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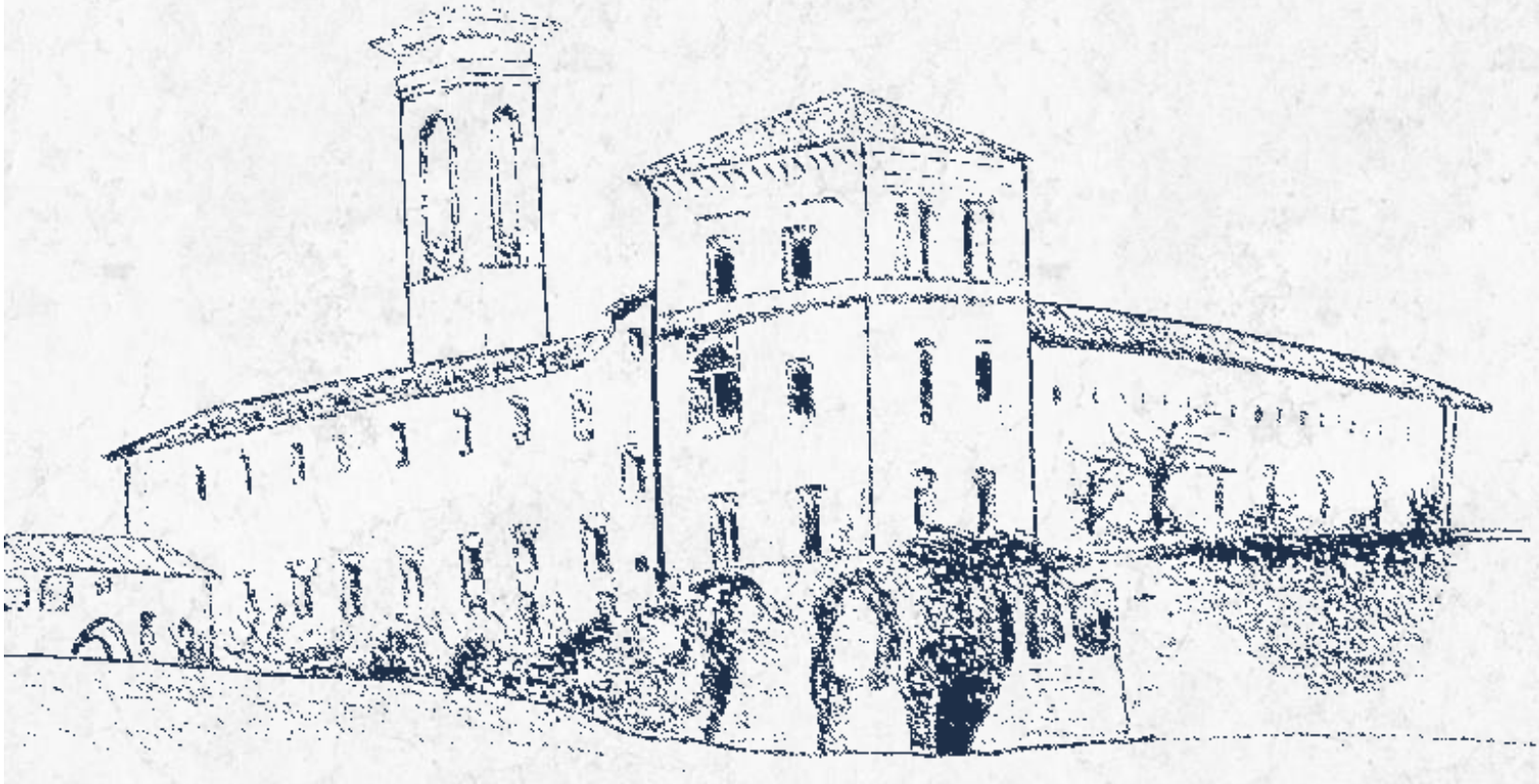

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Labour Law Inspection and Enforcement System in Italy

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Abstract. This paper examines Decree-Law No. 19/2024 (converted, with amendments, into Law No. 56/2024), which introduced changes to two significant aspects of labour sanction law. On the one hand, the institutional structure of labour inspection has been revised, completing a reform process that began twenty years earlier with Legislative Decree No. 124/2004. On the other hand, in response to public outcry over tragic workplace accidents that received extensive media coverage, the sanctioning framework for outsourcing has been amended. This includes the reintroduction of criminal penalties, thereby reversing the decriminalisation introduced eight years earlier by Legislative Decree No. 8/2016.

