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CORRUPTION, ENVIRONMENTAL SUSTAINABILITY AND ENERGY POLICIES IN THE EUROPEAN UNION

by Emanuele Vannata*

SUMMARY: 1. Introduction: the EU Anti-Corruption Regime in the Making. – 2. Corruption, Environment and Energy: Legal Foundations in EU Treaties. – 3. The Cyclical Relationship Between Corruption and Climate Disasters. – 4. Energy Governance and Corruption. – 5. Judicial and Criminal Cooperation. – 6. Conclusions and Future Prospects.

1. Introduction: The EU Anti-Corruption Regime in the Making

The phenomenon of corruption, in its polymorphous manifestations, has taken on a supra-national dimension for well over a decade such as to justify the elaboration of a whole series of legal instruments with the aim of counteracting – in a more effective and coordinated way – the phenomena of corruption, both in their internal and international repercussions¹.

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¹ For a general framework on corruption, see N. PARISI, D.G. RINOLDI, *Pluralità di strumenti pattizi internazionali di lotta alla corruzione e adattamento dell'ordinamento italiano*, in G. SACERDOTI (a cura di), *Responsabilità d'impresa e strumenti internazionali anticorruzione*, Milano, 2003, pp. 254-273; L. BORLINI, P. MAGRINI, *La lotta alla corruzione internazionale. Dall'ambito OCSE alla dimensione ONU*, in *Diritto del commercio internazionale*, Vol. 21, Issue 1, 2007, pp. 15-127; V. MONGILLO, *La corruzione fra sfera interna e dimensione internazionale*, Napoli, 2012; L. BORLINI, *Corruzione. Impatto sistemico e normativa internazionale*, in C. D'ARGENTINE BERIA (ed.), *Riciclaggio e corruzione: prevenzione e controllo tra fonti interne e internazionali*, Milano, 2013; M. ARNONE, L. BORLINI (eds.), *Corruption. Economic Analysis and International Law*, Cheltenham-Northampton, 2014; A. SARAVALLE, *Corruzione internazionale e “ne bis in idem”*, in F. BONELLI, M. MANTOVANI (a cura di), *Corruzione nazionale e internazionale*, Milano, 2014; E. ZANIBONI, *Ordine internazionale e lotta alla corruzione*, in *Diritto pubblico, comparato ed europeo*, n. 4, 2014; N. PARISI, *Il contrasto alla corruzione e la lezione derivata dal diritto internazionale: non solo repressione, ma soprattutto prevenzione*, in *Diritto comunitario e degli scambi internazionali*, n. 2-3, 2016, pp. 185-210; N. PARISI, G.L. POTESTÀ, D.G. RINOLDI (a cura di), *Prevenire la corruzione. Questioni e modelli emergenti tra diritto, etica ed economia*, Napoli, 2018; L. BORLINI, ‘Not such a retrospective’: riflessioni sull'origine, sviluppo e conseguimenti della cooperazione internazionale anti-corruzione, in *Diritto pubblico, comparato ed europeo*, Vol. 38, n. 1, 2019; N. PARISI, *La prevenzione della corruzione nel modello internazionale ed europeo*, in *Federalismi.it*, n. 9, 2019; G. TARTAGLIA POLCINI, *Il contrasto alla corruzione nell'attività dei fori multilaterali: La Presidenza italiana del G20*, in A. ORIOLO, T. RUSSO (a cura di), *La lotta contro la corruzione nella legalità reticolare: il sistema penale multilivello*, Milano, 2021, pp. 159-173; L. BORLINI, A. PETERS, *Three Decades of International Cooperation Against Corruption - Looking Ahead*, in *International Journal of Constitutional Law*, Vol. 22, 2024, pp. 469-486; A. PETERS, *Human Rights and Corruption: Problems and Potential of Individualizing a Systemic Problem*, in *International Journal of Constitutional Law*, Vol. 22, 2024, pp. 538-561.

