

**ANALYSIS OF INSPECTION**

**SUPERVISION AND CONTROL**

**IN THE AREA OF ENVIRONMENTAL**

**CRIMINAL LAW PROTECTION**

**IN THE REPUBLIC OF SERBIA**



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# 1 INTRODUCTORY

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**C**riminal offences against environmental protection, although long-standing and outlined in eighteen provisions of the Criminal Code of the Republic of Serbia (CC), continue to pose significant challenges for judicial professionals (public prosecutors, judges, and attorneys) as well as for competent authorities, including the police and inspection services. The complex nature of these offences, frequently extend beyond national borders and not confined to the territorial jurisdiction of individual states, poses additional challenges for competent authorities, whose operational capacities often lag behind the dynamic and far-reaching nature of pollution and its consequences.

In light of these challenges, the primary objective of this legal analysis is to assess the current state of one of the key elements of criminal law protection of the environment - inspection supervision and control. The importance of this mechanism lies in the fact that it constitutes the initial procedural response following a breach of environmental regulations, regardless of the type of legal proceedings that may follow - be it civil, administrative, criminal, misdemeanor, or commercial proceedings.

The methodology applied in this analysis involves a systematic and focused selection of legal and institutional frameworks governing environmental protection and inspection supervision. This includes identifying intersections with criminal legislation, relevant international conventions, and EU environmental directives, as well as considerations arising from Serbia's accession negotiations with the European Union. The analysis further explores the operational capacities of inspection authorities (human, financial, and technical), the level of local and international cooperation, the availability and quality of professional training, and other systemic factors. In addition, insights and findings are based on structured interviews with seasoned practitioners and experts in environmental criminal law—certainly environmental protection inspectors, judges, public prosecutors, and representatives of civil society organizations actively engaged in environmental advocacy. These consultations have identified key institutional challenges, shortcomings, and practical recommendations related to inspection supervision (control) in the field of environmental protection.



## 2 LEGAL FRAMEWORK

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**T**he legal framework governing inspection procedures in the field of environmental protection comprises 27 laws (\*28 The Law on Controlling the Risk of Major Accidents Involving Hazardous Substances will enter into force on December 7, 2025) and over 250 subordinate regulations, including decrees and other by-laws.<sup>1</sup> This requires inspectors to possess comprehensive knowledge of the applicable legal provisions, to apply them effectively in practice, and to coordinate closely with other competent authorities to ensure their proper enforcement.

The legal framework includes various classifications of laws that either directly or indirectly connected to the practice of inspection supervision.

### 2.1 LEGISLATION RELATED TO THE CONDUCT OF INSPECTION SUPERVISION

- ▶ The Law on Inspection Supervision<sup>2</sup>
- ▶ The Law on General Administrative Procedure<sup>3</sup>
- ▶ The Law on State Administration<sup>4</sup>
- ▶ The Law on Ministries<sup>5</sup>
- ▶ The Law on Fees for the Use of Public Goods<sup>6</sup>

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<sup>1</sup> [Annual Work Report for 2024](#)

<sup>2</sup> *Official Gazette of the Republic of Serbia*, Nos. 36/2015, 44/2018 – other law and 95/2018.

<sup>3</sup> *Official Gazette of the Republic of Serbia*, Nos. 18/2016, 95/2018 – authentic interpretation, and 2/2023 – Constitutional Court decision.

<sup>4</sup> *Official Gazette of the Republic of Serbia*, Nos. 79/2005, 101/2007, 95/2010, 99/2014, 47/2018 and 30/2018 – other law.

<sup>5</sup> *Official Gazette of the Republic of Serbia*, Nos. 128/2020, 116/2022 and 92/2023 – other law.

<sup>6</sup> *Official Gazette of the Republic of Serbia*, Nos. 95/2018, 49/2019, 86/2019 – adjusted dinar amounts, 156/2020 – adjusted dinar amounts, 15/2021 – adjusted dinar amounts, 15/2023 – adjusted dinar amounts, 92/2023, 120/2023 – adjusted dinar amounts, and 99/2024 – adjusted dinar amounts.

### *Criminal Legislation:*

- ▶ The Criminal Code<sup>7</sup>
- ▶ The Criminal Procedure Code<sup>8</sup>
- ▶ The Law on Misdemeanours<sup>9</sup>
- ▶ The Law on Economic Offenses<sup>10</sup>

### *Regulatory Framework in the Field of Environmental Protection:*

- ▶ The Law on Environmental Protection<sup>11</sup>
- ▶ The Law on Waste Management<sup>12</sup>
- ▶ The Law on Packaging and Packaging Waste<sup>13</sup>
- ▶ The Law on Environmental Impact Assessment<sup>14</sup>
- ▶ The Law on Integrated Prevention and Control of Environmental Pollution<sup>15</sup>
- ▶ The Law on Air Protection<sup>16</sup>
- ▶ The Law on Noise Protection in the Environment<sup>17</sup>
- ▶ The Law on Chemicals<sup>18</sup>
- ▶ The Law on Biocidal Products<sup>19</sup>
- ▶ The Law on Soil Protection<sup>20</sup>

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7 *Official Gazette of the Republic of Serbia*, Nos. 85/2005, 88/2005 – correction, 107/2005 – correction, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, and 35/2019.

8 *Official Gazette of the Republic of Serbia*, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 – Constitutional Court decision, and 62/2021 Constitutional Court decision.\**The Criminal Procedure Code is relevant when the inspection acts upon the order of the public prosecutor.*

9 *Official Gazette of the Republic of Serbia*, Nos. 65/2013, 13/2016, 98/2016 – Constitutional Court decision, 91/2019, 91/2019 – other law and 112/2022 – Constitutional Court decision.

10 *Official Gazette of the Socialist Federal Republic of Yugoslavia*, Nos. 4/77, 36/77 – corrected, 14/85, 10/86 – consolidated text, 74/87, 57/89, and 3/90; *Official Gazette of the Federal Republic of Yugoslavia*, Nos. 27/92, 16/93, 31/93, 41/93, 50/93, 24/94, 28/96, and 64/2001; and *Official Gazette of the Republic of Serbia*, Nos. 101/2005 – other law, 135/2004, 36/2009, 36/2009 – other law, 72/2009 – other law, 43/2011 – Constitutional Court decision, 14/2016, 76/2018, 95/2018 – other law, 95/2018 – other law, and 94/2024 – other law.

11 *Official Gazette of the Republic of Serbia*, No. 135/2004, 36/2009, 36/2009 – other law, 72/2009 – other law, 43/2011 – Constitutional Court decision, 14/2016, 76/2018, 95/2018 – other law, 95/2018 – other law and 94/2024 – other law.

12 *Official Gazette of the Republic of Serbia*, Nos. 36/2009, 88/2010, 14/2016, 95/2018 – other law and 35/2023.

13 *Official Gazette of the Republic of Serbia*, Nos. 36/2009 and 95/2018 – other law.

14 *Official Gazette of the Republic of Serbia*, No. 94/2024.

15 *Official Gazette of the Republic of Serbia*, Nos. 135/2004, 25/2015 and 109/2021.

16 *Official Gazette of the Republic of Serbia*, Nos. 36/2009, 10/2013 and 26/2021 – other law.

17 *Official Gazette of the Republic of Serbia*, No. 96/2021.

18 *Official Gazette of the Republic of Serbia*, Nos. 36/2009, 88/2010, 92/2011, 93/2012 and 25/2015.

19 *Official Gazette of the Republic of Serbia*, No. 109/2021.

20 *Official Gazette of the Republic of Serbia*, No. 112/2015.

- ▶ The Law on Waters<sup>21</sup>
- ▶ The Law on Nature Protection<sup>22</sup>
- ▶ The Law on the Protection and Sustainable Use of Fish Resources<sup>23</sup>
- ▶ The Law on Protection from Non-Ionizing Radiation<sup>24</sup>
- ▶ The Law on Radiation and Nuclear Safety and Security<sup>25</sup>
- ▶ The Law on the Prohibition of Development, Production, Storage, and Use of Chemical Weapons and their Destruction<sup>26</sup>
- ▶ The Law on National Parks<sup>27</sup>
- ▶ The Law on Climate Change<sup>28</sup>
- ▶ *The Law on Controlling the Risk of Major Accidents Involving Hazardous Substances (to enter into force on December 7, 2025)*<sup>29</sup>

### *The penal provisions of those laws concern:*

- ▶ Criminal offences;
- ▶ Economic offences;
- ▶ Misdemeanours.

### *Sanctions prescribed in connection with these provisions include:*

- ▶ Fines;
- ▶ Terms of imprisonment.

**Among all the laws governing pollution within certain areas, only the Law on Waters contains penal provisions encompassing criminal offences, economic offences, and misdemeanours. Fifteen laws<sup>30</sup> include provisions**

21 *Official Gazette of the Republic of Serbia*, Nos. 30/2010, 93/2012, 101/2016, 95/2018 and 95/2018 – other law.

22 *Official Gazette of the Republic of Serbia*, Nos. 36/2009, 88/2010, 91/2010 – correction, 14/2016, 95/2018 – other law and 71/2021.

23 *Official Gazette of the Republic of Serbia*, Nos. 128/2014 and 95/2018 – other law.

24 *Official Gazette of the Republic of Serbia*, No. 36/2009.

25 *Official Gazette of the Republic of Serbia*, Nos. 95/2018 and 10/2019.

26 *Official Gazette of the Republic of Serbia*, Nos. 36/2009 and 104/2013.

27 *Official Gazette of the Republic of Serbia*, Nos. 84/2015 and 95/2018 – other law.

28 *Official Gazette of the Republic of Serbia*, No. 26/2021.

29 *Official Gazette of the Republic of Serbia*, No. 94/2024.

30 The Law on Environmental Protection; the Law on Waste Management; the Law on Environmental Impact Assessment; the Law on Integrated Prevention and Control of Environmental Pollution; the Law on Air Protection; the Law on Chemicals; the Law on Biocidal Products; the Law on Land Protection; the Law on Nature Protection; the Law on the Protection and Sustainable Use of Fish Resources; the Law on Protection Against Non-Ionizing Radiation; the Law on Radiation and Nuclear Safety and Security; the Law on the Prohibition of Development, Production, Storage, and Use of Chemical Weapons and their Destruction; the Law on Climate Change; and *the Law on Controlling the Risk of Major Accidents Involving Hazardous Substances*.



**for both economic offences and misdemeanours, while four<sup>31</sup> contain only misdemeanour provisions. The Law on National Parks<sup>32</sup> does not contain any penal provisions.<sup>33</sup>**

Bearing in mind the aforementioned, this section of the analysis will focus on the general and certain penal provisions of the aforementioned laws that are relevant for establishing criminal offences in the field of environmental protection, as well as the overall framework of criminal law protection as reflected in the Law on Inspection Supervision.

## 2.2 THE LAW ON INSPECTION SUPERVISION

**The Law on Inspection Supervision<sup>34</sup>** establishes, in its general form, the scope and objectives of inspection activities, as well as the methods and forms by which control and supervision are exercised over the enforcement of laws and other regulations through direct inspection of the operations and conduct of the supervised entities.<sup>35</sup> Certain laws further regulate inspection supervision in particular areas that require more detailed definition.

Inspection control and supervision are conducted by inspectors whose competencies are assigned at the national, provincial, and municipal (city) levels.

Their supervision can be in the form of regular, extraordinary, mixed, control, or supplementary inspections.<sup>36</sup>

**Any interested natural or legal person may submit a request to the inspection authorities, thereby initiating the procedure for inspection supervision.<sup>37</sup>**

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31 The Law on Inspection Supervision; Law on Fees for the Use of Public Goods; Law on Packaging and Packaging Waste; and Law on Protection Against Noise in the Environment.

32 The Law on National Parks.

33 Article 25, Paragraph 5 of the Law on National Parks refers to the application of the Law on Nature Protection, stating: *The provisions on inspection supervision, including the rights, duties, and powers of inspectors, as set forth in the Law on Nature Protection, shall apply accordingly in the exercise of inspection supervision within the National Park.*

34 The Law on Inspection Supervision, *Official Gazette of the Republic of Serbia*, Nos. 36/2015, 44/2018 – other law, and 95/2018.

35 *Ibid.*, Concept and Purpose of Inspection Supervision, Article 2: *Inspection supervision is an administrative function, the scope and definition of which are determined by the law regulating the work of public administration. It is carried out by state administration authorities, provincial authorities, and local self-government units, with the aim of ensuring legality and safety in the operations and conduct of supervised entities, either through preventive actions or by imposing measures, and of preventing or eliminating harmful consequences for legally protected goods, rights, and interests. Other forms of supervision and control aimed at examining the implementation of laws and other regulations through direct insight into the operations and conduct of supervised entities – carried out by the authorities referred to in paragraph 1 of this Article and other entities with public powers – shall be aligned with inspection supervision, in accordance with special laws.*

36 *Ibid.*, Article 6.

37 *Ibid.*, Article 3, Paragraph 8: *A submission is a report, petition, proposal, or document of another name submitted to the inspection authority by an interested natural or legal person with the aim of initiating an inspection supervision procedure.*

Public who wants to report violations in the field of environmental protection may do so through the automated contact center of the Republic of Serbia's national inspection services, available via the website of the Coordination Commission for Inspection Supervision.<sup>38</sup> Based on the description of the reported issue, the Coordination Commission for Inspection Supervision forwards the submission to the competent inspection authority.

In procedural terms, inspection supervision is governed by the rules of administrative procedure.<sup>39</sup> The implementation of special laws and international agreements, as well as the harmonization of the Republic of Serbia's legal framework with European Union legislation, does not exclude the applicability of the Law on Inspection Supervision. During inspection supervision - including official controls - special laws, ratified international agreements, and regulations pursuant to "the harmonization of national legislation with the EU *acquis*" are applied.<sup>40</sup> However, if a special law regulates a certain area differently, its provisions take precedence. In cases where special laws do not regulate inspection supervision or official control, the provisions of the Law on Inspection Supervision shall apply.<sup>41</sup>

The Law stipulates the obligation of cooperation between the competent inspection authority and other inspections, judicial bodies, the police, other state administration authorities, as well as institutions at the level of the autonomous province and local self-government, as well as the mutual exchange of information among these entities.<sup>42</sup> Notably, the Law prescribes a 15-day deadline within which competent authorities must respond to requests for information submitted

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38 <https://inspektor.gov.rs/submission>

39 The Law on Inspection Supervision, Article 4, Paragraph 2: *In the process of conducting inspection supervision, the inspector or other authorized official shall act in accordance with the principles and rules governing the functioning of state administration and the principles and rules governing the conduct of civil servants of the state, autonomous province, and local self-government units, as well as in accordance with the principles and procedural rules set out in the law regulating general administrative procedure.*

40 *Ibid.*, Article 4, Paragraph 4.

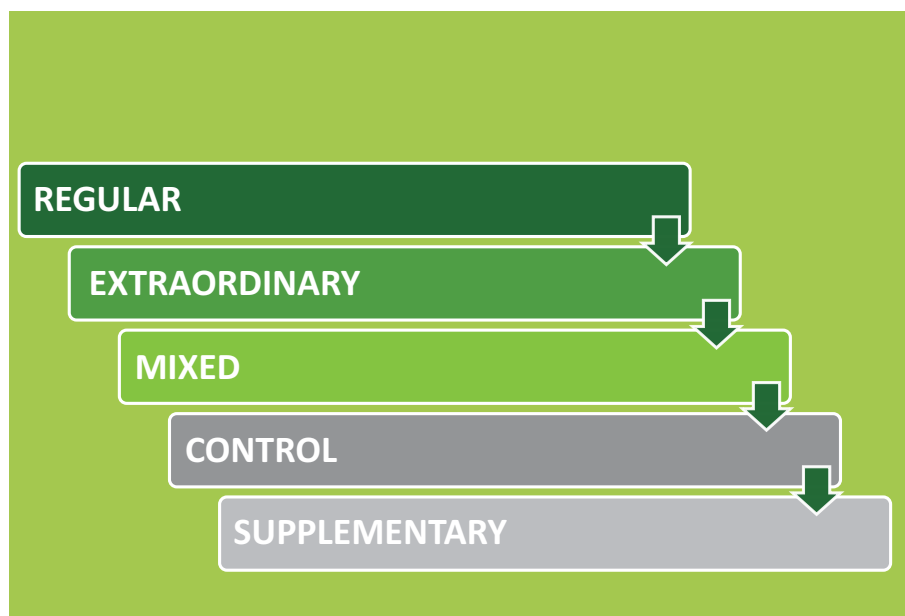
41 *Ibid.*, Article 4, paragraphs 4 and 5: *In the process of performing inspection supervision, including the official control carried out by the inspection to verify compliance with and applicability of regulations in a given field, where such control arises from special laws, ratified international agreements, or the harmonization of the legislation of the Republic of Serbia with the *acquis communautaire* of the European Union, the provisions of a special law shall apply directly, if such law regulates inspection supervision differently in that specific field. The direct application of provisions of special laws referred to in paragraph 4 of this Article shall not exclude or limit the direct application of the provisions of this law governing matters of inspection supervision and official control that are not regulated by those special laws.*

42 *Ibid.*, Article 5, Paragraphs 1, 2, and 3: *Cooperation of the competent inspection with other state administration bodies, bodies of the autonomous province and local self-government units, judicial and other state authorities, and other relevant bodies and organizations is carried out in accordance with the inspection's competences and the forms of cooperation established by regulations on state administration and special laws. Cooperation particularly includes mutual notification, data exchange, provision of assistance, and joint measures and actions relevant for inspection supervision. In performing tasks within its scope, the competent inspection coordinates inspection supervision plans and its work, exchanges data, proposes joint measures and activities relevant for the performance of inspection supervision, and cooperates in other ways with other inspections and public-authority holders that conduct special forms of supervision and control, in order to ensure more comprehensive and effective supervision.*

by the inspection.<sup>43</sup> Furthermore, if the inspector anticipates resistance from the supervised entity or expects obstruction during the inspection, the police or municipal police provide support to ensure the inspection proceeds effectively.<sup>44</sup> It is important to note that the environmental protection inspection acts upon orders issued by the public prosecutor.<sup>45</sup> Since 2022, it has also cooperated with the newly established Environmental Crime Unit within the Ministry of Internal Affairs of the Republic of Serbia.<sup>46</sup>

### Types of Inspection Supervision

There are five types of inspection supervision:<sup>47</sup> regular, extraordinary, mixed, control, and supplementary.



Picture 1.

Among the five types of inspection supervision relevant to the criminal law protection of the environment, **extraordinary inspection supervision** is

43 *Ibid.*, Article 5, Paragraph 4: State authorities, bodies of the autonomous province and local self-government units, as well as public-authority holders, are obliged - upon the inspector's request - to provide the requested data and information relevant to inspection supervision within 15 days from the receipt of the request.

44 *Ibid.*, Article 5, Paragraph 7: If, in relation to the conduct of inspection supervision, there is a reasonable expectation that the supervised entity will resist, or if resistance occurs and the inspector is prevented from or significantly hindered in performing the inspection supervision, the inspector may request assistance from the police and municipal police.

45 *Ibid.*, Article 6, Paragraph 4.

46 [Government of the Republic of Serbia, Unit for Combating Environmental Crime Established, March 30, 2022](#)

47 The Law on Inspection Supervision, Article 6.

the most important one.<sup>48</sup> This form of supervision is undertaken when it is determined that urgent action is required to prevent or mitigate an immediate threat to human life or health, the environment, or plant and animal life. Extraordinary inspection supervision may be initiated:

- ▶ at the request of the public prosecutor;
- ▶ when, after the adoption of the annual inspection supervision plan, it is assessed that the risk is high or critical, or if relevant circumstances have changed;
- ▶ upon the request of the supervised entity;
- ▶ for the purpose of preventing the operation or activities of unregistered entities;
- ▶ upon a complaint submitted by a legal or natural person;
- ▶ when the second-instance authority reopens the procedure through inspection or decides to repeat the entire procedure or a part thereof, and the conditions for supplementary inspection supervision are not met.

