained without immediate notification through images captured by video surveillance systems located outside or inside populated areas. The mayor of the municipality in which the violation referred to in paragraph 1-bis was committed is responsible for applying the related administrative fine.

2. The owner of the collection center, the dealer, or the owner of the manufacturer's branch who violates the provisions of Article 231, paragraph 5, shall be punished with an administrative fine ranging from two hundred and sixty euros to one thousand five hundred and fifty euros.

3. Anyone who fails to comply with the Mayor's order referred to in Article 192, paragraph 3, or fails to fulfill the obligation referred to in Article 187, paragraph 3, shall be punished with imprisonment for up to one year. In the conviction or sentence issued pursuant to Article 444 of the Code of Criminal Procedure, the benefit of conditional suspension of the sentence may be subject to the execution of the provisions of the order referred to in Article 192, paragraph 3, or to the fulfillment of the obligation referred to in Article 187, paragraph 3.

## Art. 225 bis

*“Abandonment of non-hazardous waste in special cases”*

1. Anyone who, in violation of the provisions of Articles 192, paragraphs 1 and 2, 226, paragraph 2, and 231, paragraphs 1 and 2, abandons or deposits non-hazardous waste or discharges it into surface water or groundwater shall be punished with imprisonment for a term of between six months and five years if:

a) the act results in danger to the life or safety of persons or danger of compromise or deterioration:

1) of water or air, or of extensive or significant portions of the soil or subsoil;

2) an ecosystem, biodiversity, including agricultural biodiversity, flora, or fauna;

b) the act is committed in contaminated or potentially contaminated sites pursuant to Article 240 or in any case on the access roads to the aforementioned sites and related appurtenances.

2. Business owners and managers of entities who, in any of the cases referred to in paragraph 1, abandon or deposit non-hazardous waste in an uncontrolled manner or discharge it into surface water or groundwater in violation of the prohibition referred to in Article 192, paragraphs 1 and 2, shall be punished with imprisonment for a term of between nine months and five years and six months.

3. When the abandonment or deposit is carried out using motor vehicles, the driver of the vehicle shall also be subject to the additional penalty of suspension of their driving license for a period of two to six months. The provisions of Title VI, Chapter II, Section II of Legislative Decree No. 285 of April 30, 1992, shall apply.

## Art. 225 ter

*“Illegal dumping of hazardous waste”*

1. Anyone who, in violation of the provisions of Articles 192, paragraphs 1 and 2, 226, paragraph 2, and 231, paragraphs 1 and 2, abandons or deposits hazardous waste or discharges it into surface water or groundwater shall be punished with imprisonment for a term of between one and five years.

2. The penalty shall be imprisonment for a term of between one year and six months and six years when:

a) the act results in danger to the life or safety of persons or danger of compromise or deterioration:

1) of water or air, or of extensive or significant portions of the soil or subsoil;

2) an ecosystem, biodiversity, including agricultural biodiversity, flora, or fauna;

b) the act is committed in contaminated or potentially contaminated sites pursuant to Article 240 or in any case on the access roads to the aforementioned sites and related appurtenances.

3. Business owners and managers of entities who abandon or deposit hazardous waste in an uncontrolled manner or discharge it into surface water or groundwater in violation of the prohibition referred to in Article 192, paragraphs 1 and 2, shall be punished with imprisonment for a term of between one year and five years and six months. In any of the cases referred to in paragraph 2, the penalty shall be imprisonment for a term of between two years and six years and six months.

#### Art. 256

#### *“Unauthorized waste management activities”*

1. Except for the cases sanctioned under Article 29 quattuordecies, paragraph 1, anyone who carries out the collection, transport, recovery, disposal, trade, and brokerage of waste without the required authorization, registration, or notification referred to in Articles 208, 209, 210, 211, 212, 214, 215, and 216 shall be punished with imprisonment for a term of six months to three years. If the facts concern hazardous waste, the penalty shall be imprisonment for a term of one to five years.

~~a) with imprisonment from three months to one year or a fine from two thousand six hundred euros to twenty-six thousand euros in the case of non-hazardous waste;~~

~~b) with imprisonment from six months to two years and a fine from two thousand six hundred euros to twenty-six thousand euros in the case of hazardous waste.~~

1-bis. The penalty for the acts referred to in the first sentence of paragraph 1 shall be imprisonment for a term of between one and five years when:

a) the act results in danger to the life or safety of persons or danger of compromise or deterioration:

1) of water or air, or of extensive or significant portions of the soil or subsoil;

2) an ecosystem, biodiversity, including agricultural biodiversity, flora, or fauna;

b) the offense is committed in contaminated or potentially contaminated sites pursuant to Article 240 or in any case on the access roads to the aforementioned sites and related appurtenances.



If, in any of the cases referred to in the preceding sentence, the acts concern hazardous waste, the penalty shall be imprisonment for a term of between two years and six years and six months.

1-ter. If the violations referred to in paragraphs 1 and 1-bis are committed using motor vehicles, the driver of the vehicle shall also be subject to the additional penalty of suspension of their driving license for a period of three to nine months, in accordance with the provisions of Title VI, Chapter II, Section II of Legislative Decree No. 285 of April 30, 1992.

