CRIMINAL OFFENCES AGAINST THE ENVIRONMENT AND PENAL POLICY

(NORM, PRACTICE AND IMPROVEMENT MEASURES)

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Authors of the study:
Prof. Stanko BEJATOVIĆ, PhD
Sandra DOKIĆ

Reviewers:
Prof. Milan ŠKULIĆ, PhD
Academician prof. Miodrag SIMOVIĆ, PhD
Prof. Drago RADULOVIĆ, PhD

Proofreading:
Marija PETROVIĆ

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Members of the research team:
Prof. Stanko BEJATOVIĆ, PhD, full professor at the Faculty of Law, University of Kragujevac, president of the Board of Directors of the Institute of Criminological and Sociological Research and president of the Serbian Association for Criminal Law Theory & Practice
Prof. Veljko TURANjANIN, PhD, associate professor at the Faculty of Law, University of Kragujevac
Prof. Dragana ČVOROVIĆ, PhD, associate professor at the University of Criminal Investigation and Police Studies in Belgrade
Miroslav ALIMPIĆ, Judge of the Appellate Court in Novi Sad
Branislava VUČKOVIĆ, Appellate Public Prosecutor in Novi Sad
Nena MILORADOVIĆ-BJELICA, First Basic Public Prosecutor's Office in Belgrade

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I. INTRODUCTORY REMARKS

1. Penal policy as an instrument of environmental protection (concept and importance)

When discussing penal policy as an instrument of environmental protection, the first question that arises is defining the term itself. In relation to this question, as well as the question of the concept of penal policy in general, it must first be acknowledged that despite the term being debated and, in many cases perhaps not without reason, subject to criticism, it is both common and widely accepted both in Serbia and beyond. As such, it is understood in various ways. According to one group of authors, the term encompasses not only the legislator's prescription of sanctions, but also the punishment zone understood in its broadest sense – the punishment zone in general.[1] Furthermore, a distinction is made between legislative penal policy and judicial penal policy.[2] Without going into debate on this issue, as it is not the focus of this study, it should be said that for the purposes of this research, the term penal policy refers to both the policy of prescribing criminal offences and criminal sanctions aimed at protecting the environment (legislative penal policy) and the policy of imposing criminal sanctions and applying other criminal law mechanisms available to state authorities (public prosecutor's offices and courts) in combating this category of criminal activities (judicial and prosecutorial penal policy[3]). This approach to

[1] See: Stojanović, Z., Reforma krivičnog zakonodavstva – osnovne karakteristike i tendencije, in: "Dve decenije reforme kaznenog zakonodavstva: iskustva i pouke", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2023, 11-24.

[2] See: Stojanović, Z., Politika suzbijanja kriminaliteta, Pravni fakultet Univerziteta u Beogradu, Belgrade, 2016.

[3] In contrast to the solutions that were present in the criminal procedure legislation of Serbia, as well as in general in the territory of the former joint state, before the start of work on its reform which began with the adoption of the Criminal Procedure Code in 2001 ("Official Gazette of the SRY", No. 70/01 and 68/02 and "Official Gazette of the RS", No. 5804, 85/05, 115/05, 49/07, 20/09, 72/09 and 76/10), the reform process brought such novelties when it comes to the criminal procedure status of the public prosecutor that it can be freely said that it gave them the mandate and the possibility of final resolution of a significant number of criminal cases without any involvement of the court in the criminal matter in question. In view of this, it is completely justified, given the criminal procedure status of the holders of the public prosecutor's function, to talk about the prosecutorial penal policy as well. The best example of the justification of such a statement is the fact that, for many years now, public prosecutors have been resolving around 20% of all criminal cases through the principle of the opportunity in criminal prosecution, without any involvement of the court. (See more in Kiurski, J., Načelo

understanding the concept of penal policy, not only in this specific context but also in general, is grounded in the fact that even though public prosecutors and courts should not engage in any policy considerations when applying criminal law norms but are rather tasked only with properly enforcing the law, they still have considerable discretion, both in terms choosing the type of criminal sanction and in sentencing itself. In other words, these authorities have broad powers in determining whether to initiate criminal prosecution in a given criminal case or to resolve the matter without initiating formal criminal proceedings (for example, through the application of the principle of the opportunity (prosecutorial discretion), which offers a wide range of possibilities to holders of the public prosecutor's function).[4] Courts and holders of the public prosecutor's function are afforded this discretion by several provisions within the general part of the Criminal Code (hereinafter: CC) and the broad sentencing ranges prescribed in the special part, as well as by certain mechanisms available to holders of the public prosecutor's function in the Criminal Procedure Code (hereinafter: CPC).[5] Given the above, we are talking about one segment of penal policy in its broader sense – a policy distinct from that of the legislator, which they are undoubtedly engaged in by adopting criminal laws. Furthermore, starting from the fact that judicial penal policy is only one segment of penal policy in its broader sense, this study also examines its other segments. This was primarily the case with the criminal prosecution policy (prosecutorial penal policy). In other words, as suggested by the very title of the study, the focus here is primarily on analysing the relationship between prescribed and imposed criminal sanctions and the application of other criminal law mechanisms and measures by the courts and holders of the public prosecutor's function in specific criminal cases.

Understood in this sense, penal policy, both in this group of criminal offences and in general, is extremely important. This is reflected primarily in its preventive (both general and specific) effects. Punishment, as the key instrument of penal policy, is, among other things, a tool used to influence human behaviour, provided that it is appropriate to the specific criminal case. This is primarily because punishment is, by its very nature, an unpleasant experience – something every person seeks to avoid. If we also consider all the consequences entailed by an imposed sentence and the conducted criminal proceedings in general, this observation becomes even more significant. It confirms the undeniable view that the vast majority of perpetrators of criminal offences, before committing them, believe they will not be caught or prosecuted, or that, if discovered, they will somehow avoid punishment for the committed criminal

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oportuniteta krivičnog gonjenja, Institut za kriminološka i sociološka istraživanja, Belgrade, 2019).

[4] See: Miljuš, I., *Načelo oportuniteta krivičnog gonjenja i efikasnost rešenja krivične stvari*, in: "Dve decenije reforme kaznenog zakonodavstva: iskustva i pouke", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2023, 518-543.

[5] Škulić, M., *Reforma krivičnog procesnog zakonodavstva – iskustva i pouke*, in: "Dve decenije reforme kaznenog zakonodavstva: iskustva i pouke", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2023, 34.

offence. Observed in this context, it is absolutely indisputable that punishment is not only inevitable but also the most effective means of combating criminality and other negative social phenomena in general, and thereby for protecting the environment. Although it is, here as well as in general, a tool of *ultima ratio*, there is no doubt that it is the most effective means of protecting these universal human values.

However, this does not apply unconditionally. Numerous psychological studies also indicate that punishment is an extremely important, if not irreplaceable, factor in the rehabilitation of individuals in general. It can be said, almost without exaggeration, that punishment, while not the only, is nonetheless the predominant means of shaping the behaviour of people in a country. Moreover, punishment has its educational and ethical dimension – it contributes to the reinforcing of societal morals within a community or a country. Furthermore, from the perspective of general prevention, the "certainty of punishment" is of paramount importance. It is not so much about which type of punishment the courts will impose or which of the available options the public prosecutor will apply in a given criminal case, but rather about the perceived likelihood that the perpetrator of a criminal offence will not escape deserved punishment or the application of another criminal law measure as a consequence of committing the criminal offence.

Today, it is beyond dispute that punishment serves as a deterrent to criminal behaviour, while also rehabilitating perpetrators of criminal offences and strengthening the general sense of morality in a society. The Serbian legislators rightly adhere to this position in prescribing the purpose of punishment. In Art. 42, para. 2 of the Criminal Code[6], it is explicitly prescribed that within the framework of the general purpose of criminal sanctions (Art. 4, para. 2 of the CC), the purpose of punishment is: to prevent an offender from committing criminal offences and deter them from future commission of criminal offences; to deter others from commission of criminal offences; to express social condemnation of the criminal offence, enhance moral strength and reinforce the obligation to respect the law and achieving justice and proportionality among the committed offence and the severity of the criminal sanction. In this context, we should also bear in mind the indisputable fact that prosecutorial and judicial penal policy represents the concretization of the general positions, principles and intentions of the legislator, expressed in the norms concerning the purpose of punishment. If this is true, and it is, then the significance of prosecutorial and judicial penal policy is more than clear and undeniable. Through their penal policy in every criminal case and through their specific decisions, public prosecutors and courts must implement in practice the penal policy prescribed by the legislator. Through their decisions, they should give life to the fundamental policy guidelines and intentions of the legislator.

In addition to the above, when it comes to prosecutorial and judicial penal policy, it is necessary to consider it in another context – in the context of its

[6] "Official Gazette of the Republic of Serbia", No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019.

contribution to the equality of citizens within a country, i.e., in the context of its uniformity or lack of uniformity across the territory of the country. A uniform prosecutorial and judicial penal policy contributes to the equality of citizens within a country, and this way, it serves the idea of the rule of law, the basic principle of which is that all citizens are equal before the law, the public prosecutor and the court in a country. For example, in this context, if one perpetrator were to be sentenced to a more lenient criminal sanction or a significantly smaller fine than another perpetrator of the same or similar criminal offence, only because they are far poorer, live in a different part of the same country, or have a lower level of education, such a situation would inherently indicate a form of inequality among citizens, a form of injustice, and the consequence of that would be further population stratification, deepening of social problems and eventually, it would become an additional criminogenic factor in such a society. Given all of the above, it can be confidently said that prosecutorial and judicial penal policy serves not only to combat this category of criminal offences and crime in general, but also to strengthen morality by reinforcing the sense of equity and equality among citizens within a society – a country. This is precisely where its immense importance lies. In short, it is important both for combating crime in general, and therefore this specific category of crime, and for establishing the ideal of justice within a country. All these reasons show the importance of theoretical and empirical research on the issue of penal policy of these two categories of state authorities. Through a professional and critical analysis of the penal policy of a specific time in a specific society, one can, in a way, also analyse the society itself, including its political and cultural state. If, for example, the conducted research were to show that the prosecutorial and judicial penal policy in Serbia is non-uniform, this could lead to the conclusion that citizens are not equal before the law. Or, if it were found that prosecutorial and judicial penal policy is lenient and that it significantly diverges from the penal policy of the legislator, this would have to be a signal to the legislator to reassess its penal policies. It would signal the need for changes to the law itself or signal to judicial authorities the necessity of amending their penal policy.

In short, many indirect, as well as direct, conclusions about a society and some of its values can be drawn from the analysis of its penal policy. Having in mind all of this, it is more than justified to discuss not only the issues of penal policy but also the importance of monitoring and studying it, particularly in societies characterized by active reform work in the sphere of criminal law, but also the legal system in general, as is the case with the Republic of Serbia. This became particularly pronounced after the opening of Chapter 23, which rightfully gives special attention to this matter, starting from the position that the penal policy of holders of judicial functions reflects the legislative and social realities of a given society at a given time. Taking into account the above, at the end of these introductory remarks, we can conclude regarding the significance of penal policy in relation to this aspect of criminal offences, as well as penal policy in general, that the conducted research also contributes to the quality of work on the ongoing reform of our criminal legislation – in the function of identifying

adequate criminal law measures for the desired level of environmental protection.

2. Prosecutorial and judicial penal policy as an instrument for the practical implementation of general criminal policy

When it comes to the issue of prosecutorial and judicial penal policy as an instrument for the practical implementation of general criminal policy, we first need to note the fundamental difference/discrepancy, not only between these two concepts, but also between the concept of legislative penal policy and the aforementioned terms. The general criminal policy is a much broader concept than the term penal policy applied by public prosecutors and courts, as well as the legislative penal policy, as its inseparable segments. General criminal policy in a society, in addition to the legislative, prosecutorial and judicial criminal policy, also includes the policies of detection and prosecution of perpetrators of criminal offences by the police and public prosecutor's offices, the policies of inspection services and other preventive institutions, the policies of rehabilitation and resocialization (penal/correctional institutions), as well as many other parts of society that, first individually and then collectively, need to ensure such a state of social relations in which criminogenic factors will be expressed as little as possible.

Understood in this sense, it is clear, when it comes to the relationship between general criminal policy and prosecutorial and judicial penal policy, that we are talking about a relationship between the general and the specific. Prosecutorial and judicial penal policy as part of the general criminal policy primarily depends on it. As part of the whole, they primarily depend on the general criminal policy of a society. However, it would be incorrect to conclude from this that prosecutorial and judicial penal policy has no influence on the general criminal policy of a society/country. On the contrary. The penal policy of public prosecutors' offices and courts can have indirect effects on some other segments of general criminal policy. For example, if the courts, according to public opinion, undeservedly and unjustifiably impose lenient sentences, then this can have very significant negative repercussions in the minds of some other parts of society – primarily those in charge of applying criminal policy, embodied in the sentiment of "We arrest them, and the courts set them free". This cause-and-effect relationship may, in turn, influence the policy of criminal prosecution, detection of criminal offences and their perpetrators. In other words, the penal policy of public prosecutor's offices and courts, as an essential part of the general criminal policy as a whole, has a corresponding influence on other parts of that whole. This is particularly evident in the case of legislative criminal policy.

Having this in mind, it can be said that all parts of the general criminal policy are interconnected and, as such, influence one another, which is especially pronounced in the case of prosecutorial and judicial penal policy, as it represents the practical application of the general criminal policy orientations expressed in the law as the ultimate result of legislative penal policy. Legislative

penal policy is something general (*in abstracto*), while prosecutorial and judicial penal policy is something that concretizes that general concept (*in concreto*). The law and penal policy are something general, whereas the prosecutorial and judicial penal policy, which are applied through prosecutorial and judicial decisions, are something specific, something that represents the concretization of the general concept. Given this relationship of theirs, the key question is not whether public prosecutors and courts have discretion in the practical application of the general views and guidelines of general criminal policy, expressed primarily through the penal policy of the legislator, but rather, what kind of discretion they should have. Having in mind the fact that in the process of concretization of a certain legal norm, i.e. its application to a specific criminal matter, numerous problems may arise, and that every criminal matter has its own set of specificities, the legislator must allow a certain degree of discretion to public prosecutors and courts in order to adequately resolve the specific criminal case, which is achieved primarily through a system of relatively established sentencing, as well as through a range of criminal procedure mechanisms available to the public prosecutor. An example of this would be the principle of the opportunity in criminal prosecution. If this were not the case, i.e., if the public prosecutor and the court had no discretion within the generally prescribed boundaries of general criminal policy, the entire matter would become absurd and unjustifiable, which, in itself, further speaks of the importance of prosecutorial and judicial penal policy for the broader criminal policy in general, and thereby for its application to the field of criminal law mechanisms for environmental protection. The general criminal policy concretized in concrete legal norms finds the purpose of its existence – its confirmation or negation – through prosecutorial and judicial penal policy. In light of this, it can be further concluded that the prosecutorial and judicial penal policy represents confirmation and (or) negation of the penal policy of the legislator and thus of the general criminal policy of a specific society at a given time.