The necessity for additional engagement of inspectors in certain areas, beyond the initially planned and allocated 10% of this type of supervision for 2024, demonstrates the critical importance of extraordinary inspection supervision:

- ▶ in the SEVESO Facilities Control Section, 18.2% of all inspections conducted were extraordinary inspections.,
- ▶ in the area of chemical accident protection control, 13.4% of the total inspections conducted were extraordinary inspections.<sup>49</sup>

In this regard, it may happen that in one inspection supervision, regular and extraordinary supervision are combined at the same time, on the same supervised subject, when the subject of supervision partially or completely coincides or if they are connected. Then it is a matter of **mixed inspection supervision**. What is important for control, that is, determining the execution of measures that, within the framework of regular or extraordinary inspection supervision, were proposed or ordered to a certain supervised entity, is **control inspection supervision**.

In all cases, **regular inspections** are pre-planned, and the supervised entity is notified at least three days prior to the commencement of the inspection. This advance notice significantly reduces the likelihood of detecting violations of regulations or uncovering criminal offenses in the field of environmental

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48 *Ibid.*, Article 6, Paragraph 4.

49 [Annual Work Report for 2024](#), p. 20: *In the annual inspection plan for 2024, 10% of the total number of inspections was allocated for the purpose of conducting extraordinary inspection supervision. However, during the course of 2024, the Department for Control of SEVESO Facilities carried out extraordinary inspections in 18.2% of all conducted inspections. This increase resulted from the engagement of inspectors from this department in extraordinary inspections in other areas of environmental protection, such as special waste streams, energy licensing, and cooperation with the Environmental Crime Suppression Unit of the Ministry of Interior. In the area of chemical accident protection, extraordinary inspections accounted for 13.4% of the total inspections conducted in that domain.*

protection. However, inspection supervision may start without prior notification when immediate action is required – namely, when there is a justified concern that advance notice would compromise the objectives of the supervision, or when the protection of the public interest requires it:

- a) Eliminating danger to the life or health of individuals, property, the rights and interests of employees and other engaged workers or consumers, the economy, the environment, flora and fauna, as well as communal order and public safety;
- b) If there is a risk that the supervised entity or a third party may hide, destroy, alter, damage, or partially or completely render unusable any documents or other items that could serve as evidence in the inspection supervision procedure before a court or other competent authority.<sup>50</sup>

**Additional inspection supervision** is conducted either *ex officio* or at the request of the supervised entity, with the purpose of establishing facts that were not determined during previous types of supervision. This form of supervision is subject to limitations, allowing only one additional inspection supervision to be carried out within a period not exceeding 30 days from the conclusion of regular, extraordinary, or control inspection supervision.

For example, in 2024, within the scope of integrated pollution control and environmental protection against pollution, certainly regarding large polluters (i.e. IRRS facilities), a total of 658 inspections were conducted. Of these, 242 were regular inspections, 238 extraordinary, 29 mixed, and 144 control inspections.<sup>51</sup>

### Forms of Inspection Supervision

Inspection supervision is categorized into two types<sup>52</sup> based on the location of its execution: field inspection supervision, conducted outside the inspection premises, and office inspection supervision, carried out within the premises of the inspection authority.

**Field inspection supervision** is conducted outside the official premises of the inspection authority and involves direct examination of the following:

- ▶ land,
- ▶ objects,
- ▶ facilities,
- ▶ equipment,
- ▶ premises,
- ▶ vehicles and other dedicated means of transport,
- ▶ items,

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50 The Law on Inspection Supervision, Article 17.

51 [Annual Work Report for 2024](#), p. 19.

52 The Law on Inspection Supervision, Article 7.

- ▶ goods and other items,
- ▶ acts and documentation of the supervised entity.

The law further stipulates that if the inspector is unable to conduct field inspection supervision at the time specified in the notification, they are obligated to inform the supervised entity in a timely and appropriate manner.<sup>53</sup>

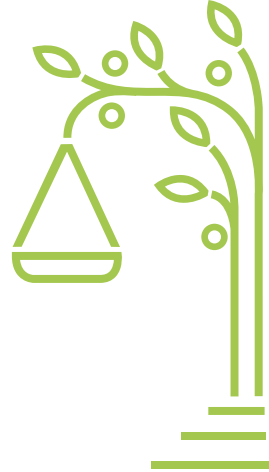
This type of inspection is the most important for the detection of criminal offenses in the field of environmental protection and demands substantial resources, including qualified personnel, specialized equipment, and effective coordination with other competent authorities.

**Office inspection supervision** is conducted within the official premises of the inspection authority and involves the examination of:

- ▶ legal acts,
- ▶ relevant data,
- ▶ documentation of the supervised subject.

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53 *Ibid.*, Article 17, Paragraph 3.



## 3 CORRELATION BETWEEN INSPECTION SUPERVISION/CONTROL AND CRIMINAL LAW PROTECTION OF THE ENVIRONMENT

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**T**he legal provisions applicable directly or indirectly to inspection supervision are complex; however, not all are equally relevant for the detection or reporting of criminal offenses, and consequently for ensuring criminal law protection of the environment. This section provides an analysis of inspection areas and actions that serve as an effective basis for further proceedings and coordination within criminal procedures. It also identifies inspection actions that are most useful in this context.

### 3.1 LIST OF INSPECTION SERVICES WITHIN MINISTRIES WHOSE COMPETENCIES CORRESPOND TO AREAS OF CRIMINAL LAW PROTECTION OF THE ENVIRONMENT

A total of nineteen ministries have established inspection departments. However, only six of these ministries<sup>54</sup> perform inspection tasks that, even in their routine implementation, can significantly contribute to the criminal law protection of the environment. This part of the analysis focuses on the inspection functions of those certain ministries, examining their connection to criminal offenses against the environment. These offenses typically involve violations of regulations protecting various environmental goods, such as:

- ▶ air, water, or soil,
- ▶ animal or plant life,
- ▶ forests,

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54 <https://inspektor.gov.rs/contact/inspections#>

- ▶ hunting,
- ▶ fishing;

as well as certain substances and facilities that pose environmental risks, including:

- ▶ hazardous substances and hazardous waste;
- ▶ nuclear facilities.

## 1. MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT

Sector for Agricultural Inspection

Directorate for Plant Protection – Phytosanitary Inspection Department

Directorate for Plant Protection – Border Phytosanitary Inspection Department

Forestry Administration – Forestry and Hunting Inspection Department

Republic Directorate for Water – Department of Water Inspection

Veterinary Administration – Department for Veterinary-Sanitary Control at Border Crossings

Veterinary Administration – Department for Inspection Supervision and Control

## 2. MINISTRY OF ENVIRONMENTAL PROTECTION

Environmental Protection Inspection

Fisheries Inspection

## 3. MINISTRY OF HEALTH

Sanitary Inspection Department

Border Sanitary Inspection

## 4. MINISTRY OF MINING AND ENERGY

Department for Geological and Mining Inspection

## 5. DIRECTORATE FOR RADIATION AND NUCLEAR SAFETY AND SECURITY OF SERBIA

Inspection for Radiation and Nuclear Safety and Security

## 6. MINISTRY OF CONSTRUCTION, TRANSPORT AND INFRASTRUCTURE

Department for Inspection Duties in the Transport of Dangerous Goods



### 3.2 CATEGORIZATION OF INSPECTION SUPERVISION AND CONTROL ACROSS KEY ENVIRONMENTAL AREAS

When discussing the categorization of inspection supervision and control related to certain areas of environmental protection – where violations correspond to the elements of certain criminal offenses, economic offenses, and misdemeanors – we can identify eleven (11) areas:

- ▶ water,
- ▶ air,
- ▶ soil,
- ▶ animal life,
- ▶ plant life,
- ▶ chemicals,
- ▶ waste,
- ▶ biocidal products,
- ▶ noise,
- ▶ packaging and packaging waste,
- ▶ radiation (ionizing/non-ionizing, as well as nuclear safety).

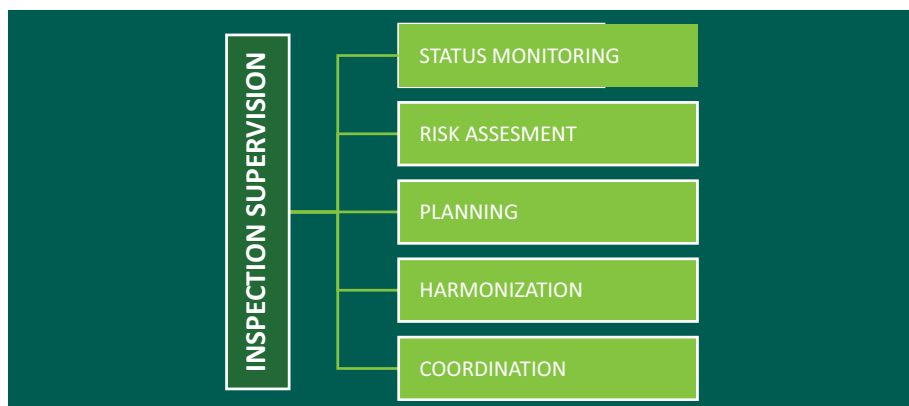


Picture 2.

Certain laws regulate all of these areas and address the complex inspection procedures unique to each area. Accordingly, inspection activities are conducted, which, in their broadest sense, include five distinct types.

### *Inspection Activities*

Considering these areas, inspection activities<sup>55</sup> encompass:



Picture 3.

### *Status monitoring*

Status monitoring includes:<sup>56</sup>

- ▶ **Collecting and analyzing data** obtained through:
  - ▶ standardized checklists,
  - ▶ targeted surveys,
  - ▶ public opinion research,
  - ▶ other direct data collection methods,
  - ▶ obtaining information from state bodies, autonomous provincial authorities, local self-government units, and other holders of public authority,
  - ▶ compiling statistical and other relevant data,
  - ▶ reviewing inspection, administrative, judicial, and business practices within the relevant inspection domain and related fields.
- ▶ **Preparing inspection supervision plans** based on the status assessment and risk evaluation conducted by the inspection authorities.

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<sup>55</sup> The Law on Inspection Supervision, Articles 8, 9, 10, 11 and 12.

<sup>56</sup> *Ibid.*, Article 8.

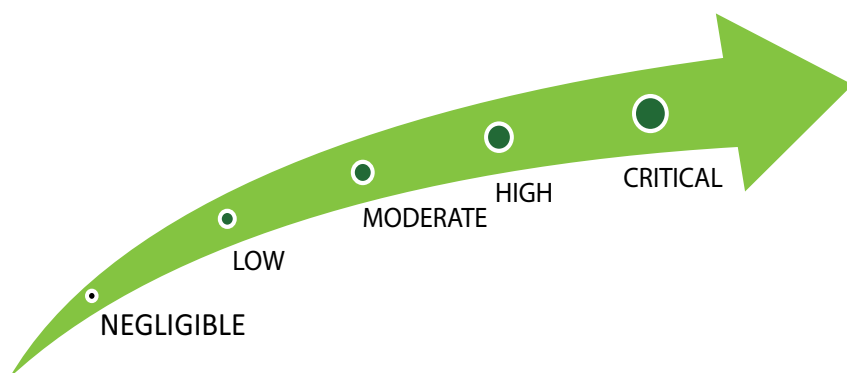
- ▶ **Initiating proposals** for the adoption, amendment, or supplementation of laws and related secondary legislation.
- ▶ **Harmonizing and publishing inspection practices** to ensure coherence and transparency in inspection work.
- ▶ **Undertaking preventive activities** to mitigate risks and encourage voluntary compliance.
- ▶ **Submitting proposals** for measures and actions to relevant state bodies, provincial institutions, local authorities, and other entities with public mandates.
- ▶ **Publishing lists of supervised entities** on its website, highlighting those with the highest and lowest levels of compliance, as determined through checklist-based assessments.

**Accordingly, environmental inspectors carry out seven distinct actions as part of status monitoring**, which often involve addressing, coordinating, and communicating with multiple stakeholders – both the entities they supervise and the competent authorities responsible for follow-up procedures within the inspection process.

### *Risk Assessment*

**Risk assessment is a part of risk analysis, including both risk management and communication.**<sup>57</sup> Risk plays a central role in initiating inspection supervision, as inspections are launched and conducted based on the evaluated level of risk. For example, if the risk is assessed as negligible, inspection supervision will not be initiated, meaning there is no obligation to initiate it.<sup>58</sup>

**Risk levels are classified according to prescribed standards and may be categorized as negligible, low, moderate, high, or critical.**<sup>59</sup>



Picture 4.

<sup>57</sup> *Ibid.*, Article 9.

<sup>58</sup> *Ibid.*, Article 18, Paragraph 5.

<sup>59</sup> *Ibid.*, Article 9.

For example, in 2024, during the supervision of major polluters, i.e. IRRS facilities, “[...]the supervised entities were classified into four risk levels: critical risk (one facility), high risk (four facilities), medium risk (20 facilities), and low risk (28 facilities). **The frequency of regular inspections within one year varied according to the risk level:** critical risk facilities were inspected four times annually, high risk three times, medium risk twice, and low risk once a year.”<sup>60</sup>

**It is also possible to conduct a preliminary risk assessment** using risk assessment and prioritization tools to determine the level of risk and carry out its initial ranking. The frequency of inspection supervision is determined based on the assessed level of risk, as is usually the case during inspection procedures.<sup>61</sup>

It is important to note that the risk assessment may change if, during the implementation of the annual inspection supervision plan, new circumstances arise that are crucial for its classification. The risk is assessed during the preparation of the inspection plan, evaluating both **the severity of potential consequences and the likelihood of their occurrence.**

**The severity of harmful consequences**<sup>62</sup> is assessed based on:

- ▶ the nature of the harmful consequences;
- ▶ the extent of the harmful consequences.

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60 [Annual Work Report for 2024](#), p. 19: *Inspections of supervised entities and their facilities were conducted in accordance with the Annual and Operational Inspection Plans, developed using a risk assessment tool. This approach established control priorities for major polluters (i.e., IPPC facilities) and classified entities into four risk levels: critical (1 facility), high (4 facilities), medium (20 facilities), and low (28 facilities). Depending on the assessed level of risk, the frequency of regular inspections per year was as follows: critical risk – four times, high risk – three times, medium risk – twice, and low risk – once.*

61 *Ibid.*, p. 20: *With regard to the control of lower-tier Seveso facilities, the risk assessment and prioritization tool was used to assess the risk and determine the level of risk for Seveso operators. Based on the determined risk level, the operators were preliminarily ranked. The frequency of regular inspections per year was defined according to the risk level: critical risk (at least twice a year), high risk (at least once a year), medium risk (once a year), and low risk (once every two years).*

62 The Law on Inspection Supervision, Article 9, Paragraph 6, Items 1 and 2:

*The severity of harmful consequences shall be assessed based on:*

- 1) *the nature of harmful consequences, which derives from the type of activity carried out by the supervised entity, or the characteristics of the goods or products placed on the market by the supervised entity, the services it provides, the actions it undertakes, or the powers it exercises in the course of its operations or conduct, in relation to legally protected goods, rights, and interests; and*
- 2) *the extent of harmful consequences, primarily in terms of the number of individuals using the goods, products, or services, or those exercising certain rights within or in connection with the supervised entity, as well as the scope of legally protected goods, rights, and interests affected by or associated with the entity's activities or operations.*

**The likelihood of harmful consequences occurring<sup>63</sup>** is assessed based on:

- ▶ the previous business conduct and behavior of the supervised entity;
- ▶ Serbian standards and rules of good practice;
- ▶ the system of management and internal oversight related to the legality, regularity, and safety of the entity's operations and conduct;
- ▶ the state of the sector in which its activity is performed, including predictions of future developments;
- ▶ the internal and external professional, technical, technological, and financial capacities of the supervised entity.

**The Government prescribes common elements of risk assessment in inspection supervision.**

**Risk may also be assessed for certain territorial areas and units, as well as for individual facilities or groups of facilities. In such cases, the assessment is conducted based on specially prescribed criteria determined by the minister responsible for the relevant sector or the holder of public authority conducting the inspection in that field. It is also important to note that the minister or holder of public authority prescribes specific elements of the risk assessment and the frequency of inspection supervision based on the risk assessment.** Matters falling within the original jurisdiction of the autonomous province or local self-government units are regulated by the competent authority of that respective level.<sup>64</sup>

**The legal framework provides a sufficiently broad range and type of inspection measures to ensure comprehensive criminal law protection of**

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63 *Ibid.*, Article 9, Paragraph 7:

*The likelihood of harmful consequences is assessed particularly based on the previous conduct and operations of the supervised entity, including the most recently established state of legality and safety of its operations and conduct.*

*The likelihood is also assessed based on: Serbian standards and best practices applied by the supervised entity; its management system and internal controls related to legality, correctness, and safety of operations and conduct, taking into account its risk management policy and various forms of internal supervision; audits of the supervised entity's financial statements; the situation in the sector in which the entity operates and forecasts of future developments in that sector; and the internal and external professional, technical, technological, and financial capacities of the supervised entity.*

64 *Ibid.*, Article 9, Paragraph 8, 9, 10, 11: *In addition to risk assessments for supervised entities, risk may also be assessed—according to specifically prescribed criteria—for individual territorial areas and other territorial or similar units (e.g., territorial divisions, regions and subregions, sections, etc.), facilities, and groups of facilities, in accordance with the jurisdiction of the inspection body and the needs of inspection supervision.*

*The Government prescribes the common elements of risk assessment in inspection supervision.*

*The minister responsible for the relevant area of inspection supervision, or the holder of public authority performing inspection in a specific area, prescribes the specific elements of risk assessment and the frequency of inspections based on risk assessment, as well as the special criteria referred to in paragraph 8 of this Article.*

*The competent authority of the autonomous province and local self-government unit prescribes the specific elements of risk assessment and the frequency of inspection supervision based on risk assessment within the original jurisdiction of the autonomous province and local self-government unit.*

**the environment**, achieved through supervision of entities, territorial areas/units, and (groups of) facilities. This is particularly important given that certain entities, facilities, and territories are (traditionally) subject to mining or industrial exploitation.

### 3.3 ACTIONS OF ENVIRONMENTAL INSPECTORS AIMED AT DETECTING/ESTABLISHING THE EXISTENCE OF CRIMINAL OFFENSES

In this regard, if we were to summarize the specific actions undertaken by an environmental protection inspector, within the scope of their competencies, for the purpose of detecting or establishing the existence of a criminal offense, such actions would include:

- ▶ determining the violation of a specific regulation;
- ▶ identifying the specific act that breached the regulation;
- ▶ identifying the natural persons, official, or responsible persons who committed the violation;
- ▶ assessing whether the consequences of the environmental damage requires a prolonged period or substantial costs;
- ▶ determining whether large-scale destruction or damage to animal or plant life occurred;
- ▶ determining whether significant pollution occurred, either in intensity or across a wider area.

