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EU-GLOBACT HANDBOOK

EUROCRIMES

A Q&A COMPENDIUM AND STRUCTURAL FRAMEWORKS ON OFFENCES UNDER ARTICLE 83 TFEU

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OVERVIEW

The Journal of International Criminal Law (JICL) is a scientific, online, peer-reviewed journal, first edited in 2020 by Prof. Dr. Heybatollah Najandimanesh, mainly focusing on international criminal law issues.

Since 2023 JICL has been co-managed by Prof. Dr. Anna Oriolo as General Editor and published semiannually in collaboration with the International and European Criminal Law Observatory (IECLO) staff.

JICL Boards are powered by academics, scholars and higher education experts from a variety of colleges, universities, and institutions from all over the world, active in the fields of criminal law and criminal justice at the international, regional, and national level.

The aims of the JICL, *inter alia*, are as follow:

- to promote international peace and justice through scientific research and publications;
- to foster study of international criminal law in a spirit of partnership and cooperation with the researchers from different countries;
- to encourage multi-perspectives of international criminal law; and
- to support young researchers to study and disseminate international criminal law.

Due to the serious interdependence among political sciences, philosophy, criminal law, criminology, ethics and human rights, the scopes of JICL are focused on international criminal law but not limited to it. In particular, the Journal welcomes high-quality submissions of manuscripts, essays, editorial comments, current developments, and book reviews by scholars and practitioners from around the world addressing both traditional and emerging themes, topics such as

- the substantive and procedural aspects of international criminal law;
- the jurisprudence of international criminal courts/tribunals;
- mutual effects of public international law, international relations, and international criminal law;
- relevant case-law from national criminal jurisdictions;
- criminal law and international human rights;
- European Union or EU criminal law (which includes financial violations and transnational crimes);
- domestic policy that affects international criminal law and international criminal justice;
- new technologies and international criminal justice;
- different country-specific approaches toward international criminal law and international criminal justice;
- historical accounts that address the international, regional, and national levels; and
- holistic research that makes use of political science, sociology, criminology, philosophy of law, ethics, and other disciplines that can inform the knowledge basis for scholarly dialogue.



The dynamic evolution of international criminal law, as an area that intersects various branches and levels of law and other disciplines, requires careful examination and interpretation. The need to scrutinize the origins, nature, and purpose of international criminal law is also evident in the light of its interdisciplinary characteristics. International criminal law norms and practices are shaped by various factors that further challenge any claims about the law's distinctiveness. The crime vocabulary too may reflect interdisciplinary synergies that draw on domains that often have been separated from law, according to legal doctrine. Talk about “ecocide” is just one example of such a trend that necessitates a rigorous analysis of law *per se* as well as open-minded assessment informed by other sources, e.g., political science, philosophy, and ethics. Yet other emerging developments concern international criminal justice, especially through innovative contributions to enforcement strategies and restorative justice.

The tensions that arise from a description of preferences and priorities made it appropriate to create, improve and disseminate the JICL as a platform for research and dialogue across different cultures, in particular, as a consequence of the United Nations push for universal imperatives, e.g., the fight against impunity for crimes of global concern (core international crimes, transboundary crimes, and transnational organized crimes).

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Illicit Drug Trafficking

by *Emanuela Coppola and Fernanda Masullo**

SUMMARY: I. What is the Geopolitical and Dogmatic Framework of Global Drug Trafficking? – II. How is the Scheduling System Organized Under the United Nations Conventions? – III. What Treaty Instruments has the International Community Established against Precursor Diversion? – IV. What Monitoring standards has the Council of Europe adopted through the Pompidou Group? – V. How does the European Union Exercise its Shared Criminal Competence Regarding Narcotics? – VI. How is the Eurounitarian Harmonization of Drug Offenses and Sanctions Structured? – VII. How have International and European Drug Trafficking Sources been Transposed into Domestic Law? – VIII. What are the Main Judicial Criteria for Distinguishing Minor Dealing from Structured Trafficking? – IX. What is the Logistical Impact of New Information Technologies and Crypto-Markets on Trafficking? – X. What is the Logistical Impact of New Information Technologies and Crypto-Markets on Trafficking?