3. Prosecutorial and judicial penal policy as a corrective to the legislator's penal policy (justified or not?)

Criminal legislation understood in a broader sense[7] by its nature belongs to the more conservative branches of law. True, lately there have been more and more deviations from this quality. Despite the fact that today social relations and everything that follows them change much faster than before, the current trend of such frequent legislative interventions in the field of criminal law can hardly be justified[8]. But that is a whole different issue. However, regardless of

[7] See: Bejatović,S., Krivično procesno pravo, JP "Službeni glasnik", Belgrade, 2019, 137.
[8] Kolarić,D., *Krivični zakonik i (ne)adekvatnost državne reakcije na kriminalitet (sadašnje stanje i nova rešenja)*, in: "Izmene u krivičnom zakonodavstvu i statusu nosilaca pravosudnih funkcija i adekvatnost državne reakcije na kriminalitet (međunarodni pravni

the justification and its set-up, it is beyond indisputable today that the development of social and economic relations, and everything that occurs as their consequence, goes before the law in quite a few cases. With that in mind, the question arises: should the courts and public prosecutor's offices be a corrective factor of the legislative penal policy in such situations? In other words, should courts and public prosecutor's offices correct inadequate and outdated legal provisions? Even though public prosecutors and courts apply, rather than create, legal norms, the answer to this question must be affirmative. There are numerous reasons for that. Among them, the following are particularly important:

First, the legislator cannot foresee all life situations and everything that may occur in practice. For this reason, public prosecutor's offices and courts must be given relative discretion (broader sentencing ranges so that the court can find the proper measure in each specific case with the aim of responding as appropriately as possible to a particular criminal matter – deciding on an adequate criminal sanction). By leaving the courts the discretion to individualize the criminal sanctions, the legislator allows them to correct some of its provisions, which are assumed to be obsolete and outdated;

Second, some legislative provisions may seem entirely adequate and justified when considered in the abstract, however, their application in practice can lead to misunderstandings and dilemmas regarding their adequacy in specific criminal situations. Simply put, when it comes to the relationship between the general and the specific, in some situations, a general solution may be justified and fair in principle. However, it may prove to be unjust in its specific application. For this reason, the legislator must leave sufficient discretion to public prosecutors and courts to correct irregularities and unjustified and outdated legal provisions in such specific situations. In such situations, courts and public prosecutors should correct inadequate legislative provisions through their penal policy. One way to achieve this goal is by envisaging an exceptionally broad range between the special minimum and maximum prescribed sentences. While such a solution is justified in principle and serves the purpose of individualizing criminal sanctions, it is not without its flaws. We particularly highlight cases of extremely wide ranges between the minimum and maximum sentences, which, unfortunately, characterizes a significant number of criminal offences.[9] This is primarily because such provisions can lead to a large number of unintended consequences, which is why they have, understandably as it seems, been the subject of criticism from a large part of the professional community;

Third, the legislator sometimes fails to adequately consider the possibility of accepting and applying certain legal mechanisms within a given social, economic and cultural environment (which is the case, for example, with the

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standardi i stanje u Srbiji)", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2019, 28.

[9] See: Kolarić, D., *Rasprava o reformi krivičnog materijalnog prava Republike Srbije*, in: "Dve decenije reforme kaznenog zakonodavstva: iskustva i pouke", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2023, 31-77.

newly introduced system of fines (fines calculated in daily amounts), which has turned from a legal norm into an exception);[10]

Fourth, over time, legal provisions may become inadequate, outdated or obsolete due to the occurrence of circumstances that could not have been anticipated at the time the law was adopted. The best example of this are the severe inflationary trends during 1993, which, despite frequent amendments to laws concerning monetary amounts as essential elements of certain criminal offences, quickly became outdated, which resulted in offenders effectively evading criminal liability under the principle of applying the more lenient law, leading also to numerous other inconsistencies and contradictions.

Given the above, it is more than evident that in certain situations, judicial and prosecutorial penal policies must have a corrective role in relation to legislative penal policy. This is especially true considering that it would be entirely wrong to immediately amend legislative provisions when practice shows that a given legislative provision is inadequate, outdated, has yet to yield the expected results, or is still unsuitable to the specific time and place. In such situations, one should first assess its criminal policy justification, and then, based on the answer to that question, conduct an analysis of the reasons for the lack of expected results and take the necessary measures to achieve the desired goals. In this context, particularly relevant are legislative provisions that represent novelties, not only in our criminal legislation but also in many other legislations belonging to our continental law system. It is enough to mention simplified forms of procedure in criminal matters[11] and alternative criminal sanctions.[12]

Finally, regarding this aspect of the issue at hand, it seems true that the presented reasons for strong justification for prosecutorial and judicial penal policy correcting legislative policy have almost no criminal policy justification when it comes to the normative basis of criminal law instruments for environmental protection. This position is justified by the fact that the current criminal law provisions governing this category of criminal activities essentially represent an adequate normative basis for the desired level of environmental protection through criminal law as a tool of *ultima ratio*. Of course, this does not mean that no changes are necessary in this regard. On the contrary. Interventions on these matters are also necessary. This is particularly due to the

[10] See: Đokić, I., Novčana kazna i adekvatnost državne reakcije na kriminalitet, in: "Izmene u krivičnom zakonodavstvu i statusu nosilaca pravosudnih funkcija i adekvatnost državne reakcije na kriminalitet (međunarodni pravni standardi i stanje u Srbiji)", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2019, 202-215.

[11] See compendium: *Simplified forms of procedure in criminal matters (regional criminal procedure legislation and experiences in application)*, OSCE Mission to Serbia, Belgrade, 2013.

[12] See compendium: *Alternative criminal sanctions (Regional legal framework, best practices and ways of improvement)*, OSCE Mission to Serbia, Belgrade, 2018.

fact that we have a new EU Directive in the field of criminal law protection of the environment.[13]

4. Adequacy factors of prosecutorial and judicial penal policy as an instrument of environmental protection

One of the inevitable questions when it comes to penal policy as an instrument of environmental protection adequacy is the question of the adequacy of prosecutorial and judicial penal policy as an instrument for environmental protection. The legitimacy of this question lies in the undeniable fact that only an adequate prosecutorial and judicial penal policy can serve as an instrument for achieving the necessary level of environmental protection. Without it, not only is this not achieved, but it may even signal the justification for committing both this category of criminal offences, as well as criminal offences in general. Regarding the question at hand, the first thing to note is that, based on the concept of prosecutorial and judicial penal policy, its goal and its relationship with legislative penal policy, the legislator has very explicitly prescribed, for judicial penal policy, and this also applies by analogy to prosecutorial penal policy[14], how courts should select the type of criminal sanction and determine sentences in individual cases, and which circumstances they should take into account when imposing a particular criminal sanction on the perpetrator of a criminal offence. We are talking, primarily about the explicitly listed extenuating and aggravating circumstances. In other words, we are talking about the legislator's explicit position that the court must determine the sentence for the perpetrator of a criminal offence within the limits prescribed by law for that offence, taking into account the purpose of punishment and considering all the circumstances that may influence the sentence to be lighter or harsher (extenuating and aggravating circumstances), and particularly: the degree of guilt, the motives for committing the offence, the extent of threat or harm to the protected legal good, the circumstances under which the offence was committed, the perpetrator's prior life, their personal circumstances, conduct after the offence and particularly the perpetrator's attitude towards the victim of the criminal offence. In addition to these explicitly stated circumstances, the legislator does not exclude the possibility of considering other factors when determining the sentence, stipulating that the court shall also take into account "other circumstances related to the personality of the perpetrator".[15]

When determining the amount of a fine, the court will particularly take into account the financial situation of the perpetrator, and a circumstance that is a statutory element of a criminal offence cannot also be considered as aggravating or extenuating, unless it exceeds the degree required for

[13] This is the EU Directive 2024/1203 .
[14] See: Bejatović, S. i dr., Kaznena politika u Srbiji (zakon i praksa), Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2018.
[15] See Art. 54, para. 3 of the CC of the RS.

establishing the existence of the criminal offence or a particular form of the criminal offence or if there are two or more of such circumstances, and only one is sufficient to define the existence of a severe or less severe form of criminal offence.[16]

By prescribing extenuating and aggravating circumstances in this manner, the legislator does not prescribe how or to what extent each of these circumstances should be assessed[17]. Accordingly, it can be concluded that the court has full discretion on this matter, just like it has full discretion to impose a sentence to any extent within the general and broadly defined limits prescribed by the legislator. The court's discretion does not refer only to the type and amount of the criminal sanction. It is also present in the application of a series of other criminal law mechanisms. For example, when the conditions for extenuating a sentence are met, the court's discretion is notably broad. So, if the minimum sentence for a criminal offence is ten or more years of imprisonment, it can be reduced to seven years. Or, if the minimum prescribed sentence for a criminal offence is five years of imprisonment, it can be reduced to three years. Furthermore, if a sentence of imprisonment without a specified minimum term is prescribed for a criminal offence, the court may impose a fine or community service instead of imprisonment.[18]

Given the above, it is clear that in every criminal case, there is a rather broad margin of discretion that courts hold in sentencing. As such, it is not strictly prescribed by law. The sentencing process is not *de facto* only a legal phenomenon. It is also influenced by factors beyond the realm of law. Making a court decision, including the determination of the type and amount of a criminal sanction, is a socio-psychological process in which a considerable number of extralegal factors can have a significant impact on the penal policy in a particular case and, by extension, on the penal policy in general. It is a socio-psychological

[16] Observed in this context, we should also point out the provision of Art. 55 of the CC of the RS that governs the issue of sentencing in repeat offences. It says "In case the perpetrator of a criminal offence committed with premeditation, was previously convicted for a premeditated criminal offence, the court shall consider such circumstance as aggravating, unless five years have passed from the previous conviction or served sentence". In such a case, the court cannot impose a sentence below the legally prescribed minimum or a more lenient type of sentence, except if the law provides for the possibility of extenuating the punishment or if the law provides that the perpetrator may be exempt from punishment, and the court does not exempt them.

[17] Exceptions are expressly stated special circumstances for sentencing for a criminal offence committed in hatred. According to Art. 54a "if a criminal offence was committed in hatred, due to race, religion, national or ethnic origin, sex, sexual orientation or gender identity of another person, the court shall consider such circumstance as an aggravating circumstance, unless it is prescribed as an element of the criminal offence."

[18] See: Komlen-Nikolić, L., Ublažavanje kazne i adekvatnost reakcije na kriminalitet, in: "Izmene u krivičnom zakonodavstvu i statusu nosilaca pravosudnih funkcija i adekvatnost državne reakcije ne kriminalitet (međunarodni pravni standardi i stanje u Srbiji)", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2019, 260-270.

process that, like any other psychological process, takes place with the presence of cognitive, emotional, rational and irrational factors. A court decision that expresses the court's penal policy in a specific criminal case is not and cannot be a system closed to any extralegal (social and psychological) influence from outside. On the contrary. It is a chain of mutual influences (legal norm, psychology and conduct of the judge, psychology and conduct of the defendant, defence counsel, prosecutor and other subjects in the proceedings).

Then, there is public opinion, which can significantly impact the legal consciousness and psychology of the legislator (and not only the legislator) and vice versa. In short, the system is open to various external influences and they can shape and direct it in different directions. Considering all of this, the view that the penal policy of courts, both in specific cases and in general, depends solely on legal norms is unfounded. The verdict and extent of the sentence imposed are also influenced by a sense of justice and fairness, not only on the part of the judge but also within their immediate, and sometimes broader, social environment. It is in this context that we should observe the influence of public opinion, and particularly the media. Then, there is also the influence of official statistical data on trends of crime or its specific forms, which can particularly become evident when it indicates an increase in its scope. Additionally, there is the extremely important role of experts and various types of expert examinations (particularly certain types like psychiatric evaluation). Having in mind the above, it can further be said that the analysis of judicial, as well as prosecutorial penal policy, when it comes to, for example, applying the principle of the opportunity in criminal prosecution, in a certain sense, indirectly represents an analysis of the general circumstances and state of a society at a given time. We are witnessing a considerable number of cases of declaring a person guilty, as well as instances of unprincipled commentary on non-final court decisions. We are also witnessing cases where the media and the public in general tendentiously talk about a lack of trust in the work of courts, distrust in their impartiality, their inability to resolve certain cases, their corruption, etc. Believing that none of this has, or could have, an impact on the work of the courts and public prosecutors is without grounds. Furthermore, there is the question of whether and to what extent these other factors jeopardize the independence of the courts. Given all of this, it is clear that there are numerous factors that influence (sometimes more, sometimes less) the creation of judicial and prosecutorial penal policy, and it is also clear that judicial and prosecutorial penal policy, as well as criminal policy in general, is part of general politics and the overall political climate in a society.

II. RESEARCH (GENERAL REMARKS)

1. Subject of the research

The subject of the research is the analysis of penal policy (legislative, prosecutorial and judicial – material and procedural legal aspects) concerning eighteen criminal offences against the environment from Chapter Twenty-four (Art. 260-277) of the Criminal Code of the Republic of Serbia[19]. Observed individually, those are the following criminal offences: Environmental Pollution (Art. 260 of the CC); Failure to undertake Environmental Protection Measure (Art. 261 of the CC); Illegal Construction and Operation of Facilities and Installations Polluting the Environment (Art. 262 of the CC); Damaging Environmental Protection Facilities and Installations (Art. 263 of the CC); Damaging the Environment (Art. 264 of the CC); Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265 of the CC); Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266 of the CC); Illegal Construction of Nuclear Plants (Art. 267 of the CC); Violation of the Right to be Informed on the State of the Environment (Art. 268 of the CC); Killing and Wanton Molesting to Animals (Art. 269 of the CC); Transmitting of Contagious Animal and Plant Diseases (Art. 270 of the CC); Malpractice in Veterinary Services (Art. 271 of the CC); Producing Harmful Products for Treating Animals (Art. 272 of the CC); Pollution of Livestock Fodder and Water (Art. 273 of the CC); Devastation of Forests (Art. 274 of the CC); Forest Theft (Art. 275 of the CC); Poaching Game (Art. 276 of the CC) and Poaching Fish (Art. 277 of the CC).