If the environmental inspector detects that the supervised entity has committed an unlawful act, they submit **a criminal complaint, report an economic offense, request the initiation of misdemeanor proceedings, or issue a misdemeanor order to the competent judicial authority.**<sup>65</sup>

In handling environmental cases, a persistent issue arises between public prosecutors and environmental inspectors – namely, that inspectors are often reluctant to consult with on-duty prosecutors. Instead, after detecting irregularities, inspectors typically limit their actions to issuing orders for the irregularities to be remedied and instructing the supervised entity to independently conduct analyses and sampling. This approach contradicts the evidentiary standards set forth in the Criminal Procedure Code (CPC). If an environmental criminal offense occurs, prosecutors cannot later use such evidence, as it was not lawfully obtained. This contributes to the low number of criminal proceedings for offenses under Articles 260 to 277 of the Criminal Code. Furthermore, in only a small number of cases do environmental inspectors themselves initiate necessary expert analyses (e.g., expert assessment to determine whether hazardous substances have polluted the soil) before filing a criminal complaint (or an economic offense report) with

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<sup>65</sup> *Ibid.*, Article 42.

the public prosecutor's office, and these actions are typically taken by older, more experienced "environmental" inspectors.<sup>66</sup>

According to the experience of some prosecutors, "environmental" inspectors generally act promptly, while the veterinary inspection tends to be significantly slower in providing the information necessary for determining whether a criminal offense has occurred. Inspectors also fail to coordinate their inspection activities with public prosecutors. When environmental inspectors do file criminal complaints, they usually communicate with prosecutors only by phone and typically after conducting extraordinary inspections. Most inspectors lack sufficient knowledge of criminal procedure and are unfamiliar with the point at which the prosecution assumes responsibility for criminal proceedings. They do not adhere to deadlines prescribed by the Criminal Procedure Code (CPC), instead following the timelines set by the Law on Inspection Supervision. Inspectors tend to initiate proceedings for misdemeanors or economic offenses only after a public concern following an environmental incident. When police get involved, inspectors then proceed to file criminal complaints. In some cases, they merely order that the irregularities be corrected, thereby postponing misdemeanor proceedings. This practice sends a message that the state is not seriously addressing this form of criminal activity.<sup>67</sup>

Therefore, authorized officials – primarily environmental inspectors - must ensure continuity in collecting evidence (and consequently its legal validity) and coordinate their actions with the public prosecutor's office and the courts to determine the existence of the respective criminal offenses, economic offenses, or misdemeanors.

### 3.3.1 Legal Powers of Environmental Inspectors in Establishing Facts Related to Environmental Criminal Offenses

Certain legal powers granted to environmental inspectors in establishing facts related to environmental criminal offenses can help maintain continuity in evidence collection in a manner that aligns with the provisions of the Criminal Procedure Code (CPC), thereby enabling better coordination with the public prosecutor's office:<sup>68</sup>

66 Interview: Nena Miloradović Bjelica, Senior Prosecutorial Associate and Newly Appointed Public Prosecutor, First Basic Public Prosecutor's Office in Belgrade.

67 Interview: Nena Miloradović Bjelica, Senior Prosecutorial Assistant and Newly Appointed Public Prosecutor, First Basic Public Prosecutor's Office in Belgrade.

68 The Law on Inspection Supervision, Article 21\*: *The inspector is authorized, for the purpose of establishing facts, to:*

- 1) *examine public documents and data from registers and records maintained by competent state authorities, authorities of the autonomous province and local self-government units, and other holders of public authority, if necessary for inspection supervision and not obtainable ex officio, and to copy them, in accordance with the law;*
- 2) *inspect personal or other public identification documents with a photograph suitable for identifying authorized persons within the supervised entity, other employees or engaged individuals, natural persons who are supervised entities, witnesses, public officials, and interested parties, as well as individuals found at the site of inspection;*
- 3) *take written and oral statements from supervised natural persons and legal representatives or authorized persons within legal entities, as well as from other employees or engaged*

- ▶ collects written and oral statements from supervised individuals – natural persons, representatives or authorized persons of the supervised entity, witnesses, officials, and other interested parties – and summons them to give statements within the scope of his/her authority;
- ▶ conducts on-site inspections;<sup>\*69</sup>
- ▶ takes necessary samples for examination and factual assessment;
- ▶ photographs and records the premises and other items under inspection;
- ▶ secures evidence;
- ▶ temporarily seizes items to preserve evidence.<sup>70</sup>

It is also useful that environmental inspectors have at their disposal several practical powers that can contribute to detecting environmental criminal offenses:

- ▶ If, during the course of an inspection, the inspector discovers an illegality outside the originally defined scope of supervision (but closely related to it), they may request a supplement to the inspection order;
- ▶ Before obtaining the supplemented order, the inspector may secure evidence if it may later become unavailable or difficult to collect;
- ▶ A formal decision is issued regarding the securing of evidence;
- ▶ A supplement to the inspection order is not required when immediate action is necessary to prevent or eliminate a direct threat to human life or health, the environment, or plant and animal life.<sup>71</sup>

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*persons, witnesses, public officials, and interested parties, and to summon them to provide statements on matters relevant to inspection supervision;*

- 4) *order that, within a specified timeframe, business records, general and individual acts, registers, contracts, and other documents relevant to the inspection be made available in the form in which the supervised entity possesses and stores them;*
- 5) *conduct an on-site inspection, including examination and verification of the location, land, buildings, business and other non-residential premises, facilities, devices, equipment, tools, vehicles and other designated transport means, other work tools, products, goods placed on the market, goods in circulation, and other items used for conducting business or activities, as well as other objects relevant to the inspection supervision;*
- 6) *collect necessary samples for testing and establishing the factual situation, in accordance with special laws and regulations adopted based on those laws;*
- 7) *photograph and record the premises where inspection supervision is conducted and other items subject to inspection; 7a) secure evidence;*
- 8) *undertake other actions to establish the factual situation as prescribed by this and other specific laws.*

69 According to Article 22 of the Law on Inspection Supervision, it is possible to conduct an on-site inspection even in residential premises, including in the absence of the owner, user, holder, or their authorized representative, in specifically prescribed situations.

70 *Ibid.*, Article 24.

71 *Ibid.*, Article 16: *As an exception to paragraph 1 of this Article, an inspection may start without prior notification to the supervised entity when there are reasons for urgent action or a justified concern that such notification would compromise the purpose of the inspection, or when required to protect the public interest, or to eliminate danger to human life or health, property,*



Additionally, inspectors may conduct supervision outside the working hours of the supervised entity when the urgency of the situation requires immediate action, as provided by law.<sup>72</sup>

### 3.3.2 Undercover purchase

**Environmental inspectors have access to the tool of “undercover purchase”<sup>73</sup>, which legally corresponds to the concept of “simulated transactions” as defined in the Criminal Procedure Code (CPC).<sup>74</sup>** This correlation is particularly useful in cases of environmental criminal offenses that often coexist with other crimes such as bribery, money laundering, abuse of office, etc., all of which are subject to special evidentiary procedures under Article 162 of the Criminal Procedure Code. Such offenses require heightened engagement and coordination between environmental inspectors and the prosecuting authorities, ensuring that official actions align with provisions of the Criminal Procedure Code. This coordination is especially crucial in cross-border investigations, where the newly adopted Directive (EU) 2024/1203 of the European Parliament and Council of 11 April 2024 (Environmental Crime Directive) mandates the use of all special investigative techniques applied in combating organized crime and other complex offenses to effectively address crimes against the environment.<sup>75</sup>

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*the rights and interests of employees and other engaged persons or consumers, the economy, the environment, plant or animal life, public order, or safety, in accordance with the inspection's scope of competence.*

*An inspection may also start without prior notice if there is a risk that the supervised entity or a third party may conceal, destroy, alter, damage, or partially or completely render unusable any document or other item that may serve as evidence in the inspection procedure or in proceedings before a court or other authority.*

*The reasons for omitting prior notification must be stated in the inspection order, along with known or probable facts that support such reasons in the certain case.*

72 *Ibid.*, Article 19: Exceptionally, inspection supervision may also be conducted outside the working hours of the supervised entity referred to in paragraph 1 of this Article: when there are reasons for urgent action; when the risk is high or critical; when it is necessary to take immediate measures to prevent or eliminate an imminent threat to human life or health, the environment, or plant or animal life; when compliance with the prescribed working hours of the supervised entity or premises is being verified; or when the supervised entity gives written consent.

73 *Ibid.*, Article 21a: In cases of justified suspicion that a person is conducting activities as an unregistered entity or is failing to issue receipts, undercover purchasing may be used as a means of evidence gathering in accordance with a special law, if the necessary evidence cannot be obtained by other means or if doing so would be significantly hindered. Undercover purchasing is conducted without prior notification or presentation of official identification and an inspection supervision order to the supervised entity. The order must specify the methods of undercover purchasing and provide justification for the justified suspicion, including known and probable facts supporting the suspicion in the certain case, as well as reasons why other evidentiary actions cannot produce, collect, or secure the necessary evidence, or why it would be significantly hindered.

*During undercover purchasing, the inspector is authorized to collect evidence and information through direct observation that are useful for establishing the factual situation and to exercise other powers necessary to determine facts referred to in paragraph 1 of this Article. Upon completion of the purchase, the inspector must present official identification and the inspection supervision order to the supervised entity.*

74 Criminal Procedure Code, Articles 174 to 177.

75 Directive, Article 13.

Undercover purchase enables environmental inspectors to collect evidence and data useful for establishing the factual situation through direct observation, as well as to exercise other authorities for fact-finding in cases of reasonable suspicion that a person operates as an unregistered entity or fails to issue receipts. The undercover purchase is conducted without prior notification or presentation of official identification and inspection orders, which are only shown after the purchase is completed.

### 3.4 TYPES OF MEASURES

**The inspector may impose several types of measures:** administrative preventive measures, measures to eliminate unlawfulness, special measures such as orders, prohibitions, or seizures, and measures to protect the rights of third parties.<sup>76</sup>

**In cases of prescribed criminal offenses, the court<sup>77</sup>** may order the polluter, i.e., the supervised entity, to undertake within a specified timeframe joint (optional) measures:

- ▶ protection;
- ▶ preserving and improving the environment;
- ▶ eliminating harmful consequences.

#### 3.4.1 Inconsistencies in the prescribed measures within criminal legislation

There are inconsistencies regarding the scope of prescribed measures within criminal legislation. For the following criminal offenses, only the measure of confiscation is provided:

- ▶ destruction, damage, export, or import of a protected natural resource, where only the measure of confiscation of the protected species is prescribed;<sup>78</sup>
- ▶ illegal hunting, where the measure of confiscation applies to the hunted game and hunting tools;<sup>79</sup>
- ▶ illegal fishing, where the measure of confiscation applies to the catch and fishing equipment.<sup>80</sup>

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<sup>76</sup> The Law on Inspection Supervision, Article 25.

<sup>77</sup> Criminal Code of the Republic of Serbia, Article 260 – Environmental Pollution; Article 261 – Failure to Undertake Environmental Protection Measures; Article 262 – Illegal Construction and Commissioning of Facilities and Plants that Pollute the Environment; Article 263 – Damage to Environmental Protection Facilities and Equipment; Article 264 – Environmental Damage; Article 266 – Introduction of Hazardous Substances into Serbia and Unauthorized Processing, Disposal, and Storage of Hazardous Substances.

<sup>78</sup> *Ibid.*, Article 265: (5) *Strictly protected or protected species of plants or animals referred to in paragraph 3 of this Article shall be confiscated.*

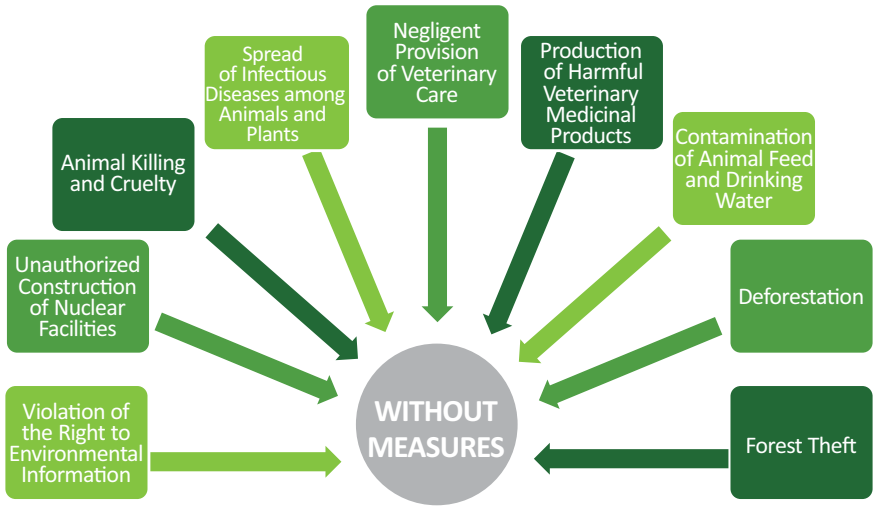
<sup>79</sup> *Ibid.*, Article 276: (5) *Captured game and hunting equipment shall be confiscated.*

<sup>80</sup> *Ibid.*, Article 277: (4) *Catch and fishing equipment shall be confiscated.*

**Misalignment is most evident in the case of nine criminal offenses for which neither optional nor mandatory measures are prescribed.<sup>81</sup>**

The absence of prescribed measures for these criminal offenses prevents effective judicial and inspection supervision, as the sanctioning practice is reduced to imposing penalties without introducing environmental protection measures or seizing the means used to commit the offense, interrupting the ongoing monitoring of the polluter or supervised entity.

It is important to note that any natural or legal person may file a criminal complaint.



Picture 5.

**3.5 ECONOMIC OFFENCES**

Economic offenses are defined by various laws (within areas under inspection supervision) and, objectively speaking, they uniformly regulate monetary fines (in the case of convictions) and accompanying measures that may be imposed.

<sup>81</sup> *Ibid.*, Article 267: Prohibited construction of nuclear facilities; Article 268: Violation of the right to information about the state of the environment; Article 269: Killing and mistreatment of animals; Article 270: Transmission of infectious diseases among animals and plants; Article 271: Negligent provision of veterinary care; Article 272: Production of harmful substances for treating animals; Article 273: Pollution of food and water for animal feeding and watering; Article 274: Devastation of forests; Article 275: Forest theft.

Fines may be issued up to a maximum<sup>82</sup> of 3,000,000 dinars,<sup>83</sup> while protective measures<sup>84</sup> are specified within the sanctioning provisions of economic offenses. These measures require the polluter or the supervised entity to undertake actions within a set timeframe, including:

- 1) a protective measure prohibiting a legal entity from engaging in a specific business activity for a defined period;
- 2) a protective measure prohibiting the responsible individual from performing certain duties for a defined period.

Authorized entities for filing a report of an economic offense include the public prosecutor's office, the environmental inspection body, and individuals considered injured parties. In practice, when a criminal complaint is submitted to the public prosecutor and it is determined that the elements of a criminal offense are not present, the case is often forwarded to the department for economic offenses.

### 3.6 MISDEMEANORS

**The Law on Misdemeanors prescribes the imposition of fines in cases resulting in a conviction. In judicial practice, however, it is relatively rare for courts to impose measures provided for by special laws in specific areas of environmental protection.** The protective measure prohibiting a legal entity or an entrepreneur from performing a particular activity or type of activity is imposed by the misdemeanor court when such a measure is mandated under a special law (in accordance with the provisions of the Law on Misdemeanors regulating this matter).<sup>85</sup>

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82 The Law on Economic Offences, Article 22: (1) *The court may increase the penalty prescribed for the committed economic offense up to double the maximum prescribed amount, if the offender is a repeat offender.* (2) *Repeat offending by a legal entity exists if the legal entity has already been convicted at least twice for related economic offenses, each time receiving a fine exceeding 20,000 dinars, and if no more than five years have passed since the last final conviction.* (3) *Repeat offending by a responsible person exists if the person has been convicted at least twice for related criminal offenses or economic offenses, receiving either a prison sentence or a fine exceeding 4,000 dinars, provided that no more than five years have passed since the last served prison sentence or the final imposition of the fine, and if the offender demonstrates a tendency to commit such offenses.* (4) *When deciding whether to increase the penalty, the court shall give particular consideration to the circumstances under which the economic offense was committed and the severity of the resulting consequences.* (5) *The penalty prescribed under Article 18, Paragraph 2 of this Law may not be increased.*

83 *Ibid.*, Article 18: (1) *The minimum monetary fine that may be imposed on a legal entity is 10,000 dinars, and the maximum is 3,000,000 dinars.* (2) *The amount of the fine for a legal entity may also be determined in proportion to the amount of damage caused, the unfulfilled obligation, or the value of the goods or other items that are the subject of the economic offense, in which case the maximum fine may reach up to twenty times the amount of the damage, unfulfilled obligation, or the value of the goods or other items concerned.* (3) *The minimum monetary fine that may be imposed on a responsible person is 2,000 dinars, and the maximum is 200,000 dinars.*

84 *Ibid.*, Article 28: The following protective measures may be imposed for economic offenses: (1) *public disclosure of the judgment;* (2) *confiscation of the relevant object;* (3) *prohibition of a legal entity from engaging in a specified economic activity;* and (4) *prohibition of a responsible person from performing certain duties.*

85 Interview with a judge of the Misdemeanor Court in Belgrade.

Based on an interview with a judge from the Misdemeanor Court in Belgrade, it can be concluded that, upon analyzing judicial practice (over two examined years), several thousand requests for initiation of misdemeanor proceedings were filed, predominantly against legal entities (and their responsible persons), as well as against entrepreneurs. The complaints primarily concerned violations under Article 15a of the Regulation on Products that Become Special Waste Streams after Use, relating to the daily records of the quantity and type of produced and imported products, the annual report, the manner and deadlines for submitting the annual report, the obligations to pay fees, the criteria for calculation, and the amount and method of calculating and paying such fees.

The Environmental Protection Agency submitted requests based on a list of importers of goods that, after use, constitute special waste streams, which the Customs Administration provided to the Agency. These offenses involved failure to pay the ecological fee on imported goods.

The regulation prescribed substantial fines for such violations - ranging from 500,000 to 1,000,000 dinars for legal entities, from 25,000 to 50,000 dinars for responsible persons within legal entities, and from 250,000 to 500,000 dinars for entrepreneurs.

The interviewed judge handled cases in which, in over 90% of instances, the offenders remedied the consequences of the misdemeanor before proceedings were initiated by paying the ecological fee for imported goods that constitute special waste streams after use. Responsible persons within legal entities most often acted negligently, as they were unaware of the obligation to pay the ecological fee when importing goods and paying customs duties; however, upon becoming aware, they proceeded to pay the fee. Accordingly, the judge mitigated fines for the committed offense to 200,000 dinars for legal entities, and in a certain number of cases, issued warnings to the defendants.

The number of cases related to environmental protection in the Misdemeanor Court in Belgrade is insignificant when viewed against the total caseload of the interviewed judge. Cases concerning environmental matters, specifically requests to initiate misdemeanor proceedings, arose from offenses under the Law on Flammable and Combustible Liquids and Flammable Gases, the Law on the Trade of Explosive Materials, the Law on Nature Protection (Article 126, Paragraph 5, Item 6), the Law on Food Safety (Article 79, Paragraph 1, Item 7), the Law on Environmental Protection (Article 117a, Paragraph 1, Item 1), the Law on Fees for the Use of Public Goods (Article 274, Paragraph 1, Item 5), the Law on Forests (Article 113, Paragraph 1, in conjunction with Article 111, Paragraph 1, Item 26), and other legislation. No protective measures were imposed in these cases. The cases did not involve major polluters. Based on the interviewed judge's decades-long experience, it can be concluded that there is a noticeable shortage of environmental protection inspectors, and that major polluters - such as public enterprises for heating plants (Public Heating Plant Company), Water Supply and Sewage Systems, industrial processing companies, oil industries, hospitality establishments, and private properties with individual furnaces - are neither regularly inspected nor sanctioned.<sup>86</sup>

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<sup>86</sup> Interview with a judge of the Misdemeanor Court in Belgrade.