Keywords: *Decree-Law No. 19/2024; Enforcement System; Labour Law Inspections; Criminal Sanctions; Administrative Sanctions.*

1. Introduction

In Italy, Decree-Law No. 19/2024 (converted, with amendments, into Law No. 56/2024) has had a significant impact on two key aspects of labour sanction law. On the one hand, the institutional structure of labour inspection has been revised, completing a reform process that began twenty years earlier with Legislative Decree No. 124/2004, which aimed to establish a more effective inspection system in response to the chronic

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inefficiency of labour inspections in the country. On the other hand, in the wake of public outcry over tragic workplace accidents that received extensive media coverage, the sanctioning framework for outsourcing has been modified. This includes the reintroduction of criminal penalties, thereby reversing the decriminalisation introduced eight years earlier by Legislative Decree No. 8/2016.

2. The Italian Labour Inspection System After Two Decades of Reform: From Legislative Decree No. 124/2004 to Law Decree No. 19/2024

From a functional perspective, labour inspection represents a fundamental instrument for the (constitutional) protection of both labour and enterprise. The labour market has consistently demonstrated the necessity of institutional mechanisms to ensure compliance with legal provisions designed to safeguard workers, who are considered the weaker party in the employment relationship[1].

The objective of the inspection function is twofold: on the one hand, to ensure the effective enforcement of legal standards protecting working conditions, by combating undeclared and irregular work in all its various forms; on the other, to promote fair and balanced competition among enterprises by preventing phenomena such as so-called social dumping and unfair competition[2].

Although these objectives have historical roots—emerging alongside the spread of Taylorist production and labour organisation systems, and the rise of major trade union movements denouncing the harsh conditions of nineteenth-century industrial labour—EU Member States have, in recent decades[3], increasingly invested in enhancing the effectiveness of labour inspection systems and expanding their capacity to monitor enterprises across their national territories[4].

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[1] See G. GIUGNI, *Diritto sindacale*, Cacucci Editore, 2001, p. 13; P. TULLINI, *Effettività dei diritti fondamentali del lavoratore: attuazione, applicazione, tutela*, in *Giorn. dir. lav. rel. ind.*, n. 2, 2016, pp. 291-316; L. MONTUSCHI, *Rimedi e tutele nel rapporto di lavoro*, in *DRI*, n. 1, 1997, pp. 3-7; P. RAUSEI, *Effettività delle tutele ed efficacia normativa*, in *DPL*, n. 1, 2023, pp. 6-12.

[2] G. CASALE, *Efficacia del diritto del lavoro e ruolo dell'ispezione del lavoro*, in *RIDL*, 2013, I, pp. 301 ff.

[3] For the historical evolution of labour inspection in Italy, see L. GAETA, *Storia (illustrata) del diritto del lavoro italiano*, Giappichelli, 2020, pp. 37 ff.

[4] See A.R. CARUSO, *La vigilanza sul lavoro negli altri Paesi europei*, in *Working Paper ADAPT*, n. 143, 2013.

The current institutional framework of labour inspection in Italy is primarily the product of two major legislative interventions: Legislative Decree No. 124/2004 and Legislative Decree No. 149/2015. The latter focused mainly on organisational and institutional aspects, although a legislative reversal has recently occurred through Law Decree No. 19/2024 (converted, with amendments, into Law No. 56/2024)[5].

The rationalisation introduced by Legislative Decree No. 124/2004 led to a reorganisation of inspection activities, assigning coordination and planning responsibilities within their respective jurisdictions to the then-provincial and regional offices of the Ministry of Labour[6]. By centralising the planning and coordination of inspections, the 2004 reform aimed to address the widely recognised inefficiencies of the previous system, particularly the overlapping and duplication of inspections caused by inadequate coordination among the various competent bodies. Alongside the Ministry's labour inspectors—who held general competence over labour, social security, and insurance matters—personnel from INPS, INAIL, ASL, and ARPA also conducted inspections, though with mandates narrowly focused on the institutional objectives of their respective bodies[7].

