

Environmental Crime in Serbia: Corporate Polluters Exploit Weak Enforcement

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Ineffective laws and lenient courts enable environmental crimes in Serbia, as corporate polluters face minimal consequences for devastating ecological damage.

The public consultation on amendments to Serbia's Criminal Code and Criminal Procedure Code has concluded after just one month - the minimum period required by law, yet far too brief given the scope of proposed changes. These amendments represent a fundamental reform of the criminal justice system, coming before previous reforms have even been fully implemented.

Following intense public and expert criticism of both the consultation's brevity and controversial amendments, the Ministry of Justice has indicated discussions will likely continue into 2025. While public attention has focused on changes affecting free speech and police powers, another critical failing has gone largely unnoticed: the missed opportunity to strengthen Serbia's response to one of its most dangerous forms of crime - environmental offences.

A Growing Criminal Enterprise

Environmental crimes threaten or directly damage soil, water, air, flora and fauna - and consequently, public health. These crimes are increasing by 5-7% annually worldwide, generating illegal profits estimated between \$70-213 billion globally, making them the most profitable criminal enterprise after drugs, weapons and human trafficking.

Recent cases in Serbia illustrate the scale of the problem, prompting growing public resistance:

- 25 tonnes of hazardous waste illegally buried near Obrenovac instead of proper treatment and storage
- Textile factories and slaughterhouses around Novi Pazar releasing untreated blood and waste directly into the River Raška
- Mining wastewater discharged without treatment into the River Pek, staining it for 50km and raising heavy metal concentrations far above legal limits
- Small hydroelectric dam operators blocking fish passages to maximise power generation, sparking local protests as communities watch their rivers die
- Widespread illegal logging across eastern and southern Serbia
- Industrial-scale poaching revealed when Italian police discovered 120,700 dead birds from Serbia - including 68 protected species - with evidence suggesting over 2 million birds were smuggled over six years

Serbia has become both a destination for illegal waste disposal and a transit country for protected species trafficking, particularly birds and reptiles.

Corporate Impunity and Weak Enforcement

The Ministry of Interior's 2023 Strategic Report (SOCTA) identifies environmental crime as a growing threat, yet proposed legal reforms fail to address this challenge. Current enforcement shows alarming patterns:

- Only 12% of environmental crimes result in prison sentences, most under 6 months
- 52% receive suspended sentences
- Courts have never required environmental protection measures as a condition of suspension
- 38% of offenders are repeat criminals, with a quarter convicted multiple times

The case of mining company Zijin exemplifies the problem, despite sustained protests from local communities and environmental groups. After polluting the River Pek, the company avoided prosecution by paying just 1 million dinars (approximately EUR8,000) in "humanitarian contributions" - less than 0.05% of its annual profit. In seven separate cases, courts imposed fines below legal minimums despite repeated violations.

Legal Reform Requirements

Serbia has not aligned with the EU's new Environmental Crime Directive (2024/1203), which mandates:

- Combined prison and financial penalties
- Corporate fines up to €40 million or 5% of global turnover
- Rights for environmental groups to participate in criminal proceedings
- Specialised environmental crime units

The 2022 creation of Serbia's Environmental Crime Unit has shown promising results, suggesting a path forward through institutional specialisation. However, comprehensive reform requires:

- Dedicated environmental prosecutors and judges
- Increased investigation resources
- Stronger corporate accountability measures
- Enhanced inter-agency coordination

Public Resistance and its Limitations

In the absence of effective legal mechanisms, environmental activists have turned to direct action and media pressure to combat ecological destruction. Protests have emerged across Serbia, from activists physically blocking mining operations at Starica Mountain near Majdanpek to demonstrations against small hydroelectric dams on the Rupska River. The Ecological Front of Novi Sad has been particularly active in documenting and protecting wildlife habitats like Šodroš.

However, the current legal framework severely restricts public participation in environmental criminal cases. Only those who can prove direct financial damages can participate in proceedings - effectively excluding environmental organisations and affected communities. Until Serbia transposes EU provisions requiring public participation rights, resistance to prosecutorial inaction relies heavily on media coverage and public pressure.

This strategy faces significant limitations:

- Media attention is often concentrated in major cities, leaving rural environmental crimes underreported
- Many cases of ecological destruction are deemed insufficiently "newsworthy" despite their serious impact
- Political marginalization of certain regions can make it difficult to gain national attention
- Corporate polluters often have significant influence over local media

Environmental activists argue that these limitations underscore the urgent need for legal reform that would give the public formal standing in environmental criminal cases - a right now mandated by EU directives but still absent in Serbian law.

P.S.

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