1-quater. A conviction or judgment issued pursuant to Article 444 of the Code of Criminal Procedure for any of the offenses referred to in paragraphs 1 and 1-bis shall result in the confiscation of the means used to commit the offense, unless it belongs to a person not involved in the offense.

~~2. The penalties referred to in paragraph 1 shall apply to business owners and managers of entities who abandon or deposit waste in an uncontrolled manner or discharge it into surface water or groundwater in violation of the prohibition referred to in Article 192, paragraphs 1 and 2.~~

~~3. Except for the cases punishable under Article 29 quattuordecies, paragraph 1, anyone who creates or manages an unauthorized landfill shall be punished with imprisonment for a term of six months to two years and a fine of €2,600 to €26,000. A sentence of imprisonment of between one and three years and a fine of between €5,200 and €52,000 shall apply if the landfill site is used, even in part, for the disposal of hazardous waste. The conviction or sentence issued pursuant to Article 444 of the Code of Criminal Procedure shall result in the confiscation of the area on which the illegal landfill is located if it is owned by the perpetrator or accomplice to the crime, without prejudice to the obligations to clean up or restore the site.~~

Except for cases punishable under Article 29-quattuordecies, paragraph 1, anyone who establishes or operates an unauthorized landfill shall be punished with imprisonment for a term of between one and five years. Imprisonment for a term of between one year and six months and five years and six months shall apply if the landfill is used, even in part, for the disposal of hazardous waste.

3-bis. The creation or management of an unauthorized landfill shall be punished with imprisonment for a term of between two and six years when:

a) the act results in danger to the life or safety of persons or danger of compromise or deterioration:

1) of water or air, or of extensive or significant portions of the soil or subsoil;

2) an ecosystem, biodiversity, including agricultural biodiversity, flora, or fauna;

b) the act is committed on contaminated or potentially contaminated sites pursuant to Article 240 or in any case on the access roads to the aforementioned sites and related appurtenances. If, in any of the cases referred to in the preceding sentence, the landfill is intended, even in part, for the disposal of hazardous waste, the penalty shall be imprisonment for a term of between two years and six months and seven years.

3-ter. A conviction or sentence issued pursuant to Article 444 of the Code of Criminal Procedure for any of the offenses referred to in paragraphs 3 and 3-bis shall result in the confiscation of the area on which the illegal landfill is located, unless it belongs to a person not involved in the offense, without prejudice to the obligations to remediate or restore the site.

4. The penalties referred to in paragraphs ~~1, 2 e 3-1, 1-bis, 3 e 3-bis~~ are reduced by half in cases of non-compliance with the requirements contained or referred to in the authorizations, as well as in cases of failure to meet the requirements and conditions for registration or notification.

5. Anyone who, in violation of the prohibition referred to in Article 187, carries out unauthorized waste mixing activities shall be punished with the penalty ~~referred to in paragraph 1, letter b)~~ imprisonment for a term of six months to two years and a fine of between €2,600 and €26,000.

6. Anyone who temporarily stores hazardous medical waste at the place of production, in violation of the provisions of Article 227, paragraph 1, letter b), shall be punished with imprisonment for a term of three months to one year or with a fine of between €2,600 and €26,000. An administrative fine of between €2,600 and €15,500 shall be imposed for quantities not exceeding 200 liters or equivalent quantities.

7. Anyone who violates the obligations referred to in Articles 231, paragraphs 7, 8, and 9, 233, paragraphs 12 and 13, and 234, paragraph 14, shall be punished with an administrative fine of between €260 and €1,550.

8. The persons referred to in Articles 233, 234, 235, and 236 who fail to comply with the participation obligations provided for therein shall be punished with an administrative fine of between eight thousand euros and forty-five thousand euros, without prejudice to the obligation to pay past contributions. Until the adoption of the decree referred to in Article 234, paragraph 2, the penalties referred to in this paragraph shall not apply to the persons referred to in Article 234.

9. The penalties referred to in paragraph 8 shall be reduced by half in the event of participation within 60 days of the deadline for fulfilling the participation obligations provided for in Articles 233, 234, 235, and 236.

Art. 256 bis  
“Illegal waste incineration”

1. Unless the act constitutes a more serious offense, anyone who sets fire to abandoned or uncontrolled waste shall be punished with imprisonment for a term of two to five years. In the event that hazardous waste is set on fire, the penalty of imprisonment for a term of three to six years shall apply. The person responsible is required to restore the site to its original condition, compensate for environmental damage, and pay, including by way of recourse, the costs of remediation.