KEY FINDINGS: Configuration of drug trafficking as a Eurocrime; Integration and timely contrast of New Psychoactive Substances (NPS); Reliance on special investigative techniques and JITs; Transition towards Hyper-Digitalization and the Common Operational Space; Structural severity of the Italian legal system.

I. What is the Geopolitical and Dogmatic Framework of Global Drug Trafficking?

Illicit trafficking in narcotic drugs and psychotropic substances represents, from a geopolitical, historical, and criminological perspective, the most lucrative, flexible, and extensive illegal market on the planet. It constitutes the genetic core around which the modern structures of transnational organized crime have evolved. It is not a circumscribed criminal violation that can be tackled through isolated domestic policies, but rather an asymmetric, subversive phenomenon that requires a coordinated approach starting from the global level. Modern drug cartels operate as true economic multinationals equipped with massive financial resources, logistical networks that cross continents, and capillary distribution channels.

Drug trafficking constitutes a threat of global interest to international stability and security, acting through three highly destructive vectors that we must remember:

- **Terrorist Financing and Narco-terrorism:** There is an established structural and financial link between the proceeds of drug trafficking and the funding of terrorist cells or subversive paramilitary groups, which utilize control over plantations and transit routes to self-finance and purchase weaponry.

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- **Corruption and Infiltration of State Apparatuses:** The immense flows of illicit capital generated by large-scale trafficking are used to corrupt public officials, influence democratic processes in developing countries, and pollute legal economic markets in advanced nations through sophisticated and pervasive money laundering operations.
- **Violation of Public Health and Safety:** The proliferation of traditional narcotics and the emergence of high-lethality synthetic drugs erode the social fabric, overburden national healthcare systems, and violate the core rights to life and security of the person protected by the European Convention on Human Rights (ECHR)

FOCUS

The Hyper-Digitalization of Global Drug Trafficking

In the current geopolitical scenario, global drug trafficking networks have undergone a radical technological mutation resulting from the digital transition. International cartels no longer depend exclusively on traditional physical drug dealing squares or street-level smuggling but have implemented a cybernetic and asymmetric operational model for global distribution. Among the profiles of greatest social alarm monitored by the UN are:

- The exploitation of clandestine marketplaces located within the Darknet (the so-called Crypto-Markets), where the wholesale and retail purchase and sale of narcotics occur in total anonymity.
- The systematic use of decentralized cryptocurrencies characterized by high levels of anonymity (privacy coins like Monero) and financial mixing services (crypto-mixers) to conceal the origin of illicit financial flows, evading the monitoring of Financial Intelligence Units.
- The reliance on end-to-end encrypted messaging systems equipped with self-destruct timers to coordinate the logistics of containers and maritime landings without leaving forensic traces usable by investigators.
- The employment of ordinary postal shipping channels and international express couriers split into thousands of illicit micro-loads, a technique termed micro-trafficking designed to make mass customs checks statistically impossible.

II. How is the Scheduling System Organized under the United Nations Conventions?

The housing of the global legal response is built on overcoming the fragmentation of laws among individual States by creating a universal and uniform control system coordinated by the United Nations. Dogmatically, the definition of the drug trafficking offense at the global level is not enclosed within a single legislative text but is structured across three fundamental UN Conventions that form the backbone of international criminal law on the matter:

- The Single Convention on Narcotic Drugs (New York, 1961): As amended by the 1972 Protocol, it unified previous fragmented treaties, establishing a global system for controlling and limiting plant-based substances of natural origin (opium, cannabis, coca), strictly prohibiting their production and trade for purposes other than those strictly medical and scientific.
- The Convention on Psychotropic Substances (Vienna, 1971): Designed to respond to the social alarm generated by the mass proliferation of laboratory-made chemical substances (hallucinogens, amphetamines, barbiturates, tranquilizers),

placing them within specific international control schedules differentiated by intrinsic danger and potential therapeutic value.

- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 1988): Represents the true global enforcement and judicial pillar, focused on the international criminalization of the illicit commercial supply chain, introducing for the first time the mandatory obligation to combat money laundering and incentivizing special investigative techniques.

REFERENCES

United Nations Vienna Convention against Illicit Traffic, 1988, Art. 3

“Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law production, manufacture, extraction, preparation, offering, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation or exportation of any narcotic drug or psychotropic substance contrary to the provisions of the 1961 Convention or the 1971 Convention, as well as the organization, management or financing of these illicit operations, when committed intentionally.”

United Nations Vienna Convention against Illicit Traffic, 1988, Art. 12

“This provision establishes a strict and innovative international surveillance regime over the legitimate trade of base chemical substances (precursors or essential chemicals) frequently diverted by traffickers for drug synthesis. It imposes an obligation on States to monitor the manufacture, as well as the domestic and foreign distribution of these substances, to establish a licensing system for customs import and export, and to promptly notify the INCB of any commercial transaction or shipment that presents profiles of anomaly or suspicion.”

To facilitate memorization, the constituent elements of the global enforcement action set by the UN that we must remember are:

- **The Principle of Strict Statutory Scheduling:** No substance or molecule can be criminally prosecuted or seized on an international scale unless it is formally included and classified within the four attached Schedules to the UN treaties, which are constantly updated by supranational scientific bodies.
- **The Distinction between Trafficking and Personal Consumption:** While the Conventions mandate severe, liberty-depriving criminal repression for the commercial activities of drug trafficking, Art. 3 of the 1988 Convention leaves Member States a margin of discretion in punishing mere possession or purchase for personal consumption, allowing – in accordance with domestic constitutional principles – alternative measures to imprisonment, such as treatment, education, and social rehabilitation.
- **The Role of New Technologies and the Challenge of Molecular Automation (Integration):** The UN’s principle of strict statutory scheduling currently faces a structural crisis caused by new chemical-information technologies. Criminal cartels utilize predictive Artificial Intelligence software and automated synthesis to modify the molecular structure of existing substances, creating New Psychoactive Substances (NPS) in laboratories before UN bodies can map their illegality. This phenomenon of chemical hacking temporarily eludes the traditional incrimination parameters of the 1961 and 1971 Conventions. Conversely, the World Health Organization (WHO) and the INCB utilize advanced algorithms and Big Data Analysis systems to intercept emerging

molecules early on the web and fast-track urgent inclusion procedures into international schedules.

- **Italian Domestic Law Profiles and the National Scheduling System (Integration):** The internal criminal legal system transposes and declines this multi-level international framework through Presidential Decree No. 309 of October 9, 1990 (Consolidated Law on Narcotic Drugs). The Italian legislator respects the principle of legality by structuring the incrimination system of Art. 73 and Art. 74 of P.D. 309/90 on the basis of five attached domestic ministerial schedules, constantly updated by the Ministry of Health. This mechanism ensures compliance with the principles of specificity and determinacy, sharply distinguishing conducts based on the type of drug (hard or soft) and whether the purpose of criminal behavior is commercial trafficking or personal consumption.

FOCUS

The Multi-Level Regulatory Structure of the Drug Trafficking Offense

- **International level (UN):** Vienna Conventions (1961, 1971, 1988). Focus centered on global substance schedules and universal criminal obligations to incriminate the commercial supply chain. Operational tools include extradition mandates and assisted confiscation of illicit capital.
- **Regional level (Council of Europe):** Pompidou Group (established in 1971). Focus directed toward monitoring new flows and public health prevention. Provides multidisciplinary control platforms and guarantees compliance with the human rights parameters of the ECHR.
- **European Union level (EU):** Council Framework Decision 2004/757/JHA and the new EUDA Agency. Focus on the harmonization of minimum criminal sanctions within the single market to prevent forum shopping. Application tools activate the European Arrest Warrant and the EMPACT operational network.
- **National level (Italy):** Italian Criminal Legal System (P.D. 309/1990). Focus anchored on the domestic scheduling system (Art. 73 and Art. 74). Provides prosecutors with the tools for a clear distinction between personal use and structured dealing.