The reform thus sought to prevent enterprises from being subjected—within a short timeframe—to multiple, redundant inspections concerning labour and social legislation. It aimed to establish a more balanced relationship between inspectors and employers through enhanced coordination among inspection authorities.

Despite the substantial 2004 reform and subsequent legislative developments (notably Law No. 183/2010), the inspection system

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[5] See G. PICCO, *Il diritto sanzionatorio del lavoro*, ADAPT University Press, 105, 2024, pp. 23 ff.

[6] *Amplius* G. PICCO, P. RAUSEI, *Il rafforzamento dell'attività ispettiva (artt. 7, 15 e 16, decreto-legge n. 48/2023, conv. in l. n. 85/2023)*, in E. DAGNINO, C. GAROFALO, G. PICCO, P. RAUSEI (a cura di), *Commentario al decreto-legge 4 maggio 2023, n. 48 c.d. "decreto lavoro"*, ADAPT University Press, 2023, pp. 273 ff.; see also P. RAUSEI, *Vent'anni dopo il decreto di riforma dei servizi ispettivi. Decreto legislativo 23 aprile 2004, n. 124. Razionalizzazione delle funzioni ispettive in materia di previdenza sociale e di lavoro, a norma dell'articolo 8 della l. 14 febbraio 2003, n. 30*, ADAPT University Press, 2024, pp. VI e ff.

[7] For further details on Legislative Decree No. 124/2004, see P. PENNESI, E. MASSI, P. RAUSEI, *La riforma dei servizi ispettivi*, inserto di *DPL*, n. 30, 2004; C.L. MONTICELLI, M. TIRABOSCHI (a cura di), *La riforma dei servizi ispettivi in materia di lavoro e previdenza sociale. Commentario al decreto legislativo 23 aprile 2004, n. 124*, Giuffrè, 2004; P. RAUSEI, *Ispezioni del lavoro. Procedure e strumenti di difesa*, Ipsoa, 2009; P. RAUSEI, M. TIRABOSCHI (a cura di), *L'ispezione del lavoro dieci anni dopo la riforma. Il decreto legislativo n. 124/2004 tra passato e futuro*, ADAPT University Press, 2014.

continued to exhibit relatively low levels of efficiency, with negative repercussions for businesses, workers, and the inspection authorities themselves.

To complete the comprehensive reform of inspection services initiated in 2004, Law No. 183/2014 and the subsequent Legislative Decree No. 149/2015 established—at "zero cost"[8]—a single national agency for labour inspection and oversight: the National Labour Inspectorate (*Ispettorato Nazionale del Lavoro*, INL). This reform unified the labour and social security inspection functions previously fragmented among different institutions, with the stated objective of rationalising and simplifying oversight activities while avoiding duplication[9].

A strong impetus for rationalisation also came from the European Parliament, which, in its Resolution *"Effective Labour Inspections as a Strategy to Improve Working Conditions"* (2013/2112(INI)), adopted in 2014, stressed the need for efficient inspection regimes to combat undeclared work. The resolution warned that such practices could "undermine the EU's ability to achieve its employment objectives (more and better jobs)".

Unsurprisingly, among the principles guiding the reform, Article 1, paragraph 6, letter l) of Delegated Law No. 183/2014 identified the "promotion of the principle of legality and the prioritisation of policies aimed at preventing and discouraging undeclared work in all its forms, pursuant to the European Parliament Resolutions of 9 October 2008 on stepping up the fight against undeclared work (2008/2035(INI)) and of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe (2013/2112(INI))".

Additionally, the political imperative to strengthen inspection services was

[8] The establishment of the National Labour Inspectorate (INL) without any new or additional burden on public finances, and through the use of existing human, instrumental, and financial resources under current legislation, stands in contrast with the European Parliament Resolution 2013/2112(INI) of 14 January 2014 on effective labour inspections. According to the Resolution, such inspections can only be effectively implemented by providing the competent authorities with adequate financial and human resources—particularly in times of economic and employment crisis, when the risks of evasion and circumvention are heightened.