Each of the eighteen listed criminal offences against the environment was analysed from several aspects. Key among them are those concerning: number of filed criminal complaints for each of the listed criminal offences in the period 2020-2022; entities authorized to file criminal complaints; number of indictments in the period 2020-2022; criminal sanctions for finally concluded criminal cases for the aforementioned criminal offences; types and amounts of imposed criminal sanctions for each of the selected criminal offences with final verdicts; types and amounts of imposed criminal sanctions both per courts and per analysed criminal offences; extenuating the penalty, aggravating the penalty and exemption from penalty as specific criminal law instruments of judicial response to certain forms of criminal conduct; personalities of perpetrators of criminal offences and penal policies of courts (age, professional qualifications,

[19] See: Stojanović, Z., *Commentary on the Criminal Code of Serbia*, PE "Official Gazette", Belgrade, 2024.

marital status, property status, education, previous convictions, gender structure, personal and family circumstances, etc.); sentencing circumstances (extenuating and aggravating); custody and penal policy of the courts; efficiency of criminal proceedings (speed and slowness of court proceedings); professional defence of the accused and its contribution to the adequacy of judicial penal policy; confiscation of means used in the commission of the criminal offence and the acquisition of gains from its commission; conditions for imposing a suspended sentence; plea bargain as a manner of resolving a specific criminal case; applying the principle of the opportunity in criminal prosecution and type of obligation imposed on the suspect in cases of conditional deferral of criminal prosecution, as well as the legal person as the subject of responsibility for the committed criminal offence.

Accordingly, it can be said that there are two key subjects of the conducted research. The first is the penal policy of the courts, i.e. the criminal sanctions imposed on perpetrators of this group of criminal offences. Accordingly, the subject of the analysis are only those situations when the guilt of the accused has already been established by the court decision. This refers to cases where the question for the court is not whether the accused is guilty, but what criminal sanction should be imposed in that specific case. The subject of the research is only criminal cases that have received a final court decision. Viewed in this context, the answer to the question of the judicial penal policy through the work on this project is provided through the analysis of pre-selected adjudicated criminal cases – by examining a specific sample of adjudicated criminal cases representative based on all relevant criteria. Secondly, in addition to the penal policy of the courts, the research also examined the activities of other subjects, primarily those responsible for filing criminal complaints and indictments (prosecuting and proving the commission of criminal offences and identifying their perpetrators – police officers, members of relevant inspection services and holders of the public prosecutor's function).

Two facts required research into the efficiency of the work of this category of subjects. First, the scope of discovering and prosecuting this category of criminal offences, as well as the effectiveness of proving them as a prerequisite for issuing an appropriate court decision, depends on both the qualitative and quantitative efficiency of the work of these subjects in handling criminal matters in general[20]. Second, the reformed criminal procedure legislation of the Republic of Serbia has introduced such innovations concerning the procedural status of holders of the public prosecutor's function that it can be freely said that the fate of a large number of discovered criminal offences was put in their jurisdiction. This is the case, for example, with the extremely wide possibilities of applying the principle of the opportunity of criminal prosecution, through which the holders of the public prosecutor's function can, without any

[20] On the concept of efficiency of criminal proceedings, see: Đurđić, V., Normativna osnova efikasnosti krivičnog postupka Srbije, in: "Krivičnoprocesni instrumenti državne reakcije na kriminalitet (norma i praksa)", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2022, 172.

involvement from the court, resolve a significant percentage of criminal cases[21] thereby also acting as subjects of penal policy from the point of view of its practical implementation. Having this in mind, the approach according to which it is necessary to analyse the penal policy in general from three perspectives (legislative, prosecutorial and judicial) appears entirely justified, and that was indeed the subject of the research.

Regarding the subject of the conducted research, the following two facts should be taken into account:

First, the subject of the research did not include the entire judicial and prosecutorial penal policy regarding all criminal offences against the environment. On the contrary. A certain number of cases were selected for the analysis, relevant by all research criteria, to consider the entire penal policy within a society at a given time. However, the criteria for the selection of prosecutorial and judicial cases for analysis, despite the fact that each prosecutorial case and each judgement is an individual act, an individual document, all of them viewed in the context of the research as a whole collectively, i.e., on average, speak about the penal policy (prosecutorial and judicial) in a given space and at a given time. Having in mind the above, every finding from the research regarding the issues of prosecutorial and judicial penal policy, essentially means that their penal policy in Serbia is, on average, as described in terms of the analysed issues.

Second, in an indirect sense, the subject of research also includes the penal policy of the legislator, specifically the question: is there is alignment between the legislator's policy and the prosecutorial and judicial penal policy? If the conducted research reveals a certain lack of alignment, or a discrepancy between the law on the one hand and prosecutorial and judicial practice on the other, this should then serve as a signal for the legislator regarding the direction of future drafting of legal norms, as well as for the public prosecutors and courts to potentially reconsider their penal policies.

2. Goal and tasks of the research

The main goal of the research stems from its subject. This is answering the question: what is the penal policy of public prosecutors and courts for criminal offences against the environment? In other words, is it in function of the desired degree of prevention of this category of criminal offences, and if not, what should be changed in that regard? The answer to this question, and thus the main goal of the work on the project, has been provided through the scientific description of the research subject, which, as the initial stage of all scientific knowledge, including this one, served as the starting point of the research.

[21] See: Bejatović, S., Načelo oportuniteta krivičnog gonjenja kao instrumenat efikanosti državne reakcije na kriminalitet (norma i praksa u Republici Srbiji), Srpsko udruženje za krivičnopravnu teoriju i praksu – Centar za edukaciju sudija i tužilaca Republike Srpske, Belgrade, 2022, 67-92.

The stated main goal of the research has its scientific and practical aspect. The former is reflected in the scientific verification of the answers to the questions asked, and the latter in the possibility for the answers obtained in this way to practically contribute to new and better solutions in this field. The subject and goal of the research formulated in this way set before the members of the research team certain concrete tasks that are in the function of achieving the planned main goal of the research. Observed in this context, the specific tasks of the work on the project are to answer, first of all, the following questions:

1. The prevalence of the group of criminal offences in question in prosecutorial and judicial practice in the Republic of Serbia in the period 2020-2022 (number of filed criminal complaints and indictments – collectively and for each of the listed criminal offences);
2. Who are the entities (authorized for) filing criminal complaints;
3. Proposed evidence on the justification of the submitted complaint – indictment;
4. Criminal sanction(s) prescribed for criminal cases with final verdicts for the analysed criminal offences;
5. Type and amount of imposed criminal sanction for each of the analysed criminal offences with final verdicts in the first instance;
6. Appeals filed against the first-instance court decision;
7. Decision of the second-instance court on the filed appeal;
8. Confiscation of means used in the commission of the criminal offence and the acquisition of gains from its commission;
9. Circumstances for choosing the type and amount of the imposed criminal sanction;
10. Conditions for imposing a suspended sentence and a suspended sentence with protective supervision;
11. Plea bargain as a manner of resolving a specific criminal case;
12. Applying the principle of the opportunity in criminal prosecution and type of obligation imposed on the suspect in cases of conditional deferral of criminal prosecution;
13. Legal person as the subject of responsibility for the committed criminal offence against the environment;
14. Duration of the criminal proceedings from the filing of the criminal complaint to the final verdict in the criminal case in question (efficiency of resolving the criminal case);
15. Circumstances for choosing the type and amount of the criminal sanction in the criminal case in question;
16. Are there differences in penal policy between individual courts in Serbia, and especially in the areas of individual appellate courts;
17. Are there differences in the penal policy of the courts when it comes to individual criminal offences;
18. What is the relationship between the penal policy of the legislator and the judicial penal policy in the analysed criminal offences;

19. To what extent do certain personal traits of the perpetrator of the criminal offence influence the judicial penal policy;
20. Detention as a measure to ensure the presence of the accused in criminal proceedings for criminal offences against the environment;
21. Defence attorney as a subject in criminal proceedings for a criminal offence against the environment.

3. Research methods

To be able to answer the question that represents the main goal of the work on the project, as well as to answer other questions, the necessary and appropriate work methods were used. Their selection was based on the view that data of interest for research can be found only in certain prosecutorial and judicial files. In each of the prosecutorial and judicial files, primarily in the submitted indictment and verdict, but not only in the verdict[22], it is possible to find data to answer the posed questions, i.e. just based on their analysis, it is possible to reach final views and conclusions about the penal policy for criminal offences against the environment in the Republic of Serbia in the observed time period. In this context, it is particularly important to take into account the fact that these are not only data on the type and amount of the imposed criminal sanction but also data that pertain, for instance, to the extenuating and aggravating circumstances considered by the courts, i.e. data related to the personality of the perpetrator of the criminal offence, their previous convictions or lack thereof, as well as their personal, financial and family circumstances. Then, there is data concerning the efficiency of criminal proceedings, the application of simplified forms in resolving analysed criminal cases (the principle of the opportunity in criminal prosecution and plea bargains), the responsibility of legal persons for criminal offences against the environment, etc. To obtain answers to these and other questions, appropriate research questionnaires (14 research questionnaires) were prepared, based on which researchers in the field, at selected public prosecutor's offices and courts (eight basic public prosecutor's offices and eight basic courts – two each from the jurisdictions of four appellate courts and appellate public prosecutor's offices), collected data and entered them into the prepared questionnaires, after which they were collated and statistically processed.[23]

To obtain the required indicators, two types of statistical data processing were used. First, a simple data distribution was performed, followed by the cross-referencing of a larger set of individually obtained data. For example, data on the prior convictions or lack thereof of the perpetrator were cross-referenced with the severity of the sentence imposed, all to answer the question of whether and to what extent this circumstance impacts judicial penal policy. Or, to answer the

[22] These include, for example, the main hearing record, relevant party submissions and similar.
[23] Research questionnaires are provided at the end of the text of the study.

question of uniformity or lack of uniformity in judicial penal policy across the Republic of Serbia, and particularly within the jurisdictions of its appellate courts, we cross-referenced data on the court in which the sentence was imposed with the severity of the sentence, etc. In short, researchers cross-referenced all data they deemed meaningful, i.e. those they believed could provide adequate data for answering the specific questions set as research goals. Data related to the judicial penal policy were processed in the software *SPSS*, version 26.0.

4. Research sample

The research was conducted in the jurisdictions of eight basic public prosecutor's offices and eight basic courts. The public prosecutor's offices and courts where the research was conducted were selected based on two criteria. First, two basic courts and two basic public prosecutor's offices were selected from the jurisdiction of all four appellate courts (Belgrade, Novi Sad, Niš, Kragujevac) and all four appellate public prosecutor's offices (Belgrade, Novi Sad, Niš and Kragujevac). The second criterion for the selection of basic courts, as well as basic public prosecutor's offices, is the number of filed criminal complaints, i.e. indictments for criminal offences against the environment in the period 2020-2022.

The selection of basic courts and basic public prosecutor's offices for conducting the research is based on the fact that all criminal offences against the environment fall under the first instance subject matter jurisdiction of this category of courts and public prosecutor's offices.

Observed individually by courts, the subject of analysis were the criminal case files of the following courts: Second Basic Court in Belgrade, Basic Court in Obrenovac, Basic Court in Novi Sad, Basic Court in Subotica, Basic Court in Kragujevac, Basic Court in Novi Pazar, Basic Court in Niš and Basic Court in Leskovac. Therefore, the files of the following public prosecutor's offices were analysed in the study: Second Basic Public Prosecutor's Office in Belgrade, Basic Public Prosecutor's Office in Obrenovac, Basic Public Prosecutor's Office in Novi Sad, Basic Public Prosecutor's Office in Subotica, Basic Public Prosecutor's Office in Kragujevac, Basic Public Prosecutor's Office in Novi Pazar, Basic Public Prosecutor's Office in Niš and Basic Public Prosecutor's Office in Leskovac.

In the jurisdiction of each of the eight mentioned basic courts, fifteen of the most recently finally resolved criminal cases from the category of criminal offences against the environment were selected, using a random sampling method. The same approach was used for selecting criminal case files from public prosecutor's offices. Accordingly, within the jurisdiction of each of the eight listed basic public prosecutor's offices, fifteen criminal case files were selected based on the criterion of the time of forming the case for criminal offences against the environment. It is the opinion of researchers that this sample is entirely adequate for answering all the questions formulated in the prepared

research questionnaires. In other words, the specified number of analysed case files from the basic courts/public prosecutor's offices is sufficiently representative for analysing all posed questions and for testing the hypotheses established for the research.[24]

5. Initial hypotheses

Given the research subject, several initial hypotheses were formulated before starting the work on the research.

The first initial research hypothesis is that the number of filed criminal complaints for criminal offences against the environment does not correspond to the actual prevalence of this category of criminal offences. In other words, there are many more criminal offences against the environment committed than the number of criminal complaints filed as their result. Additionally, there are apparent and unjustified differences in the number of criminal complaints filed for criminal offences in this category across various basic public prosecutor's offices.

The second initial hypothesis is that there is a relatively low number of indictments for criminal offences against the environment, and they are primarily concerning minor criminal offences within this category, i.e., the number of prosecuted criminal cases in this category does not match the actual number of committed criminal offences against the environment. There are two reasons for this discrepancy. The first is the relatively low number of filed criminal complaints. The second is the inadequacy of the offered evidence supporting the justification of the filed criminal complaint.

The third initial hypothesis concerns the judicial penal policy regarding criminal offences against the environment. According to this hypothesis, there is a discrepancy between the legislator's policy and the judicial penal policy for criminal offences against the environment. The penal policy of the courts for this category of criminal offences is lenient, i.e. it is at the legal minimum threshold. Given the basic hypothesis of the research formulated in this way, a relatively large number of cases imposing penalties at the level of the specific minimum was expected, along with the cases of extenuated sentences. This impression also aligns with the impression of the broader public, which has not been proven,

[24] During the research, the initial position of the researchers that a sample of 120 court cases and 120 public prosecutor's files would be entirely adequate for answering all the formulated questions in the prepared research questionnaires was deviated from. Instead of 120 court files and 120 public prosecutor files, the sample included 146 court files and 161 public prosecutor files. The key and only reason for deviating from the planned number of court and public prosecutor files was the fact that in some of the selected basic courts and basic public prosecutor's offices, the planned number of files was not available. In view of this, the researchers expanded the time frame of the research and, accordingly, came to a larger number of court and public prosecutor's cases.

as there has been no serious, scientific and comprehensive research on this topic so far.

The next, fourth initial hypothesis is that inadequate judicial penal policy is not in the function of the desired level of prevention of criminal offences against the environment.

Then, one of the next hypotheses concerns the efficiency of criminal proceedings for this group of criminal offences. The assumption is that criminal proceedings take a relatively long time, with a significant number of cases taking up to two years from the initiation of criminal proceedings to final sentencing.

Last but not least, there is the hypothesis of the symbolic responsibility of legal persons for the committed criminal offences against the environment, which is of particular significance given that the largest polluters of the environment come precisely from this category of entities.

Whether and to what extent these hypotheses are justified is something that findings from this research aim to clarify. Having that in mind, it is undeniable that the research results, regardless of the predefined hypotheses, will be sufficient for a comprehensive and relevant picture of the penal policy of the courts, and not only the courts, in the Republic of Serbia, and therefore for an adequate picture on the state's overall penal policy as an instrument of environmental protection.