From a more markedly Italian point of view, see N. PARISI, D.G. RINOLDI, *L'applicazione in Italia di strumenti giuridici internazionali contro la corruzione*, G. FORTI (a cura di), *Il prezzo della tangente. La corruzione come sistema a dieci anni da “mani pulite”*, Milano, 2003, pp. 191-231; M. NINO, *L'applicazione delle convenzioni internazionali in materia di contrasto alla corruzione internazionale nell'ordinamento italiano*, in *La Comunità internazionale*, Vol. LXVIII, n. 3, 2013, pp. 489-515; N. PARISI,

It is well known that corruption constitutes a serious threat to the rule of law, democracy and human rights, as well as to good administration, fairness and social equality, without considering the significant impact on economic development, competition and growth. The economic and social cost of corruption, paid dearly by civil society, also in terms of the stability of democratic organizations and trust in public institutions, is the result of an economic crime that increasingly transcends state geometries, which the main supranational and international institutions have tried to remedy, starting from the nineties of the last century, through soft law and hard law instruments.

The European legal area offers a varied instrumental apparatus, mainly aimed at the fight against corruption and which, clearly, finds a particularly happy shore in the European Union (EU)², given the now well-known peculiar characteristics of this Organization, which make it “*the most ‘successful’ regionalization phenomenon of the global system*”³. One of the main tools to contribute to anti-corruption efforts in EU law is to ensure a high common level of legislation, in particular on corruption, or to incorporate anti-corruption provisions into other sector-specific legislation. The EU efforts include new legislation proposals, working to prevent corruption within the limits set by the Treaties. In fact, according to art. 67 of the Treaty on the Functioning of the European Union (TFEU), EU should ensure a high level of security, including through the prevention of and fight against crime and the approximation of criminal laws. Furthermore, art. 83 TFEU designates corruption as an “eurocrime” – a particularly serious crime with a cross-border dimension, whereby the EU may, in certain circumstances, adopt minimum standards in this area. The legal basis for the fight against fraud and any other illegal activity affecting the EU’s financial interests is art. 325 TFEU, which places the obligation on the EU and its Member States to protect the EU budget⁴.

L’attività di contrasto alla corruzione sul piano della prevenzione. A proposito di appalti, ma non solo..., in R. BORSARI (a cura di), *La corruzione a due anni dalla “Riforma Severino”*, Padova, 2016, pp. 91-136. Sul piano interno, più squisitamente penalistico, v. G.B. MATTARELLA, M. PELISSERO (a cura di), *La legge anticorruzione. Prevenzione e repressione della corruzione*, Torino, 2013; A. SESSA, *Sistema penale e “legalità reticolare”: opzioni di valore nella più recente normativa anticorruzione*, in *Le Corti Salernitane*, Vol. 1-2, 2017, pp. 261-293; R. CANTONE, *Il contrasto alla corruzione. Il modello italiano*, in *Diritto Penale Contemporaneo*, 2018; G. DALIA, *L’esperienza italiana nella lotta alla corruzione: prevenzione, sanzione penale, contrasto processuale e performance*, in *Iura and Legal Systems*, Vol. 6, 2019, pp.1-31; L. FOFFANI, *La nuova dimensione internazionale ed economica della lotta alla corruzione: dal settore pubblico al settore privato*, in A. ORIOLO, T. RUSSO (a cura di), *op. cit.*, pp. 53-63.

² At EU level, see C.R. CALDERONE, *La lotta alla corruzione in campo comunitario ed internazionale*, in *Rivista trimestrale di Diritto penale dell’economia*, Vol. 14, Fasc. 3, 2001, 607-619; S. MANACORDA, *Corruzione internazionale e tutela penale degli interessi comunitari*, in *Diritto Penale e processo*, Vol. 7, Fasc. 4, 2001, pp. 410-428; V. MONGILLO, *La corruzione fra sfera interna e dimensione internazionale*, cit.; L. BORLINI, *Regulating Criminal Finance in the EU in the Light of the International Instruments*, in *Yearbook of European Law*, Vol. 36, 2017, pp. 553-598; L. BORLINI, F. MONTANARO, *The Evolution of the EU Law Against Criminal Finance: The “Hardening” of FATF Standards Within the EU*, in *Georgetown Journal of International Law*, Vol. 48, 2017, pp. 1009-1062; M. KAIAFA-GBANDI, A. GIANNAKOULA, *Punishing Corruption in the Public and the Private Sector: Key Issues on Current EU Policy and Rule of Law Challenges*, in V. MITSILEGAS, M. BERGSTRÖM, T. QUINTEL (eds.), *Research Handbook on EU Criminal Law*, Cheltenham-Northampton, 2024, pp. 31-389; M. MARESCEAU (ed.), *EU Anti-Corruption Efforts in the Eastern Neighbourhood*, Leiden-Boston, 2025.

