

**EU ENVIRONMENTAL CRIMES AND MARINE POLLUTION
FRAMEWORK: BEYOND THEORETICAL APPROACH ERIKA AND
PRESTIGE CASE LAW¹**

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ABSTRACT:*The present research offers an overview of the main instruments and measures foreseen by the European legislation on environmental crime and marine pollution aiming to make greater efforts to combat against environmental crime and marine pollution in the European zone.*

Criminal law and procedural criminal law, are generally deemed basic segments of State sovereignty, thus, there are some main difficulties in transposing EU and international law. In this context, the need of harmonization between international, EU and domestic criminal and procedural provisions, especially in the case of trans-boundary criminal offences like marine pollution, will be underlined. This aspect is evident if we assume that the general environmental standards on marine pollution are enacted, respectively, by international organizations like the United Nations, the International Maritime Organization (IMO), the European Union and by single States. Consequently, a coherency among these sources of law has to be found when a decision on a single case has to be taken.

The research concludes with a reference to the sinking of the oil-tankers Erika and Prestige. These accidents (I) highlight the complexities and the difficulties that emerged in the investigation phase and in the judgments adopted, (II) and stress that a lack of harmonization and the failure to develop a definition of pollution crime and penalties are still persistent.

Thus, the present paper provides a useful guide on key issues pertaining marine pollution by conducting a brief analysis of the main relevant theoretical and practical instruments.

KEYWORDS: *Environmental crime, Marine pollution, Legal rules harmonization, Erika, Prestige*

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