6. Social and scientific justification of the research

The justification for the research lies in the fact that only an adequate penal policy (legislative, prosecutorial and judicial) can be in the function of the desired level of environmental protection, as a universal human value that is being increasingly threatened each day. Having this in mind, every society, including the Republic of Serbia, must inevitably answer the question: is its penal policy (legislative, prosecutorial and judicial) in the function of the desired level of environmental protection or not, and if not, what changes should be made in this regard? The question is also grounded in the fact that criminal law, although an *ultima ratio* tool, is not only indispensable but also a crucial instrument in protecting this universal human value. Furthermore, it is a fact that a significant percentage of the public believes that the prosecutorial and judicial penal policy regarding criminal offences against the environment is so lenient that it not only fails to exert a general preventive effect but may have the opposite impact. In other words, as such, it could encourage a considerable number of perpetrators to continue committing these criminal offences. There is also a view about the ineffectiveness of criminal proceedings when it comes to this category of criminal offences.

Regarding this view, first, the question must be asked: is this understanding of a significant percentage of the public, also including the professional public, completely correct, i.e. is it justified or not? This fact alone is fully sufficient to be treated as an incentive to approach this problem in a thorough, comprehensive and methodical way. All of this is a more than justified

reason to dedicate appropriate attention to the issue of the penal policy of public prosecutors and courts in relation to this category of criminal activities. This represents both the social and scientific justification for the research approach to the issue, allowing for the refutation or confirmation of views and stereotypes regarding the inadequacy of penal policy in the field of combating criminal offences against the environment.

In the end, when it comes to the social and scientific justification of such research, it should be emphasized that the assessment of the work of the holders of the justice system functions, i.e. of the work of courts and public prosecutors, can only be given based on exact data on whether and how much, for example, the courts are lenient or strict, what their penal policy is, and such data can only be provided by scientifically designed and conducted research. Without that, without scientific basis, without exact data, any discussion about public prosecutors and courts, about slowness, leniency, lack of uniformity in work or anything else related to penal policy is a baseless discussion. In addition to this, the social and scientific justification of such research also lies in the fact that it is also in the function of correcting the penal policy of each of its three key actors (legislators, holders of the public prosecutor's function and courts), provided that the research shows that it is necessary.

III. RESEARCH RESULTS

1. Criminal offences against the environment (status and trends)

1.1. Criminal offences against the environment and filed criminal complaints

1.1.1. Total filed criminal complaints and criminal complaints filed for individual criminal offences

There are multiple reasons why special attention in the conducted research was given to the criminal complaint as a means by which an authorized body (public prosecutor) becomes aware of the possible commission of criminal offences against the environment, both observed in general and with regard to individual criminal offences within this category. Three of them are key reasons.

First, despite the fact that criminal proceedings for a committed criminal offence can be initiated by the public prosecutor, generally speaking, even without a prior filing of a criminal complaint, as a rule, this most often happens based on a filed criminal complaint. Having this in mind, for this group of criminal offences, as well as in general, the competent public prosecutor typically takes actions aimed at prosecuting such criminal cases based on a previously filed criminal complaint.

Second, although a filed criminal complaint is not proof of a committed criminal offence, it does serve as one of the indicators of the state of criminality, both in general and for this category of criminal offences. This is particularly true in cases when the criminal complaint is filed by an authorized official (such as an authorized police officer and authorized inspector).

Third, the number of filed criminal complaints and the prosecutor's decisions upon them should, in certain cases, also serve as a signal for the relevant authorities to take specific measures. This is the case, for example, with a higher percentage of dismissals of criminal complaints filed by authorized officials due to the lack of grounds for suspicion that a criminal offence which is prosecutable ex officio has been committed (Art. 284, para. 1, item 3 of the CPC).

When it comes to the total number of filed criminal complaints due to the existence of grounds for suspicion of the commission of a criminal offence, as well as the number of filed criminal complaints for each of the eighteen criminal offences that protect the environment, there are six key results obtained from the conducted research in this regard.

First, the number of filed criminal complaints for criminal offences against the environment is not low, and despite certain oscillations, it is constant. In the observed three-year period (2020-2022) at the level of the Republic of Serbia, 5,973 criminal complaints were filed for criminal offences against the

environment. The number of filed criminal complaints is in a significant decline. The most criminal complaints were filed in 2020 (2,083) and the least in 2022 (1,878).

Second, observed by jurisdictions of appellate public prosecutor's offices, there are significant differences in the number of filed criminal complaints. In the analysed three-year period, we have the highest number of filed criminal complaints in the jurisdiction of the Appellate Public Prosecutor's Office in Kragujevac (1,413 filed criminal complaints for criminal offences against the environment), and the fewest filed criminal complaints are in the jurisdiction of the Appellate Public Prosecutor's Office in Belgrade. In the jurisdiction of this public prosecutor's office, in the observed three-year period, more than three times fewer criminal complaints (451 filed criminal complaints) were filed compared to the number of criminal complaints filed within the jurisdiction of the Appellate Public Prosecutor's Office in Kragujevac.

Third, observed from the aspect of individual basic public prosecutor's offices, there are significant and multiple differences in the number of criminal complaints filed for criminal offences against the environment. So, for example, for the analysed three-year period in the jurisdiction of the Basic Public Prosecutor's Office in Obrenovac, only 18 criminal complaints were filed, and in the jurisdiction of the Basic Public Prosecutor's Office in Novi Pazar, we have 179 filed criminal complaints for the same period.

Fourth, observed from the aspect of individual criminal offences, the criminal offence of forest theft ranked overwhelmingly first in both the number and percentage of filed criminal complaints in 2020. Observed by the percentage of filed criminal complaints for this criminal offence, the results are also similar when they are observed by the jurisdictions of individual appellate public prosecutor's offices. When it comes to individual basic public prosecutor's offices, it can almost be said that in some of the analysed years, almost all criminal complaints filed in certain basic public prosecutor's offices were criminal complaints filed for this criminal offence. If we take the Basic Public Prosecutor's Office in Novi Pazar as an example, we can say that in 2020, of all criminal complaints filed for criminal offences against the environment, 94.45% of criminal complaints were filed for the criminal offence of Forest Theft. The situation is similar in the Basic Public Prosecutor's Office in Kragujevac, where in 2022, 92.68% of all filed criminal complaints for criminal offences against the environment were filed for this criminal offence.

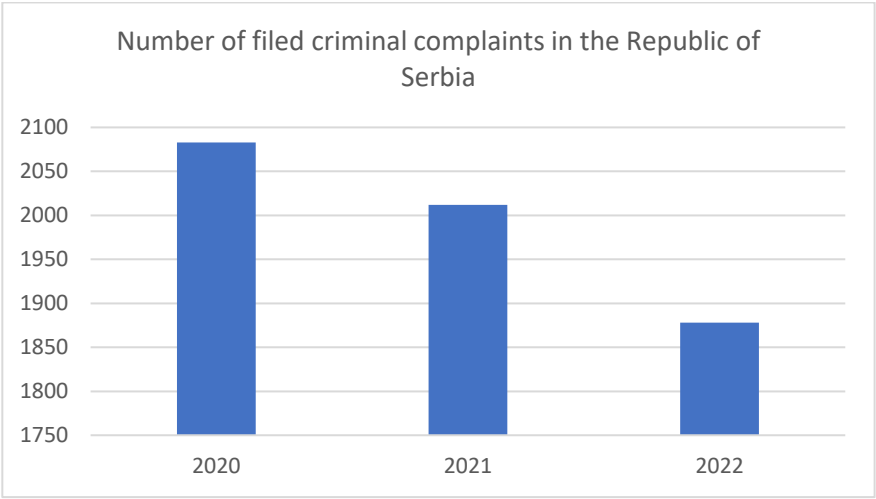
Fifth, in the second place, from the aspect of the number and percentage of filed criminal complaints, we have the criminal offence of Killing and Wanton Molesting to Animals (Art. 269 of the CC). The percentage of filed criminal complaints for this criminal offence in relation to the total number of filed criminal complaints for criminal offences against the environment ranges from 5.86% in 2020 to 11.48% in 2021 and 11.18% in 2022.

Sixth, in addition to the two mentioned criminal offences (Forest Theft and Killing and Wanton Molesting to Animals), there are four more criminal offences for which criminal complaints are filed. Although in a smaller

percentage compared to the percentage of the criminal offence of Killing and Wanton Molesting to Animals. These are the criminal offences: Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 268 of the CC), Poaching Game (Art. 276 of the CC), Devastation of Forests (Art. 274 of the CC) and Poaching Fish (Art. 277 of the CC). The number and percentage of filed criminal complaints for other criminal offences against the environment are rather symbolic.

Table 1: Total filed criminal complaints for the territory of the Republic of Serbia[25]

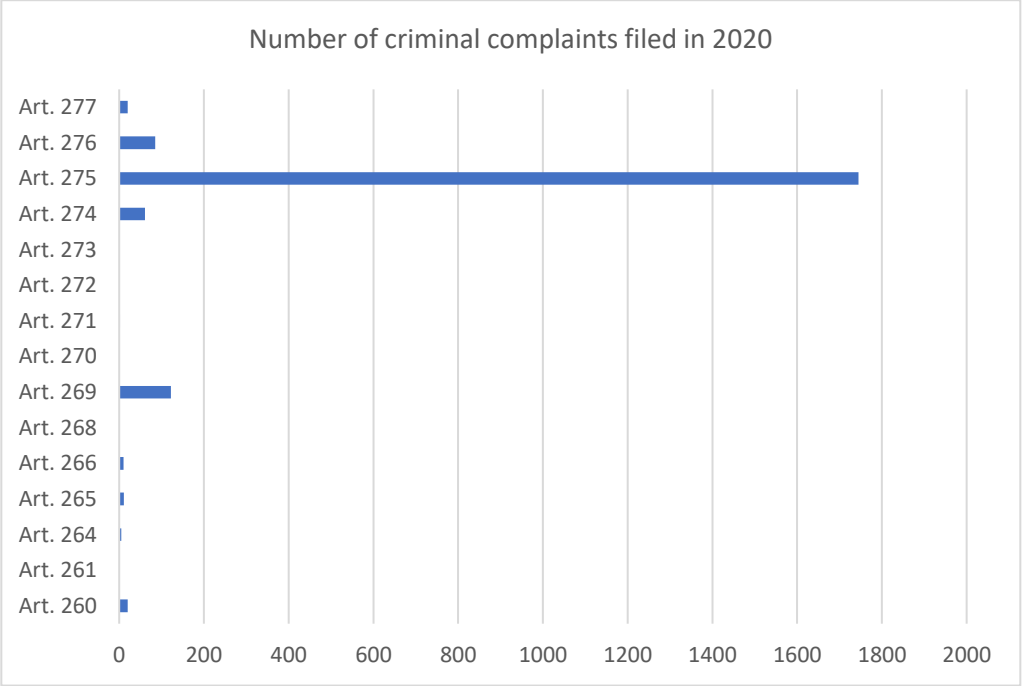
Year	**Number of filed complaints**
2020	2083
2021	2012
2022	1878
Total	**5973**



Tables 2-4: Criminal complaints filed for individual criminal offences for the territory of the Republic of Serbia

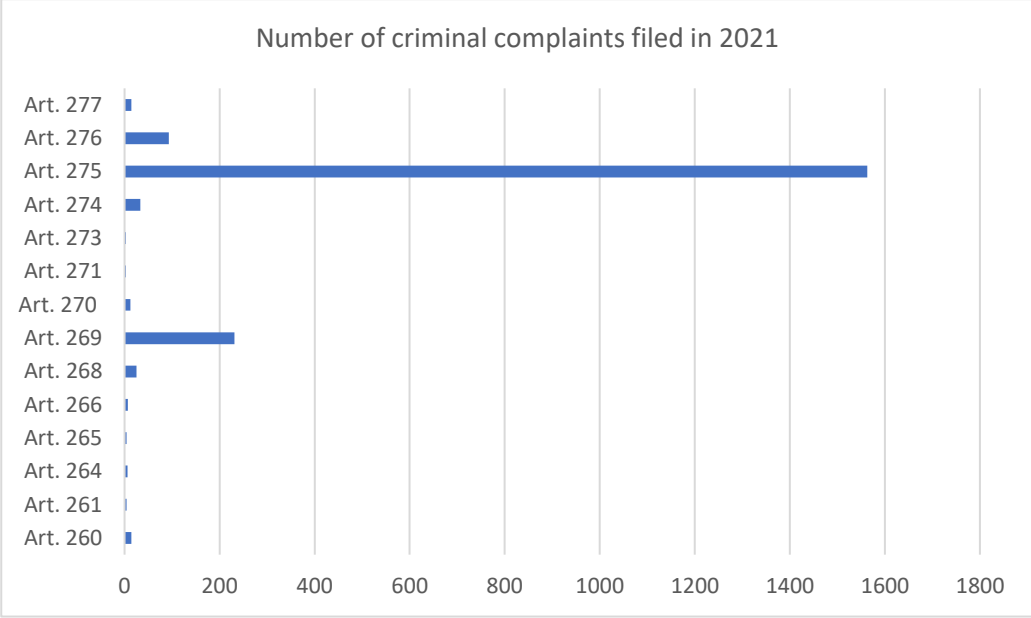
[25] Data of the Statistical Office of the Republic of Serbia.