~~2. The same penalties apply to anyone who engages in the conduct referred to in Article 255, paragraph 1, and the criminal conduct referred to in Articles 256 and 259 in relation to the subsequent illegal incineration of waste. The same penalties apply to anyone who engages in the conduct referred to in Article 255, paragraphs 1 and 1.1, for the purpose of subsequent illegal waste incineration. If the acts referred to in Articles 255-bis, 255-ter, 256, and 259 are committed in connection with the subsequent illegal incineration of waste, the penalties for the aforementioned offenses may not be less than those established in paragraph 1.~~

~~3. The penalty is increased by one third if the crime referred to in paragraph 1 is committed in the context of a business or organized activity. The owner of the business or the person responsible for the organized activity is also liable for failing to supervise the actions of the perpetrators of the crime who are in any way connected to the business or activity itself. The penalties provided for in Article 9, paragraph 2, of Legislative Decree No. 231 of June 8, 2001, shall also apply to the aforementioned owners of the enterprise or persons responsible for the activity.~~

3-bis. The incineration of non-hazardous waste is punishable by imprisonment for a term of three to six years, when:

a) the act results in danger to the life or safety of persons or danger of compromise or deterioration:

- 1) of water or air, or of extensive or significant portions of the soil or subsoil;
- 2) an ecosystem, biodiversity, including agricultural biodiversity, flora, or fauna;

b) the act is committed in contaminated or potentially contaminated sites pursuant to Article 240 or in any case on the access roads to the aforementioned sites and related appurtenances.

The burning of hazardous waste, when any of the cases referred to in the preceding sentence apply, shall be punished with imprisonment from three years and six months to seven years.

3-ter. If the acts referred to in paragraph 3-bis are followed by fire, the penalties provided for therein shall be increased by up to half.

4. The penalty is increased by one third ~~if the act referred to in paragraph 1 is committed~~ if the acts referred to in paragraphs 1 and 3-bis are committed in areas that, at the time of the conduct and in any case in the previous five years, are or have been affected by declarations of a state of emergency in the waste sector pursuant to Law No. 225 of February 24, 1992.

5. The means used for the transport of waste subject to the offense referred to in paragraph 1 of this article, incinerated in unauthorized areas or facilities, shall be confiscated pursuant to Article 259, paragraph 2, unless the means belong to a person not involved in the conduct referred to in paragraph 1 of this article and there is no evidence of complicity in the commission of the offense. The conviction or sentence issued pursuant to Article 444 of the Code of Criminal Procedure shall result in the confiscation of the area where the offense was committed, if owned by the perpetrator or accomplice to the offense, without prejudice to the obligations to clean up and restore the site.

6. ~~The penalties referred to in Article 255 shall apply if the conduct referred to in paragraph 1 concerns waste referred to in Article 184, paragraph 2, letter e).~~ Without prejudice to the provisions of Article 182, paragraph 6-bis, the provisions of this article shall not apply to the burning of natural agricultural or forestry material, including that derived from public or private green areas.

#### Art. 258

*“Violation of obligations regarding communication, mandatory record keeping, and forms”*

In paragraph 2, the administrative fine has been increased from “two thousand to ten thousand euros” to *«from four thousand to twenty thousand euros»*.

In paragraph 4, the prison sentence has been increased from “up to two years” to “one to three years.”

Paragraphs 2 bis and 4 bis have been added:

2 bis. The ascertainment of the violation referred to in paragraph 2 shall in any case result in the additional administrative penalty of suspension of the driving license for one to four months in the case of non-hazardous waste and for two to eight months in the case of hazardous waste. The provisions of Title VI, Chapter I, Section II of Legislative Decree No. 285 of April 30, 1992, shall apply.

The ascertainment of the violation shall also result in suspension from the National Register of Environmental Managers referred to in Article 212 for a period of two to six months in the case of non-hazardous waste and four to twelve months in the case of hazardous waste.

4 bis. A conviction or judgment issued pursuant to Article 444 of the Code of Criminal Procedure for any of the offenses referred to in the second and third sentences of paragraph 4 shall result in the confiscation of the means used to commit the offense, unless it belongs to a person not involved in the offense.



## Art. 259

~~“Illegal waste trafficking~~ *illegal shipment of waste*”

~~1. Anyone who ships waste constituting illegal trafficking pursuant to Article 26 of Regulation (EEC) No. 259 of February 1, 1993, or ships waste listed in Annex II of the aforementioned regulation in violation of Article 1, paragraph 3, letters a), b), c) and d) of the same regulation shall be punished with a fine of between €1,550 and €26,000 and imprisonment for up to two years. The penalty shall be increased in the case of shipments of hazardous waste. Anyone who ships waste that constitutes illegal shipment within the meaning of Articles 2, point 35 of Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of June 14, 2006, and Article 3, point 26 of Regulation (EU) No. 2024/1157 of the European Parliament and of the Council of April 11, 2024, shall be punished with imprisonment for a term of between one and five years. The penalty shall be increased in the case of shipment of hazardous waste.~~

2. A conviction, or a sentence handed down pursuant to Article 444 of the Code of Criminal Procedure, for offenses relating to illicit trafficking referred to in paragraph 1 or illicit transport referred to in Articles 256 and 258, paragraph 4, shall be followed by the mandatory confiscation of the means of transport.

## Art. 259 bis

*“Aggravating factor in business activities”*

1. The penalties provided for in Articles 256, 256-bis, and 259 are increased by one third if the acts are committed in the context of a business or organized activity.

The owner of the enterprise or the person responsible for the organized activity shall also be liable for failure to supervise the actions of the perpetrators of the crime attributable to the enterprise or activity itself. The penalties provided for in Article 9, paragraph 2, of Legislative Decree No. 231 of June 8, 2001, shall also apply to the aforementioned owners of the enterprise or persons responsible for the activity.