³ F. LONGO (a cura di), *L’Unione Europea e il “cerchio di amici”. Sicurezza europea e politica di vicinato*, Milano, 2008, p. XIII.

⁴ Among others, see Directive (EU) 2017/1371 of the European Parliament and of the Council, *on the fight against fraud to the Union’s financial interests by means of criminal law*, of 5 July 2017, in OJ L 198, of 28 July 2017, that establishes rules on the definition of criminal offences and sanctions with regard to combating fraud, corruption and other illegal activities affecting the EU’s financial interests; Regulation (EU, Euratom) 2020/2092 Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the

As will be highlighted below, the more recent EU's new anti-corruption measures include, *inter alia*, the Joint Communication on the fight against corruption; the Proposal for a Directive of the European Parliament and of the Council on combating corruption by criminal law; and a new EU sanctions regime for corruption⁵.

Until the new proposal for a directive is formally adopted by the co-legislators, the main anti-corruption legislation remains: the 1997 Convention on the fight against corruption involving officials from the EU or EU countries⁶; the 2003 Council

Council, *on a general regime of conditionality for the protection of the Union budget*, of 16 December 2020, in OJ L 433L, of 22 December 2020, with which the Commission can propose to the Council to impose budgetary measures on EU countries where breaches of the rule of law principles – including corruption – can affect, or seriously risk affecting the sound financial management of the EU budget.

In addition, we need to take into account the set-up of the European Public Prosecutor's Office, with the mandate to conduct criminal investigations and prosecute cases of cross-border corruption (see Regulation (EU) 2017/1939 of the Council, *implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office*, of 12 October 2017, in OJ L 283, of 21 October 2017). See A. ORIOLO, *The European Public Prosecutor's Office (EPPO): A Revolutionary Step in Fighting Serious Transnational Crimes*, in *ASIL Insights*, 2018, 22, 1 ss.; V. MITSILEGAS, *European Prosecution Between Cooperation and Integration: The European Public Prosecutor's Office and the Rule of Law*, in *Maastricht Journal of European and Comparative Law*, Vol. 28(2), 2021, pp. 245-264; E. VANNATA, *Profili evolutivi della competenza della Procura europea: dalla lotta agli illeciti finanziari alla repressione degli ecocrimes*, in *Iura and Legal Systems*, Vol. IX.2022/2, C(2), 2022, pp. 19-32; L. PALMIERI, *La procura europea. Struttura e legittimazione dell'ufficio. Adeguamento ordinamento nazionale e diritti della difesa*, Padova, 2024; E. VANNATA, *Cambiamento climatico, criminalità ambientale e Unione europea tra tutela penale dell'ambiente, ecocrimes e spazio giudiziario "euro-centrico"*, in A. ORIOLO, A.R. CASTALDO, A. DI STASI, M. NINO (a cura di), *Criminalità transnazionale e Unione europea*, Editoriale Scientifica, 2024, pp. 577-596. Furthermore, the European Anti-Fraud Office (OLAF), that conducts administrative investigations to combat fraud, corruption and other illegal activities affecting the EU's financial interests. See Regulation (EU, Euratom) No. 883/2013 of the European Parliament and of the Council, *concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999*, of 11 September 2013; Decision 1999/352/EC, ECSC, Euratom of the Commission, *establishing the European Anti-Fraud Office (OLAF)*, of 28 April 1999, in OJ L 136, of 31 May 1999.