2020		
Criminal offence	**Filed**	**% in relation to the total number of filed criminal complaints for the territory of the Republic of Serbia**
Environmental Pollution (Art. 260)	20	0.96%
Failure to undertake Environmental Protection Measure (Art. 261)	1	0.05%
Damaging the Environment (Art. 264)	5	0.24%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	11	0.53%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	10	0.48%
Killing and Wanton Molesting to Animals (Art. 269)	122	5.86%
Malpractice in Veterinary Services (Art. 271)	2	0.10%
Pollution of Livestock Fodder and Water (Art. 273)	1	0.05%
Devastation of Forests (Art. 274)	61	2.93%
Forest Theft (Art. 275)	1745	83.77%
Poaching Game (Art. 276)	85	4.08%
Poaching Fish (Art. 277)	20	0.96%



2021		
Type of criminal offence	**Filed**	**% in relation to the total number of filed criminal complaints for the territory of the Republic of Serbia**
Environmental Pollution (Art. 260)	14	0.70%
Failure to undertake Environmental Protection Measure (Art. 261)	4	0.20%
Damaging the Environment (Art. 264)	6	0.30%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	4	0.20%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	7	0.35%

Violation of the Right to be Informed on the State of the Environment (Art. 268)	25	1.24%
Killing and Wanton Molesting to Animals (Art. 269)	231	11.48%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	12	0.60%
Malpractice in Veterinary Services (Art. 271)	3	0.15%
Pollution of Livestock Fodder and Water (Art. 273)	3	0.15%
Devastation of Forests (Art. 274)	33	1.64%
Forest Theft (Art. 275)	1563	77.68%
Poaching Game (Art. 276)	93	4.62%
Poaching Fish (Art. 277)	14	0.70%



2022		
Type of criminal offence	**Filed**	**% in relation to the total number of filed**

		criminal complaints for the territory of the Republic of Serbia
Environmental Pollution (Art. 260)	20	1.06%
Failure to undertake Environmental Protection Measure (Art. 261)	7	0.37%
Damaging Environmental Protection Facilities and Installations (Art. 263)	2	0.11%
Damaging the Environment (Art. 264)	16	0.85%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	4	0.21%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	7	0.37%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	20	1.06%
Killing and Wanton Molesting to Animals (Art. 269)	210	11.18%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	2	0.11%
Producing Harmful Products for Treating Animals (Art. 272)	2	0.11%
Pollution of Livestock Fodder and Water (Art. 273)	4	0.21%
Devastation of Forests (Art. 274)	50	2.66%
Forest Theft (Art. 275)	1419	75.56%
Poaching Game (Art. 276)	97	5.17%
Poaching Fish (Art. 277)	18	0.96%

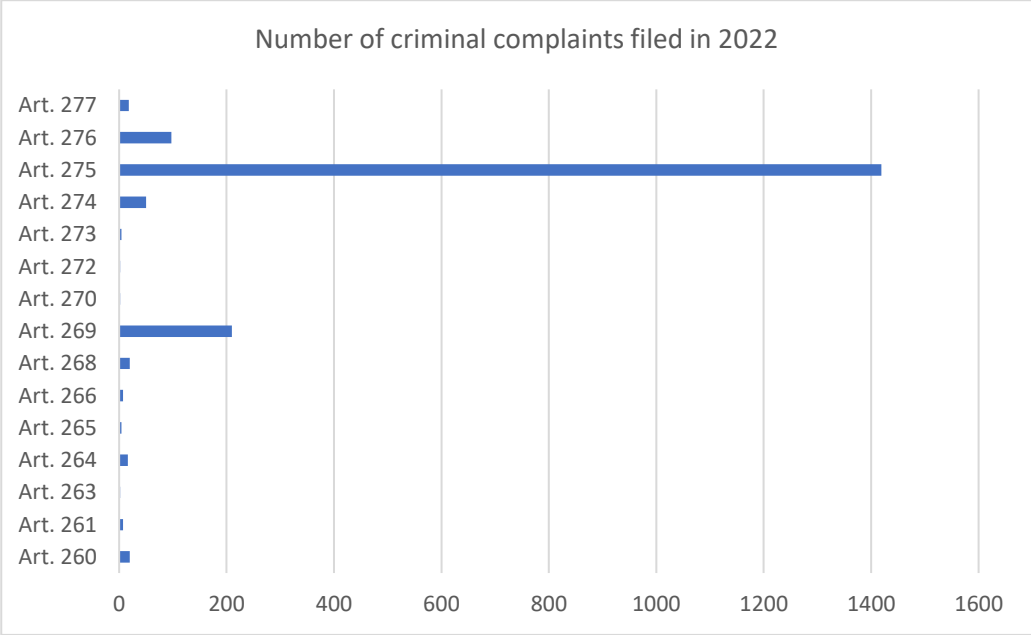
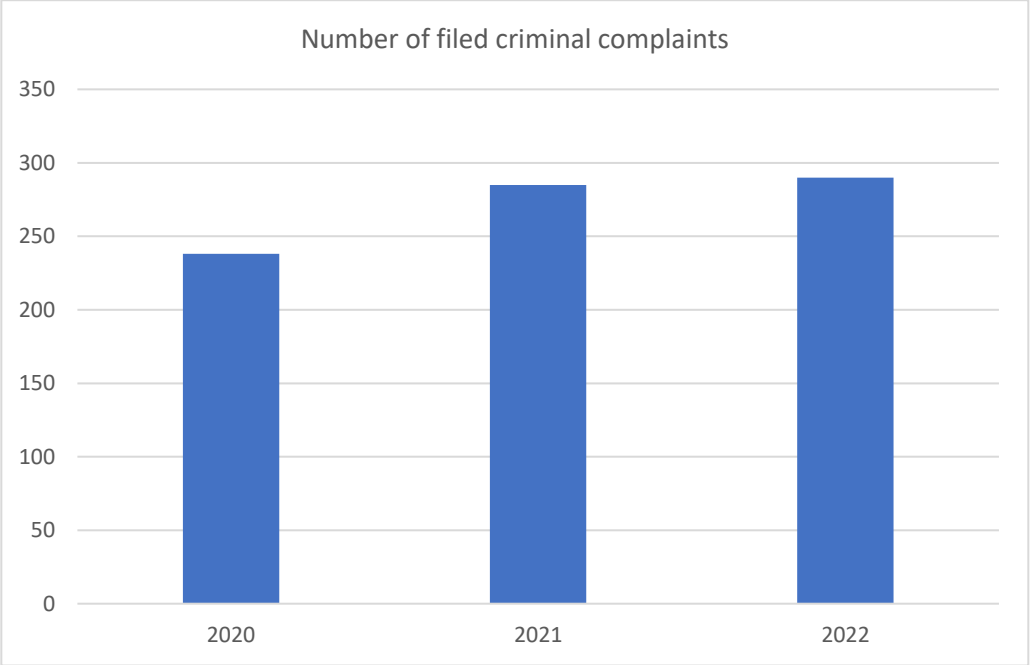


Table 5: Criminal complaints filed for the territory of the Appellate Public Prosecutor's Office in Novi Sad[26]

Year	**Filed criminal complaints**
2020	238
2021	273
2022	270
Total	781

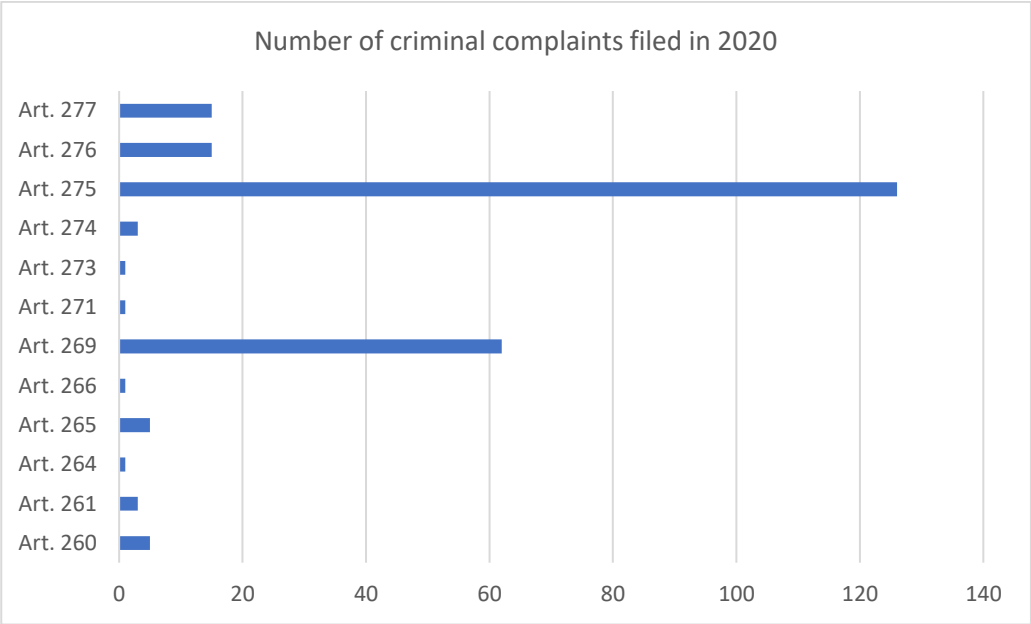
[26] Summary data for Novi Sad, Bačka Palanka, Sremska Mitrovica, Ruma, Stara Pazova, Zrenjanin, Kikinda, Bečej, Šabac, Loznica, Subotica, Senta, Sombor and Vrbas.



Tables 6-8: Criminal complaints filed for the territory of the Appellate Public Prosecutor's Office in Novi Sad for individual criminal offences 2020-2022

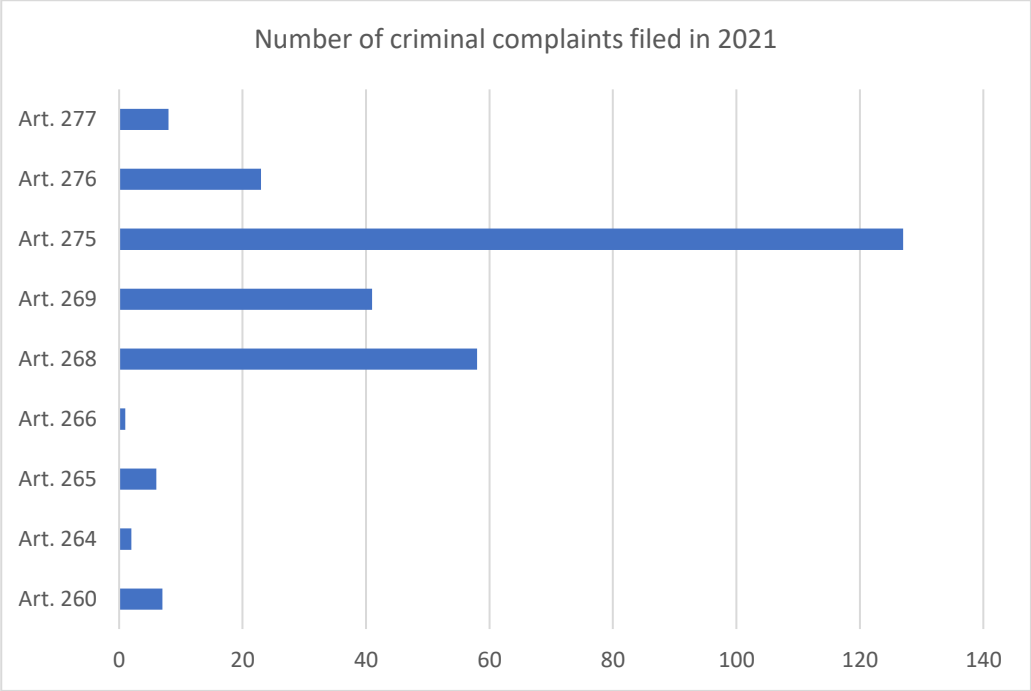
2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of filed criminal complaints**
Environmental Pollution (Art. 260)	5	2.10%
Failure to undertake Environmental Protection Measure (Art. 261)	3	1.26%
Damaging the Environment (Art. 264)	1	0.42%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	5	2.10%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	0.42%
Killing and Wanton Molesting to Animals (Art. 269)	62	26.05%
Malpractice in Veterinary Services (Art. 271)	1	0.42%
Pollution of Livestock Fodder and Water (Art. 273)	1	0.42%
Devastation of Forests (Art. 274)	3	1.27%
Forest Theft (Art. 275)	126	52.94%

Poaching Game (Art. 276)	15	6.30%
Poaching Fish (Art. 277)	15	6.30%
Total	238	**100%**



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of filed criminal complaints**
Environmental Pollution (Art. 260)	7	2.46%
Damaging the Environment (Art. 264)	2	0.70%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	6	2.11%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	0.35%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 268)	58	20.35%
Killing and Wanton Molesting to Animals (Art. 269)	41	14.39%

Forest Theft (Art. 275)	127	44.56%
Poaching Game (Art. 276)	23	8.07%
Poaching Fish (Art. 277)	8	2.81%
Total	273	100%



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of filed criminal complaints**
Environmental Pollution (Art. 260)	3	1.03%
Failure to undertake Environmental Protection Measure (Art. 261)	9	3.10%
Damaging the Environment (Art. 264)	3	1.03%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	4	1.38%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	15	6.17%

Killing and Wanton Molesting to Animals (Art. 269)	35	13.07%
Devastation of Forests (Art. 274)	2	0.69%
Forest Theft (Art. 275)	176	61.69%
Poaching Game (Art. 276)	13	4.48%
Poaching Fish (Art. 277)	10	3.45%
Total	270	**100%**

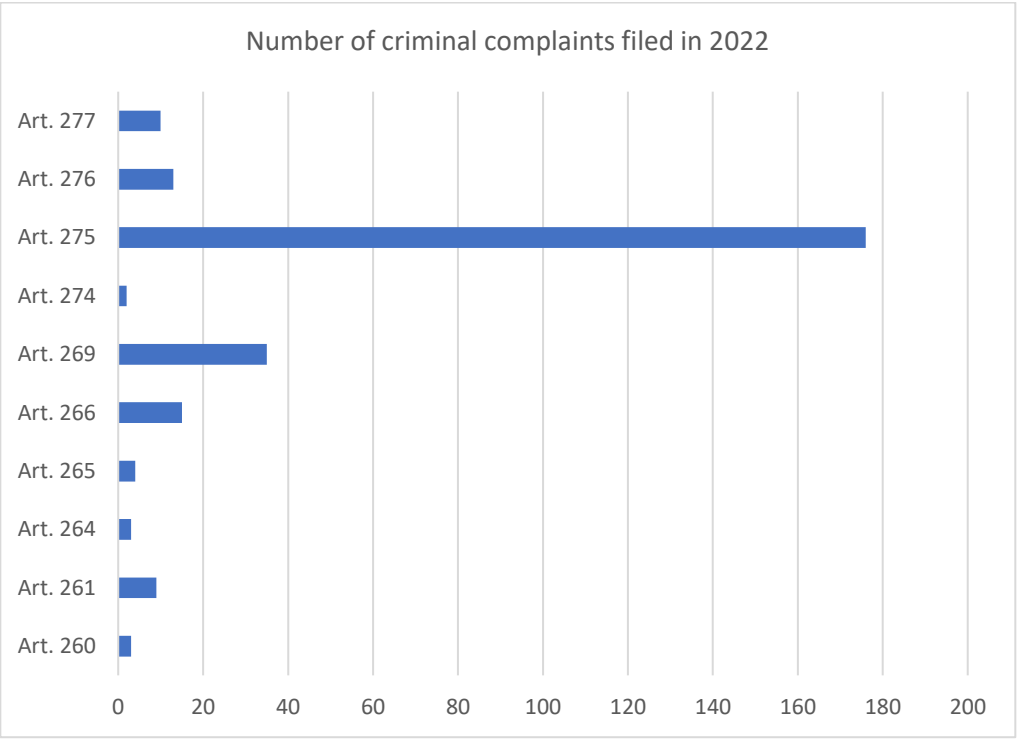
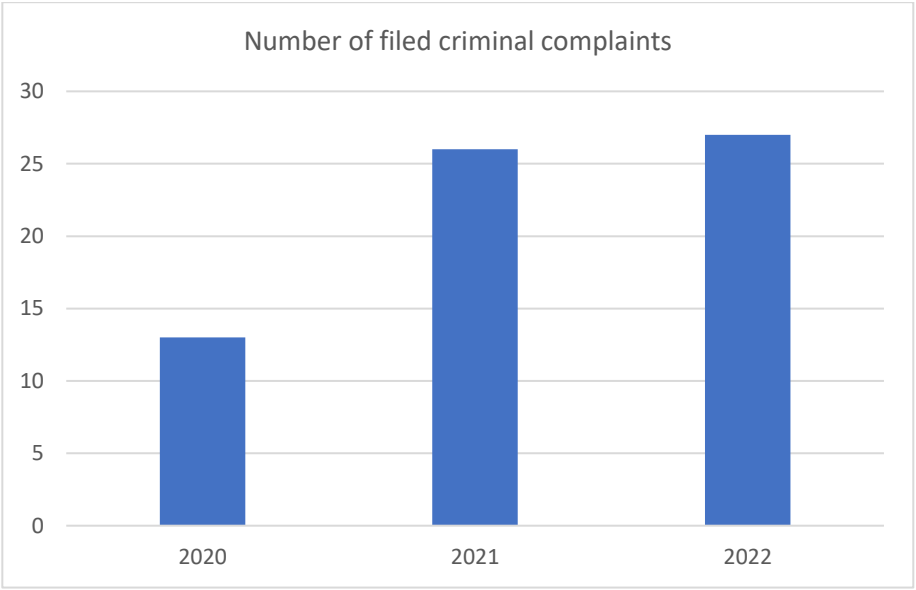