Based on the professional experience of the interviewed judge, the requests to initiate misdemeanor proceedings submitted by environmental protection inspectors in the relevant field were complete, containing all mandatory elements prescribed by Article 181 of the Law on Misdemeanors, and were supported by evidence substantiating the submitted requests. However, requests related to cases under the cited regulation occasionally lacked completeness concerning the evidence, as the Environmental Protection Agency, the submitting party, provided uncertified excerpts received from the Customs Administration as evidence accompanying the requests, which pertained to the import of goods subject to the respective request.

The authorized body for submitting requests to initiate misdemeanor proceedings is the Environmental Protection Inspection, i.e., the Ministry of Environmental Protection, whereas A natural person may submit a request to initiate proceedings only if a special law recognizes them as harmed by the misdemeanor or explicitly grants them this right.



## 4 CHALLENGES OF INSPECTION SUPERVISION

According to reports from the Ministry of Environmental Protection, as well as interviews with relevant experts, several key areas have been identified as challenges in the effectiveness of environmental inspection supervision.

### 4.1 CAPACITIES

The complexity of inspection supervision is evident in its scope, which encompasses five types of supervision and five types of inspection activities, involving a wide range of procedures, as well as cooperation with competent authorities, public prosecutors, courts, and data exchange among all these actors. For these capacities to operate fully and serve as an effective mechanism for environmental protection and, consequently, for safeguarding public health, they must receive substantial support in terms of human and financial resources.

#### 4.1.1 *Human Resource Capacities for Environmental Inspection Supervision*

Although responsibilities are clearly divided among various bodies, the burden of coordinating tasks, including citizen complaints,<sup>87</sup> falls primarily on the national-level Environmental Protection Inspection. Taking this into account, as well as the criminal-legal protection of the environment, prescribed criminal offenses, economic offenses, misdemeanors, and the coordination of inspection activities, it is essential to first strengthen the capacities of the Sector for Supervision and Preventive Action in the Environment, which performs tasks related to:<sup>88</sup>

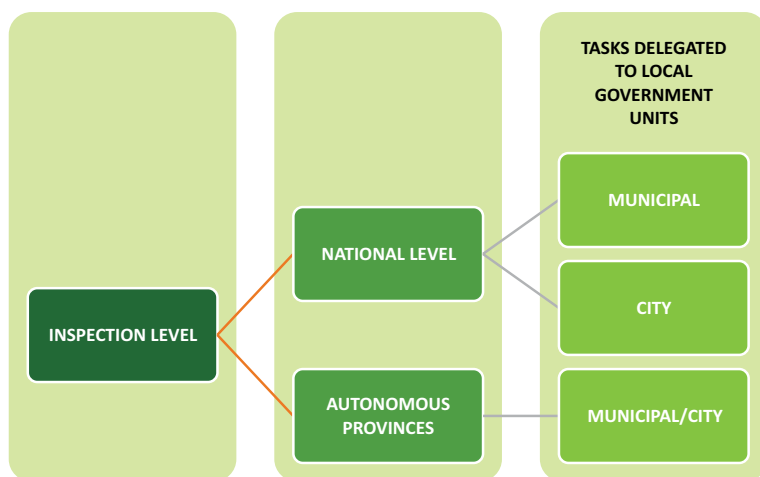
- ▶ preventing and controlling pollution from industrial facilities, as well as managing packaging and packaging waste;
- ▶ protecting and using natural resources;
- ▶ ensuring protection against chemical accidents at Seveso facilities;

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<sup>87</sup> <https://inspektor.gov.rs/submission>

<sup>88</sup> [Ministry of Environmental Protection of the Republic of Serbia, Sector for Supervision and Preventive Action in the Environment](#)

- ▶ controlling chemicals and biocidal products, and protecting soil and water from pollution;
- ▶ ensuring protection against non-ionizing radiation;
- ▶ overseeing the conduct of facility operators, transboundary movement of waste, and special waste streams;
- ▶ controlling and coordinating delegated inspection supervision tasks;
- ▶ conducting risk analysis, risk management, and preventive action;
- ▶ adapting the work of environmental protection inspections at all levels in the Republic of Serbia to meet European Union requirements for implementing the Council of Europe and Parliamentary Assembly Recommendations on Minimum Criteria for Environmental Inspections;
- ▶ organizing and implementing professional training of inspectors through dedicated programs;
- ▶ preparing reports and maintaining records on the implementation of inspection supervision;
- ▶ participating in the preparation of expert bases for drafting legislation;
- ▶ participating in processes related to the professional development of civil servants within the Sector and performing other tasks in this field.



Picture 6.

According to the 2024 Annual Report available on the website of the Ministry of Environmental Protection, “by the end of 2024, the Sector for Environmental Supervision and Preventive Action employed a total of 69 staff members, including **56 environmental inspectors, out of 87 systematized positions for environmental inspectors**, as defined by the Rulebook on Internal Organization and Job Classification.”<sup>89</sup> **This means that 31 inspector positions remained unfilled, indicating that the sector is operating below full capacity.**

89 [Annual Work Report for 2024](#), p. 24, point 9, paragraph 2.



Environmental protection inspectors within the Sector for Supervision and Preventive Action in the Environment are assigned according to administrative districts, of which there are 29 in total: Borski, Braničevski, Jablanički, Južnobački, Južnobanatski, Kolubarski, Kosovski, Kosovskomitrovački, Kosovskopomoravski, Mačvanski, Moravički, Nišavski, Pčinjski, Pečki, Pirotski, Podunavski, Pomoravski, Prizrenski, Rasinski, Raški, Severnobački, Severnobanatski, Srednjebanatski, Sremski, Šumadijski, Toplički, Zaječarski, Zapadnobački i Zlatiborski.<sup>90</sup>



**Figure 1.** Administrative Division of the Republic of Serbia by Districts<sup>91</sup>

A total of 56 environmental inspectors should be assigned across 29 districts, which amounts to an average of two (i.e., 1.93) inspectors per district. Unfortunately, we were unable to obtain precise information from the Ministry of Environmental Protection regarding the current total number of inspectors and their specific distribution by district.<sup>92</sup>

### Local level

Local environmental protection inspectors are assigned according to municipalities and cities.

The Republic of Serbia comprises 150 municipalities, 23 cities, and, as a separate administrative unit, the City of Belgrade, all of which constitute local self-government units.<sup>93</sup>

<sup>90</sup> [Government of the Republic of Serbia. Organization of the State Administration](#)

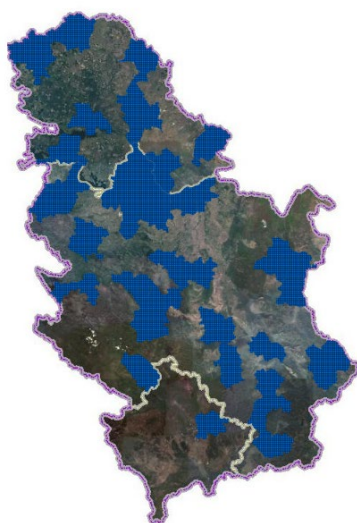
<sup>91</sup> [Republic Geodetic Authority, GeoSrbija – National Spatial Data Infrastructure Platform](#)

<sup>92</sup> Response from the Ministry of Environmental Protection, sent from the email address [inspekcija@eko.gov.rs](mailto:inspekcija@eko.gov.rs) on April 25, 2025, at 9:21 AM, regarding the request for access to information of public importance.

<sup>93</sup> The Law on the Territorial Organization of the Republic of Serbia, *Official Gazette of the Republic of Serbia*, Nos. 129/2007, 18/2016, 47/2018, and 9/2020 – other law.



**Figure 2.** Territorial Division of the Republic of Serbia by Municipalities<sup>94</sup>



**Figure 3.** Territorial Division of the Republic of Serbia by Cities<sup>95</sup>

The exact number of environmental protection inspectors at the local level can be determined indirectly through the 2024 Annual Report of the Ministry of Environmental Protection, which states that, out of 145 local self-government units in the Republic of Serbia, 12 do not have environmental protection inspectors: the Municipalities of Odžaci, Beočin, Bela Crkva, Kovačica, Kučevo, Žagubica,

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<sup>94</sup> [Republic Geodetic Authority, GeoSrbija – National Spatial Data Infrastructure Platform](#)

<sup>95</sup> *Ibid.*

Batočina, Knić, Lučani, Svrlijig, Crna Trava, and Krupanj. This information implies that environmental protection inspectors are assigned across 133 local self-government units.<sup>96</sup>

The particular nature of the areas subject to inspection supervision and the necessity for adequately staffed capacities, in terms of the number of inspectors, is particularly evident in the field of waste management. **The Ministry's 2024 report explicitly states that the reason for the higher number of extraordinary inspections (compared to regular ones) is insufficient human resources in this area.** This example illustrates the complexity of waste management, which encompasses several types of supervision:

- ▶ processing requests from the Environmental Protection Agency for inspections of a large number of producers/importers of products within Serbia that become special waste streams after use;
- ▶ processing requests from the competent authority for issuing permits for waste import/export (mostly submitted by numerous economic entities);
- ▶ a high number of extraordinary inspections based on requests from facility operators submitted following the announcement of public calls for the allocation of incentive funds for individual quarters;
- ▶ processing requests submitted by other authorities/organizations, citizen complaints, NGOs, and others.

**Thus, in practice, when a large number of requests are submitted by all the aforementioned entities, the number of extraordinary inspections increases, thereby hindering the conduct of the planned number of regular inspections.**<sup>97</sup> This is particularly evident when inspectors predominantly perform field inspections (as was the case in 2024), which further burdens their already limited capacities.<sup>98</sup>

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<sup>96</sup> [Annual Work Report for 2024](#), p. 27.

<sup>97</sup> *Ibid.*, p. 23: Number of inspections in 2024: 504

- Number of regular inspections in 2024: 18
- Number of extraordinary inspections in 2024: 80
- Number of extraordinary fact-finding inspections in 2024: 240
- Number of extraordinary confirmatory inspections in 2024: 104
- Number of supplementary inspections in 2024: 3
- Number of mixed inspections in 2024: 5
- Number of control inspections in 2024: 51
- Number of inspections for urgent measures in 2024: 3
- Number of official advisory visits in 2024: 1

<sup>98</sup> *Ibid.*, p. 22: The reasons for the higher number of extraordinary inspections compared to regular inspections are insufficient human resources in the field of waste management supervision; requests submitted by the Environmental Protection Agency for inspections of a large number of producers and importers of products placed on the market of the Republic of Serbia that become special waste streams after use; requests from the competent authority for issuing permits for waste import/export, submitted by numerous economic entities; a high number of extraordinary inspections based on requests from facility operators following the announcement of public calls for the allocation of incentive funds for individual quarters in 2023 (fourth quarter) and 2024 (first, second, and third quarters); a larger number of requests submitted by other authorities and organizations, citizen

This kind of situations present an additional burden, especially considering that during field inspections, **there is no one assigned to take over the administrative duties of the environmental inspector (such as urgent requests, records, etc., which are an integral part of the inspection process), which may lead to delays in procedures.** It is important to note that (city-level) environmental inspectors are not solely engaged in inspection tasks, but also perform all other duties related to environmental protection.<sup>99</sup>

**Another important fact regarding the actual status of environmental protection inspectors is that they do not have the benefit of privileged work experience, lack protective equipment, and have not undergone occupational safety training<sup>100</sup>, despite performing duties that, especially in accident situations, may pose risks to their own health and the health of their families.**

#### 4.1.2 Financial Capacities for Environmental Inspection Supervision

The Ministry of Environmental Protection is effectively the umbrella ministry responsible for managing the inspection supervision and control of the Republic's environmental inspectors, who, within their competencies, delegate some of their tasks to local self-government units and coordinate their activities. This structure is significant for the criminal law protection of the environment. Bearing this in mind, the Ministry's financial capacities are crucial to operate several key aspects of inspection supervision and control:

- ▶ salaries of employed inspectors;
- ▶ handheld analyzers (mobile equipment/pollutant meters, etc.);
- ▶ protective equipment;
- ▶ training;
- ▶ accredited laboratories / forensic experts.

The Ministry of Environmental Protection is one of the few ministries whose total budget is not publicly available on its official website, nor is there information on the funds allocated for inspection supervision, salaries, (protective) equipment, and training for inspectors.<sup>101</sup>

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*complaints, non-governmental organizations, and others, which prevented the planned number of regular inspections from being carried out in accordance with the adopted annual plan.*

*Inspectors from the Department for Supervision of Facility Operators, Transboundary Movements, and Special Waste Streams conducted mostly field inspections during 2024 but, depending on needs and field situations, both field and office inspections were performed.*

99 Interview with inspector for environmental protection.

100 Interview with a city-level inspector for environmental protection.

101 [Ministry of Environmental Protection of the Republic of Serbia, Budget Documents;](#)  
[Ministry of Environmental Protection of the Republic of Serbia, Budget Documents;](#)  
[Ministry of Environmental Protection of the Republic of Serbia, Budget Documents;](#)  
[Ministry of Environmental Protection of the Republic of Serbia, Budget Documents.](#)

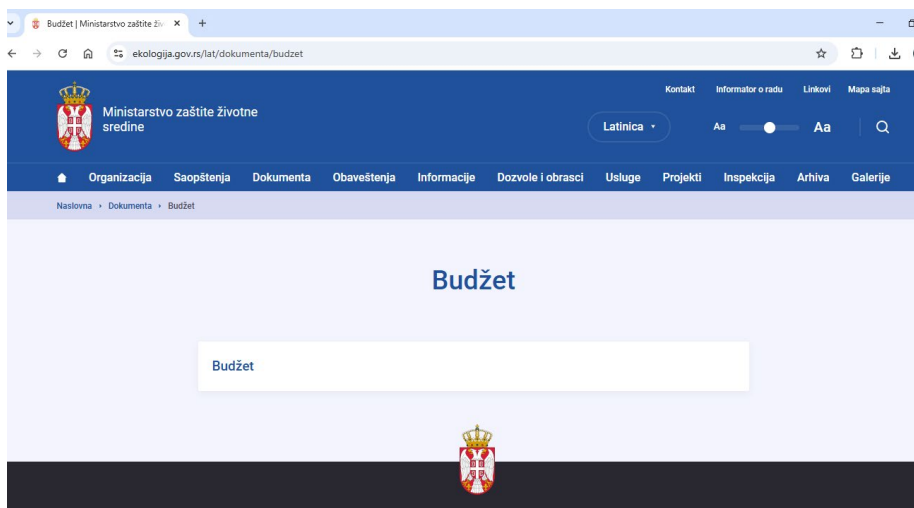


Figure 4. Budget<sup>102</sup>

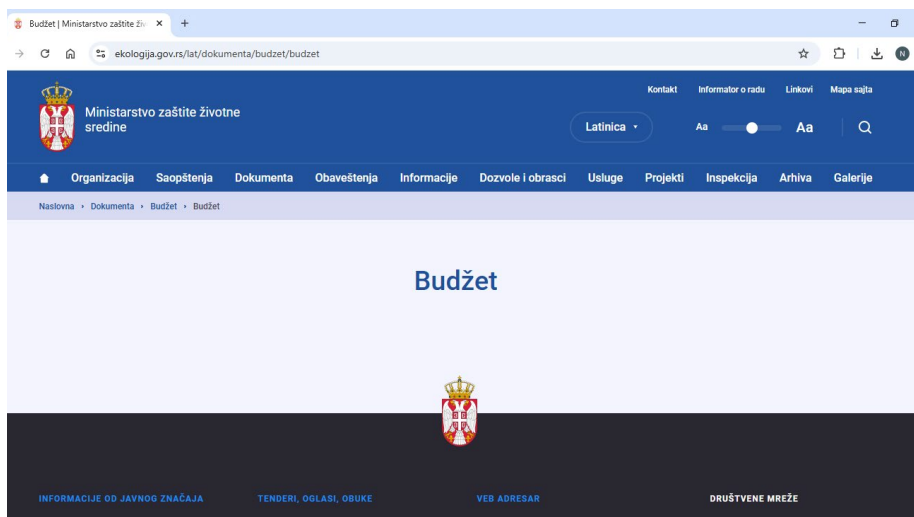


Figure 5. Budget<sup>103</sup>

Regarding these issues, we submitted a request for access to information of public importance, as well as a request based on the provisions of the Aarhus Convention, i.e., the Law on the Confirmation of the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice,<sup>104</sup> which the Republic of Serbia has ratified. We received a general response under the first request stating that the requested information is publicly available on

<sup>102</sup> [Ministry of Environmental Protection of the Republic of Serbia, Budget Documents](#)

<sup>103</sup> [Ministry of Environmental Protection of the Republic of Serbia, Budget Documents](#)

<sup>104</sup> *Official Gazette of the Republic of Serbia – International Agreements*, No. 38/2009.

the Ministry's website and in laws from certain sectors (without answers to the specific questions raised in the request)<sup>105</sup>, while under the second request, we have not received any response as of the date of writing this analysis.

A key distinction between these two legal bases regarding providing (environmental) information lies in the Ministry's entitlement, under the Law on Access to Information of Public Importance, to refer to answers contained in (general) documents published on any of the government's websites. In contrast, the situation under the Aarhus Convention is quite different. According to the Aarhus Convention, and the Law on the Confirmation of the Convention on Access to Information, the Republic of Serbia is obligated to proactively make environmental and all related information concerning environmental protection available on its Ministry's website, as well as to regularly systematize and update such information. Additionally, the Ministry is required to provide such information to the (interested) public as promptly as possible, and no later than within one month if the request is complex and requires additional time to process, a fact it must disclose in its response. The Aarhus Convention explicitly prohibits ignoring requests from the (interested) public altogether.<sup>106</sup>

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105 Response from the Ministry of Environmental Protection, sent from the email address [inspekcija@eko.gov.rs](mailto:inspekcija@eko.gov.rs) on April 25, 2025, at 9:21 a.m., in relation to the request for access to information of public importance.

106 The Law on the Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, *Official Gazette of the Republic of Serbia – International Agreements*, No. 38/2009, **Article 2, Item 3(b):** 3. 'Environmental information' shall mean any information in written, visual, aural, electronic or any other material form on: (b) Factors such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmes affecting or likely to affect the elements of the environment referred to in point (a) above, cost-benefit and other economic analyses and assumptions used in environmental decision-making.

**Article 3, Item 2:** 2. Each Party shall endeavour to ensure that officials and authorities assist and provide guidance to the public in seeking access to information, in facilitating participation in decision-making and in seeking access to justice in environmental matters.

**Article 5, Item 2:** 2. Each Party shall ensure that, within the framework of national legislation, the way public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible, *inter alia*, by: (a) Providing sufficient information to the public about the type and scope of environmental information held by relevant public authorities, the basic terms and conditions under which such information is made available and accessible, and the process by which access may be obtained; (b) Establishing and maintaining practical arrangements, such as: (i) Publicly accessible lists, registers or files; (ii) Requiring officials to support the public in seeking access to information under this Convention; and (iii) Designating points of contact; and (c) Providing free access to environmental information contained in the lists, registers or files referred to in subparagraph (b)(i).

**Article 5, Item 3:** 3. Each Party shall ensure that environmental information progressively becomes available in electronic databases which are **easily accessible to the public through public telecommunication networks**. Information accessible in this form should include: (a) Reports on the state of the environment, as referred to in paragraph 4 below; (b) Texts of legislation on or relating to the environment; (c) As appropriate, policies, plans and programs on or relating to the environment, and environmental agreements; and (d) Other information, to the extent that the availability of such information in this form would facilitate the implementation of national law implementing this Convention, provided that such information is already available in electronic form.