[9] See also A. CARUSO, P. RAUSEI, C. SANTORO, *Verso un'Agenzia unica per le ispezioni?*, in *Bollettino ADAPT*, 23 giugno 2014; L. CAIAZZA, R. CAIAZZA, *Rinasce l'Ispettorato nazionale del lavoro*, in *GLav*, n. 26, 2015, pp. 58 ff.; P. RAUSEI, *La regia unica della vigilanza all'Ispettorato Nazionale del Lavoro*, in *LG*, n. 1, 2016, pp. 5 ff.; M. ESPOSITO, *Le attività ispettive e il contrasto al lavoro irregolare nel sistema del Jobs Act*, in *RGL*, n. 3, 2016, I, pp. 575 ff.; E. D'AVINO, *Emersione e tutele del lavoro irregolare: una prospettiva comparata di sicurezza sociale*, Satura Editrice, 2018, pp. 60 ff.

driven by supranational influence[10]. The International Labour Organization (ILO) has long prioritised these issues, with its core conventions and recommendations on labour administration and inspection—notably Conventions No. 81/1947 and No. 129/1969—serving as key normative frameworks for enhancing the enforcement of employment-related legislation and protecting workers' rights.

Also of particular relevance is ILO Recommendation No. 204/2015 on the transition from the informal to the formal economy, which stresses the necessity for Member States to implement adequate and effective inspection systems[11].

The 2015 reform thus aimed to strengthen inspection mechanisms to ensure effective oversight contributing to social cohesion and, more broadly, to the pursuit of labour justice. This objective was reflected in Legislative Decree No. 149/2015, which embodied the ambition to bring all inspection activities concerning labour and social legislation under a unified authority. The reform functionally integrated the inspection services of the Ministry of Labour, INPS, and INAIL, placing the social security inspectors under the direct authority of the newly established INL.

Following the reform, all inspection personnel from the Ministry of Labour, INPS, and INAIL were granted equivalent functions in overseeing labour and social legislation, operating as judicial police officers. This sought to ensure greater consistency in inspection practices and methods.

Compared with the measures introduced eleven years earlier, the 2015 reform represented a considerably more radical approach, as it separated the management of inspection activities from the Ministry of Labour and assigned it to a newly established agency with legal personality under public law, and organisational and accounting autonomy[12].

Nonetheless, neither of the two major reforms—Legislative Decrees No. 124/2004 and No. 149/2015—succeeded in achieving the intended coherence and uniformity in the exercise of labour and social legislation

[10] M. ESPOSITO, *Le attività ispettive e il contrasto al lavoro irregolare nel sistema del Jobs Act*, cit., pp. 575 ff.; see also ID., *Un approccio inclusivo e resiliente: tutele crescenti per l'underclared work?*, in *DLM*, n. 2, 2014, pp. 289 ff.

[11] For a detailed analysis of labour inspections in the European and international context see also P. RAUSEI, M. TIRABOSCHI, *Le fonti che regolano l'attività ispettiva e di vigilanza*, in P. RAUSEI, M. TIRABOSCHI (a cura di), *L'ispezione del lavoro dieci anni dopo la riforma. Il decreto legislativo n. 124/2004 fra passato e futuro*, cit., pp. 5 ff.

[12] See article 1, paragraph 3, Legislative Decrees No. 149/2015.

inspection functions, which remains a pressing and unresolved issue.
From its earliest years of operation, the INL encountered significant difficulties in terms of the effectiveness and efficiency of its inspection activities. These challenges were largely attributable to legislative shortcomings—most notably, the agency's establishment "at zero cost," which resulted in severely limited financial resources and knock-on effects for operational capacity.
Criticism has been directed at the 2015 decision to create a single inspection agency—an institutional model unique in the European context—which continued to face persistent problems in inspection performance and effectiveness.
Indeed, a comparison of data from 2018 to 2023 (excluding 2017, the INL's first year of operation) reveals a sharp decline in inspection activity. The number of completed inspections fell by 55.69%, from 144,163 in 2018 to 80,280 in 2023. This decline occurred despite a modest increase in the number of inspectors (from 4,549 in 2018 to 4,768 in 2023). In 2018, each inspector conducted an average of 31.69 inspections, whereas by 2023 this figure had dropped to 16.83, representing a 46.87% decrease in per capita inspection activity despite the increase in staffing levels[13].
In response to the structural weaknesses exposed in the initial years of the single-agency model, Law Decree No. 19/2024 (converted, with amendments, into Law No. 56/2024)[14] reformed the organisation of the inspection system, signalling a departure from the centralised model established under Legislative Decree No. 149/2015.
Under this 2024 "counter-reform," the INL ceased to serve as the sole institutional authority for labour and social security inspections. INPS and INAIL regained their independent inspection competences, while retaining the judicial police powers conferred on them in 2015.
The redefined INL now functions as a coordinating body responsible for the planning and implementation of inspections related to labour and social legislation. It directly oversees inspections concerning employment contract regularity and workplace health and safety.
Law Decree No. 19/2024 assigns the INL genuine structural and functional coordination powers at the national level, with the aim of