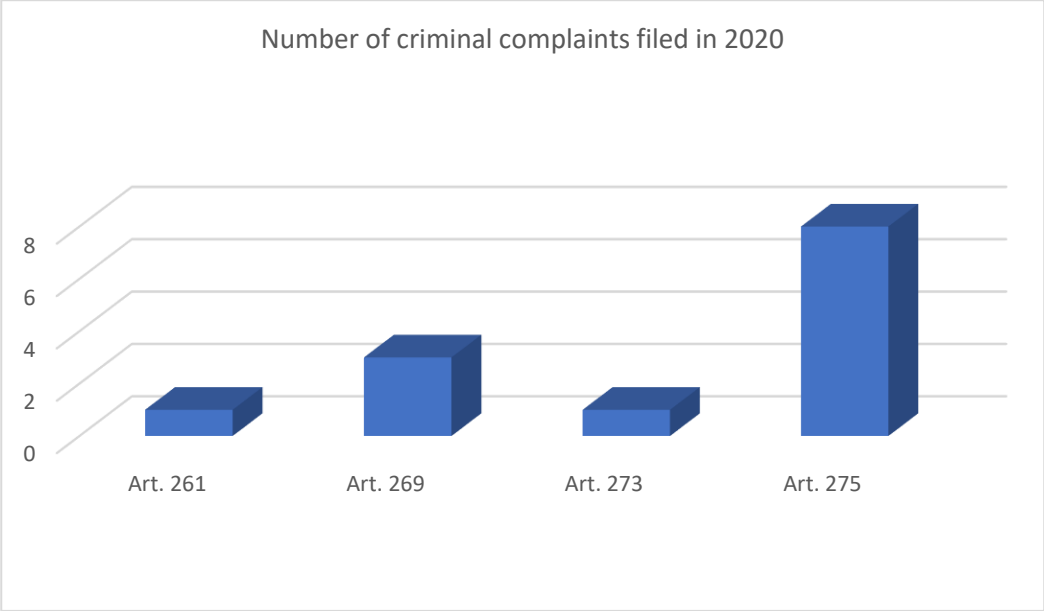
Table 9: Criminal complaints filed to the Basic Public Prosecutor's Office in Novi Sad

Year	**Filed criminal complaints**
2020	13
2021	26
2022	27
Total	66

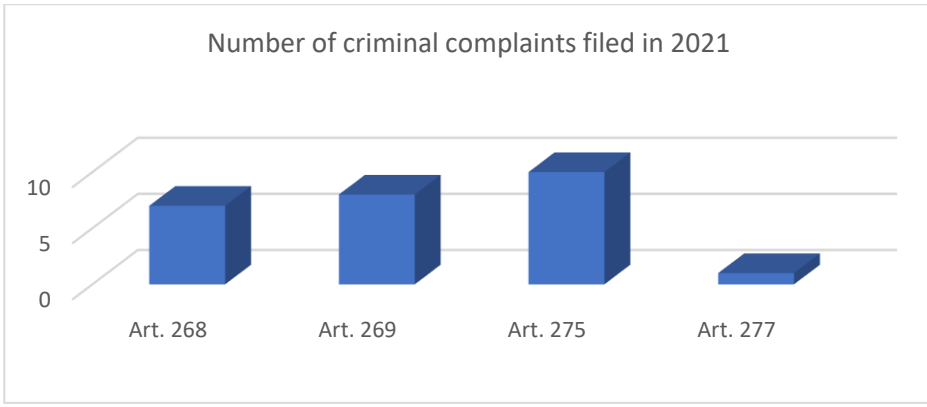


Tables 10-12: Criminal complaints filed to the Basic Public Prosecutor's Office in Novi Sad for individual criminal offences

2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Novi Sad**
Failure to undertake Environmental Protection Measure (Art. 261)	1	7.69%
Killing and Wanton Molesting to Animals (Art. 269)	3	23.08%
Pollution of Livestock Fodder and Water (Art. 273)	1	7.69%
Forest Theft (Art. 275)	8	61.54%
Total	13	**100%**



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Novi Sad**
Violation of the Right to be Informed on the State of the Environment (Art. 268)	7	26.92%
Killing and Wanton Molesting to Animals (Art. 269)	8	30.77%
Forest Theft (Art. 275)	10	38.46%
Poaching Fish (Art. 277)	1	3.85%
Total	26	**100%**



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Novi Sad**
Environmental Pollution (Art. 260)	1	3.70%
Killing and Wanton Molesting to Animals (Art. 269)	8	29.64%
Forest Theft (Art. 275)	17	62.96%
Poaching Game (Art. 276)	1	3.70%
Total	27	**100%**

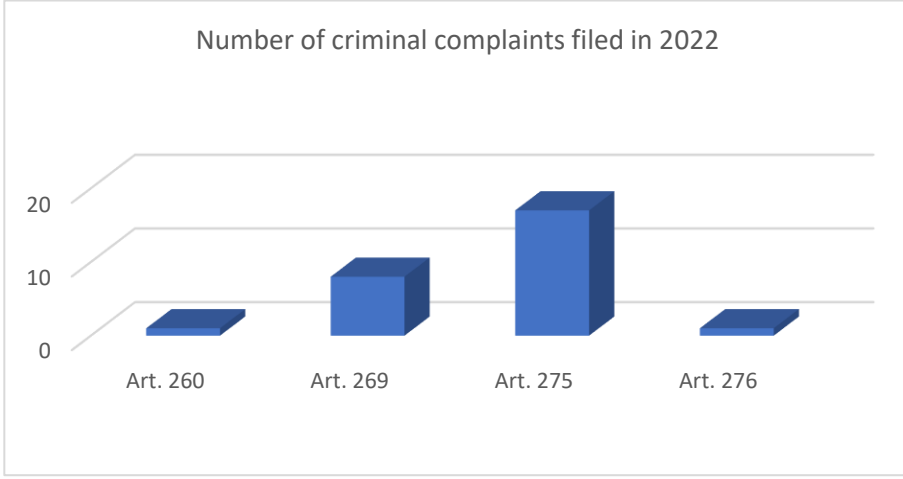
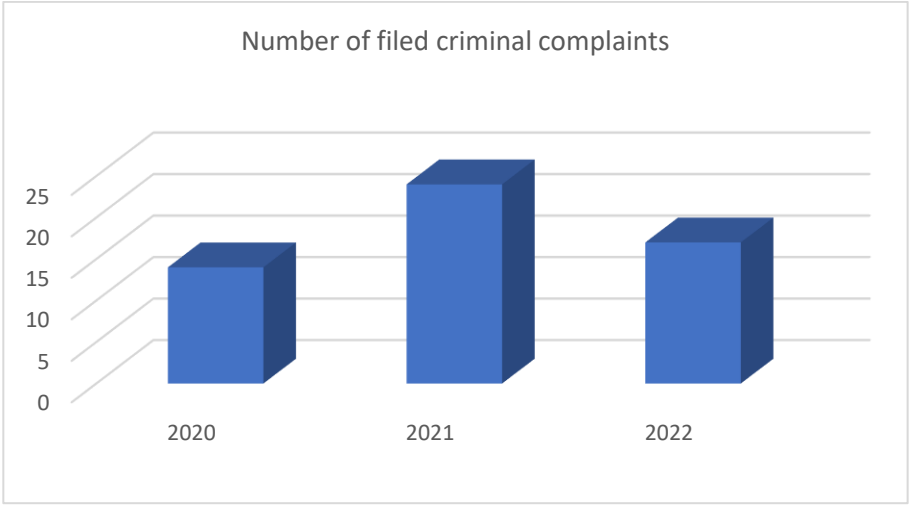


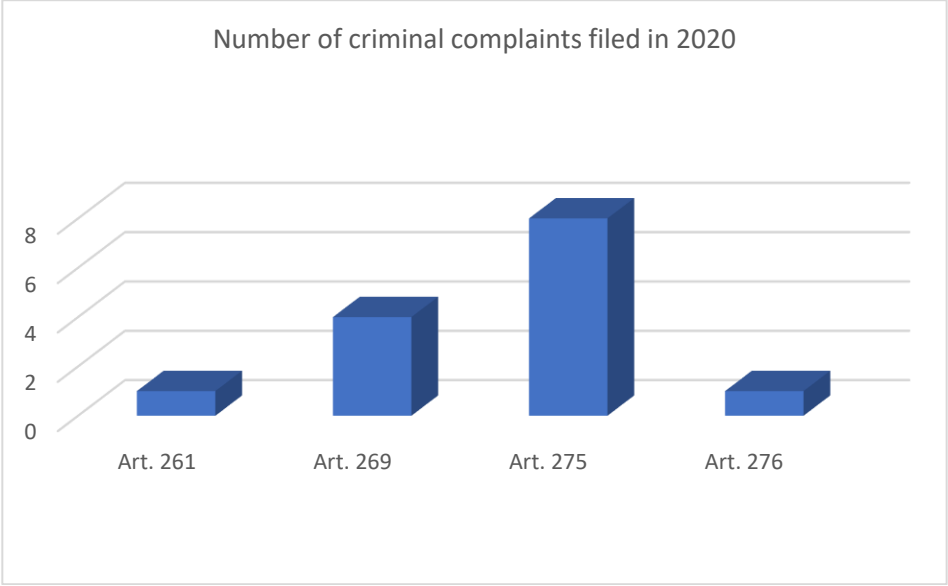
Table 13: Criminal complaints filed to the Basic Public Prosecutor's Office in Subotica

Year	Filed criminal complaints
2020	14
2021	24
2022	17
Total	55

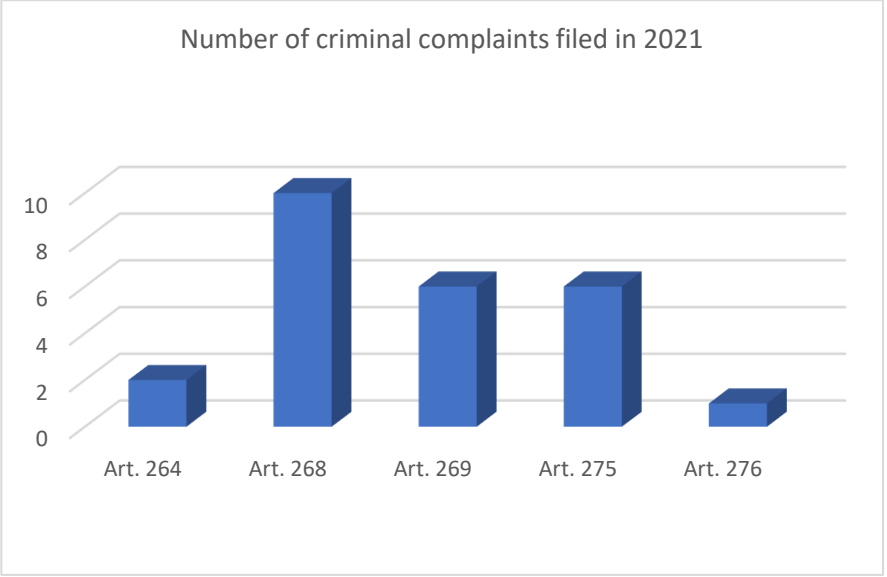


Tables 14-16: Criminal complaints filed to the Basic Public Prosecutor's Office in Subotica for individual criminal offences

2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Subotica**
Failure to undertake Environmental Protection Measure (Art. 261)	1	7.14%
Killing and Wanton Molesting to Animals (Art. 269)	4	28.57%
Forest Theft (Art. 275)	8	57.15%
Poaching Game (Art. 276)	1	7.14%
Total	14	**100%**



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Subotica**
Damaging the Environment (Art. 264)	2	8.33%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	10	41.67%
Killing and Wanton Molesting to Animals (Art. 269)	6	25.00%
Forest Theft (Art. 275)	6	25.00%
Poaching Game (Art. 276)	1	4.17%
Total	24	**100%**



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Subotica**
Damaging the Environment (Art. 264)	1	5.88%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	1	5.88%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	5.88%
Killing and Wanton Molesting to Animals (Art. 269)	4	23.53%
Forest Theft (Art. 275)	8	47.07%
Poaching Game (Art. 276)	2	11.76%
Total	17	**100%**