Information on the budget of the Ministry of Environmental Protection is available through the Law on the Budget for 2024 and can be found on the website of the Ministry of Finance.<sup>107</sup> Several key items from the Law indicate the Ministry's financial capacities:<sup>108</sup>

- ▶ Total budget: 18.654.892.000 RSD;
- ▶ Program “Environmental Protection Management”: 2.221.913.000 RSD;
- ▶ Program activity within the “Environmental Protection Management” program – Environmental Protection Policy Development: 78.544.000 RSD.

|  |                        |
|--|------------------------|
| <b>PROGRAM ACTIVITY: Environmental Protection Policy Development</b>       | <b>78.544.000 RSD</b>  |
| SALARIES, ALLOWANCES, AND EMPLOYEE COMPENSATIONS (EARNINGS)                | 58.596.000 RSD         |
| EMPLOYER-PAID SOCIAL CONTRIBUTIONS   | 8.878.000 RSD          |
| REIMBURSEMENT OF EMPLOYEE EXPENSES   | 1.800.000 RSD          |
| TRAVEL EXPENSES  | 1.900.000 RSD          |
| CONTRACTED SERVICES  | 7.370.000 RSD          |
| <br>   |                        |
| <b>PROGRAM ACTIVITY: Environmental Protection and Fisheries Inspection</b> | <b>183.817.000 RSD</b> |
| SALARIES, ALLOWANCES, AND EMPLOYEE COMPENSATIONS (EARNINGS)                | 149.029.000 RSD        |
| EMPLOYER-PAID SOCIAL CONTRIBUTIONS   | 22.578.000 RSD         |
| REIMBURSEMENT OF EMPLOYEE EXPENSES   | 2.760.000 RSD          |
| EMPLOYEE BONUSES AND OTHER SPECIAL EXPENSES                                | 1.500.000 RSD          |
| TRAVEL EXPENSES  | 2.300.000 RSD          |
| CONTRACTED SERVICES  | 2.150.000 RSD          |
| SPECIALIZED SERVICES   | 3.500.000 RSD          |
| <br>   |                        |
| <b>PROGRAME ACTIVITY: Administration and Management</b>                    | <b>629.802.000 RSD</b> |
| SALARIES, ALLOWANCES, AND EMPLOYEE COMPENSATIONS (EARNINGS)                | 177.790.000 RSD        |
| EMPLOYER-PAID SOCIAL CONTRIBUTIONS   | 25.158.000 RSD         |
| IN-KIND BENEFITS   | 750.000 RSD            |
| SOCIAL PAYMENTS TO EMPLOYEES   | 9.856.000 RSD          |
| REIMBURSEMENT OF EMPLOYEE EXPENSES   | 5.500.000 RSD          |
| EMPLOYEE BONUSES AND OTHER SPECIAL EXPENSES                                | 760.000 RSD            |
| FIXED COSTS  | 31.921.000 RSD         |

107 [Ministry of Finance of the Republic of Serbia. The Law on the Budget of the Republic of Serbia for 2024 \(“Official Gazette of RS”, No. 92/2023](#)

108 Interview with Miloš Marković, public finance consultant.

|   |                 |
|---|-----------------|
| TRAVEL EXPENSES   | 11.000.000 RSD  |
| CONTRACTED SERVICES   | 203.093.000 RSD |
| SPECIALIZED SERVICES  | 6.500.000 RSD   |
| CURRENT REPAIRS AND MAINTENANCE                                 | 13.000.000 RSD  |
| MATERIALS   | 41.100.000 RSD  |
| GRANTS TO INTERNATIONAL ORGANIZATIONS                           | 20.950.000 RSD  |
| TAXES, MANDATORY FEES, FINES, PENALTIES, AND INTEREST           | 2.815.000 RSD   |
| MONETARY FINES AND PENALTIES PURSUANT TO COURT DECISIONS        | 28.000.000 RSD  |
| COMPENSATION FOR INJURIES OR DAMAGE CAUSED BY STATE AUTHORITIES | 1.000 RSD       |
| MACHINERY AND EQUIPMENT   | 19.608.000 RSD  |
| INTANGIBLE ASSETS   | 32.000.000 RSD  |

Bearing in mind that environmental inspectors operate with the support of the Environmental Protection Agency, the Agency's budget is of fundamental importance in certain areas for conducting inspection supervision and control in the field of environmental protection. The total budget of the Agency amounts to 440,190,000 RSD. Within the Agency's 2024 budget structure, the following program activities (projects) are notable: Monitoring of air, water, and sediment quality; the National Reference Laboratory for Environmental Quality Control; and the Environmental Protection Information System and Administrative Affairs. A detailed breakdown of the budget within these program activities is presented in the table below.

|   |                        |
|---|------------------------|
| <b>Monitoring of Air, Water, and Sediment Quality</b>           | <b>209.122.000 RSD</b> |
| SALARIES, ALLOWANCES, AND EMPLOYEE COMPENSATIONS (EARNINGS)     | 25.220.000 RSD         |
| EMPLOYER-PAID SOCIAL CONTRIBUTIONS                              | 3.821.000 RSD          |
| REIMBURSEMENT OF EMPLOYEE EXPENSES                              | 1.000.000 RSD          |
| EMPLOYEE BONUSES AND OTHER SPECIAL EXPENSES                     | 650.000 RSD            |
| FIXED COSTS   | 7.200.000 RSD          |
| TRAVEL EXPENSES   | 1.800.000 RSD          |
| CONTRACTED SERVICES   | 20.000.000 RSD         |
| SPECIALIZED SERVICES  | 1.650.000 RSD          |
| CURRENT REPAIRS AND MAINTENANCE                                 | 28.300.000 RSD         |
| MATERIALS   | 47.800.000 RSD         |
| MACHINERY AND EQUIPMENT   | 71.681.000 RSD         |
| National Reference Laboratory for Environmental Quality Control | 74.979.000 RSD         |
| SALARIES, ALLOWANCES, AND EMPLOYEE COMPENSATIONS (EARNINGS)     | 28.179.000 RSD         |
| EMPLOYER-PAID SOCIAL CONTRIBUTIONS                              | 4.269.000 RSD          |
| REIMBURSEMENT OF EMPLOYEE EXPENSES                              | 780.000 RSD            |



|  |                 |
|--|-----------------|
| EMPLOYEE BONUSES AND OTHER SPECIAL EXPENSES                            | 1.000 RSD       |
| TRAVEL EXPENSES  | 1.000.000 RSD   |
| CONTRACTED SERVICES  | 6.000.000 RSD   |
| SPECIALIZED SERVICES   | 3.500.000 RSD   |
| CURRENT REPAIRS AND MAINTENANCE  | 9.500.000 RSD   |
| MATERIALS  | 16.750.000 RSD  |
| MACHINERY AND EQUIPMENT  | 5.000.000 RSD   |
| Environmental Protection Information System and Administrative Affairs | 156.089.000 RSD |
| SALARIES, ALLOWANCES, AND EMPLOYEE COMPENSATIONS (EARNINGS)            | 47.760.000 RSD  |
| EMPLOYER-PAID SOCIAL CONTRIBUTIONS                                     | 7.236.000 RSD   |
| IN-KIND BENEFITS   | 200.000 RSD     |
| SOCIAL PAYMENTS TO EMPLOYEES   | 1.933.000 RSD   |
| REIMBURSEMENT OF EMPLOYEE EXPENSES                                     | 890.000 RSD     |
| EMPLOYEE BONUSES AND OTHER SPECIAL EXPENSES                            | 750.000 RSD     |
| FIXED COSTS  | 9.000.000 RSD   |
| TRAVEL EXPENSES  | 1.500.000 RSD   |
| CONTRACTED SERVICES  | 53.000.000 RSD  |
| SPECIALIZED SERVICES   | 3.000.000 RSD   |
| CURRENT REPAIRS AND MAINTENANCE  | 6.000.000 RSD   |
| MATERIALS  | 11.000.000 RSD  |
| GRANTS TO INTERNATIONAL ORGANIZATIONS                                  | 300.000 RSD     |
| TAXES, MANDATORY FEES, FINES, PENALTIES, AND INTEREST                  | 170.000 RSD     |
| BUILDINGS AND CONSTRUCTION FACILITIES                                  | 7.000.000 RSD   |
| MACHINERY AND EQUIPMENT  | 6.000.000 RSD   |
| INTANGIBLE ASSETS  | 350.000 RSD     |

Further details can be found in the document titled "Section 25."<sup>109</sup> Among other information, **the document states that** within the program activity "Environmental Protection and Fisheries Inspection – Environmental Protection Management," **the Ministry of Environmental Protection aims to conduct one training session annually in 2024, 2025, and 2026.**

109 [The Law on the Budget of the Republic of Serbia for 2024 and accompanying program information](#)

удела и трети планције 1:7 лет илустративно; издавање решења на извештај о безбедности и тип заштите од удара, спровођење и управљање системом еколошког означавања Еко знаком Републике Србије; издавање сертификата о додели Еко знака привредним субјектима; припремање потребних услова за увођење EMAS-а у организације у Србији; учешће у развоју економских инструмената у функцији увођења стандарда и чистије производње у привредне субјекте; праћење реализације Стратегије увођења чистије производње у Републици Србији; утврђивање мера и услова заштите од буке; израда стратешких карата буке на основу истих израда Акционих планова, овлашћивање организација за мерење буке у животној средини, обука инспектора за послове контроле и надзора над применом прописа о заштити од буке у животној средини, развој система заштите од нејонизујућих зрачења.

Програмска активност: 0003 - Инспекција за заштиту животне средине и рибарство

Програм коме припада: 0404 - Управљање заштитом животне средине

Правни основ: Закон о заштити животне средине, Закон о управљању отпадом, Закон о заштити природе, Закон о заштити ваздуха, Закон о заштити од буке у животној средини, Закон о хемикалијама, Закон о бицидним производима, Закон о процени утицаја на животну средину, Закон о интегрисаном спречавању и контроли загађивања животне средине, Закон о заштити и одрживом коришћењу рибљег фонда, Закон о заштити од нејонизујућих зрачења и други законски прописи из области заштите животне средине.

Опис: Програмском активношћу обухваћена је припрема и вршење инспекцијског надзора из области заштите ваздуха, воде и земљишта, процене утицаја на животну средину, заштите од буке у животној средини, управљања отпадом и хемикалијама, заштита природе, заштите од нејонизујућих зрачења и из других области заштите животне средине, као и доношење решења и подношење пријава на основу извршених надзора.

Циљ 1: Повећан ниво организације и уједначености рада Сектора за надзор и превентивно деловање у животној средини и координације у делу поверених послова

| Назив индикатора   | Јединица мере | Базна година | Базна вредност | Циљна вредност у 2024. год. | Циљна вредност у 2025. год. | Циљна вредност у 2026. год. |
|--|---------------|--------------|----------------|-----------------------------|-----------------------------|-----------------------------|
| 1. Број одржаних обука                                   |               |              |                |                             |                             |                             |
| Коментар:  | број          | 2015         | 0              | 1                           | 1                           | 1                           |
| Извор верификације: Годишњи извештај о раду Министарства |               |              |                |                             |                             |                             |

Figure 6.<sup>110</sup>

Neither the Budget Law of the Republic of Serbia for 2024<sup>111</sup> nor the accompanying Programmatic Information, in the absence of a specific response from the Ministry, provides any information indicating whether funds are allocated for environmental protection inspectors for the following: protective equipment, handheld pollutant measuring devices, or court-appointed experts/accredited laboratories (in addition to those integrated within the procedures of the Environmental Protection Agency).

The financial capacities of other inspection bodies that may be relevant to inspection supervision in the area of criminal law protection of the environment include:

| MINISTRIES   | BUDGET                     |
|--|----------------------------|
| <b>1. MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT</b>             | <b>104.746.218.000 RSD</b> |
| 1) Department of Agricultural Inspection                                     | 297.295.000 RSD            |
| 2) Plant Protection Directorate – Phytosanitary Inspection Department        | 941.099.000 RSD            |
| 3) Plant Protection Directorate – Border Phytosanitary Inspection Department | <b>unavailable</b>         |
| 4) Forestry Directorate – Forestry and Hunting Inspection Department         | <b>unavailable</b>         |
| 5) Republic Water Directorate – Water Inspection Department                  | 49.481.000 RSD             |

110 [The Law on the Budget of the Republic of Serbia for 2024 and accompanying program information](#)

111 [The Law on the Budget of the Republic of Serbia for 2024 and accompanying program information](#)

|   |  |
|---|--|
| 6) Veterinary Directorate – Veterinary and Sanitary Border Control Department | <b>unavailable</b>   |
| 7) Veterinary Directorate – Inspection Supervision and Control Department     | <b>unavailable</b>   |
|   |  |
| <b>2. MINISTRY OF HEALTH</b>  | 31.645.623.000 RSD   |
| 1) Sanitary Inspection Department   | <b>unavailable</b>   |
| 2) Border Sanitary Inspection   | <b>unavailable</b>   |
|   |  |
| <b>3. MINISTRY OF MINING AND ENERGY</b>                                       | 25.118.059.000 RSD   |
| Department of Geological and Mining Inspection                                | <b>unavailable</b>   |
|   |  |
| <b>4. DIRECTORATE FOR RADIATION AND NUCLEAR SAFETY AND SECURITY OF SERBIA</b> | <b>*support through the Ministry of Environmental Protection</b> |
|   | 195.000.000 RSD  |
| Inspection for Radiation and Nuclear Safety and Security of Serbia            | <b>unavailable</b>   |
|   |  |
| <b>5. MINISTRY OF CONSTRUCTION, TRANSPORT AND INFRASTRUCTURE</b>              | 289.742.835.000 RSD  |
| Inspection Department for the Transport of Dangerous Goods                    | <b>unavailable</b>   |

One of the facts highlighting the status of environmental protection inspectors (as civil servants), and revealing the misalignment between the risks they take in their daily work and their compensation, can be seen in salary data. Based on an interview with a municipal environmental inspector, it was established that salaries at the local level depend on the job title (e.g., independent expert associate, expert associate, etc.) and the amount of the inspection bonus, which may range from 0 to 20 percent of the base salary. **When an inspector holds the highest-ranking position and receives the full 20 percent inspection bonus, their gross salary amounts to 158,000 RSD, while the net salary is approximately 114,000 RSD.** Inspectors working in cities (as municipal inspectors) generally receive higher salaries due to the significantly higher coefficient used to calculate salaries under the Regulation on Coefficients for the Calculation and Payment of Salaries of Employees in Public Services. Although inspectors perform the same tasks, there is an imbalance in workload. For example, cities with larger populations have more staff, whereas in smaller towns (with around 12,000 inhabitants), there may be only one environmental inspector, while in a larger city (with about 70,000 residents), there may be five.

## 4.2 INDEPENDENCE

**The independence of inspectors in conducting inspection supervision, although formally guaranteed by the Law on Inspection Supervision,<sup>112</sup> is questionable in practice for several reasons.** Inspectors are limited in their actions not only because the Government prescribes the common elements of risk assessment in inspection supervision, but also because the minister (i.e., the holder of public authority) for a specific area prescribes special risk assessment elements – pertaining to specific territorial areas and units, facilities and groups of facilities, as well as the frequency of inspections based on that assessment.<sup>113</sup> According to interviews conducted for the purposes of this analysis with experts with decades of experience, inspectors in practice not only lack full independence in their work, but also lack several key tools that would enable them to perform supervision effectively and with a clear focus on criminal law protection of the environment and, consequently, public health.

Interviews with civil society representatives indicated that environmental inspectors should have full autonomy in decision-making, access to all types of environmental monitoring data, and the ability to respond to any deviations from legally prescribed standards. Under the current system, however, the approach is largely inert, which is best illustrated by the low number of reports related to environmental degradation. *The Environmental Status Report for 2023*<sup>114</sup> states, among other things, that “[d]uring 2023, the Department for Supervision and Preventive Action in Environmental Protection conducted 3,700 inspections and filed 160 misdemeanor charges, 14 charges for economic offenses, and no criminal complaints. The Inspection Department of the Autonomous Province of Vojvodina conducted 770 inspections, filed 23 misdemeanor charges, nine for economic offenses, and six criminal complaints. The Water Inspection Unit of the Republic Water Directorate, which oversees the implementation of the Law on Waters (*Official Gazette of the Republic of Serbia*, Nos. 30/10, 93/12, 101/16, 95/18, and 95/18 – other law) and related regulations, issued 570 decisions in 2023, filed 108 misdemeanor charges, and ten charges for economic offenses.”<sup>115</sup>

Although independence is formally prescribed, interviews emphasize the need for greater autonomy to enable inspectors to effectively perform the tasks that the law entrusts to them and that citizens fund. A contentious issue remains the extent to which inspectors accept being limited in their enforcement activities by their superiors. One of the key tools for inspectors’ independence in their actions

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112 The Law on Inspection Supervision, independence in work, Article 49:

*An inspector shall be independent in performing their duties within the scope of authority defined by law and other regulations and is personally responsible for their work.*

*No one shall, by abusing their official position or authority, exceeding the limits of their authority, failing to perform their duties, or by any other means, prevent or obstruct an inspector, or any official authorized to carry out inspection supervision, from performing inspection supervision and undertaking measures and actions they are authorized to take.*

113 *Ibid.*, Article 9, paragraphs 8, 9, 10, and 11.

114 [Report on the State of the Environment 2023](#), SEPA, p. 160

115 Interview with Dejan Lekić, one of the founders of NEA and creator of the Serbian mobile application for air quality, xECo.

is having constant access to all available real-time data from automatic monitoring systems, which is currently not the case given existing technical capabilities. In this regard, considering that the season of elevated pollutant concentrations lasts several months during the winter half of the year, it is necessary to establish a duty inspection service that is capable and equipped to respond promptly - something that currently does not exist. The handling of environmental incidents remains a persistent issue that undermines the interests of citizens, reflecting a gap in the evaluation of potential threats to public health. In the absence of established facts - due to insufficient targeted monitoring - the public is nevertheless informed that there is no cause for concern.

This issue became more pronounced following the termination of on-call ecotoxicological units several years ago. These units were adequately equipped and deployed to the field alongside fire and police services to conduct measurements and determine the level of danger in the event of an incident. Such services were available at the Belgrade Institute of Public Health and the Čuprija Institute of Public Health. It remains unclear whether the termination of these on-call services was due to budget cuts or a shortage of qualified personnel. According to interviewed experts, this step contributes to misleading the public, who may be at serious risk.<sup>116</sup>

## 4.3 COORDINATION

**The coordination of competences and actions among environmental inspectors at different levels (national, autonomous province, municipal/city) and the supervision they conduct is essential for the effective implementation of environmental protection regulations.** Overlapping mandates or duplicating inspection activities undermine the efficiency of their operations. For this reason, cooperation is ensured in the development of work programs, as well as in the conduct of individual or joint inspections.<sup>117</sup>

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116 Interview with Milenko Jovanović, one of the founders of the National Ecological Association (NEA), retired Head of the Air Quality Department, and whistleblower at the Environmental Protection Agency.