[13] A. INTERDONATO, *Le nuove ispezioni in materia di lavoro: il d.l. n. 19 del 2 marzo 2024*, in *LDE*, n. 3, 2024, pp. 8 ff.
[14] For a detailed analysis see P. RAUSEI, *Dal PNRR tutele per il lavoro, riassetto delle ispezioni e nuove sanzioni*, in *DPL*, n. 12, 2024, pp. 737 ff.; ID., *Una nuova riforma del sistema ispettivo con riposizionamento del quadro sanzionatorio nella prospettiva di un rafforzamento di tutele per la regolarità e la sicurezza del lavoro*, in *Bollettino ADAPT*, n. 9, 4 marzo 2024, pp. 1-3.

eliminating duplication. The agency retains authority to issue operational guidelines and directives and to define overarching inspection plans and specific investigative procedures[15]

3. Law Decree No. 19/2024 and the Return of Criminal Liability in the Outsourcing Sector

Nearly a decade after the commendable decriminalisation introduced into labour law by Legislative Decree No. 8/2016, the legislator, through Law Decree No. 19/2024, has once again intervened in the sanctioning framework, reintroducing criminal penalties in the context of outsourcing[16].

In response to a wave of tragic workplace accidents, the Government adopted a more stringent approach towards the widespread phenomenon of unlawful labour intermediation, reinstating several criminal offences previously decriminalised by Legislative Decree No. 8/2016. Specifically, criminal sanctions have been reintroduced for unlawful supply and use of labour, illegal contracting, and illicit posting of workers. In parallel, the criminal offence of fraudulent labour supply has been reinforced, reaffirming its status as the principal punitive mechanism in the outsourcing sector—second only to the offence of labour exploitation under Article 603-bis of the Italian Criminal Code.

In other words, the 2024 legislator considered administrative sanctions insufficiently deterrent in addressing the harmful effects of unlawful outsourcing—particularly its detrimental impact on occupational health and safety—and therefore reintroduced, for all such offences, the

[15] P. RAUSEI, *Una nuova riforma del sistema ispettivo con riposizionamento del quadro sanzionatorio nella prospettiva di un rafforzamento di tutele per la regolarità e la sicurezza del lavoro*, in *Bollettino ADAPT*, n. 9, 4 marzo 2024, pp. 1-3.

[16] P. RAUSEI, *Dal PNRR tutele per il lavoro, riassetto delle ispezioni e nuove sanzioni*, cit., pp. 740 ff.; ID., *Appalto illecito e fraudolento*, in *Guida alle Paghe*, n. 8, 2024, pp. 459 ff.; ID., *Una nuova riforma del sistema ispettivo con riposizionamento del quadro sanzionatorio nella prospettiva di un rafforzamento di tutele per la regolarità e la sicurezza del lavoro*, in *Bollettino ADAPT*, 4 marzo 2024, n. 9; I. TAGLIABUE, *Processi di esternalizzazione, somministrazione e nuovo regime sanzionatorio: le novità introdotte dal d.l. n. 19/2024*, in *Bollettino ADAPT*, 10 aprile 2024, n. 1; ID., *Somministrazione, appalto e distacco illeciti: dall'INL indicazioni operative in merito al nuovo regime sanzionatorio*, in *Bollettino ADAPT*, 24 giugno 2024, n. 25; D. PIVA, *Ripenalizzazione dell'appalto illecito: vuoti normativi e necessità di coordinamento*, in *DPL*, n. 15, 2024, pp. 928 ff.; G. FORNARI, *Sanzioni penali per appalto illecito, somministrazione non autorizzata, somministrazione fraudolenta*, in *LDE*, n. 3, 2024, pp. 1 ff.

possibility of criminal sanctions, including arrest and fines, either as alternatives or cumulatively.

