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MANAGEMENT OF CASES OF PHARMACEUTICAL CRIME IN ITALY

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OPERATION PHARMALAB: criticalities and operating proposals

The pharmaceutical crime today represents one of the most remunerative illicit activities and one of the main investment sources of organized crime.

Alongside counterfeiting, there has been in recent years a significant increase of crimes against the patrimony (thefts, robberies) related to medicines and pharmaceutical products subtracted in hospitals or during the phases of transport within the official distribution network on the national territory, to the purpose of being re-marketed in Italy or abroad, by means of “carousel frauds” or through the on-line sale.

The so called “Operation Pharmalab” – arisen from the seizure, in June 2014, of a huge amount of medicines (no. 58.222 packages of medicines of different types, genres and origins, including hospital-drugs, for an esteemed market value of € 839.530,89) stored inside a deposit in Arzano – enabled to identify the members of a criminal association to the purposes of receiving and handling stolen medicines (also from hospital facilities) and robberies (mainly carried out on transport operators) and the subsequent re-marketing through the arrangement of false fiscal documentation suitable at simulating their purchase from suppliers and/or Italian pharmacies by apparent foreign companies.

We will examine the substantial and procedural aspects of this case, particularly with respect to the charged offence of “receiving and handling of stolen goods” and its consequent demonstration in Court.

We will highlight the main criticalities emerged concerning the inadequacy of the legal frame work in force to tackle such a relevant phenomenon; the perfectibility of the traceability system; the fragmentation of proceedings related to counterfeiting and/or handling of stolen goods before different Italian judicial Authorities; the insufficient catalogue of accessory sanctions, also in disciplinary proceedings.