117 The Law on Inspection Supervision, Article 11: *The increase in comprehensiveness and effectiveness of inspection supervision, as well as the avoidance of overlapping and unnecessary repetition of inspection supervision, shall be ensured through mutual cooperation in establishing work programs and in conducting individual or joint inspection supervision.*

*Cooperation in inspection supervision is particularly realized when a specific area or issue is subject to inspection by multiple inspectorates; when multiple inspectorates need to simultaneously conduct inspection supervision of the same entity (joint inspection supervision); to prevent or eliminate immediate danger to human life and health, property of greater value, the environment, or plant and animal life; to prevent the operation of activities and conduct by unregistered entities; and when it is assessed that supervision can be conducted more quickly and with minimal costs and time loss for both the supervised entity and inspectors.*

*Joint inspection supervision is conducted to prevent or eliminate immediate danger to human life and health, property of greater value, the environment, or plant and animal life; when the risk posed by the supervised entity is high or critical; to undertake urgent measures that do not allow delay; due to the complexity of inspection supervision or the importance of preventing or eliminating illegalities or harmful consequences; when it results in faster supervision, cost savings, and reduced time loss for the supervised entity and inspectors; to verify complaints*

For example, if an inspector determines that the supervised entity has violated a law or other regulation falling under the jurisdiction of another inspectorate, they are required to immediately forward this information to the competent inspectorate or other relevant authority, as well as to the Coordination Commission, in order to enable further actions and measures to be taken, including the conduct of joint inspection supervision or cooperation in the performance of tasks. Likewise, if an inspector encounters an unregistered entity engaged in an activity or performing a function within the jurisdiction of another inspectorate, they must promptly notify the tax inspection or the competent inspectorate, as well as other relevant authorities.

What is particularly important is when an inspector identifies the need to take urgent measures to prevent or eliminate danger to human life or health, property of greater value, the environment, or plant or animal life, but the supervised entity's activity falls under the jurisdiction of another inspectorate. In such cases, the inspector is required to immediately notify the competent inspectorate, while also informing the emergency management sector of the Ministry of Interior, which undertakes the necessary actions and measures to prevent harmful consequences.<sup>118</sup>

#### **Cooperation is ensured in the following cases:**

- ▶ when multiple inspectorates conduct inspection supervision over the same area or issue;
- ▶ when it is necessary for multiple inspectorates to simultaneously conduct inspection supervision of the same entity (joint inspection supervision);
- ▶ to prevent or eliminate immediate danger to human life or health, high value property, the environment, or plant or animal life;

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*falling within the jurisdiction of two or more inspectorates; to prevent the operation of activities and conduct by unregistered entities within the jurisdiction of two or more inspectorates; and in other cases as prescribed.*

118 *Ibid.*, Article 30: *If an inspector determines that the supervised entity has violated a law or other regulation falling under the jurisdiction of another inspectorate, the inspector is required, based on their knowledge and experience, to draft a report on the observed situation, which must be immediately forwarded to the inspectorate responsible for the activity performed by the supervised entity, as well as to the other competent authority and the Coordination Commission, in order to enable further actions and measures within the jurisdiction of that inspectorate, including the conduct of joint inspection supervision or cooperation in the performance of tasks. An inspector who encounters an unregistered entity engaged in an activity within the jurisdiction of another inspectorate shall, without delay, notify the tax inspection and the inspectorate responsible for the relevant activity, as well as other competent authorities. If an inspector observes that urgent measures are needed - concerning an activity of a supervised entity that falls under the jurisdiction of another inspectorate - in order to prevent or eliminate danger to human life or health, property of greater value, the environment, or plant or animal life, the inspector must immediately inform the relevant inspectorate and the emergency management sector within the ministry responsible for internal affairs, which shall undertake appropriate actions and measures to prevent harmful consequences. Immediately upon providing the notifications referred to in paragraphs 2 and 3 of this article, the inspector shall prepare an official note on the observed situation and the notifications made.*

- ▶ to prevent unregistered entities from engaging in activities or performing operation;
- ▶ when it is assessed that supervision can be carried out more quickly and with minimal costs and time loss for both the supervised entity and inspectors.

In addition to these criteria, the law also prescribes **the conduct of joint inspection supervision when:**

- ▶ to prevent or eliminate imminent danger to human life and health, high-value property, the environment, or plant and animal life;
- ▶ when the supervised subject poses a high or critical risk;
- ▶ to take urgent measures that cannot be delayed;
- ▶ when the complexity of inspection or the importance of preventing or eliminating illegality or harmful consequences requires it;
- ▶ when joint action speeds up supervision, reduces costs, and minimizes time loss for both the supervised subject and inspectors;
- ▶ to investigate a complaint that falls within the scope of two or more inspectorates;
- ▶ to prevent unregistered entities from performing activities that fall within the jurisdiction of multiple inspectorates, and in other cases where required.

Inspectorates ensure effective supervision and avoid overlapping or unnecessary repetition of inspections by harmonizing their activities and coordinating through **the Coordination Commission, which the Government established as the central coordinating body.** It is important to note that **the coordination of inspection activities within the competence of the republic inspectorate, delegated to the autonomous province and local self-government units, is carried out by the republic inspectorate.**<sup>119</sup>

In this context, **the Sector for Supervision and Preventive Action in Environmental Protection** plays a key role in establishing a functioning system by coordinating inspection tasks with local self-government units, which are entrusted with a significant number of responsibilities despite limited organizational and human resources. This Sector also leads efforts to implement European standards across various areas of environmental protection and develops tools and mechanisms for incorporating data on the work of inspectors at the local level. **It is worth noting that these inspectors often perform additional duties, most commonly those falling under the responsibilities of communal, construction, traffic, or tourism inspectors.**<sup>120</sup>

<sup>119</sup> *Ibid.*, Article 12.

<sup>120</sup> [Annual Work Report for 2024](#), pages 27 and 28.

Since the Law on Inspection Supervision entered into force in 2016, a number of issues have been observed, including inconsistent practices among local self-government units, difficulties faced by operators attempting to align their operations with the new regulations, and challenges encountered by citizens seeking to exercise their rights.<sup>121</sup> In response, the **Department for Delegated Tasks was established to improve coordination of delegated inspection activities and to plan and implement training for environmental protection inspectors at all levels.** In this regard, the report noted that “[t]he identified issues have undoubtedly affected the efficiency and quality of delegated tasks carried out by environmental protection inspectors within local self-government units. Coordination of inspection activities delegated to local self-government units has been insufficient in the past period, due to limited capacity of the national inspectorate and the volume of work it handles.”<sup>122</sup>

The 2024 report of the Ministry noted that “[i]n previous years, it was evident that local self-government bodies were left to implement environmental protection regulations delegated to them on their own, without a unified procedure for enforcement and supervision, which resulted in inconsistent interpretation and application of the same legal provisions in practice.”<sup>123</sup> For this reason, the Sector for Environmental Supervision and Preventive Action coordinated inspection activities delegated to the Autonomous Province of Vojvodina and local self-government units. This coordination involved the national environmental inspectorate forwarding citizens’ submissions to inspectors in AP Vojvodina and local governments and requesting reports on how those cases were handled.

The goal of such coordination efforts was to gain insight into contentious issues that may arise during inspection activities at the national, provincial, or local government level, and to facilitate the exchange of relevant experiences and good practices. Local government inspectors received a reporting table for entering data on a monthly basis, which became an integral part of their annual inspection reports. The Ministry’s report emphasized that “[d]uring the implementation of all activities, the independence of local government inspectors in their actions and decision-making was never called into question.”<sup>124</sup>

There are no overlaps in responsibilities among environmental protection inspectors themselves across different levels, the Agency, or other bodies concerning pollution or accident response. However, there is insufficient synchronization and a lack of an established methodological system for rapid

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121 *Ibid.*, p. 27: *Particular issues with their implementation in practice were observed in 2016, when the Law on Inspection Supervision entered into force, although such problems had been present in previous years as well. The inconsistent application of environmental protection regulations in the Republic of Serbia, in certain cases, led to confusion and dissatisfaction - on one hand, among operators investing in economic development, and on the other, among citizens whose constitutional right is to live in a clean and healthy environment and to have access to information about it.*

122 *Ibid.*, p. 27.

123 *Ibid.*, p. 24.

124 *Ibid.*, p. 24.



reaction in emergency situations. Currently, communication primarily relies on phone calls (and occasionally WhatsApp).<sup>125</sup>

Considering that there is no overlap among municipal, city, national, and provincial environmental protection inspectors, certain situations may arise where measures prescribed in environmental impact assessment studies fall under the supervision of either the republic or municipal inspectorates. In such cases, the inspection authority responsible for overseeing the impact assessment study assumes control over those measures. For example, an environmental impact assessment study may specify a protective measure regarding the handling of waste oils, which typically falls under the republic inspectorate's jurisdiction; however, if the competent municipal authority approves the study, the municipal environmental inspector supervises compliance with waste oil regulations for that operator.<sup>126</sup>

### *Coordination with the Environmental Protection Agency*

**Since the Environmental Protection Agency<sup>127</sup> monitors all environmental factors, and the inspectorate relies on its data for supervision, the effectiveness of their cooperation in practice is crucial for ensuring criminal-law protection of the environment and the health of citizens.**

The Environmental Protection Agency, as an operational institution within the environmental protection system, is mandated under the Law on Ministries to monitor all environmental factors (water, air, soil, and waste management), analyze the results, and prepare periodic and annual reports for the Government. However, there is no prescribed direct communication between the Agency and the national environmental inspectorate, and the inspectorate does not adequately use the available information within the Agency's scope of work. The Agency, which manages the national automatic air quality monitoring system, provides the general public - and consequently the inspectorate - with real-time data on pollutant concentrations, updated hourly. In cases of extreme air pollution levels, particularly when concentrations reach thresholds considered hazardous to health (as defined by the Law on Air Protection), there is no prompt response from the inspectorate. The issue in such situations arises on several levels: the dysfunctional organization of the inspectorate, the absence or disregard of internal procedures for such cases, deficiencies in the legislation governing their work - or a combination of all these factors. In such cases, the only beneficiaries are the polluters, who remain unpunished and set an example that laws in this field can be ignored.<sup>128</sup>

Interviews with experts suggest that a functional mechanism between the Environmental Protection Agency and environmental inspectors does not exist

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125 Interview with Dejan Lekić, member of the National Ecological Association and creator of the Serbian mobile application for air quality, xEco.

126 Interview with an environmental protection inspector.

127 [Serbian Environmental Protection Agency \(SEPA\)](#)

128 Interview with Milenko Jovanović, one of the founders of the National Ecological Association (NEA), retired Head of the Air Quality Department, and whistleblower at the Environmental Protection Agency.

and that cooperation happens on an ad hoc basis. The Agency owns a mobile automatic air quality monitoring station, but the set of parameters it measures is inadequate for emergency situations. For example, during the landfill fire at Duboko near Užice, the Agency deployed its mobile lab and began displaying real-time data. However, the monitored parameters had little to no correlation with the actual risks to human health. The readings included concentrations of the six standard pollutants (PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>2</sub>, O<sub>3</sub>, CO), which—even when they exceed hourly or daily limit values—do not trigger any response from the inspection authorities. This kind of exceedance occurs frequently at multiple monitoring locations throughout the year without any reaction.

By law, the Agency monitors **ambient** air quality through a network of **stationary** measuring stations, and the data serve only to produce the annual air quality report. Therefore, the Agency holds no authority to react or to initiate a response from environmental inspectors.

The situation with water quality is a bit different. In cases of accidental water pollution, the Agency is authorized and equipped to perform emergency water sampling upon the order of the water management inspector (from a different ministry) and the environmental protection inspector. These reports are published on the Agency's website.<sup>129</sup> However, in other areas, the Agency does not have the authority to initiate a response from the inspection services.<sup>130</sup>

Regarding automatic monitoring stations, interviews with experts indicate that Serbia currently has a sufficient number of stations that provide reliable and timely information on air quality. However, problems arise because these stations are not adequately distributed due to shortcomings in environmental management, and because they do not cover the full range of pollutant measurements. For instance, Belgrade has approximately 35 stations - about 15 more than necessary - that could be redeployed to cities lacking monitoring systems. Bor has 9 stations, which is also considered excessive. Meanwhile, several towns lack any monitoring, including Surdulica, which is particularly vulnerable due to its proximity to the Knauf company, as well as Prijepolje, Priboj, Bajina Bašta, Kuršumlija, Senta, Šid, Gornji Milanovac, Jagodina, and others. Without continuous measurements, adequate diagnostics are impossible, which in turn means that neither effective measures to reduce air pollution are adopted nor implemented.<sup>131</sup>

It is emphasized that, following the increase in the number of stations and the acquisition of additional PM analyzers, Serbia's territory is currently well covered by the automatic ambient air monitoring<sup>132</sup> system; however, this system is not designed for emergency situations.<sup>133</sup>

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129 [Serbian Environmental Protection Agency \(SEPA\), Emergency Water Pollution](#)

130 Interview with Dejan Lekić, member of the National Ecological Association and creator of the Serbian mobile application for air quality, xEco.

131 Interview with Milenko Jovanović, one of the founders of the National Ecological Association (NEA), retired Head of the Air Quality Department, and whistleblower at the Environmental Protection Agency.

132 [Consolidated Overview of Automatic Air Quality Monitoring in the Republic of Serbia](#)

133 Interview with Dejan Lekić, member of the National Ecological Association and creator of the Serbian mobile application for air quality, xEco.

## 4.4 LOCAL AND INTERNATIONAL TRAINING AND EDUCATION

Environmental protection inspectors have both the right and the obligation to undergo professional development in accordance with the law governing the rights and duties of civil servants, as well as with the specific law regulating the rights and obligations arising from the employment relationship of employees in the bodies of autonomous provinces and local self-government units.<sup>134</sup>

It is important to note that the professional literature required for the inspector examination includes criminal legislation. Specifically, copies of the Criminal Code (CC) and the Criminal Procedure Code (CPC) are available on the website dedicated to the inspector certification process.<sup>135</sup> Therefore, it can be concluded that in order to become an environmental protection inspector, one must possess knowledge of both the CC and the CPC. In addition to the CC and CPC, candidates are also required to be familiar with the Law on Administrative Disputes; the publication *Fundamentals of Business Operations for Inspectors* (March 2016 edition, available only up to page 17); the *Guide for the Implementation of Inspection Supervision* (Ministry of Public Administration and Local Self-Government, 2015); and the publication *Skills Required for Performing Inspection Supervision*. Each of these materials is considered a required component of the examination curriculum.<sup>136</sup>

An interviewed environmental protection inspector stated that inspectors receive annual training through seminars and workshops, which they may attend upon approval from the head of the municipal administration. The Ministry occasionally organizes workshops for both national and municipal inspectors; however, the last such event took place approximately five years ago (they were invited again in 2024, but the workshop was canceled due to a lack of financial resources). A workshop involving public prosecutors and criminal court judges was last organized three years ago in Novi Pazar.

The interviewed environmental protection inspector has participated in only one training related to criminal legislation, specifically on criminal offenses against the environment within the field of criminal law, which was delivered in the form of a workshop.<sup>137</sup>

The specific nature of their training in practice is also reflected in the 2024 annual report published by the Ministry. In that year, according to the annual plan, joint inspection supervisions were conducted by national environmental protection inspectors together with inspectors from local government units, in the form of coordinated actions. The initiative aimed to improve coordination of assigned duties and also served as a form of training for inspectors. The Coordination Commission of the Government of the Republic of Serbia approved the plan,

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134 The Law on Inspection Supervision, Article 50.

135 [Coordination Commission for Inspection Supervision. Guidelines and Literature for the Inspector Exam](#)

136 [Ministry of Public Administration and Local Self-Government \(MDULS\), Inspector Exam](#)

137 Interview with an environmental protection inspector.

which the Ministry implemented as part of regular inspection supervisions in the areas of environmental impact assessment, air protection (specifically addressing substances that operators use and that harm the ozone layer), waste management, and IPARD.

**In total, four national environmental protection inspectors carried out 41 joint inspections with local government unit inspectors.**<sup>138</sup> This practice is not common and is implemented for two reasons:

- ▶ when it is necessary to establish facts that fall outside the jurisdiction of the local government unit's environmental protection inspector;
- ▶ upon the request of the acting inspector.

In this regard, it is important to note that in 2024, there was no organized training for environmental protection inspectors at the local government level. Instead, training took place according to identified needs, primarily through joint field inspection supervisions.<sup>139</sup>

**In 2024, environmental protection inspectors participated in only five training sessions related to the criminal law protection of the environment**<sup>140</sup>, as well as three additional sessions - either workshops or study visits - organized abroad by international organizations or agencies.<sup>141</sup> The 2024 report of the Ministry of Environmental Protection states that **the National Academy for Public Administration** offered environmental protection inspectors training covering a broad range of topics.

**The trainings held included those relevant to the work of environmental protection inspectors, such as:** Electronic office management and the use of the *E-pisarnica* software solution; risk assessment and proportionality in inspection supervision; enforcement of decisions made during inspection procedures; participants in administrative proceedings and their obligations; the process of first-instance administrative procedures leading to decision-making; regular and

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138 [Annual Work Report for 2024](#), pages 16 and 17.

139 *Ibid.*, p. 17, Item 3.

140 *Ibid.*, pages 25 and 26: *Disaster risk management, community resilience, and combating environmental crime, Green Justice Conference: Implementation of Horizontal Environmental Legislation in the Republic of Serbia, June 2024, organized by RCEL with support from UNDP and the EU Delegation; Participation in the workshop 'Better Capacities for Stronger Accountability: Combating Environmental Crime and Better Protecting Citizens from Accidents,' organized by UNDP, July 2024; Workshop on new aspects of cross-border cooperation against environmental crime, organized by TAIEX: January 2024 – Dubrovnik, November 2024 – Budapest; Workshop on strengthening law enforcement in the fight against environmental crime, prevention strategies and implementation, November 2024 – Belgrade.*

141 *Ibid.*, pages 25 and 26: *Trainings by the European Chemicals Agency (ECHA): Biocidal Products Regulation and tools – online training; ECHA guidance on the recently introduced hazard classes under the Classification, Labelling and Packaging (CLP) Regulation; Study visit to the Austrian Environment Agency (Umweltbundesamt), Vienna, January 15 - 19, 2024; TAIEX TRATOLOW 'Assessment of GHG Permit Applications and Monitoring Plans'; Workshop on the revised Industrial Emissions Directive (IED 2.0), organized by UNDP, November 2024.*

extraordinary legal remedies under the Law on General Administrative Procedure; among others.<sup>142</sup>

**However, some trainings were not directly relevant to inspection supervision and control.** These included topics such as healthy lifestyle culture; how to be creative; mastering the document before it masters you; the path to happiness - self-motivation training; time management consultations; emotional intelligence assessment consultations; assertive communication, time management, the path to happiness, self-motivation; and online child safety.<sup>143</sup>

**On the other hand, it is worth noting that the Ministry of Environmental Protection is a full member of the IMPEL<sup>144</sup> network,** regularly participating in its events and sending its representatives. In 2024, Ministry representative, specifically from the environmental protection inspection, attended a total of nine such events.<sup>145</sup>

In occasional cases, joint trainings were held involving public prosecutors and environmental and veterinary inspectors. Prosecutorial staff conducted these sessions for environmental, veterinary, forestry, water inspectors, as well as nature protection inspectors. The trainings focused on procedural steps, the necessity of communication and consultation with prosecutors concerning the classification of environmental criminal offenses, misdemeanors, or economic crimes.<sup>146</sup>

## 4.5 EQUIPMENT

**The Ministry of Environmental Protection developed the gReact application, which allows citizens to report environmental issues and access news and environmental data.** According to a news release on the Ministry's website: "Through the gReact mobile and web application, citizens submitted nearly 6,000 reports of environmental issues to the unified Environmental Information System. The data showed that 1,954 unique cases were registered and further processed, while a significant number of submissions referred to the same issue

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142 *Ibid.*, p. 25: *Electronic business communication; electronic office management and the use of the Episarnica software solution in accordance with the Regulation on Office Operations of State Administration Bodies; risk assessment and proportionality in inspection supervision; enforcement of decisions made during inspection procedures; participants in administrative proceedings and their duties; the process of first-instance administrative proceedings leading to decision-making; regular and extraordinary legal remedies under the Law on General Administrative Procedure; abuse of the right to file complaints; safety alternatives for solar panels; whistleblower protection; preventive actions by the inspection service; agreements on the recognition of offenses; zero-waste lifestyle; disaster risk management, community resilience, and combating environmental crime; climate change; advanced Excel functions; advanced word processing; how to create an effective report; application of artificial intelligence in public administration - ChatGPT; training to raise awareness of information security; generative artificial intelligence and ChatGPT.*

143 *Ibid.*, p. 25.