However, it must be noted that, historically, the strategy of criminalisation in this area has not achieved its intended objectives—namely, the effective enforcement of workers' rights or the fulfilment of deterrent and punitive functions. Over time, the application of criminal law in this domain has lost much of its efficacy, partly due to the proliferation of what criminal law scholars refer to as *bagatelle offences*—minor infractions with limited legal consequence[17].

Equally critical has been the inadequacy of enforcement and prosecution mechanisms. The classification of such offences as misdemeanours, combined with generally lenient penalties (predominantly fines), has resulted in penalties rarely being enforced due to procedural mechanisms such as limitation periods, plea bargaining, settlement agreements, conditional suspensions, probation, and periodic amnesties.

This near-complete absence of deterrent effect lies at the core of the most frequent critiques by criminal law scholars of the contraventional model[18]. A legal framework that imposes weak sanctions for prohibited conduct, combined with an inspection regime that fails to guarantee effective detection and prosecution, does not fulfil the principle of deterrence. Sanctions must be not only proportionate but also, crucially, certain and prompt.

This systemic dysfunction is particularly evident in the area of occupational health and safety, where criminal sanctions have come to be regarded by some employers as an acceptable cost—less burdensome than the investments necessary to guarantee safe working environments.

In contrast, the adoption of administrative sanctions—an approach increasingly prevalent in other civil law jurisdictions such as Germany and Spain—has been driven by the objective of reducing dependence on criminal penalties[19]. Importantly, decriminalisation does not imply a

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[17] J. KRUMPELMANN, *Die bagatelldelikte*, Berlin, 1966, pp. 5 ff.

[18] See L. FERRAJOLI, *Diritto e ragione. Teoria del garantismo penale*, Editori Laterza, 1989, pp. 743 ff.; A. CADOPPI, *Il "reato penale". Teorie e strategie di riduzione della criminalizzazione*, Esi, 2022, pp. 323 ff.

[19] C.E. PALIERO, *La legge 689 del 1981: prima «codificazione» del diritto penale amministrativo in Italia*, in *Pol. Dir.*, 1983, pp. 117 ff.; F. SGUBBI, *Depenalizzazione e principi dell'illecito amministrativo*, in *Indice pen.*, 1983, pp. 253 ff.; E. DOLCINI, *Sanzione penale o sanzione amministrativa: problemi di scienza della legislazione*, in *RIDPP*, 1984, pp. 589 ff.

diminished recognition of the seriousness of the conduct in question[20]. On the contrary, as evidenced by Legislative Decree No. 8/2016, administrative (pecuniary) sanctions can be significantly more severe than criminal ones and, in practice, often prove more effective.

While it is true that criminal sanctions uniquely impact personal liberty and carry social stigma—consequences not associated with administrative penalties—there exist administrative sanctions with a considerably greater punitive effect than their criminal counterparts. One key advantage of administrative fines lies in their enforceability: unlike criminal penalties, they cannot be conditionally suspended, which greatly enhances their practical application.

This consideration highlights the greater effectiveness of administrative pecuniary sanctions when compared to criminal fines, which are often undermined by low collection rates and consequent ineffectiveness—leading to substantial revenue losses for the State[21].

Accordingly, the actual impact of administrative sanctions on offenders should not be underestimated. Decriminalisation does not necessarily equate to leniency, as demonstrated by Legislative Decree No. 8/2016, which introduced a stricter sanctioning regime in labour law—subsequently weakened by the 2024 legislative reversal concerning outsourcing-related offences.

Further support for this position lies in the procedural advantages of the administrative model. A sanctioning system based on administrative enforcement allows for a more rapid response to unlawful conduct, unburdened by the complex procedural guarantees inherent in criminal proceedings. These include strict evidentiary standards (beginning with the right of silence) and the high threshold of proof required to establish criminal liability ("beyond a reasonable doubt"). In contrast, administrative enforcement permits a more prompt and effective reaction, with the imposition of immediately enforceable sanctions that tend to be executed with a higher degree of efficacy[22].