## Art. 259 ter

*“Negligent crimes relating to waste”*

1. If any of the acts referred to in Articles 255-bis, 255-ter, 256, and 259 are committed through negligence, the penalties provided for in those articles shall be reduced by one-third to two-thirds.



## I.2.b. Amendments to the Criminal Code

### The changes made

Art. 131-bis

*“Exclusion of punishment due to the particular insignificance of the offense”*

1. In crimes for which the minimum prison sentence is no more than two years, or a fine, alone or in conjunction with the aforementioned sentence, punishment is excluded when, due to the nature of the conduct and the minor damage or danger, assessed in accordance with Article 133, first paragraph, also taking into account the conduct following the crime, the offense is particularly minor and the behavior is not habitual.
2. The offense cannot be considered particularly minor, pursuant to the first paragraph, when the perpetrator acted for despicable or futile reasons, or with cruelty, including to animals, or used torture, or took advantage of the victim's reduced ability to defend themselves, including in reference to their age, or when the conduct caused or resulted in, as unintended consequences, the death or very serious injury of a person.
3. The offense cannot be considered particularly minor when proceeding:
  - 1) for crimes punishable by a maximum sentence of more than two years and six months of imprisonment, committed during or because of sporting events;
  - 2) for crimes under Articles 336, 337, and 341-bis, when the act is committed against a public security officer or agent or a judicial police officer or agent in the exercise of their duties, as well as for the crime under Article 343;
  - 3) for crimes, committed or attempted, provided for in Articles 314, first paragraph, 317, 318, 319, 319-bis, 319-ter, 319-quater, first paragraph, 320, 321, 322, 322-bis, 391-bis, 423, 423-bis, 558-bis, 582, in aggravated cases pursuant to Articles 576, first paragraph, numbers 2, 5, and 5.1, and 577, first paragraph, number 1, and second paragraph, 583, second paragraph, 583-bis, 593-ter, 600-bis, 600-ter, first paragraph, 609-bis, 609-quater, 609-quinquies, 609-undecies, 612-bis, 612-ter, 613-bis, 628, third paragraph, 629, 644, 648-bis, 648-ter;
  - 4) for crimes, committed or attempted, provided for in Article 19, fifth paragraph, of Law No. 194 of May 22, 1978, by Article 73 of Presidential Decree No. 309 of October 9, 1990, except for the crimes referred to in paragraph 5 of the same article, and by Articles 184 and 185 of Legislative Decree No. 58 of February 24, 1998;
  - 4-bis) for crimes provided for in Section II of Chapter III of Title III of Law No. 633 of April 22, 1941, except for the crimes referred to in Article 171 of the same law.

4-ter) for crimes committed or attempted under Articles 255-ter, 256, paragraphs 1-bis, 3 and 3-bis, 256-bis, and 259 of Legislative Decree No. 152 of April 3, 2006.

4. The behavior is habitual if the perpetrator has been declared a habitual, professional, or habitual offender, or has committed multiple crimes of the same nature, even if each act, considered in isolation, is of particular minor importance, as well as in the case of crimes involving multiple, habitual, and repeated conduct.

5. For the purposes of determining the prison sentence provided for in the first paragraph, no account shall be taken of the circumstances, except for those for which the law establishes a penalty different from the ordinary penalty for the offense and those with special effect. In the latter case, for the purposes of applying the first paragraph, no account shall be taken of the assessment of the circumstances referred to in Article 69.

6. The provision of the first paragraph shall also apply when the law provides for the particular insignificance of the damage or danger as a mitigating circumstance.

#### Art. 452 sexies

#### *“Trafficking and abandonment of highly radioactive material”*

1. Unless the act constitutes a more serious offense, anyone who unlawfully transfers, acquires, receives, transports, imports, exports, procures for others, possesses, transfers, abandons, or unlawfully disposes of highly radioactive material shall be punished with imprisonment for two to six years and a fine of €10,000 to €50,000. ~~2. The penalty referred to in the first paragraph shall be increased if the act results in the risk of compromise or deterioration:~~

~~1) of water or air, or of extensive or significant portions of the soil or subsoil;~~

~~2) of an ecosystem, biodiversity, including agricultural biodiversity, flora, or fauna.~~

The penalty referred to in the first paragraph shall be increased by up to half when:

a) the act results in danger to the life or safety of persons or danger of compromise or deterioration:

1) of water or air, or of extensive or significant portions of the soil or subsoil;

2) an ecosystem, biodiversity, including agricultural biodiversity, flora, or fauna;

b) the act is committed in contaminated or potentially contaminated sites pursuant to Article 240 of Legislative Decree No. 152 of April 3, 2006, or in any case on the access roads to the aforementioned sites and related appurtenances.

~~3. If the act results in danger to the life or safety of persons, the penalty is increased by up to half.~~



## Art. 452 quaterdecies

*“Activities organized for the illegal trafficking of waste”*

1. Anyone who, for the purpose of obtaining an unfair profit, through multiple transactions and by setting up organized means and ongoing activities, transfers, receives, transports, exports, imports, or otherwise illegally manages large quantities of waste shall be punished with imprisonment for a term of between one and six years.