III. What Treaty Instruments has the International Community Established Against Precursor Diversion?

The functioning and stability of the global sanctioning system rest upon a complex and permanent institutional architecture established within the United Nations, whose primary task is to monitor the exact execution of obligations contracted by the signatory States. We must understand that global enforcement does not focus solely on the final drug product but requires rigorous oversight over the legitimate commercial chemical industry. The executive and monitoring apparatus of the UN is structured around two central control bodies:

- **The United Nations Office on Drugs and Crime (UNODC):** Headquartered in Vienna, it constitutes the strategic and operational coordination body that analyzes global trends in illicit markets, publishing the World Drug Report annually. The UNODC provides technical and financial assistance to Member States in aligning their domestic criminal legislation, implementing customs intelligence techniques, and dismantling global supply routes.
- **The International Narcotics Control Board (INCB):** An independent and quasi-judicial body of experts established by the 1961 Convention. The INCB holds the

critical competence of estimating the legitimate global requirement (medical and pharmaceutical) of opiates and psychotropic substances, exercising stringent surveillance to prevent the phenomenon of precursor chemical diversion from legal industries to clandestine laboratories controlled by mafia cartels.

FOCUS

Global Initiatives against the Synthetic Opioid Crisis

The most recent reports and global alerts issued by the UNODC highlight that the most lethal threat to international security is currently represented by the exponential explosion of the illicit market for synthetic narcotics, with specific reference to Fentanyl and its chemical analogues (synthetic opioids up to one hundred times more potent than morphine). Since these are entirely chemical molecules, cartels do not need control over agricultural lands (plantations) but establish mobile urban laboratories by illegally importing dual-use precursor chemicals from third countries. To curb this phenomenon, the international community has promoted the Global Coalition to Address Synthetic Drug Threats, aimed at fostering an instantaneous exchange of toxicological data and developing common forensic protocols to intercept emerging chemical precursors before they are formally scheduled.

IV. What Monitoring Standards has the Council of Europe Adopted through the Pompidou Group?

In transitioning from the universal to the European regional level, the Council of Europe addresses the threat of drug trafficking through an approach that bridges the rigor of criminal sanctions with the protection of public health, harm reduction, and the safeguarding of human rights. The cornerstone institutional tool of the Council is the international cooperation group on drugs and addictions, historically known as the **Pompidou Group**, established in 1971 and formally integrated into the framework of the Council of Europe in 1980. The three operational pillars of the Pompidou Group are:

1. **Judicial and Operational Cooperation:** Strengthening the immediate exchange of operational data and information between magistrates and law enforcement investigators to intercept trafficking vectors across cross-border road, airport, and maritime networks.
2. **Public Health Standards:** Developing uniform scientific guidelines and models for prevention, therapeutic treatment of addictions, and the implementation of rehabilitation programs within European prison systems.
3. **Guarantee of Human Rights:** Constant vigilance to ensure that the application of emergency anti-mafia and anti-drug regulations does not disproportionately compress the fundamental rights of defense (Art. 6 ECHR) or the principle of legality and proportionality of sentences (Art. 7 ECHR).

Within the framework of this multi-level strategy, the Council of Europe adopted the pivotal “Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime” (Strasbourg, 1990). This treaty applies with absolute priority to the capital accumulated by drug trafficking cartels, providing Member States with an advanced technical tool for cross-border asset aggression, bypassing the need to stipulate complex bilateral agreements and directly striking the economic core of illicit drug trafficking.