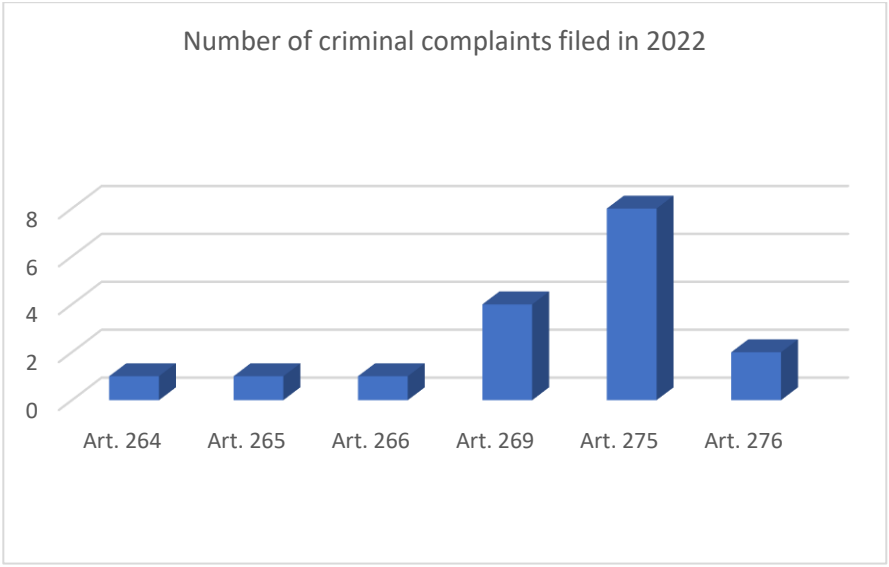
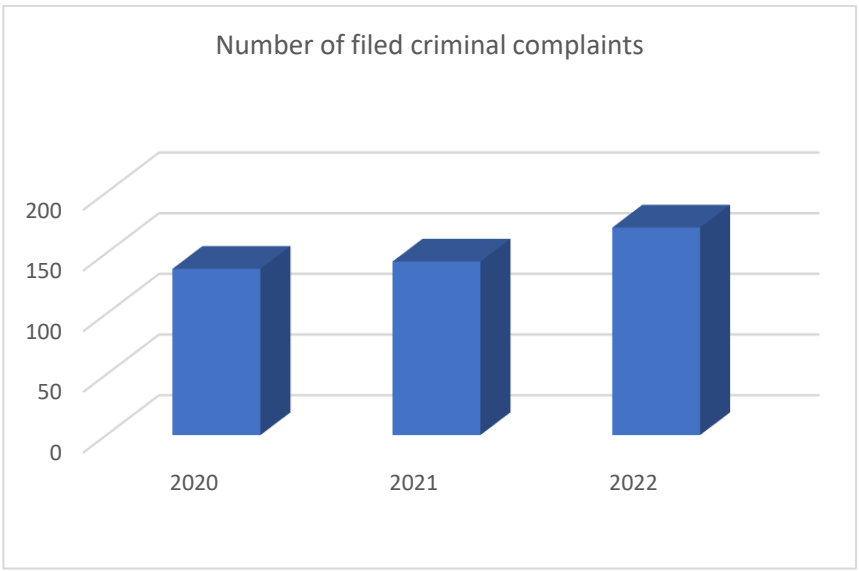


Table 17: Criminal complaints filed on the territory of the Appellate Public Prosecutor's Office in Belgrade[27]

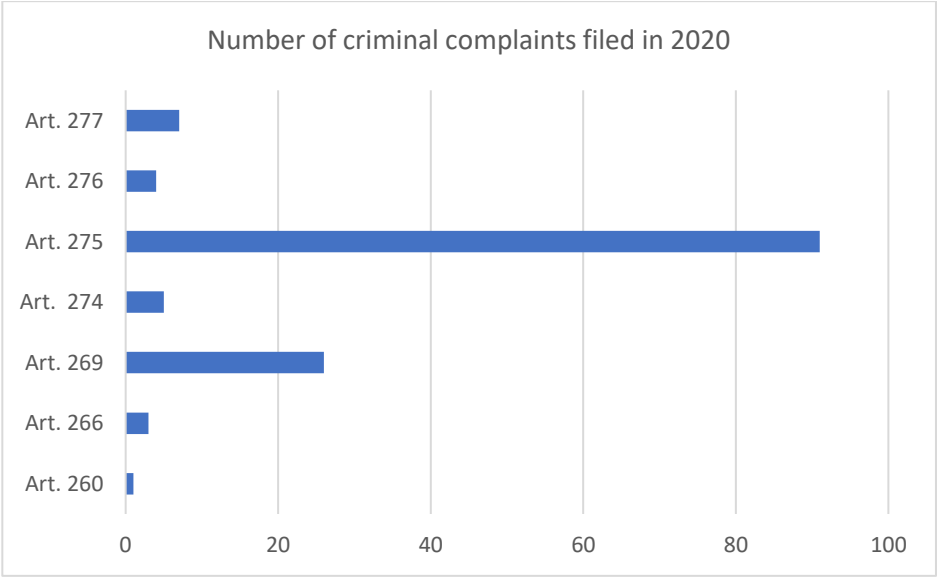
Year	**Filed criminal complaints**
2020	137
2021	143
2022	171
Total	451



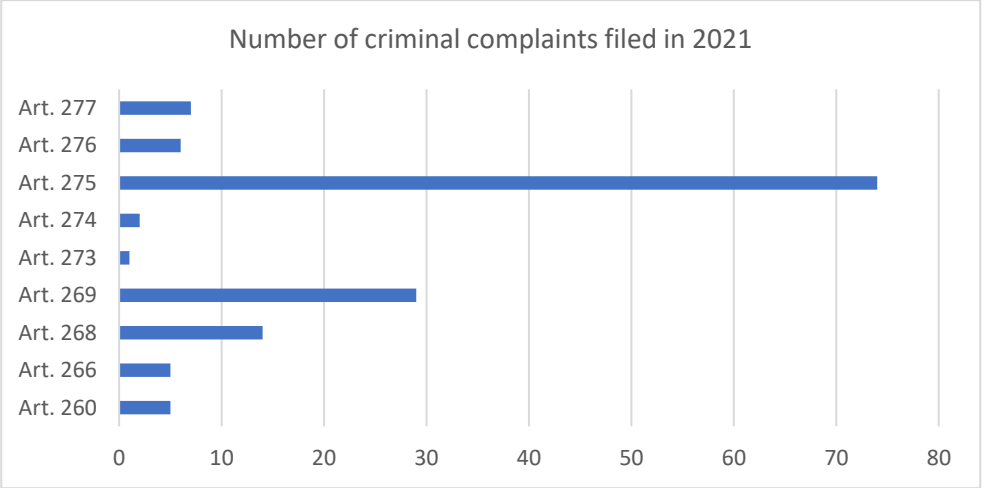
[27] Data were processed for the First, Second and Third Basic Public Prosecutor's Offices in Belgrade, Pančevo, Smederevo, Ub, Mladenovac and Mionica.

Tables 18-20: Criminal complaints filed on the territory of the Appellate Public Prosecutor's Office in Belgrade for individual criminal offences

2020		
Criminal offence	**Filed**	**% in relation to the total number of criminal complaints**
Environmental Pollution (Art. 260)	1	0.73%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	3	2.19%
Killing and Wanton Molesting to Animals (Art. 269)	26	18.97%
Devastation of Forests (Art. 274)	5	3.65%
Forest Theft (Art. 275)	91	66.42%
Poaching Game (Art. 276)	4	2.92%
Poaching Fish (Art. 277)	7	5.10%



2021		
Type of criminal offence	**Filed**	**% in relation to the total number of criminal complaints**
Environmental Pollution (Art. 260)	5	3.49%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	5	3.49%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	14	9.79%
Killing and Wanton Molesting to Animals (Art. 269)	29	20.28%
Pollution of Livestock Fodder and Water (Art. 273)	1	0.69%
Devastation of Forests (Art. 274)	2	1.39%
Forest Theft (Art. 275)	74	51.74%
Poaching Game (Art. 276)	6	4.19%
Poaching Fish (Art. 277)	7	4.89%



2022		
Type of criminal offence	**Filed**	**% in relation to the total number of criminal complaints**
Environmental Pollution (Art. 260)	5	2.92%
Failure to undertake Environmental Protection Measure (Art. 261)	1	0.58%
Damaging the Environment (Art. 264)	2	1.17%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	2	1.17%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	9	5.26%
Killing and Wanton Molesting to Animals (Art. 269)	21	12.28%
Pollution of Livestock Fodder and Water (Art. 273)	1	0.58%
Devastation of Forests (Art. 274)	9	5.26%
Forest Theft (Art. 275)	103	60.23%
Poaching Game (Art. 276)	12	7.01%
Poaching Fish (Art. 277)	6	3.50%

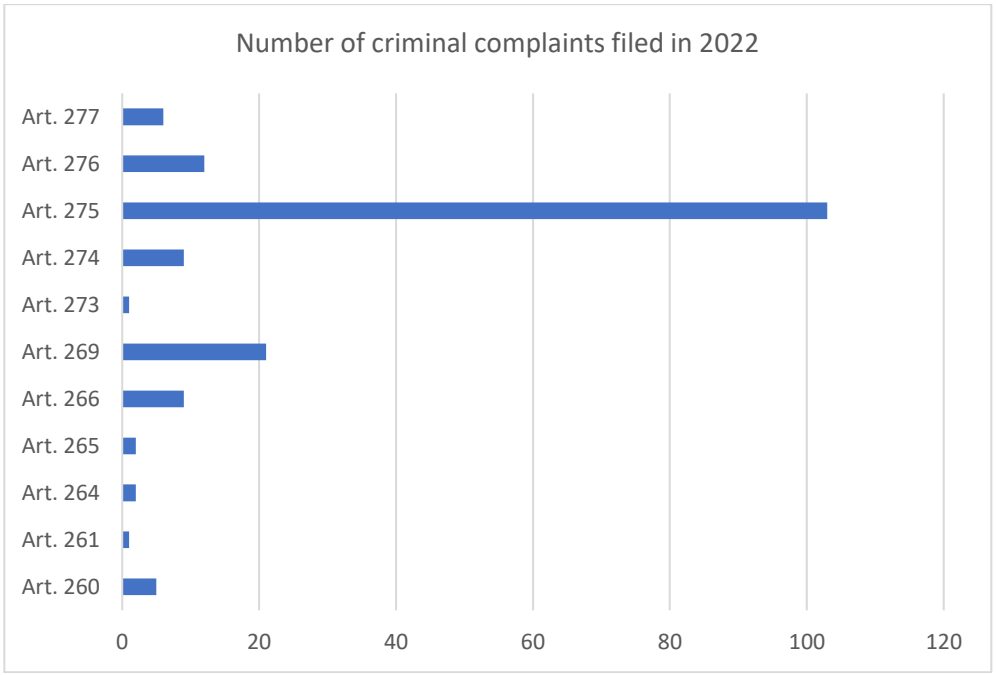
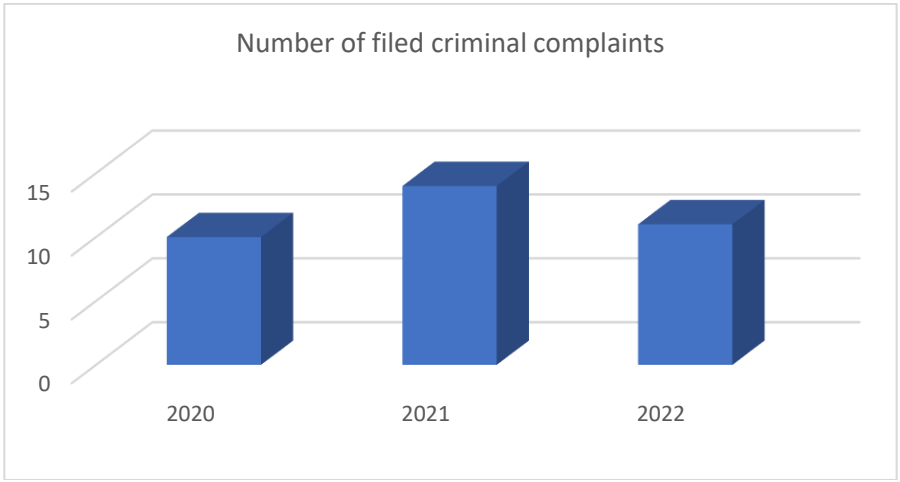


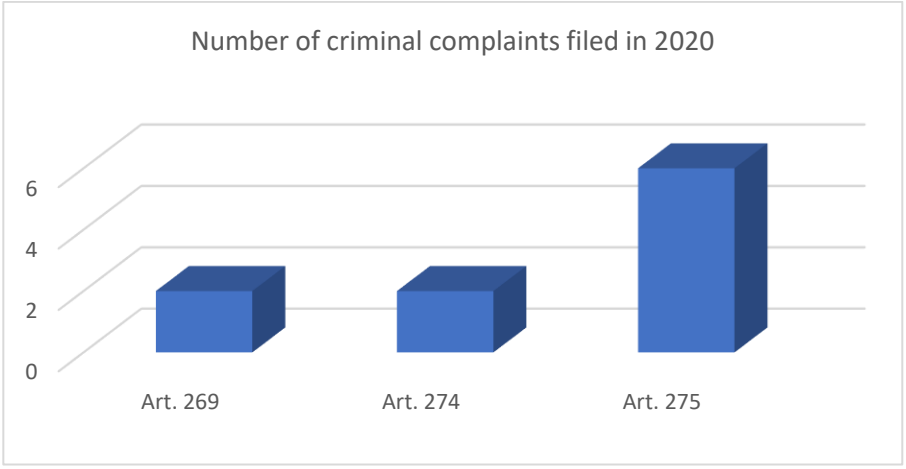
Table 21: Criminal complaints filed to the Second Basic Public Prosecutor's Office in Belgrade

Year	**Filed criminal complaints**
2020	10
2021	14
2022	11
Total	35

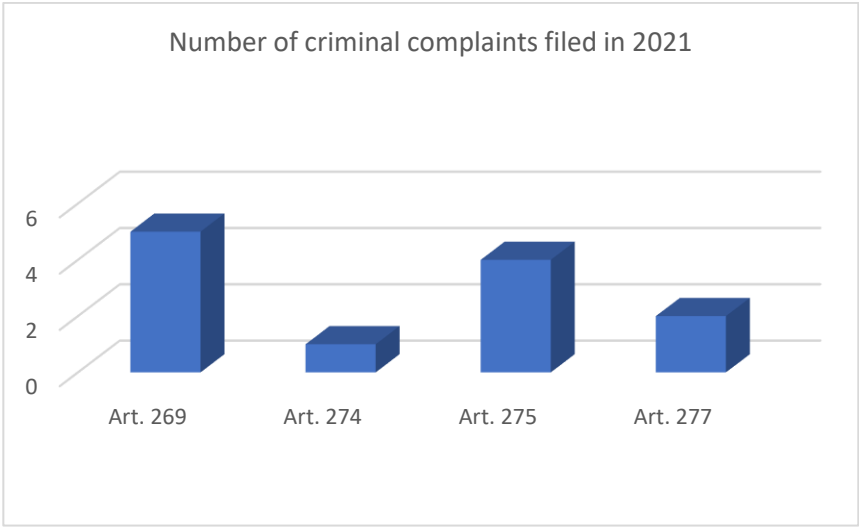


Tables 22-24: Criminal complaints filed to the Second Basic Public Prosecutor's Office in Belgrade for individual criminal offences

2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Second Basic Public Prosecutor's Office in Belgrade**
Killing and Wanton Molesting to Animals (Art. 269)	2	20.00%
Devastation of Forests (Art. 274)	2	20.00%
Forest Theft (Art. 275)	6	60.00%