2. In the case of highly radioactive waste, the penalty shall be imprisonment for a term of between three and eight years.

The penalties provided for in the preceding paragraphs are increased by up to half when:

a) the act results in danger to the life or safety of persons or danger of compromise or deterioration:

1) of water or air, or of extensive or significant portions of the soil or subsoil;

2) an ecosystem, biodiversity, including agricultural biodiversity, flora, or fauna;

b) the act is committed in contaminated or potentially contaminated sites pursuant to Article 240 or in any case on the access roads to the aforementioned sites and related appurtenances.

3. The conviction shall be accompanied by the additional penalties referred to in Articles 28, 30, 32 bis, and 32 ter, subject to the limitation referred to in Article 33.

4. The judge, in the conviction or in the judgment issued pursuant to Article 444 of the Code of Criminal Procedure, shall order the restoration of the environment and may make the granting of a conditional suspension of the sentence conditional upon the elimination of the damage or danger to the environment.

5. The confiscation of items used to commit the offense or which constitute the product or profit of the offense shall always be ordered, unless they belong to persons not involved in the offense. Where this is not possible, the judge shall identify assets of equivalent value which are available to the convicted person, even indirectly or through an intermediary, and order their confiscation.

## I.2.c. Amendments to the Code of Criminal Procedure

Pursuant to Article 382 bis of the Italian Code of Criminal Procedure, the possibility of deferred arrest in flagrante delicto has been extended to more serious environmental crimes. This broadens environmental protection and enables more timely action to be taken against harmful behaviour.

### Changes made

#### Art. 382 bis “Arrest in flagrante delicto”

1. In the cases referred to in Articles 387-bis, 572, and 612-bis of the Criminal Code, a person shall be considered to be caught in the act if, on the basis of video or photographic documentation or other documentation lawfully obtained from computer or telecommunications devices, which unequivocally reveals the fact, that person is the perpetrator, provided that the arrest is made no later than the time necessary for identification and, in any case, within forty-eight hours of the fact.

1.1 The provisions referred to in paragraph 1 shall also apply in the cases referred to in Articles 452-bis, 452-ter, 452-quater, 452-sexies, and 452-quaterdecies of the Criminal Code, and in the cases referred to in Articles 255-bis, 255-ter, 256, paragraphs 1, second sentence, 1-bis, 3, and 3-bis, 256-bis, and 259 of Legislative Decree No. 152 of April 3, 2006.

1-bis. The provisions referred to in paragraph 1 shall also apply in cases of non-culpable crimes for which arrest in flagrante delicto is provided for, committed within or in the appurtenances of public or private residential or semi-residential health or social-health facilities, to the detriment of persons exercising a health or social-health profession in the exercise or because of their functions or service, as well as anyone carrying out auxiliary care, health care, or rescue activities functional to the performance of said professions, in the exercise or because of such activities, or committed against property existing therein or in any case intended for health or social-health services, when it is not possible to proceed immediately with arrest for reasons of public or individual safety or security or for reasons relating to the regular provision of the service.

## I.2.d. Amendments to Law No. 146 of March 16, 2006

Amendments have been made to Article 9 of Law No. 146/2006 (law on the Prevention of Transnational Organised Crime).

Changes made
Art. 9 <i>“Undercover operations”</i>
<p>Article unchanged from letter b) of paragraph 1 to paragraph 11.</p> <p>1. Without prejudice to the provisions of Article 51 of the Criminal Code, the following are not punishable:</p> <p>a) judicial police officers of the State Police, the Carabinieri, and the Finance Police, belonging to specialized units or the Anti-Mafia Investigation Directorate, within the limits of their powers, who, in the course of specific police operations and, in any case, for the sole purpose of acquiring evidence relating to the crimes provided for in Articles 317, 318, 319, 319-bis, 319-ter, 319-quater, first paragraph, 320, 321, 322, 322-bis, 346-bis, 353, 353-bis, <b>452-bis, 452-ter, 452-quater, 452-sexies</b>, 452-quaterdecies, 453, 454, 455, 460, 461, 473, 474, 517-quater, 629, 630, 644, 648-bis e 648-ter, as well as in Book II, Title XII, Chapter III, Section I, of the Penal Code, to crimes involving weapons, ammunition, explosives, and crimes provided for in Article 12, paragraphs 1, 3, 3-bis, and 3-ter, of the consolidated text of provisions concerning immigration regulations and rules on the status of foreigners, referred to in Legislative Decree No. 286 of July 25, 1998, <del>as well as the crimes provided for in the consolidated law</del> <b>as well as in relation to the crimes provided for in Articles 255-bis, 255-ter, 256, paragraphs 1, second sentence, 1-bis, 3 and 3-bis, 256-bis and 259 of Legislative Decree No. 152 of April 3, 2006, and the crimes provided for in the consolidated text</b> laws governing narcotics and psychotropic substances, prevention, treatment and rehabilitation of drug addiction, as referred to in Presidential Decree No. 309 of October 9, 1990, and Article 3 of Law No. 75 of February 20, 1958, including through intermediaries, provide shelter or otherwise assist associates, acquire, receive, replace, or conceal money or other benefits, weapons, documents, narcotic or psychotropic substances, goods or items that are the object, product, profit, price or means of committing the offense, or accept the offer or promise thereof, or otherwise hinder the identification of their origin or allow their use, or pay money or other benefits in execution of an illegal agreement already concluded by others, promise or give money or other benefits requested by a public official or a public service employee or solicited as the price of illegal mediation with a public official or a public service employee or to remunerate them, or carry out preparatory and instrumental activities.</p>

## I.2.e. Amendments to the Anti-Mafia Code

The range of repressive and preventive measures being applied to environmental crimes is expanding, bringing them into partial alignment with those used for organised crime and illegal trafficking.