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[20] See M. SINISCALCO, voce *Depenalizzazione*, in *Enc. Giur.*, vol. X, Treccani, 1988, p. 14; G. BUTTARELLI, G. FIDELBO, *Nuove prospettive per una decriminalizzazione organica dei reati minori e per una razionalizzazione del sistema penale*, in *Caff. Pen.*, 1996, pp. 2071 ff.

[21] E. DOLCINI, *Sistema delle pene, primato del carcere, pena pecuniaria: ancora una volta, spunti per una riforma*, *lectio magistralis* svolta nell'ambito del Convegno "*La pena, ancora: tra attualità e tradizione*" (Milano, 10 maggio 2018). The Author points out that currently the average collection rate of monetary penalties in Italy is around 3%.

[22] See F. VIGANO', *Garanzie penalistiche e sanzioni amministrative*, in *RIDPP,* n. 4, 2020, pp. 1175 ff.

Indeed, administrative sanctions are imposed through procedures that are not subject to the full set of guarantees applicable to criminal trials[23]. On one hand, bypassing—at least partially—the procedural safeguards of criminal justice simplifies the process: the determination of the offence and the imposition of the sanction can occur without the need for a criminal trial, even though the sanction may be challenged and subjected to judicial review ex post.

Nevertheless, not all guarantees typical of criminal law are excluded. Certain fundamental principles—such as legality, non-retroactivity, and *ne bis in idem*—continue to apply even in the context of administrative offences, despite the fact that the offence is established and the sanction imposed by an administrative authority rather than a judicial body.

This hybrid framework enables a more agile and, in many instances (as with the 2016 reforms), a more effective sanctioning system, primarily owing to the enhanced severity and enforceability of pecuniary sanctions associated with the offence.

4. Final Considerations

In light of these considerations, the 2016 decriminalisation deserves commendation, whereas the legislative reversal introduced by Law Decree No. 19/2024 warrants criticism.

The legislator has evidently subordinated the protection of workers involved in outsourcing arrangements to the imperative of responding to public outcry following a series of tragic workplace accidents, effectively instrumentalising criminal sanctions to placate widespread anxiety surrounding perceived workplace insecurity.

In other words, the creation of new offences and the increase in existing penalties appear to be the sole instruments deployed by a short-sighted legislator intent on distracting public opinion, rather than offering substantive and sustainable solutions.

Even in the 2024 reform, the legislator has chosen to project strength in an attempt to appear responsive to the victims of workplace accidents, when a more prudent and effective course of action would have been to invest in prevention and enforcement.

The fundamental issue remains unchanged: the recourse to *penal populism* to conceal an inability to tackle complex social problems at their roots, effectively delegating ever-expanding powers to the judiciary—an

[23] A. TRAVI, *Sanzioni amministrative e pubblica amministrazione*, Cedam, 1983.

institution whose legitimacy is increasingly contested by both political actors and the broader public.

The illusion of "zero-cost" criminal law—as a cheaper alternative to comprehensive socio-economic policy—has fostered the belief in a sanctioning system capable of limitless expansion, seemingly able to absorb society's growing demand for justice.

Consequently, the 2024 intervention reinforces the impression that "the mountain has laboured and brought forth a mouse," since the belief that criminal sanctions alone can ensure the effectiveness of labour law provisions is a relic of the past, for which there is little genuine nostalgia.

Taking workers' rights seriously demands a fundamental shift in perspective and the adoption of effective economic and social policies aimed at strengthening the enforceability of substantive rights.

Criminal law, while often popular in the media and politically expedient, offers only the illusion of a solution, leaving largely untouched the structural causes and conditions that sustain irregular employment.

In the field of labour law—and social legislation more broadly—criminal law must once again assume its proper role as the *extrema ratio* of the legal system.

This requires a reassertion of penal guarantees and a rebalancing of the legal framework to overcome the current hypertrophy of criminal law. Such a rebalancing must be accompanied by robust preventive strategies to combat labour irregularities, relying on extra-criminal tools which have demonstrably greater capacity to address—or at least mitigate—the underlying causes.

It is therefore essential to reconsider the entire architecture of labour sanctioning law. This entails a careful identification of the sectors and protected interests for which criminal sanctions are genuinely justified—or indeed necessary—and a subsequent reconsideration of key elements such as legislative technique, the selection of appropriate sanction types, the preventive effectiveness of the measures adopted, and the coherence of the overall regulatory framework.

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