⁵ To this, we need to add, then, all the sectoral legislation, in particular on the prevention of money laundering and terrorist financing, procurement, rules on the recovery and confiscation of assets and whistleblowing. For instance, see Directive (EU) 2024/1640 of the European Parliament and of the Council, *on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Directive (EU) 2019/1937, and amending and repealing Directive (EU) 2015/849*, of 31 May 2024, in OJ L, 2024/1640, of 19 June 2024; Directive (EU) 2019/1937 of the European Parliament and of the Council, *on the protection of persons who report breaches of Union law*, of 23 October 2019, in OJ L 305, of 26 November 2019; Regulation (EU) 2018/1805 of the European Parliament and of the Council, *on the mutual recognition of freezing orders and confiscation orders*, of 14 November 2018, in OJ L 303, of 28 November 2018; Directive (EU) 2018/1673 of the European Parliament and of the Council, *on combating money laundering by criminal law*, of 23 October 2018, in OJ L 284, of 12 November 2018; Directive 2014/42/EU of the European Parliament and of the Council, *on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union*, of 3 April 2014, in OJ L 127, of 29 April 2014; Directive 2011/16/EU of the Council, *on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC*, of 15 February 2011, in OJ L 64, of 11 March 2011; Directive 2010/24/EU of the Council, *concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures*, of 16 March 2010, in OJ L 84, of 31 March 2010; Decision 2007/845/JHA of the Council, *concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime*, of 6 December 2007, in OJ L 332, of 18 December 2007; Framework Decision 2005/212/JHA of the Council, *on Confiscation of Crime-Related Proceeds, Instrumentalities and Property*, of 24 February 2005, in OJ L 68, of 15 March 2005.

⁶ Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, in OJ C 195, of 25 June 1997.

Framework Decision on combating corruption in the private sector⁷, which criminalises both active and passive bribery; the Council Decision 2008/852/JHA on a network of contact-points against corruption⁸.

As highlighted also in the Joint Communication⁹, the legislative package aims to update and harmonise EU rules on the definition of corruption offences and related sanctions, to ensure high standards in combating the full variety of corruption crimes, to better prevent the phenomenon and improve the application of the legislation. Secondly, as proposed by the High Representative of the Union for Foreign Affairs and Security Policy with the support of the Commission – within the Common Foreign and Security Policy (CFSP) system of restrictive measures (CFSP sanctions) – a specific CFSP sanction regimes is on the horizon to combat corruption where acts of corruption seriously harm or threaten to seriously harm the fundamental interests of the Union and the objectives of the CFSP, as set out in art. 21 of the Treaty on European Union (TEU)¹⁰.

However, we are widely aware of “regional” legal instruments specifically dedicated to corruption not only in the extra-European context¹¹, but also regarding the contribution – to remain in the European area – of the Council of Europe (CoE), the oldest European intergovernmental organization, founded in 1949 with the aim of “*implementing a closer union among Members to protect and promote the ideals and principles that are their common heritage and to promote their economic and social progress*”¹², in particular the triad of human rights-democracy-rule of law¹³.

Nevertheless, the broad international commitment in the fight against this criminal phenomenon, in terms of regulatory response, both at the universal and regional level, is accompanied by a not always uniform choice of the approach used, often fluctuating between merely repressive logics and more markedly preventive characteristics¹⁴.

Last but not least, the challenges we face are multifaceted and exacerbated by the ongoing climate crisis, requiring a robust and integrative approach to governance that takes into account the complex interconnections between these fundamental areas.

It must be taken into account that billions of dollars are invested worldwide in measures to mitigate negative impacts of climate change and help societies adapt to its

⁷ Framework Decision 2003/568/JHA of the Council, *on combating corruption in the private sector*, of 22 July 2003, in OJ L 192, of 31 July 2003.

⁸ Decision 2008/852/JHA of the Council, *on a contact-point network against corruption*, of 24 October 2008, in OJ L 301, of 12 November 2008.

⁹ Joint Communication to the European Parliament, the Council and European Economic and Social Committee, *on the fight against corruption*, of 3 May 2023, JOIN/2023/12 final.

¹⁰ Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council for a Council Decision concerning restrictive measures against serious acts of corruption (HR(2023)108) and Joint Proposal for a Council Regulation on restrictive measures against serious acts of corruption (JOIN(2023)13).

¹¹ Among which can be mentioned, in a list that is certainly not exhaustive: the Inter-American Convention against Corruption, adopted on 29 March 1996 by the Organization of American States (OAS), and entered into force on 6 March 1997; the Protocol against Corruption adopted by the Southern African Development Community (SADC) on 14 August 2001; the Protocol on the fight against corruption of the Economic Community of West African States (ECOWAS Protocol), signed on 21 December 2001; the Convention on preventing and combating corruption issued by the African Union on 11 June 2003, and entered into force on 5 August 2006.