144 [IMPEL – European Union Network for the Implementation and Enforcement of Environmental Law](#)

145 [Annual Work Report for 2024](#), p. 29.

146 Interview: Nena Miloradović Bjelica, Senior Prosecutorial Associate and Newly Appointed Public Prosecutor, First Basic Public Prosecutor's Office in Belgrade.

or concerned problems that competent authorities were unable to confirm during field verification. The majority of unique reports - 1,058 - related to waste management, of which approximately 850 have been resolved to date, while the remaining cases are still being processed by the relevant authorities.”<sup>147</sup>

The Environmental Protection Inspection uses the “e-Inspector” software solution to maintain records of inspection supervision and the associated data register, which the majority of inspectors use.<sup>148</sup> The Ministry has provided all environmental protection inspectors with a laptop computer and internet access. **However, the Ministry has identified challenges related to improving material and technical resources and field operations. Specifically, the vehicles available to inspectors are over 13 years old and frequently experience breakdowns, which significantly hinders their ability to carry out fieldwork effectively.**<sup>149</sup>

**The interview with an environmental protection inspector** revealed that, at least at the municipal level, **there is no specifically allocated budget for the needs of the inspection service, including equipment, laboratory analyses, transportation, training, etc.** Additionally, **funds for expert assessments and professional analyses - such as laboratory testing - are not available to them.** The law assigns responsibility for all such measurements to the operator, who is also required to cover the related costs.

**Environmental protection inspectors do not have access to protective equipment in the event of environmental accidents.** They also **lack portable measuring equipment for various types of accident-related monitoring** that they could use independently; in some cases, inspectors may have a device for measuring noise levels. Authorized organizations perform all required measurements.

**Environmental protection inspectors do not have access to court-appointed experts or specialized professionals, nor a designated list of laboratories in relevant fields,** who could assist in determining, among other things:

- ▶ the consequences and types of environmental pollution - especially whether their removal requires extended time or significant costs;
- ▶ the destruction or damage to animal or plant life, including its scope (minor or extensive);
- ▶ whether pollution has occurred on a larger scale or across a wide area.

When needed, inspectors can engage authorized organizations. However, according to the interviewed inspector, they do not have access to electronic or

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147 [Ministry of Environmental Protection of the Republic of Serbia, “Nearly 6,000 Citizen Reports Received via GReACT in Two Years”](#)

148 [Annual Work Report for 2024](#), p. 27.

149 *Ibid.*, page 24, item 9, paragraph 1: *There is a recognized need to improve the material and technical resources and equipment, all with the aim of enhancing the efficiency and effectiveness of the Environmental Protection Inspection. The vehicles available to inspectors are 13 years old or older, with frequent breakdowns that hinder their work and the conduct of field inspections. All environmental inspectors have been provided with work equipment (laptops and internet access).*

digital tools - such as applications, software, or programs - that would facilitate their work.<sup>150</sup>

Based on interviews with experts, it seems entirely reasonable to expect that, by 2025, inspectors should be able to conduct preliminary on-site analyses of basic environmental parameters, such as using handheld air or water quality analyzers equipped with a core set of indicators for initial assessments.

This is especially relevant considering that the methodology for publishing the results of extraordinary measurements has not been defined, and recent examples have shown that key parameters are not being measured - routine monitoring is instead presented as extraordinary. For instance, when landfills are burning, the issue is not suspended particles themselves but what they carry - such as dioxins and furans.

However, given that inspectors do not have access to such tools, it is important to note that **ecotoxicological units previously played a key systemic role - namely, responding to emergency situations upon request from the Emergency Management Sector and monitoring the parameters that truly matter in such contexts.** The issue arose when funding for these units was discontinued several years ago, and it remains unclear whether it has been resumed. **What is certain is that, following a decision by the Ministry of Environment (and Energy) in 2014, the number of such units - previously present in around ten public health institutes - was reduced to just two: in Belgrade and Čuprija.** The issue is therefore twofold: inspectors were not provided with portable analyzers, and at the same time, the operational capacity of ecotoxicological units that had such capabilities was significantly diminished.<sup>151</sup>

On the other hand, according to experts, the inspection service not only lacks handheld analyzers but is also not equipped to perform complex air sampling and laboratory work in the field. Therefore, the best solution would be to assign such tasks to specialized, well-coordinated teams. This issue has become especially highlighted in recent years following the discontinuation of on-call ecotoxicological units (Public Health Institutes of Belgrade and Čuprija), which were equipped to respond alongside firefighters and police to assess danger levels during incidents through timely measurements.<sup>152</sup>

**Given the current situation and the reduction or discontinuation of ecotoxicological units that monitored pollutants crucial to environmental and public health, the question arises regarding the usefulness of connected devices or solutions that would enable inspectors to more quickly monitor pollution data issued or published by the Agency, such as applications, electronic direct/linked communication, and similar tools. Experts believe that such solutions should already be in place, especially considering the existence of automated air quality monitoring systems capable of**

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150 Interview with an environmental protection inspector.

151 Interview with Dejan Lekić, member of the National Ecological Association and creator of the Serbian mobile application for air quality, xEco.

152 Interview with Milenko Jovanović, one of the founders of the National Ecological Association (NEA), retired Head of the Air Quality Department, and whistleblower at the Environmental Protection Agency.



generating automated alarms (notifications, SMS messages, etc.) that could simultaneously serve as orders to inspectors.<sup>153</sup>

## 4.6 CROSS-BORDER / INTERNATIONAL COOPERATION

The European Commission's 2024 report on Serbia notes that cross-border cooperation in the field of environmental protection has not improved and requires enhancement.<sup>154</sup> This is particularly significant since the entry into force of Directive 2024/1203 of the European Parliament and Council on April 11, 2024 (*the Environmental Crime Directive*),<sup>155</sup> which opens numerous new opportunities for cross-border cooperation as well as new challenges for environmental inspection supervision.<sup>156</sup>

### *The Environmental Crime Directive*

The Directive is explicit in several instances regarding the need to protect the effectiveness of EU environmental regulations and in recognizing cross-border environmental crimes that may affect them, as well as the necessity of cooperation between countries.<sup>157</sup> It is precisely in the cross-border aspect of environmental crimes that opportunities arise for cooperation between competent authorities of EU Member States and those of countries that are not yet members but are in the process of accession negotiations and thus required to align their legislation with the EU acquis. This is particularly important in cases where damage has occurred partially on EU territory or where the perpetrator is an EU national. The alignment of the legislation of the Republic of Serbia with the Directive was explicitly listed as one of the recommendations under Chapter 27.<sup>158</sup>

**In this regard, among other provisions, the Directive stipulates<sup>159</sup> that EU Member States should establish their jurisdiction (in relation to the criminal**

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153 Interview with Dejan Lekić, member of the National Ecological Association and creator of the Serbian mobile application for air quality, xEco.

154 [European Commission Report on Serbia](#), October 30, 2024: p. 98: *Cross-border cooperation did not improve during the reporting period. Serbia should continue its efforts to cooperate with neighboring countries. Serbia should begin implementing activities under the memorandum of understanding on environmental protection cooperation with Bulgaria.*

155 Directive, Article 12.

156 [European Commission Report on Serbia](#), October 30, 2024: p. 98: *Although the number of inspection cases and penalties for offenses has increased, alignment with the Environmental Liability Directive remains at an early stage, while compliance with the Environmental Crime Directive and its enforcement require further improvement. There has also been an increase in cases of wildlife poisoning and poaching incidents, alongside threats against members of civil society organizations on social media.*

157 Directive, recital (3): *The rise in environmental criminal offences and their effects, which undermine the effectiveness of Union environmental law, is a matter of continuing concern in the Union. Such offences increasingly extend beyond the borders of the Member States in which they are committed. Such offences pose a threat to the environment and therefore necessitate an appropriate and effective response, which often requires effective cross-border cooperation.*

158 [European Commission Report on Serbia](#), October 30, 2024.

159 Directive, recital (52): *Member States should establish jurisdiction over criminal offences defined in this Directive where the damage which is one of the constituent elements of the*



**offences described in the Directive) when the damage - an essential element of the specific offence - occurred on their territory, either wholly or in part, as well as in cases where the perpetrator is their national.**<sup>160</sup> The Directive also emphasizes the need for members of the (interested) public to have the right to actively participate in criminal proceedings related to environmental crimes, if such a right is granted to them under national law in other types of proceedings, such as civil litigation.<sup>161</sup> In addition to the protection and support for those who report environmental crimes,<sup>162</sup> an important new element introduced by the Directive is the recognition of the importance of individuals or entire communities affected by environmental pollution (or engaged in its protection), who may possess valuable information about potential environmental crimes.<sup>163</sup>

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*criminal offence occurred on their territory. In accordance with national law, and in line with the territoriality principle, a Member State could establish jurisdiction over criminal offences committed in whole or in part on its territory.*

160 *Ibid.*, Article 12: 1. Each Member State shall take the necessary measures to establish its jurisdiction over the criminal offences referred to in Articles 3 and 4 where: (a) the offence was committed in whole or in part within its territory; (b) the offence was committed on board a ship or an aircraft registered in the Member State concerned, or flying its flag; (c) the damage which is one of the constituent elements of the offence occurred on its territory; or (d) the offender is one of its nationals.

161 *Ibid.*, recital 58: (58) This Directive does not require Member States to introduce new procedural rights for the members of the public concerned. However, when such procedural rights for members of the public concerned exist in a Member State in equivalent situations concerning criminal offences other than those provided for pursuant to this Directive, such as the right to participate in proceedings as a civil party, such procedural rights should also be granted to the members of the public concerned in proceedings concerning the environmental criminal offences defined in this Directive. The rights of the members of the public concerned are without prejudice to the rights of victims as set out in Directive 2012/29/EU of the European Parliament and of the Council (14). The notion of ‘members of the public concerned’ and of ‘victims’ should remain distinct and Member States should not be required to apply victims’ rights to members of the public concerned. This Directive does not require Member States to grant to members of the public concerned the procedural rights in criminal proceedings that they grant to categories of persons other than members of the public concerned.

162 *Ibid.*, Article 14: Protection of persons who report environmental criminal offences or assist the investigation thereof Without prejudice to Directive (EU) 2019/1937, Member States shall take the necessary measures to ensure that any persons reporting criminal offences referred to in Articles 3 and 4 of this Directive, providing evidence or otherwise cooperating with competent authorities, have access to support and assistance measures in the context of criminal proceedings, in accordance with national law.

163 *Ibid.*, (55): Persons other than those who report breaches of Union law under Directive (EU) 2019/1937 could also possess valuable information concerning potential environmental criminal offences. They could be members of the community affected or members of society as a whole taking an active part in protecting the environment. Such persons who report environmental criminal offences as well as persons who cooperate with regard to the enforcement of such offences should be provided with the necessary support and assistance in the context of criminal proceedings, so that they are not disadvantaged as a result of their cooperation but supported and assisted. The necessary support and assistance measures should be available to such persons in accordance with their procedural rights in national law and should include, at least, all support and assistance measures available to persons having corresponding procedural rights in criminal proceedings concerning other criminal offences. Those persons should, in accordance with their procedural rights in national law, also be protected from being persecuted for reporting environmental criminal offences or for their cooperation in the criminal proceedings. The content of the necessary support and assistance measures is not established by this Directive and should be determined by Member States. Member States are not required to make available the support and assistance measures to persons who are suspected or accused in the context of the criminal proceedings concerned.

The seriousness of the approach to combating environmental crime is also reflected in the fact that the competent authorities will have access to all (special) investigative tools used in the fight against organized crime and other complex criminal offences.<sup>164</sup>

The Directive also clearly emphasizes that, since the environment cannot represent itself as a victim in criminal proceedings, members of the concerned public should be able to act on its behalf as a public good, in accordance with national law and subject to relevant procedural rules, in order to ensure effective enforcement of the law.<sup>165</sup> Therefore, although the environment itself cannot hold procedural rights in the same way a victim would in criminal proceedings, national legal systems are required to assign it a status that allows members of the concerned public (NGOs/activists) to act in its interest, thereby enabling its effective protection in such proceedings.

Considering the key positions adopted by the Directive in the fight against environmental crime, as well as the Aarhus Convention - which from the outset recognizes non-governmental organizations engaged in environmental protection activities, regardless of their country of establishment - the cross-border cooperation aspect will, in the coming period, become an indispensable component of efforts to combat environmental crime across all European countries. Competent authorities (such as the police, judicial bodies, environmental inspection services, etc.) will, within the framework of such cooperation, be able to investigate sources of pollution that cross-national borders and may affect third countries, particularly in cases where the damage has occurred partially within the territory of the EU.

### *Recommendations of the Council of Europe and the Parliamentary Assembly of the Council of Europe on Minimum Criteria for Environmental Inspection*

**The website of the Ministry of Environmental Protection states that the alignment of environmental inspection practices at all levels in the Republic of Serbia is being undertaken in line with European Union requirements, with the aim of implementing the Recommendation of the Council of Europe and its Parliamentary Assembly on minimum criteria for environmental inspection.**<sup>166</sup>

In the recommendation itself, several criteria were emphasized that are directly related to the work of inspection supervision:

“Member States will have to plan their environmental inspection tasks and have at all times at least one environmental inspection plan covering the controlled installations on their territory. Such plans may be drawn up at local, regional or

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<sup>164</sup> *Ibid.*, Article 13.

<sup>165</sup> *Ibid.*, recital (57): *Since the environment cannot represent itself as a victim in criminal proceedings, for the purpose of effective enforcement, members of the public concerned should have the possibility of acting on behalf of the environment as a public good, in accordance with national law and subject to the relevant procedural rules.*

<sup>166</sup> [Ministry of Environmental Protection of the Republic of Serbia, “Sector for Environmental Inspection and Preventive Action”](#)

national level and must be available to the public in accordance with Directive 2003/4/EC concerning freedom of access to information on the environment. They must include: an indication of the geographical area, the period and the sites they cover, information on updating the plans, programs for routine inspections, procedures for non-routine inspections and a plan for coordination between the different inspecting authorities.

Environmental inspections shall include routine on-site inspections by competent authorities, which must:

- ▶ **respect a number of minimum criteria** (compliance with Community legal requirements, risk analysis based on an integrated approach examining all effects of the installation on the environment, enhancement of the knowledge of operators managing such installations with regard to environmental requirements, coordination between the various inspection authorities involved);
- ▶ **be mandatory in specific areas** (investigations carried out following complaints relating to the environment; investigations of accidents, incidents or cases of infringements; checks carried out prior to granting permits for controlled activities or prior to the renewal of such permits;);
- ▶ **be recorded in reports which shall be made available to the public** in accordance with Directive 2003/4/EC on public access to environmental information.

**Additional requirements are laid down for investigations into serious accidents,** incidents, and infringements of Community legislation:

- ▶ to clarify causes, environmental impact, responsibilities, and possible liabilities;
- ▶ to indicate measures to be taken to mitigate, end or prevent incidents;
- ▶ to ensure penalties are enforceable and follow-up measures specified.<sup>167</sup>

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167 [Recommendation 2001/331/EC of 4 April 2001 providing for minimum criteria for environmental inspections, EUR-Lex](#)



## 5 OPPORTUNITIES FOR COOPERATION WITH NON-GOVERNMENTAL ORGANIZATIONS, ACTIVISTS, AND CITIZENS

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The Aarhus Convention became part of the legislation of the Republic of Serbia in 2009 with the Law on the Ratification of the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice.<sup>168</sup> This was a significant step enabling non-governmental organizations engaged in environmental protection to be officially recognized as interested public parties. Accordingly, since that time, alongside individual activists and citizens, they have been recognized as defenders of the environment.<sup>169</sup> As a result, these entities participate in various procedural capacities as parties in matters concerning environmental protection. This section will provide an analysis of the cooperation between the Environmental Inspection, as part of the Ministry of Environmental Protection, and the non-governmental sector, activists, and citizens. It will examine the legal and practical bases underpinning this cooperation, as well as the forms it currently assumes and the potential avenues for its enhancement and development in the future.

According to the Aarhus Convention, NGOs are recognized as interested public parties who, in accordance with national legislation, may be granted party status in civil, criminal, commercial, and administrative proceedings if they promote or engage in environmental protection. Importantly, this right is granted regardless of the location of their registered office. Thus, an NGO does not need to have its registered office, for example, in the city where an accident or pollution event occurred in order to be authorized to file a complaint against the polluter. The Convention also recognizes the important role NGOs play in combating polluters,

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<sup>168</sup> *Official Gazette – International Documents*, No. 38/2009.

<sup>169</sup> [United Nations Economic Commission for Europe \(UNECE\), “Joint High-Level Meeting of the Seventh Ministerial Meeting on Environment and Health and the Fourth Meeting of the Parties to the Protocol on Water and Health \(MoP7-MoPP4-JHLS\)”](#)

as well as the risks to which they are exposed. For this reason, it explicitly states that NGOs shall enjoy protection against persecution due to their activities.

It is important to note that<sup>170</sup> individual activists and citizens are also recognized as environmental defenders if they promote or engage in environmental protection, or exercise rights under the Aarhus Convention. They also enjoy protection against persecution due to their activities, and the signatory countries to the Convention are obligated to provide such protection.

The Aarhus Convention provides a unique foundation for effective cooperation between environmental inspection authorities, the police, public prosecutors, and courts with NGOs, activists, and citizens - particularly in situations where the capacities of competent authorities in criminal legal protection of the environment are limited for any reason. **This cooperation may occur on several levels, corresponding to the pillars of the Aarhus Convention: access to environmental information, public participation (in exercising the right to a healthy environment), and access to justice.**

## 5.1 COMMUNICATION OF THE ENVIRONMENTAL INSPECTORATE WITH THE (INTERESTED) PUBLIC AND ACCESS TO INFORMATION

Communication between citizens and the environmental inspectorate is of essential importance for effective inspection supervision, as well as for the realization of citizens' rights to a healthy environment and access to related information. The complexity of inspection tasks - particularly when inspectorates operate with limited human resources and equipment - reliance on citizen communication becomes indispensable, as they are often the first to report observed irregularities. Therefore, given the entire process and various aspects of environmental protection, this communication must be purposeful, two-directional, and within legal frameworks.