Changes made
Art. 34 <i>“The judicial administration of assets related to economic activities and companies”</i>
<p>Article unchanged from paragraph 2 to paragraph 7.</p> <p>1. When, following the investigations referred to in Article 19 or those carried out to verify the risks of mafia infiltration, as provided for in Article 92, or those carried out pursuant to Article 213 of the Public Contracts Code, referred to in Legislative Decree No. 50 of April 18, 2016, by the National Anti-Corruption Authority, there is sufficient evidence to believe that the free exercise of certain economic activities, including those of an entrepreneurial nature, is directly or indirectly subject to the conditions of intimidation or subjugation provided for in Article 416-bis of the Criminal Code or may in any case facilitate the the activities of persons against whom one of the personal or property prevention measures provided for in Articles 6 and 24 of this decree has been proposed or applied, or of persons subject to criminal proceedings for any of the crimes referred to in Article 4, paragraph 1, letters a), b) and i-bis) of this decree, or for the crimes <del>referred to in Articles 603-bis, 629, 644, 648-bis, and 648-ter of the Criminal Code</del> referred to in Articles 452-bis, 452-quater, 452-sexies, and 452-quaterdecies, 603-bis, 629, 644, 648-bis, and 648-ter of the Penal Code, as well as for the crimes referred to in Articles 255-ter, 256, paragraphs 1, second sentence, 1-bis, 3, and 3-bis, 256-bis, and 259 of Legislative Decree No. 152 of April 3, 2006, , and the conditions for the application of the preventive measures referred to in Chapter I of this Title are not met, the court responsible for applying preventive measures against the above-mentioned persons shall order the judicial administration of the companies or assets that can be used, directly or indirectly, to carry out the aforementioned economic activities, upon the proposal of the persons referred to in paragraph 1 of Article 17 of this Decree.</p>

## I.2.f. Amendments to Legislative Decree 231/2001

Article 6 of Decree Law No. 116/2025 amended Article 25-undecies of Legislative Decree No. 231/2001, which sets out the administrative liability of organisations for environmental offences.

The legislator has increased the minimum and maximum penalties for certain environmental crimes, with the aim of strengthening the deterrent effect of the 231 system in environmental matters.

### Changes made

Art. 25 undecies  
“Environmental crimes”

1. In relation to the commission of crimes under the Criminal Code, the following financial penalties shall apply to the entity:

- a) for a violation of Article 452 bis, a fine ranging from ~~two hundred and fifty~~ **four hundred** and six hundred units;
- b) for a violation of Article 452 quater, a fine ranging from ~~four hundred to eight hundred~~ **six hundred to nine hundred** units;
- c) for a violation of Article 452 quinquies, a fine ranging from two hundred to five hundred units;
- d) for aggravated criminal association offenses pursuant to Article 452-octies, the financial penalty shall be ~~three hundred~~ **four hundred and fifty** at a thousand shares;
- e) ~~for the crime of trafficking and abandoning highly radioactive material pursuant to Article 452-sexies, a fine ranging from two hundred and fifty to six hundred units;~~ for violation of Article 452-sexies, a fine of between five hundred and nine hundred units for the case referred to in the first paragraph and between six hundred and twelve hundred units for the cases referred to in the second paragraph;
- e-bis) for violation of Article 452-septies, a fine of up to two hundred and fifty units;
- e-ter) for violation of Article 452-terdecies, a fine of between four hundred and eight hundred units;

e-quater) for violation of Article 452-quaterdecies, a fine of between four hundred and six hundred units in the case provided for in the first paragraph, between four hundred and fifty and seven hundred and fifty units in the case provided for in the second paragraph, and between five hundred and one thousand units in the case provided for in the third paragraph;

f) for violation of Article 727 bis, a fine of up to two hundred and fifty units;

g) for violation of Article 733 bis, a fine of between one hundred and fifty and two hundred and fifty units.