¹² Article 1(a), Statute of the Council of Europe.

¹³ See E. VANNATA, *La strategia anti-corruzione del Consiglio d'Europa e il ruolo del GRECO nella emergenza pandemica*, in *EUWEB Legal Essays. Global & International Perspectives*, No. 1, 2022, pp. 111-127.

¹⁴ See the interesting considerations of N. PARISI, *Il ruolo dell'Autorità nazionale anticorruzione. Una prospettiva sistematica in disaccordo con la vulgata opinio*, in *DPCE online*, No. 4, 2020, pp. 4631-4667, specific. p. 4632.

consequences. With the increasing emphasis on climate action, particularly the transition to green energy, the significant increase in investment in this sector increases the risk of corruption. The increase in corrupt practices in this direction undermines governments' efforts to achieve international climate goals and ensure a sustainable future. Moreover, the harmful effect of corruption is not limited only to financial losses, as it also fuels biodiversity loss, the destruction of natural habitats and, consequently, threatens the existence of endangered species, as well as weakening the rule of law and affecting human health, security and the economy.

Starting from these premises, the contribution explores the interconnection between corruption, environmental sustainability, and energy governance within the European Union, highlighting how corruption poses a concrete threat to the green transition, social justice, and economic security. Drawing on the EU Treaties, the article analyzes the European legal framework aimed at combating corruption, with a particular focus on the environmental and energy sectors, where large-scale public investments increase the risk of illicit practices. It is emphasized the cyclical relationship between corruption and climate disasters, showing how corrupt practices worsen the impact of extreme events and undermine community resilience. Furthermore, it also discusses the role of legal instruments – such as the new Environmental Crime Directive and financial crime reforms – and judicial cooperation in ensuring effective prevention. The ultimate goal is to promote an integrated and participatory approach to anti-corruption efforts, as a necessary condition for a fair and sustainable future.

2. Corruption, Environment and Energy: Legal Foundations in EU Treaties

The fight against corruption and the promotion of environmental and energy sustainability find their legal foundations in the EU Treaties. Art. 2 TEU establishes that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, values that are directly compromised by corruption. Art. 3 TEU defines the Union's objectives, including the promotion of the well-being of its peoples and Europe's sustainable development based on balanced economic growth, elements that require transparent and corruption-free governance.

In the TFEU, art. 191 establishes the EU's environmental policy, based on the principles of precaution, preventive action, rectification of environmental damage at source, and "polluter pays". These principles can only be effectively implemented in the presence of institutions with integrity and transparency. Art. 194 TFEU defines the EU's energy policy, aiming to ensure the functioning of the energy market, security of energy supply, promotion of energy efficiency and renewable energies¹⁵ – objectives that corruption can seriously compromise.

Art. 83 TFEU confers upon the EU competence to establish minimum rules concerning the definition of criminal offenses and sanctions in areas of particularly serious crime with a cross-border dimension, expressly including corruption. Art. 325 TFEU requires the EU and Member States to combat fraud and any other illegal activities that harm the Union's financial interests, establishing the duty to take deterrent and effective measures.

As known, corruption significantly compromises governance and resource allocation, a phenomenon particularly evident in the context of climate risk management. For

¹⁵ See F. BUONOMENNA, *La governance dell'energia nel diritto dell'Unione europea*, Napoli, 2024.

instance, the diversion of public funds through corrupt practices seriously compromises infrastructure development and leaves communities vulnerable during climate-related disasters. The consequences can be devastating, with insufficient planning leading to loss of life and property when disasters occur. This highlights how corruption is not simply a matter of poor administration, but represents a direct threat to the security and well-being of European citizens, in violation of the EU' commitment to protecting its citizens enshrined in art. 3 TEU.

The EU's regulatory framework provides a relevant background for addressing corruption, particularly in the climate and energy sectors. The 2014 EU Anti-Corruption Report highlights the need for transparency and integrity in governance, emphasizing the importance of robust anti-corruption initiatives that integrate environmental and energy policies¹⁶. It's a pity that this Report saw only one release, notwithstanding it was planned to be published on a bi-annual basis to monitor and assess the efforts of member states of the European Union in tackling corruption.