### 5.1.1 Legal basis

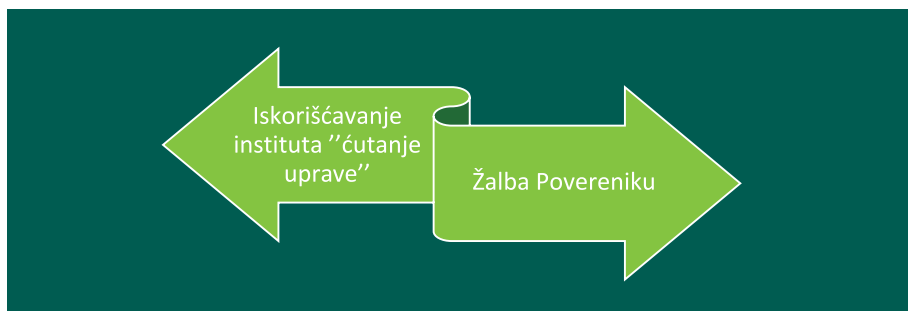
The criminal legislation of the Republic of Serbia allows any natural or legal person to file a criminal complaint. Similarly, any natural or legal person may submit a report to the Environmental Inspectorate. Beyond incidents that the (interested) public may observe and report to the inspectorate or file a criminal complaint with the police or public prosecutor's office, the public may also use two legal mechanisms to obtain information relevant to environmental protection:

- ▶ The Aarhus Convention / the Law on the Ratification of the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice;
- ▶ The Law on Free Access to Information of Public Importance.

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170 [United Nations Economic Commission for Europe \(UNECE\), "Decision VII/9 on the Rapid Response Mechanism," Meeting of the Parties to the Aarhus Convention, October 2022](#)

If the competent inspectorate or Ministry fails to provide the requested (complete) responses to the interested public within **a special deadline of 48 hours**<sup>171</sup> (for information related to environmental protection or public health), or **within the general deadlines of 15 days**<sup>172</sup> **and no later than one month**<sup>173</sup> (in accordance with the Aarhus Convention), the public has the following remedies available:



Picture 7.

### 5.1.2 Analyses/Statistics

**Research by the OSCE and the Commissioner**<sup>174</sup> shows that "[t]he proportion of complaints filed with the Commissioner regarding violations of the right to access environmental information in relation to the total number of complaints filed has been increasing year by year, from 1.40% in 2018 to 2.80% in 2022. The indicator of this trend is the fact that in the first three months of 2023, 6.37% of all complaints filed during that period were due to violations of the right to access environmental information."<sup>175</sup>

The analysis also states that in 2022, the Commissioner issued, among other measures, 23 misdemeanor orders to the Ministry of Environmental Protection or authorized persons within it due to "administrative silence" - failure to provide access to environmental information.<sup>176</sup> In 2023, there were a total of 8 requests to initiate misdemeanor proceedings.<sup>177</sup>

In 2022, environmental civil society organizations submitted 107 requests for access to environmental information, while individual citizens submitted 85

171 The Law on Free Access to Information of Public Importance, Article 16, Paragraph 2.

172 *Ibid.*, Article 16.

173 Law on the Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, Article 4, point 2.

174 [Exercising the Right to Access Environmental Information](#)

175 *Ibid.*, p. 77.

176 *Ibid.*, pages 74, 75.

177 *Ibid.*, p. 76.

requests<sup>178</sup>. In 2023, there 24 submitted requests by environmental civil society organizations and 16 by individual citizens.<sup>179</sup>

**The types of information** requested by citizens and environmental civil society organizations indicate an awareness of the complexity of environmental protection. For example, in 2022, “[r]equested information primarily concerned the work of environmental inspection authorities and the measures they undertook; the operation of small hydropower plants; waste management; environmental impact assessments; strategic environmental assessments; water quality; issued permits for the management of industrial, hazardous, and non-hazardous waste; monitoring of wastewater and soil; emissions measurements from stationary pollution sources; information related to the construction of the Kolubara thermal power plant; the “Jadar” project; tree cutting; and the lack of access to documents concerning public policies in the field of environmental protection, among other topics.”<sup>180</sup>

In 2023, the requested information “[...] primarily concerned environmental measurements conducted by the Institute for Environmental Protection; air pollution; waste management; noise monitoring; highway construction, and similar topics.”<sup>181</sup>

Given the data presented by the Commissioner’s Office, it is not surprising that the same issues are reflected in the European Commission’s 2024 Report on Serbia, under Chapter 27 – Environment, which states: “Public participation and consultation have not improved compared to the previous reporting period. Serbia needs to ensure inter-ministerial participation, including the Ministry of Finance, in the working groups for the Environmental Protection Strategy / Green Agenda.”<sup>182</sup>

## 5.2 EXPERIENCE OF THE CIVIL SECTOR WITH COMPETENT INSPECTION AUTHORITIES – CASE STUDY

**Although a legal framework exists that enables the environmental inspection to cooperate smoothly with the civil sector, serious challenges remain.** This section of the analysis focuses on several key challenges identified by NGOs (particularly those actively engaged in filing complaints against polluters) in their interaction with the competent inspection authorities.

According to NGO representatives,<sup>183</sup> over the past five years since their organization established communication with Serbian institutions, they have interacted several times with the Republic’s environmental inspector for environmental protection. This cooperation included several levels: submitting complaints regarding violations of environmental regulations, requesting that

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178 *Ibid.*, p. 73.

179 *Ibid.*, p. 76.

180 *Ibid.*, p. 73.

181 *Ibid.*, p. 76.

182 European Commission, *Report on Serbia*, October 30, 2024, p. 98, Chapter 27.

183 Interview with Nikola Krstić, founder and coordinator of [the Tvrdava Movement](#).

the inspector conduct extraordinary inspections, calling on the inspector to act in specific accidental pollution incidents, and attending official meetings at the inspectorate's premises. The collaboration was characterized as highly unsatisfactory, as the inspector neither acted on their complaints nor fulfilled his official duties as required by law. Communication with the inspector was notably negative, ranging from disregard and belittlement to open threats and aggression. It was emphasized that the inspector attempted to discredit the NGO within the local community by expressing negative and disparaging opinions about the association in front of the residents with whom the NGO works - residents directly affected by pollution from the nearby steel plant.

In further interviews with NGO representatives<sup>184</sup>, it was stated that they had not established any cooperation with environmental protection inspectors. When they submitted complaints requesting extraordinary inspection supervision to the Republic Environmental Protection Inspectorate, in the majority of cases, the inspectorate did not act – most often declaring itself incompetent or informing them that it had no information related to their complaints. They did not receive information about the inspectorate's actions regarding their complaints and could obtain such information only through requests for access to public information. Even then, it sometimes happened that the Ministry of Environmental Protection informed them that it did not have the requested information related to their complaints. Complaints were only acted upon after they approached the Ombudsman due to unlawful conduct of administrative bodies and the initiation of procedures by that institution. It is important to note that all of the above refers to the Republic Environmental Protection Inspectorate, while they had no contact with local inspectors. Dissatisfaction with the timeliness and functioning of the Republic Inspectorate was emphasized.

### *5.2.1 Challenges in Handling NGO Complaints – Acceptance of Evidence and Reporting on Complaint*

Interviewed NGO representatives<sup>185</sup> stated that environmental protection inspectors generally did not act on their complaints, reducing their response to merely formal site visits and determining that everything was in order. The NGOs also submitted several requests for access to public information to the inspectorate but, in most cases, were denied responses. Consequently, they filed complaints with the Commissioner for Information of Public Importance and Personal Data Protection. Occasionally, a procedure for a commercial offense was initiated against a company for violating the Air Protection Act, resulting in a fine of one million dinars, which was indirectly related to their activism and a criminal complaint (submitted to another competent authority). However, no action was taken on their own criminal complaint.

It is important to note that their evidence was not taken into account despite being continuously submitted to the Republic inspector. The evidence demonstrated pollution across all environmental media - air, water, and soil - and came from official

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184 Interview with Strahinja Macić, Legal Advisor, [NGO Polekol](#).

185 Interview with Nikola Krstić, founder and coordinator of [the Tvrdava Movement](#).



laboratories. In addition to the NGOs, local villagers from surrounding settlements, who were also affected by air pollution, conducted these measurements.<sup>186</sup>

They were never informed of the outcome of their complaints, despite always explicitly stating in their submissions that they requested to be informed in writing or by email. Communication with the inspectors regarding the complaints was limited to internal and informal exchanges, accompanied by vague assurances that “everything will be fine” and that the inspector would do what was within their power to protect the environment and the health of the citizens.

When they addressed questions to the Republic Environmental Protection Inspector regarding specific incidents, they did not receive any responses. On one occasion, they received a reply from the local environmental inspectorate after reporting an incident involving an unbearable odor emanating from a farm owned by a local company. The inspectorate responded but concluded that everything was in accordance with regulations. This was provided to them as the official explanation.

Such practices were also confirmed by other NGOs<sup>187</sup> - environmental protection inspectors generally did not act on their complaints but only did so after a complaint was filed with the Ombudsman and the Ombudsman initiated proceedings. The inspectorate did not consider their evidence of environmental pollution but instead referred to the Institute for Nature Conservation of Serbia, relying on its opinion to decide whether to act. Inspectors did not communicate with their organization regarding the submitted complaint, nor did they inform them about its outcome. Information about the complaint was always obtained through mechanisms provided by the Law on Free Access to Information of Public Importance.

### **5.2.2 Challenges in Recognizing Non-Governmental Organizations as Parties to Proceedings in Accordance with the Aarhus Convention**

Representatives of NGOs<sup>188</sup> stated that, in most cases, the competent authority does not recognize them as a party to the proceedings in accordance with the Aarhus Convention, nor does it inform their association or request additional information. This is particularly the case with criminal complaint<sup>189</sup>s that included a number of pieces of evidence - expert analyses and medical documentation. In one specific criminal case against a major polluter, no one contacted them for two years or asked any follow-up questions regarding the evidence and facts they had submitted to the public prosecutor. After some time, they were simply informed that the criminal complaint had been dismissed.

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186 [“Steelworks in Smederevo: How Companies Are Punished for Environmental Pollution,” Danas, November 24, 2024; “Criminal Complaint Filed Against Chinese Company for Pollution in Smederevo,” Radio Free Europe, June 1, 2022.](#)

187 Interview with Strahinja Macić, Legal Advisor, [NGO Polekol](#).

188 Interview with Nikola Krstić, founder and coordinator of [the Tvrdava Movement](#).

189 The Tvrdava Movement filed a criminal complaint in 2021 against HBIS Steelworks for the criminal offense of environmental pollution.

Outside of criminal proceedings, and in relation to mechanisms under the Aarhus Convention, the competent authorities also failed to respond to their requests within the 48-hour deadline (for environmental information), nor within the general 15-day deadline. As a result, they had to file complaints with the Commissioner for Information of Public Importance and Personal Data Protection on several occasions. In some cases, they received brief explanations stating that an incident had occurred,<sup>190</sup> but the responses noted that air quality measurements showed that everything was within legal limits. Some of the complaints aimed to establish criminal liability - specifically, two criminal complaints filed against the HBIS steel plant - while others sought to determine misdemeanour responsibility.<sup>191</sup>

Some NGOs<sup>192</sup> reported positive experiences with the competent authorities regarding the public's right to know through the mechanisms of the Aarhus Convention, where they were recognized as a party to the procedure by the environmental protection inspection. However, during inspection supervision procedures, they were not recognized as parties to the procedure under the same Convention, because the Law on Inspection Supervision does not grant complainants the status of a party to the procedure - in fact, it explicitly excludes it (Article 18, paragraph 3). They were neither granted nor exercised the status of a party based on such recognition under a special law (Article 18, paragraph 1). In their practice, they did not submit requests for urgent information that would initiate the 48-hour response period, so the inspection proceeded within the general 15-day deadline.

All reports submitted by the organization were aimed at establishing misdemeanors, economic offenses, or criminal acts, as well as to prompt the imposition of prohibitions and administrative measures, considered the most effective legal tools in theory. Reports (minutes) from this and other inspections were used as evidence when initiating other proceedings, such as criminal or economic offense procedures.

Through their work, they gained the impression that competencies are significantly intertwined, meaning that the powers and actions of other inspections - such as construction, water management, energy, etc. - are also relevant for achieving the goals of nature and environmental protection.

They believe that inspection authorities do not sufficiently use the legally prescribed option of conducting joint inspection supervision. Its use could significantly increase and improve the scope and effectiveness of inspections. Therefore, there is considerable potential for improvement in terms of mutual notification, data exchange, assistance, and joint measures and actions relevant to inspection supervision.

For example, although the Misdemeanor Law in Article 84 provides for the possibility of longer limitation periods for misdemeanors in the field of environmental protection, special laws do not prescribe longer limitation periods.

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190 [\\*As in the case of the explosion at the steel plant on March 30, 2023, "Explosion at the Smederevo Steel Plant – Criminal Complaint Filed Against Chinese Company for Withholding Information on the Consequences", Danas, June 29, 2023](#)

191 Interview with Nikola Krstić, founder and coordinator of [the Tvrdava Movement](#).

192 Interview with Strahinja Macić, Legal Advisor, [NGO Polekol](#).

As a result, inspection supervision remains ineffective due to frequent expiration of the limitation period in cases when the inspection submits a request to initiate misdemeanor proceedings. They believe that longer limitation periods would partially remedy this issue. An issue was highlighted in court proceedings - mitigation of penalties, i.e., the imposition of fines below the statutory minimum, in some cases up to 75 times lower (than the legal minimum).

Furthermore, special fish habitats (certain fishing waters or their parts significant for the biological needs of fish such as spawning, wintering, growth, feeding, and movement (migration) do not enjoy any effective protection) - they are neither designated as special protected areas, nor is the destruction, endangerment, or disturbance of these habitats punishable, especially considering their importance. Consequently, inspection and other authorities have no scope to take action.

It can be definitively concluded that environmental protection inspectors, even when they act on complaints from NGOs focused on environmental protection and maintain regular communication regarding the complaint (its progress, outcome, etc.), do not accept the evidence submitted by NGOs, as they consider valid evidence for their work only the reports from authorized organizations.<sup>193</sup>

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193 Interview with inspector for environmental protection.



## 6 CONCLUSION

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**According to the 2024 report, environmental protection inspectors filed only one criminal complaint, while submitting a total of 78 requests to initiate misdemeanor proceedings and 22 reports to initiate proceedings for economic offenses.** In 23 cases, inspectors were summoned by the competent judicial authorities to testify as witnesses, and 33 judgments were rendered.<sup>194</sup>

Inspection supervision and control, therefore, take place within legal frameworks that enable the provision of grounds for criminal-legal environmental protection. However, in practice, what hinders the full realization of this right (towards effective environmental protection and, consequently, public health) is the lack of sufficient personnel and technical-administrative capacities necessary for inspection supervision, especially environmental protection inspectors. The absence of protective equipment, as well as mobile equipment for measuring (certain) pollutants that cause environmental pollution, seriously undermines even the basic role that inspection supervision and control are supposed to fulfill.

All of the above, combined with the lack of ecotoxicological units, insufficient training in criminal-legal environmental protection, and limited cross-border cooperation in environmental protection, can prove critical (in large-scale) accident situations that transcend national borders, where readiness and efficient, timely action are of essential importance.

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<sup>194</sup> [Annual Work Report for 2024](#), p. 28.



## 7 RECOMMENDATIONS

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In its 2024 report, the Ministry of Environmental Protection identified several key areas in which the capacities, work processes, training, software solutions, and cooperation of environmental protection inspectors need to be improved.<sup>195</sup> Accordingly, based on this analysis and the key aspects of inspection supervision and control examined, we can draw conclusions and formulate several types of recommendations for effective inspection supervision in the criminal-legal protection of the environment:

- ▶ **Increase the number of inspectors** and fill the positions according to the organizational structure as soon as possible.
- ▶ **Employ accompanying administrative staff** to handle administrative tasks (while inspectors conduct field inspections), who do not go on-site but process records and inspector orders.
- ▶ **Procure protective equipment.**
- ▶ **Allocate a dedicated budget** exclusively for equipment, independent pollutant analyses/laboratory tests, independent engagement of court experts/institutions, and similar needs.
- ▶ **Equip environmental protection inspectors** with new field vehicles, mobile equipment for measuring pollution in specified areas (measuring pollutants for which court experts/institutions are not required), and improved (electronic) connectivity with other actors relevant to inspection supervision and control.

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<sup>195</sup> *Ibid.*, p.33:

- The necessity of increasing the number of inspectors within the Sector for Supervision and Preventive Action in Environmental Protection by employing the approved number of inspectors, as a prerequisite for enhancing preventive action and more efficient implementation of environmental protection measures within the scope of enforcement.
- Training and study visits for environmental protection inspectors at all levels to further develop and enhance their competencies for conducting inspection supervision.
- Improving cooperation with judicial authorities through participation in joint trainings and seminars, aimed at better overcoming and resolving issues related to environmental protection.
- Training newly appointed inspectors in the use and operation of the e-Inspector and e-Registry software systems."

- ▶ **Strategically install a sufficient number of monitoring stations** in relation to cities and areas identified as polluted by the Environmental Protection Agency's analysis. The monitoring stations should be equipped to measure the full range of different pollutants.
- ▶ **Prescribe and organize a minimum number of annual trainings on criminal-legal environmental protection** under Chapter 24 of the Criminal Code and criminal procedure law (CPC), particularly regarding the distinction between criminal offenses and misdemeanors. These trainings must be mandatory for all environmental protection inspectors at the national, municipal, city, autonomous province, and local self-government levels.
- ▶ **Reactivate ecotoxicological units for every city** in the Republic of Serbia, or at least for all 29 districts.
- ▶ **Establish regular cooperation with public prosecutors, courts, and other relevant actors within local government units** (at least twice a year).
- ▶ **Develop a Cooperation Protocol between inspection authorities and public prosecutors** to ensure effective criminal prosecution of environmental crimes.
- ▶ **Foster proactive communication and collaboration** with NGOs, activists, and citizens at the local, provincial, and municipal (city) levels.

### Legislative Recommendations

- ▶ **Amend the Law on Inspection Supervision, specifically Articles 9, paragraphs 9 and 10, to grant greater autonomy to inspections.** The Government<sup>196</sup> should prescribe only the minimum common elements of risk assessment in inspection supervision, while the minister<sup>197</sup> (or the holder of public authority) should prescribe only the minimum specific elements of risk assessment, frequency of inspections based on risk assessment, and special criteria from paragraph 8 of the Law<sup>198</sup>. The remaining criteria should be left to environmental protection inspectors to supplement based on their assessments and assigned areas of responsibility. Such amendments will facilitate more effective inspection supervision by removing restrictions related to criteria and frequency of inspections, especially

196 The Law on Inspection Supervision, Article 9, Paragraph 9: *The Government shall prescribe the common elements of risk assessment in inspection supervision.*

197 *Ibid.*, Article 9, Paragraph 10: *The minister responsible for the respective area of inspection supervision, or the holder of public authority conducting inspection supervision in a specific field, shall prescribe the specific elements of risk assessment and the frequency of conducting inspection supervision based on the risk assessment, as well as the special criteria referred to in paragraph 8 of this Article.*

198 *Ibid.*, Article 8, Paragraph 8: *In addition to risk assessment for supervised entities, risk may also be assessed—based on specifically prescribed criteria - for individual territorial areas and other territorial or similar units (e.g. territorial units, regions and sub-regions, sections, etc.), facilities, and groups of facilities, in accordance with the scope of the inspection authority and the needs of performing inspection supervision.*

for specific territorial areas and facilities. Greater autonomy and flexibility will allow inspections to respond more swiftly and appropriately to ongoing risk assessments, which is particularly important in accident situations, in detecting criminal offenses, and in cooperation with public prosecutors, courts, and NGOs.

- ▶ Amend key laws in relevant areas or strengthen **inspection, public prosecution, and judicial practice** through established positions to recognize NGOs, activists, and citizens as parties in civil, administrative, criminal, economic, and misdemeanor proceedings related to criminal-legal environmental protection.
- ▶ **Provide precise penal provisions** within environmental protection regulations regarding criminal prosecution.
- ▶ **Introduce clear and comprehensive protective measures** in the Criminal Code related to environmental criminal offenses.