V. How does the European Union Exercise its Shared Criminal Competence Regarding Narcotics?

The European Union considers the international trafficking of narcotics a direct threat to the stability of the single market and the security of the common area. Consequently, the Treaty of Lisbon formally included illicit drug trafficking within the exhaustive list of Eurocrimes, granting European institutions the legitimacy to intervene through the instrument of minimum rules to approximate national criminal codes and counter the phenomenon on common grounds.

The core legal basis that we must remember is Art. 83, Para. 1 of the Treaty on the Functioning of the European Union (TFEU), which vests the Parliament and the Council with the competence to establish directives aimed at harmonizing the definitions of offenses and the scale of applicable sanctions in spheres of particularly serious crime characterized by a clear and intrinsic transnational dimension.

REFERENCES

Treaty on the Functioning of the European Union, Art. 83 para. 1

“The European Parliament and the Council, acting by means of directives in accordance with the ordinary legislative procedure, may establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis. These areas of crime are the following: terrorism, trafficking in human beings (...), illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.”

The institutional and security architecture of the European Union has taken a fundamental step forward with the entry into force of the operational mandate of the new European Union Drugs Agency (EUDA), established by Regulation (EU) 2023/1322 to replace the old and limited European Monitoring Center (EMCDDA).

The establishment of the EUDA responds to the Union’s strategic need to equip itself with a proactive security and early warning body, moving past the old model based on mere passive statistical collection. The new agency exercises incisive powers structured along three core pillars:

- Early Warning System (EWS): Continuous monitoring of digital networks and immediate chemical identification of New Psychoactive Substances (NPS) to arrange for their simultaneous criminal ban across the entire Union.
- Security Threat Assessment: Developing forensic analysis, predictive models, and technical investigations into the logistics of large international cartels and their infiltration into major European logistical and port hubs (such as the ports of Antwerp and Rotterdam).
- National Capacity Building: Direct technical, scientific, and financial assistance to the toxicological and forensic laboratories of Member States’ law enforcement agencies, standardizing their capabilities to detect synthetic drugs and emerging chemical precursors.

VI. How is the Eurounitarian Harmonization of Drug Offenses and Sanctions Structured?

The regulatory pillar of criminal harmonization regarding narcotics within the Area of Freedom, Security and Justice is constituted by Council Framework Decision 2004/757/JHA, subsequently amended and strengthened by Directive (EU) 2017/2103. This instrument defines the minimum behaviors linked to drug trafficking that all Member States are obliged to punish with effective, proportionate, and dissuasive sanctions, preventing traffickers from exploiting loopholes or disparities in legal treatment among different countries of the Union to practice so-called forum shopping.

The EU discipline expressly excludes from the scope of mandatory harmonization those conducts connected to mere personal drug consumption, the regulation and criminal or administrative classification of which remains entrusted to the full sovereignty and autonomy of individual Member States.

REFERENCES

Council Framework Decision 757/JHA, 2004, Art. 2, Art. 3 and Art. 4

The regulation establishes that each Member State adopts the necessary measures to ensure that intentional offenses of cultivation, production, manufacture, offering, sale, distribution, transport, import, and export of drugs and precursors are punishable. Art. 4 imposes a mandatory obligation to provide for maximum statutory penalties of no less than a duration between 5 and 10 years of imprisonment if the act is of significant gravity, involves large quantities of highly toxic substances, or is committed within the framework of a criminal organization pursuant to Framework Decision 2008/841/JHA

The reform introduced by Directive (EU) 2017/2103 accelerated the enforcement against synthetic molecules placed on the market by clandestine chemical laboratories to circumvent the law:

- **Interception:** The new synthetic substance is intercepted on the market or on the web and immediately reported to the EUDA's Early Warning System.
- **Scientific Evaluation:** The EUDA agency compiles an urgent scientific report in a very short timeframe, analyzing its toxicity index and the potential rate of abuse for public health.
- **Automatic European Inclusion:** The European Commission, through delegated acts, directly inserts the molecule into the definition of "drug" annexed to Framework Decision 2004/757/JHA. This mechanism concept obliges all Member States to punish its manufacture and dealing within the same minimum statutory terms, neutralizing the lengthy delays of domestic parliamentary debates and decrees.