Anyway, the 2019 European Green Deal exemplifies the commitment to sustainability, aiming to make the EU's climate, energy, transport, and tax policies fit to reduce net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels¹⁷. This initiative is based on Article 191 TFEU and contributes to achieving the sustainable development objectives provided for in art. 3 TEU¹⁸. In parallel, the new EU Environmental Crime Directive 2024/1203 (ECD), which entered into force in May 2024, represents a considerable improvement over the previous 2008 text, providing more effective tools to combat environmental crimes that are often facilitated by corruption. This directive implements the EU's competence established in art. 83 TFEU regarding environmental crime¹⁹.

The already cited Anti-Money Laundering Directive (AMLD) – followed also by the recent Regulation (EU) 2024/1620 that established the EU Authority for Anti-Money Laundering and Countering the Financing of Terrorism (AMLA)²⁰ – complements this

¹⁶ Report from the Commission to the Council and the European Parliament, *EU Anti-Corruption Report*, of 3 February 2014, COM(2014) 38 final.

¹⁷ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *The European Green Deal*, of 11 December 2019, COM/2019/640 final.

¹⁸ See, *ex multis*, M.C. CARTA, *Il Green Deal europeo. Considerazioni critiche sulla tutela dell'ambiente e le iniziative di diritto UE*, in *Eurojus*, Fasc. n. 4, 2020, pp. 54-72; S. CAVALIERE, *Il progetto Green New Deal e gli incentivi verdi: è tutto oro quello che luccica?*, in *Diritto Pubblico Europeo. Rassegna online*, Fasc. 1, 2020, pp. 1-10; M. FALCONE, *Il Green Deal europeo per un continente a impatto climatico zero: la nuova strategia europea per la crescita tra sfide, responsabilità e opportunità*, in *Studi sull'integrazione europea*, Vol. 2, 2020, pp. 379-394; F. FERRARO, *L'evoluzione della politica ambientale dell'Unione: effetto Bruxelles, nuovi obiettivi e vecchi limiti*, in *Rivista giuridica dell'ambiente*, n. 4, 2021, pp. 777-801; M. MONTINI, *La sfida della transizione energetica e l'emergere dei conflitti intra-ambientali: quali possibili soluzioni?*, in *I Post di AISDUE*, Sezione "Atti convegni AISDUE", n. 11, 2023, pp. 256-275.

¹⁹ Directive (EU) 2024/1203 of the European Parliament and of the Council, *on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC*, of 11 April 2024, in OJ L, 2024/1203, of 30 April 2024. See M. FAURE, *The Development of Environmental Criminal Law in the EU and its Member States*, in *Review of European, Comparative & International Environmental Law*, Vol. 26, Issue 2, 2017, pp. 139-146; L. D'AMICO, *La tutela penale dell'ambiente nel diritto europeo*, in R. GIUFFRIDA, F. AMABILI (a cura di), *La tutela dell'ambiente nel diritto internazionale ed europeo*, Torino, 2018, pp. 153-160; V. MITSILEGAS ET AL., *The Legal Regulation of Environmental Crime. The International and European Dimension*, Brill/Nijhoff, 2022; A. SCARCELLA, *La nuova direttiva sulla tutela penale dell'ambiente*, in *Archivio penale*, Vol. LXXIV, 2022, pp. 851-887.

²⁰ Regulation (EU) 2024/1620 of the European Parliament and of the Council *establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism and amending Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010*, of 31 May 2024, in OJ L, 2024/1620, of 19 June

framework by requiring all EU Member States to establish centralized registers of bank accounts and data retrieval systems, as well as central registers of beneficial ownership²¹, creating greater financial transparency that can help prevent corruption in the environmental and energy sectors. This regulation is based on art. 114 TFEU for internal market harmonization and art. 325 TFEU for the protection of the EU's financial interests. However, the principles established in these frameworks must be effectively applied to ensure appropriate environmental governance and not remain mere statements of intent.

