

Environmental Criminal Law towards Circular Economy

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The circular economy is an innovative system of garbage management, based on the concept that most of the production of goods should be intended already at its origin to avoid disposal. On the other side, it underlines the necessity of intending garbage as a resource for secondary industrial cycle. The idea should be to reallocate a huge number of objects and materials that would otherwise be disposed of, saving at the same time on the usage of new raw materials. Within this frame, how can (Environmental) Criminal law contribute to the correct development and implementation of a circular economy system? Most of the current criminal legislation seems to be intended for the protection of a correct linear management based on the respect of administrative sets of rules, soc. protection of administrative functions, in particular those regulating disposal. The offences are mainly intended conformed as crimes of danger, often of abstract danger, as the harm to the legal good environment is still quite hypothetical and far to come. This kind of protection has the defect of opposing the needs of the environmental protection to those of the production and economic development. In the hope that circular economy will overcome this kind of opposition, it is important to understand better what the object of protection of environmental criminal law should be, and how the circular economy itself can be protected in a reformed system.

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