CASE STUDY**Court of Justice of the European Union, B.S. and C.A., 2020**

An essential jurisprudential point of reference is the famous judgment of the Court of Justice of the European Union regarding the free movement of goods and the definition of a narcotic drug. The CJEU was called upon to determine whether cannabidiol (CBD) extracted entirely from the cannabis sativa plant could be classified as a “drug” within the meaning of Framework Decision 2004/757/JHA and the UN Conventions. The Court ruled that, based on available scientific knowledge, CBD does not present psychotropic or harmful effects on human health, unlike THC. Consequently, the Court held that it does not fall within the criminal definition of a drug, declaring unlawful the national commercial bans applied in the absence of a real and proven health risk, thereby confirming the primacy of EU law and scientific evidence over the restrictive interpretations of individual national legislators.

VII. How have International and European Drug Trafficking Sources been Transposed into Domestic Law?

The Italian legal system possesses one of the most stringent and detailed criminal and preventive legislations on narcotics, heavily influenced by historical national experience in countering mafia-type criminal syndicates. The core regulatory source governing the entire matter is **Presidential Decree No. 309 of October 9, 1990** (Consolidated Law on Narcotic Drugs), amended multiple times to adapt it to the obligations arising from the 1988 Vienna Convention and European directives.

The repressive architecture of the Consolidated Law rests on the binary combination of two fundamental articles:

- **Art. 73 of P.D. 309/1990 (Illicit production, trafficking, and possession):** Punishes the conducts of cultivation, production, manufacture, extraction, possession, offering, putting on sale, and illicit trade of substances listed in the ministerial schedules. The penalty varies significantly depending on the nature of the substance: for “hard drugs” (*droghe pesanti* - schedules I and III, e.g., cocaine, heroin), the penalty is imprisonment from 6 to 20 years and a fine; for “soft drugs” (*droghe leggere* - schedules II and IV, e.g., cannabis), imprisonment ranges from 2 to 6 years. Para. 5 regulates the autonomous mitigated circumstance for offenses deemed of minor entity (*lieve entità*).
- **Art. 74 of P.D. 309/1990 (Association aimed at illicit trafficking):** Configures an autonomous and extremely serious special associative crime (an offense involving collective conduct). It punishes with imprisonment of no less than twenty years anyone who promotes, establishes, directs, organizes, or finances a syndicate composed of three or more persons aimed at committing the offenses referred to in Art. 73, elevating the penalty for participants and providing for severe aggravating circumstances if the association is armed.

REFERENCES**Italian P.D. 309, 1990, Art. 8**

The penalty for the offenses referred to in Art. 73 is increased by one-third to one-half when the substances are delivered or destined to minors, when the act is committed by three or more persons in conspiracy, or when the substances are adulterated or mixed in such a way as to increase their toxicity or danger. If the act assumes a transnational character, the common special-effect aggravating circumstance pursuant to Art. 61-*bis* of the Criminal Code also applies (introduced into the system through the transposition of Law 146/2006).

VIII. What are the Main Judicial Criteria for Distinguishing Minor Dealing from Structured Trafficking?

In the Italian criminal system, the boundaries between the administrative relevance of personal consumption (Art. 75 of P.D. 309/1990) and the criminalization of ordinary street dealing or large-scale cargo trafficking have been the subject of constant and evolving jurisprudential refinement, aimed at ensuring compliance with the constitutional principles of offensiveness, proportionality of sanctions, and criminal strictness (*tassatività penale*).