3. The Cyclical Relationship Between Corruption and Climate Disasters

A particularly concerning aspect of corruption emerges from its cyclical relationship with climate disasters, with immediate practical consequences for European citizens. Let us take the concrete example of the floods that hit Emilia-Romagna in 2023: the funds allocated for prevention and reconstruction were subject to rigorous controls precisely to prevent corrupt practices from compromising the effectiveness of interventions. Evidences indicate that significant natural disasters often lead to a surge in foreign aid and donations, which can inadvertently favor corrupt practices as funds become exposed to mismanagement. In practical terms, this means that when a flood devastates a community, funds for rebuilding homes, restoring infrastructure, and securing the territory can end up in the wrong pockets, leaving victims in conditions of permanent vulnerability. The EU must therefore develop strong measures to monitor the allocation of disaster relief funds, for instance introducing digital traceability systems that allow citizens to verify how their money is spent and implementing protected reporting mechanisms for those who detect irregularities, in implementation of the duty of protection established by art. 3 TEU.

Companies often engage in corrupt practices such as bribery to circumvent regulatory frameworks, particularly in the context of environmental impact assessments, with tangible consequences for local communities. Consider the practical case of a company that wants to build an industrial plant near a protected area: through bribes or favors, it can obtain a favorable environmental impact assessment despite obvious risks. The concrete result is that families living in the area then have to deal with air and water pollution, with consequent health problems and devaluation of their properties. Corruption has been shown to compromise the integrity and objectivity of these assessments, resulting in environmentally harmful developments occurring in vulnerable areas, in violation of the environmental principles established by art. 191 TFEU. This problem is recognized by the new Environmental Crime Directive, which identifies how environmental crimes, including illegal waste dumping, substance smuggling, and illegal mining, lead to habitat loss and species extinction, contribute to global warming, and favor corruption. Apart from art. 7 of the ECD, also the proposed Directive on combating corruption, in fact, provides that companies that fail to prevent corruption and extortion may incur severe financial sanctions, but in practice this means that the costs of these

2024. See O. BURES, *The New EU Authority for Anti-Money Laundering and Countering the Financing of Terrorism: A Paradigm Shift in EU Efforts to Combat Terrorist Financing?*, in *Studies in Conflict & Terrorism*, 2025, pp. 1-31.

²¹ See E. KOSTA, *The Proposed Anti-Money Laundering Authority and the Future of FIU Collaboration in Europe*, in M. BERGSTRÖM, V. MITSILEGAS (eds.), *EU Law in the Digital Age*, Oxford-London-New York-New Delhi-Sydney, 2025, pp. 123-137; M. TIEMANN, *A Commentary on the EU Money Laundering Reform in Light of the Subsidiarity Principle*, in *Journal of Financial Regulation and Compliance*, No. 3, 2024, pp. 372-378; C.A. PETIT, *Anti-Money Laundering*, in (ed.), *Research Handbook on the Enforcement of EU Law*, Cheltenham-Northampton, 2023, pp. 246-264.

sanctions could be passed on to consumers through higher prices, creating a domino effect on the real economy²².

4. Energy Governance and Corruption

In energy governance, corruption remains a profound barrier to the implementation of effective policies that promote clean energy initiatives, with direct impacts on citizens' bills and energy security. Let us take the practical example of photovoltaic incentives: when corrupt officials favor certain companies in the allocation of permits or subsidies, the result is a distorted market where citizens pay more for renewable energy while some companies get rich undeservedly. The EU's commitment to renewable energy, strengthened by Green Deal policies that aim for a sustainable energy transition and based on the principles of art. 194 TFEU, must be complemented by rigorous anti-corruption measures that protect investments from being influenced by corrupt practices. Future regulations arising from the proposed Directive on combating corruption will require companies with operations or connections in Member States to ensure that their anti-corruption compliance programs meet the new standards, but this will entail additional costs that could translate into higher prices for consumers. Furthermore, corruption in the energy sector can lead to investments in obsolete or inefficient technologies: when a politician receives bribes to favor a particular energy technology, citizens end up with less performing infrastructure and more expensive bills. Without this attention to fairness and transparency, we risk creating an energy transition that benefits only some at the expense of others, perpetuating existing injustices and increasing the cost of energy for European families, in contrast with the social cohesion objectives established by art. 3 TEU.