1-bis. In cases of conviction for the crimes indicated in paragraph ~~1, lettera a) e b)~~ **1, letter a), b), d), e) and e-quater**, of this article, in addition to the financial penalties provided for therein, the disqualification penalties provided for in article 9 ~~for a period not exceeding one year for the crime referred to in letter a) above.~~

2. In relation to the commission of the offenses provided for by Legislative Decree No. 152 of April 3, 2006, the following financial penalties shall apply to the entity:

a) for the offenses referred to in Article 137:

1) for violation of paragraphs 3, 5, first sentence, and 13, a financial penalty of between one hundred and fifty and two hundred and fifty units;

2) for violation of paragraphs 2, 5, second sentence, and 11, a financial penalty of between two hundred and three hundred units.

a-bis) for the offense referred to in Article 255-bis, a fine ranging from three hundred and fifty to four hundred and fifty units;

a-ter) for the offense referred to in Article 255-ter:

1) for violation of paragraph 1, a fine of between four hundred and five hundred and fifty units;

2) for violation of paragraph 2, a fine of between five hundred and six hundred and fifty units;

~~b) for the offenses referred to in Article 256:~~

~~1) for violation of paragraphs 1, letter a), and 6, first sentence, a fine of up to two hundred and fifty units;~~

~~2) for violation of paragraphs 1, letter b), 3, first sentence, and 5, a fine of between one hundred and fifty and two hundred and fifty units;~~

~~3) for violation of paragraph 3, second sentence, a fine of between two hundred and three hundred units;~~

b) for the offenses referred to in Article 256:

1) for violation of paragraph 1, first sentence, a fine of between three hundred and four hundred and fifty units;

2) for violation of paragraphs 1, second sentence, and 3, first sentence, a fine of between four hundred and six hundred units;

3) for violation of paragraph 3, second sentence, a fine of between 450 and 750 units;

3-bis) for violation of paragraphs 1-bis, first sentence, and 3-bis, first sentence, a fine of between 500 and 1,000 units;

3-ter) for violation of paragraphs 1-bis, second sentence, and 3-bis, second sentence, a fine of between six hundred and twelve hundred units;

3-quater) for violation of paragraphs 5 and 6, first sentence, a fine of between one hundred and fifty and two hundred and fifty units;

b-bis) for the offense referred to in Article 256-bis:

1) for violation of paragraph 1, first sentence, a fine of between two hundred and four hundred and fifty units;

2) for violation of paragraph 1, second sentence, a fine of between three hundred and six hundred units;

3) for violation of paragraph 3-bis, first sentence, a fine of between four hundred and eight hundred units;

4) for violation of paragraph 3-bis, second sentence, a fine of between five hundred and one thousand units;

c) for the offenses referred to in Article 257:

1) for violation of paragraph 1, a fine of up to two hundred and fifty units;

2) for violation of paragraph 2, a fine of between one hundred and fifty and two hundred and fifty units;

d) for violation of Article 258, paragraph 4, second sentence, a fine of between one hundred and fifty and two hundred and fifty units;

e) for violation of Article 259, paragraph 1, a fine of ~~one hundred and fifty to two hundred and fifty~~ **three hundred to four hundred fifty** quotes;

~~f) for the offense referred to in Article 260, a fine ranging from three hundred to five hundred units, in the case referred to in paragraph 1, and from four hundred to eight hundred units in the case referred to in paragraph 2;~~

g) for violation of Article 260 bis, a fine of between one hundred and fifty and two hundred and fifty units in the case provided for in paragraphs 6, 7, second and third sentences, and 8, first sentence, and a fine of between two hundred and three hundred units in the case provided for in paragraph 8, second sentence;

h) for violation of Article 279, paragraph 5, a fine of up to two hundred and fifty units.

**2-bis. When the circumstances referred to in Article 259-ter of Legislative Decree No. 152 of April 2, 2006, apply, the penalties provided for in paragraph 2, letters a-bis), a-ter), b), and e) shall be reduced by one-third to two-thirds.**

3. In relation to the commission of the offenses provided for by Law No. 150 of February 7, 1992, the following financial penalties shall apply to the entity:

a) for violation of Articles 1, paragraph 1, 2, paragraphs 1 and 2, and 6, paragraph 4, a financial penalty of up to two hundred and fifty units;

b) for violation of Article 1, paragraph 2, a financial penalty of between one hundred and fifty and two hundred and fifty units;

c) for the offenses under the Criminal Code referred to in Article 3-bis, paragraph 1, of the same Law No. 150 of 1992, respectively:

1) a fine of up to two hundred and fifty units, in the case of offenses for which the maximum penalty is one year's imprisonment;

2) a fine of between one hundred and fifty and two hundred and fifty units, in the case of offenses for which the maximum penalty is two years' imprisonment;

3) a fine of between two hundred and three hundred units, in the case of crimes punishable by a maximum sentence of up to three years' imprisonment;

4) a fine of between three hundred and five hundred units, in the case of crimes punishable by a maximum sentence of more than three years' imprisonment.

4. In relation to the commission of offenses provided for in Article 3, paragraph 6, of Law No. 549 of December 28, 1993, a fine of between one hundred and fifty and two hundred and fifty units shall be imposed on the entity.

5. In relation to the commission of the offenses provided for by Legislative Decree No. 202 of November 6, 2007, the following financial penalties shall apply to the entity:

a) for the offense referred to in Article 9, paragraph 1, a financial penalty of up to two hundred and fifty units;

b) for the offenses referred to in Articles 8, paragraph 1, and 9, paragraph 2, a financial penalty of between one hundred and fifty and two hundred and fifty units;

c) for the offense referred to in Article 8, paragraph 2, a financial penalty of between two hundred and three hundred units.