CASE STUDY**Italian Cassation Court, Joint Sections, Judgment No. 35222, 2023**

The Joint Sections of the Supreme Court of Cassation intervened to resolve a crucial interpretative conflict regarding the relationship and coexistence between common criminal conspiracy (Art. 416 of the Criminal Code), mafia-type association (Art. 416-*bis* of the Criminal Code), and association aimed at narcotics trafficking (Art. 74 of P.D. 309/1990). The judges of legitimacy ruled that the formal concurrence between the crime of mafia association and that of drug trafficking is fully configurable whenever the mafia clan uses its intimidation power and hegemonic control over territory to monopolize or protect the management of drug dealing squares (*piazze di spaccio*), while simultaneously operating as an autonomous structure aimed at international drug trafficking.

Parallel to this, the jurisprudence of legitimacy has consolidated extremely rigid criteria for the application of the minor entity clause under Art. 73, Para. 5, establishing that the mildness of the act can only be recognized if the conduct, assessed comprehensively based on the means used, the modalities of action, the occasional disposition of the offender, and the quality/quantity of the seized substances, displays reduced offensiveness, strictly excluding the benefit in the presence of stable supply channels or links to networks of transnational significance.

IX. What is the Logistical Impact of New Information Technologies and Crypto-Markets on Trafficking?

Modern drug trafficking has undergone a profound process of hyper-digitalization, partially decoupling itself from traditional physical distribution networks. Criminal cartels utilize cyberspace to manage logistics, sales, and the subsequent laundering of dirty money, posing complex challenges to the digital forensics units of law enforcement agencies. Conversely, judicial police officers operate under exceptional procedural

derogations pursuant to **Art. 9 of Law 146/2006** and with the strategic support of agencies within the Area of Freedom, Security and Justice. The special anti-drug investigative techniques based on Law 146/2006 are:

- **Undercover Operations:** Judicial police officers from the Central Directorate for Anti-Drug Services (DCSA) can infiltrate logistical or digital networks, simulating the purchase of drug shipments or providing fictitious logistical services to the gangs. This conduct is protected by a special cause of exclusion of punishability in order to gather stable evidence from within the criminal structure.
- **Controlled Deliveries:** This allows magistrates to order the deferral or delaying of the seizure (delayed seizure) of narcotics intercepted at frontiers, ports, or airports. The cargo is monitored during its road or maritime transit to identify the real recipients, directors, and top-tier promoters of the drug trafficking network.

FOCUS

The Dismantling of Crypto-Markets

Retail and wholesale distribution has relocated within illegal marketplaces hosted on the Dark Web (crypto-markets accessible via TOR networks). Traffickers utilize modified smartphones with encrypted communication operating systems (such as Sky ECC or EncroChat) and payments in fortified cryptocurrencies (Monero), shielded by mixing services. European agencies (Europol and Eurojust) have reacted with coordinated global operations (e.g., Operation Desert Light), decrypting secure servers and establishing Joint Investigation Teams (JITs) to simultaneously arrest cartel leadership stationed in offshore hubs like Dubai and execute preventive asset seizures in real time.

X. How do Specialized European Agencies Coordinate Asset Aggression against International Cartels?

The fight against international narcotics trafficking cannot be separated from a systematic strategy of asset aggression. Depriving cartels of their immense capital flows constitutes the only effective tool to neutralize the operational capacity of criminal networks and prevent the reinvestment of illicit proceeds into the legal economy.

Within the European Union, this strategic coordination is driven by the *follow the money* principle and leverages the interoperability of specialized agencies within the Area of Freedom, Security and Justice:

- **Europol:** Through the **European Financial and Economic Crime Centre (EFECC)**, it supports Member States in tracking illicit financial flows. Europol cross-references data derived from decrypted communication platforms (such as EncroChat and Sky ECC) with suspicious transaction reports, identifying cryptocurrency transactions and international money laundering channels.
- **Eurojust:** It plays a crucial role in the judicial phase, coordinating the simultaneous execution of cross-border asset seizure and freezing orders. Through the network of **Asset Recovery Offices (AROs)** and close cooperation with the European Public Prosecutor's Office (EPPO), Eurojust ensures the application of the principle of mutual recognition to asset-blocking measures, preventing traffickers from shifting capital to more lenient offshore jurisdictions.