5. Judicial and Criminal Cooperation

We need also to take into account judicial and police cooperation²³. Art. 82 TFEU establishes the EU's competence to facilitate judicial cooperation in criminal matters, fundamental for effectively combating cross-border corruption in the environmental and energy sector. As well known, art. 86 TFEU has allowed the establishment of the EPPO, which has specific competences to prosecute crimes that harm the EU's financial interests, including corruption cases related to European funds for environmental and energy projects. Furthermore, art. 87 TFEU provides the legal basis for police cooperation, essential for investigations into corrupt networks operating across national borders in the energy and environmental sectors.

²² Proposal for a Directive of the European Parliament and of the Council, *on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council*, of 3 May 2023, COM/2023/234 final. See V. MONGILLO, *Strengths and Weaknesses of the Proposal for a EU Directive on Combating Corruption*, in *Sistema penale*, no. 7, 2023, pp. 1-21.

²³ See T. RUSSO, *The Evolution of European Criminal Competence in the Fight against Transnational Crime*, in *EUWEB Legal Essays. Global & International Perspectives*, No. 1, 2024, pp. 55-66: ID., *Alcuni spunti riflessivi sull'evoluzione della competenza penale dell'Unione europea e sulle criticità "procedurali" della cooperazione giudiziaria in materia*, in *Rivista della cooperazione giuridica internazionale*, 2024, pp. 88-108.

The EU's role as a global leader in sustainability requires the establishment of clear guidelines that recognize the interdependencies between energy, environment, and anti-corruption strategies, in line with obligations arising from arts. 21 and 22 TEU that define the EU's external action²⁴. Such a proactive approach can significantly improve resilience against climate-related disasters, as transparent governance ensures that communities receive the necessary support to build adaptive capacities. This means not only providing resources, but also ensuring that these resources are used effectively and actually reach those who need them, in accordance with the principles of solidarity established by art. 3 TEU.

6. Conclusions and Future Prospects

The intricate relationship between corruption, climate risks, and energy policies underlines the need for the European Union to adopt a multifaceted and integrative approach, making full use of the competences conferred upon it by the Treaties. The fight against corruption in the sectors of environmental governance and energy is not merely a regulatory challenge, but represents a moral imperative that concerns our collective future and is based on the fundamental values of the EU enshrined in art. 2 TEU. The EU's regulatory frameworks aimed at combating corruption, including the future Directive on combating corruption that should be adopted soon based on art. 83 TFEU, must be sufficiently robust, transparent, and accountable, ensuring that all communities, especially those disproportionately affected by climate change, receive adequate support. The interconnection of beneficial ownership registers provided for by the AMLD and the rigorous application of the ECD represent concrete tools to achieve these objectives, implementing the obligations arising from art. 325 TFEU.

The road to a sustainable future requires not only technological and political ambition, but also institutional integrity and practical control tools, in full implementation of the democratic principles established by art. 2 TEU. Only through systematic fight against corruption, using all the competences conferred on the EU by the Treaties, can we ensure that Europe's green transition is not only effective, but also fair and just for all European citizens. This means implementing concrete systems such as digital platforms for transparency in public procurement, where every citizen can verify who has won a contract to install solar panels or build wind farms and at what price. It means creating protected and easily accessible reporting mechanisms, perhaps through mobile apps, to allow citizens to report irregularities without fear of retaliation. It also means establishing cross-checks between different EU agencies, so that when suspicious investments in the energy or environmental sector occur, there are automatic alert systems that activate immediate checks. This requires constant commitment from all actors involved, from European institutions to national governments, from civil society organizations to private companies, but above all it requires that European citizens have the practical tools to be an active part of this process of democratic control, in accordance with the principles of participatory democracy established by art. 11 TEU.

²⁴ On the peculiar external component of environmental policy, please refer to C. NOVI, *Corte di Giustizia e competenze esterne dell'Unione europea*, Bari, 2023, spec. pp. 29-30. See also M. ONIDA, *Art. 191 TFUE*, in C. CURTI GIALDINO (diretto da), *Codice dell'Unione europea operativo*, Napoli, 2012, p. 1452 ss.