6. The penalties provided for in paragraph 2, letter b), shall be reduced by half in the case of commission of the offense referred to in Article 256, paragraph 4, of Legislative Decree No. 152 of April 3, 2006.

~~7. In cases of conviction for the crimes indicated in paragraph 2, letters a), no. 2), b), no. 3), and f), and in paragraph 5, letters b) and c), the disqualification sanctions provided for in Article 9, paragraph 2, of Legislative Decree No. 231 of June 8, 2001, shall apply for a period not exceeding six months.~~

In cases of conviction for the offenses indicated in paragraph 2, letter a), number 2), and paragraph 5, letters b) and c), the disqualification penalties provided for in Article 9, paragraph 2, shall apply for a period not exceeding six months. In cases of conviction for the offenses indicated in paragraph 2, letters b), b-bis), and e), the disqualification sanctions provided for in Article 9, paragraph 2, shall apply for a period not exceeding one year. If the entity or one of its organizational units is used on a permanent basis for the sole or predominant purpose of enabling or facilitating the commission of the offenses referred to in Articles 452-bis, 452-quater, 452-sexies, and 452-quaterdecies of the Criminal Code, Articles 256, 256-bis, and 259 of Legislative Decree No. 152 of April 3, 2006, and Article 8 of Legislative Decree No. 202 of November 6, 2007, the penalty of permanent disqualification from exercising the activity pursuant to Article 16, paragraph 3, shall apply.

8. If the entity or one of its organizational units is used on a permanent basis for the sole or primary purpose of enabling or facilitating the commission of the offenses referred to in Article 260 of Legislative Decree No. 152 of April 3, 2006, and Article 8 of Legislative Decree No. 202 of November 6, 2007, the penalty of permanent disqualification from exercising the activity pursuant to Article 16, paragraph 3, of Legislative Decree No. 231 of June 8, 2001, shall apply.

Undoubtedly, greater attention will be required in the preparation and updating of the 231 organisational models, particularly for companies operating in industrial sectors with a higher environmental impact. The approval of Decree-Law No. 116/2025 is a significant step towards a more rigorous system for preventing and repressing environmental crimes. In addition to ensuring greater legal certainty, it is hoped that this will result in concrete and positive changes to protect health and the environment.

## **I.2.g. Changes to the Highway Code**

Oltre ad esser stato vietato l'abbandono di rifiuti lungo le strade, vige la possibilità di accertare le violazioni anche mediante sistemi di videosorveglianza e di documentare il deposito illecito di rifiuti attraverso le telecamere stradali. In tal modo si agevola l'accertamento a distanza delle infrazioni ambientali.

### **Changes made**

#### **Art. 15 "Prohibited acts"**

1. On all roads and their appurtenances, it is prohibited to:
  - a) damage in any way the works, plantings, and installations belonging to them, alter their form, invade or occupy the platform and appurtenances, or in any way create dangerous conditions for traffic;
  - b) damage, move, remove, or deface road signs and any other related structures;
  - c) to prevent the free flow of water in side ditches and related collection and drainage works;
  - d) to prevent the free flow of water draining onto the land below;
  - e) to allow livestock to roam, with the exception of local livestock in compliance with the rules on the handling of animals;
  - f) ~~depositing waste or materials of any kind, littering or dirtying the street and its surroundings in any way~~ except in the cases referred to in Article 20, to soil or litter the street or its appurtenances with objects or materials of any kind other than waste;

f-bis) ~~littering the street or its surroundings by throwing waste or objects from parked or moving vehicles~~ except in the cases referred to in Articles 255, 255-bis, and 256 of Legislative Decree No. 152 of April 3, 2006, depositing or discarding non-hazardous waste referred to in Articles 232-bis and 232-ter of Legislative Decree No. 152 of April 3, 2006, from parked or moving vehicles.

g) bringing or spreading mud or debris, including by means of the wheels of vehicles coming from access roads and junctions;

h) dumping materials or objects of any kind in ditches and gutters without a regular permit, or channeling water of any kind into them;

i) throwing anything from moving vehicles.

2. Anyone who violates any of the prohibitions referred to in paragraph 1, letters a), b), and g), is subject to an administrative fine of between €42 and €173.

3. Anyone who violates any of the prohibitions referred to in paragraph 1, letters c), d), e), f), and h), shall be subject to an administrative fine of between €26 and €102.

3-bis. Anyone who violates the prohibition referred to in paragraph 1, letter f-bis), shall be punished with an administrative fine of between €216 and €866.

3-ter. Anyone who violates the prohibition referred to in paragraph 1, letter i), shall be subject to an administrative fine of between €52 and €204.

4. Violations referred to in paragraphs 2, 3, and 3-bis shall result in an additional administrative penalty requiring the perpetrator of the violation to restore the site at their own expense, in accordance with the provisions of Chapter I, Section II, Title VI.

#### Art. 201

#### *“Notification of violations”*

Article unchanged from paragraph 1 to paragraph 5 ter.

5-quater. The provisions of paragraph 5-ter shall also apply to the investigation of violations referred to in Article 15, paragraph 1, letter f-bis). For this purpose, images captured by video surveillance systems installed along roads outside or within populated areas may be used.



# Contacts



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