FOCUS**The Dismantling of the “Super Cartel” (Operation Desert Light)**

A capstone example of coordinated operational practice between agencies is the international operation “Desert Light,” led by Europol and Eurojust. The investigation targeted a “super cartel” that controlled over one-third of the total cocaine trafficking into the European Union, operating simultaneously from logistical hubs located in Dubai, the Netherlands, Belgium, Spain, and France. Thanks to the decryption of the messaging platforms utilized by the criminals, investigators were able to cross-reference criminal intelligence flows. Coordinated by Eurojust, magistrates from different nations simultaneously issued European Arrest Warrants and European Investigation Orders, leading to coordinated arrests in Europe and the United Arab Emirates, alongside the preventive seizure of assets and movable property worth hundreds of millions of euros, demonstrating the effectiveness of the intelligence-led policing model.

The European Enforcement Architecture against Drug Trafficking (ports and sanitary border) is made up of:

- **Information Hub (Europol - ECTC):** Centralization of cryptographic data decoded from seized chats and tracking of international money laundering flows managed within tax havens.
- **Judicial Hub (Eurojust):** Immediate resolution of positive or negative conflicts of jurisdiction and establishment of Joint Investigation Teams (JITs) to allow the cross-border use of evidence without traditional letters rogatory.
- **Operational Hub (EMPACT 2026-2029):** Field execution of coordinated Action Days, arranging mass customs checks and technological investigations within the main maritime port hubs of the European Union.

XI. Key Findings

The scientific and regulatory analysis carried out within this paper leads to the delineation of five fundamental findings that we must assimilate for the purpose of understanding the subject matter.

Configuration of drug trafficking as a Eurocrime: Pursuant to Art. 83, Para. 1 of the TFEU, illicit drug trafficking is codified as a sphere of particularly serious crime characterized by a marked cross-border dimension, legitimizing the European Union to establish common minimum definitions and sanctions within the unified legal space to prevent the phenomenon of forum shopping.

- **Integration and timely contrast of New Psychoactive Substances (NPS):** The evolution of the European regulatory framework (the reform under Directive (EU) 2017/2103 which amended Council Framework Decision 2004/757/JHA) extended the notion of a narcotic drug to next-generation synthetic molecules (such as fentanyl and its chemical analogues), ensuring uniform criminal prosecution as soon as they are intercepted by the Early Warning System of the new European Union Drugs Agency (EUDA).
- **Structural severity of the Italian legal system:** The Italian domestic penal system stands out for a double-track sanzionatory framework contained in Presidential Decree 309/1990, centered on the sharp distinction between the offense of ordinary trafficking (Art. 73) and the autonomous offense of association aimed at drug trafficking (Art. 74, punished with a minimum penalty

of no less than twenty years), coordinated with the transnational aggravating circumstance pursuant to Art. 61-*bis* of the Criminal Code (introduced by Law 146/2006).

- **Reliance on special investigative techniques and JITs:** The fight against international cartels demands the proactive and coordinated deployment of undercover operations and controlled deliveries pursuant to Art. 9 of Law 146/2006. The admissibility and stability of evidence gathered across borders depend on the establishment of Joint Investigation Teams (JITs) managed by Eurojust, which eliminate the cumbersome procedures of traditional letters rogatory.
- **Transition towards Hyper-Digitalization and the Common Operational Space:** Modern illicit markets develop within the Dark Web and utilize cryptocurrency payments, requiring advanced digital forensics capabilities. The European Union's institutional response focuses on the model of intelligence-led policing coordinated by specialized agencies (Europol, Eurojust), striking central high-risk networks and arranging the immediate freezing of criminal assets accumulated within offshore financial channels (Operation Desert Light).