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Second Basic Public Prosecutor's Office in Belgrade**
Violation of the Right to be Informed on the State of the Environment (Art. 268)	2	14.29%
Killing and Wanton Molesting to Animals (Art. 269)	5	35.71%
Devastation of Forests (Art. 274)	1	7.14%
Forest Theft (Art. 275)	4	28.57%
Poaching Fish (Art. 277)	2	14.29%



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Second Basic Public Prosecutor's Office in Belgrade**
Failure to undertake Environmental Protection Measure (Art. 261)	1	9.09%
Killing and Wanton Molesting to Animals (Art. 269)	3	27.27%
Forest Theft (Art. 275)	6	54.55%
Poaching Fish (Art. 277)	1	9.09%

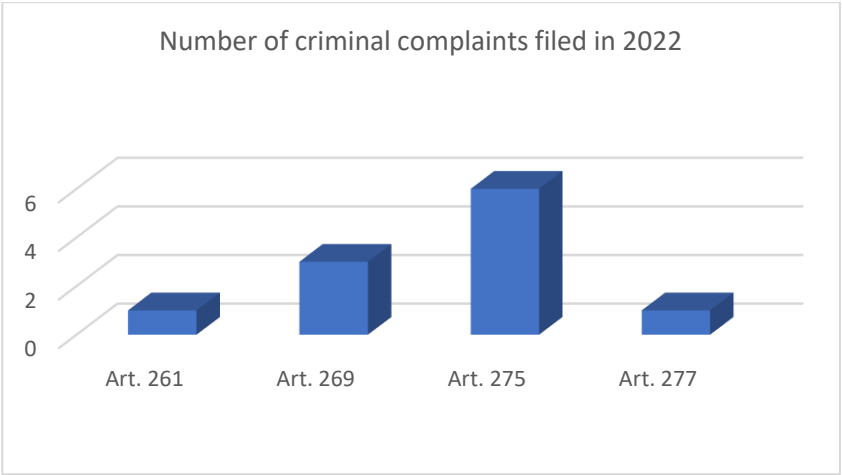
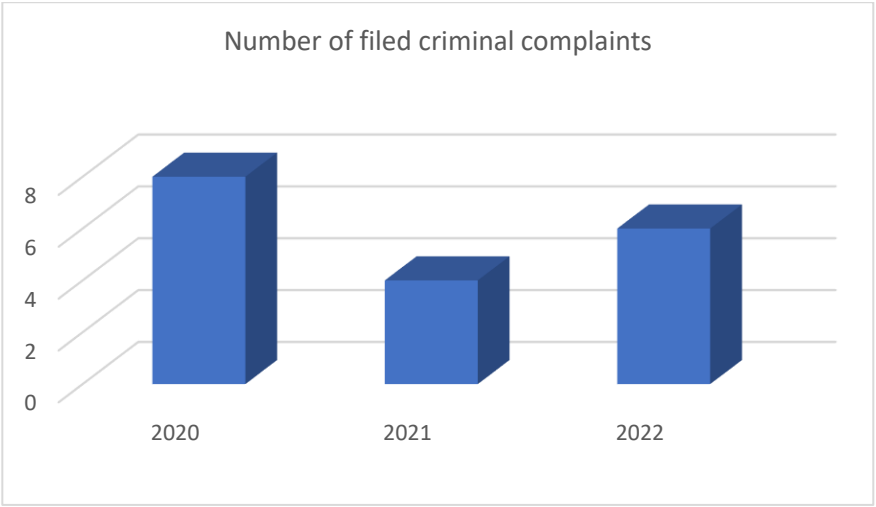


Table 25: Criminal complaints filed to the Basic Public Prosecutor's Office in Obrenovac

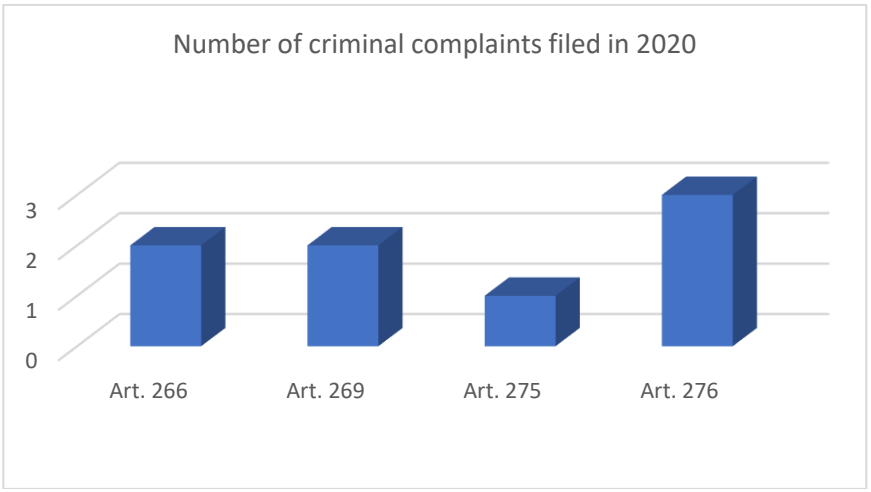
Year	**Filed criminal complaints**
2020	8
2021	4
2022	6
Total	18



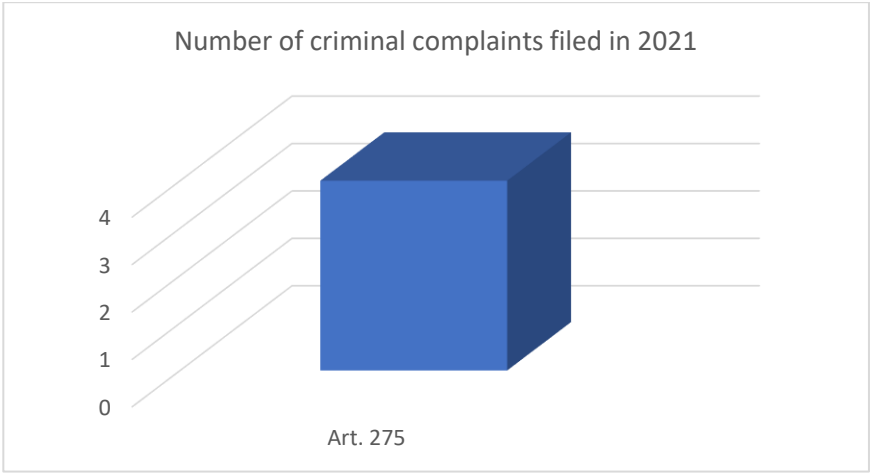
Tables 26-28: Criminal complaints filed to the Basic Public Prosecutor's Office in Obrenovac for individual criminal offences

2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the**

		Basic Public Prosecutor's Office in Obrenovac
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	2	25.00%
Killing and Wanton Molesting to Animals (Art. 269)	1	12.50%
Forest Theft (Art. 275)	2	25.00%
Poaching Game (Art. 276)	3	37.50%



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Obrenovac**
Forest Theft (Art. 275)	4	100%



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Obrenovac**
Killing and Wanton Molesting to Animals (Art. 269)	1	16.67%
Forest Theft (Art. 275)	4	66.67%
Poaching Game (Art. 276)	1	16.67%

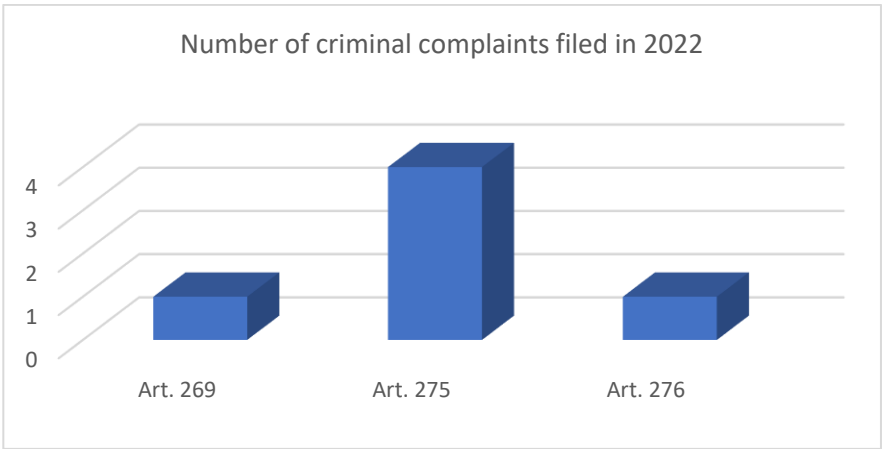
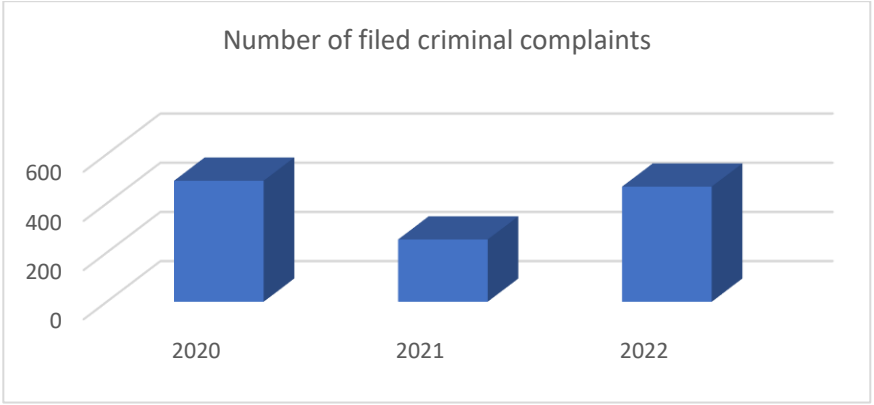


Table 29: Criminal complaints filed for the territory of the Appellate Public Prosecutor's Office in Kragujevac[28]

Year	Filed criminal complaints
2020	492
2021	453
2022	468
Total	1413

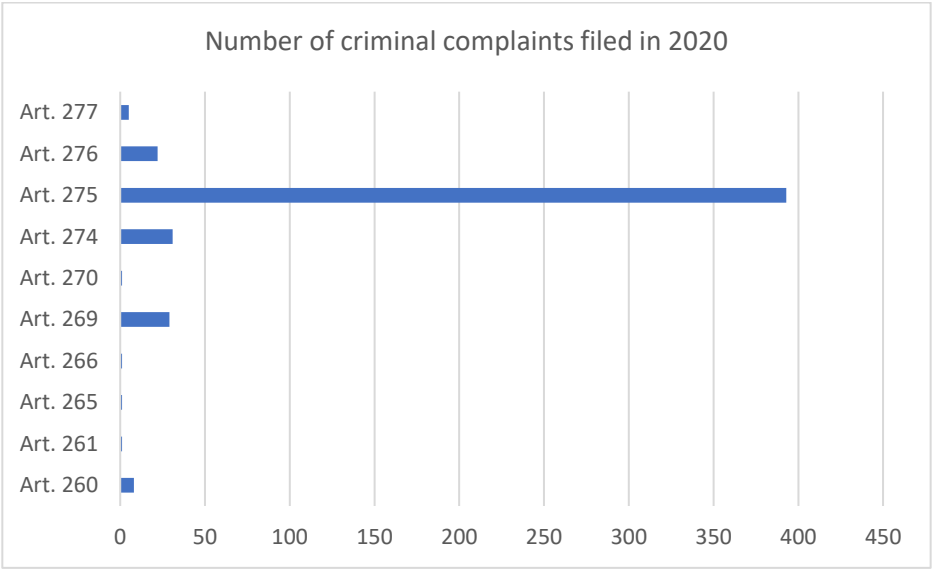


Tables 30-32: Criminal complaints filed for individual criminal offences in the territory of the Appellate Public Prosecutor's Office in Kragujevac

2020		
Criminal offence	**Filed**	**% in relation to the total number of criminal complaints**
Environmental Pollution (Art. 260)	8	1.62%
Failure to undertake Environmental Protection Measure (Art. 261)	1	0.20%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	1	0.20%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and	1	0.20%

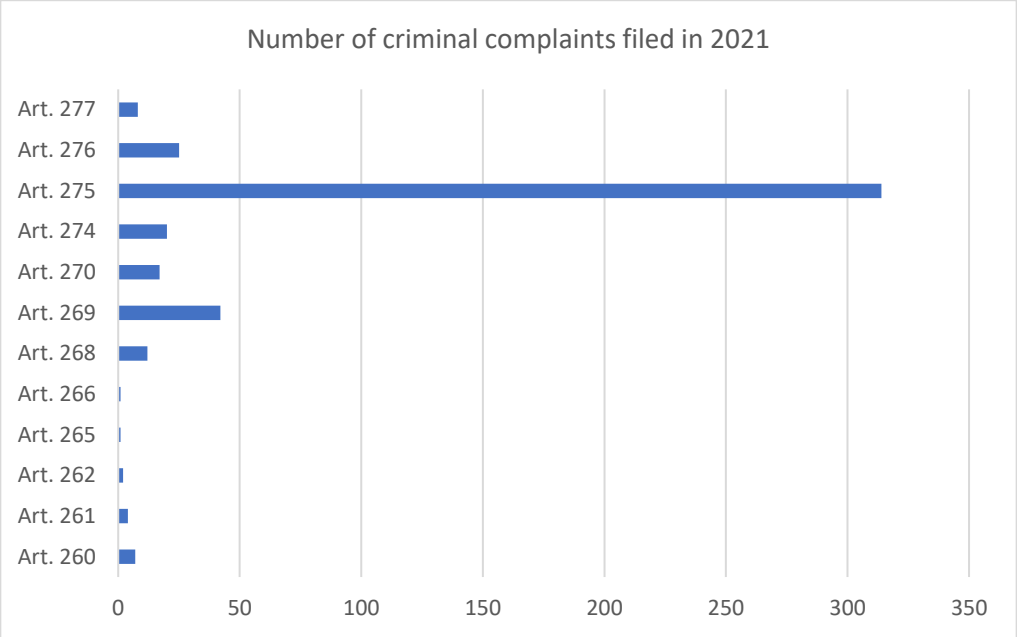
[28] Summary data for the territory of Kragujevac, Kraljevo, Kruševac, Čačak, Jagodina, Užice, Požarevac, Raška and Novi Pazar.

Stockpiling of Dangerous Substances (Art. 266)		
Killing and Wanton Molesting to Animals (Art. 269)	29	5.89%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	1	0.20%
Devastation of Forests (Art. 274)	31	6.30%
Forest Theft (Art. 275)	393	79.87%
Poaching Game (Art. 276)	22	4.47%
Poaching Fish (Art. 277)	5	1.01%



2021		
Type of criminal offence	**Filed**	**% in relation to the total number of criminal complaints**
Environmental Pollution (Art. 260)	7	1.54%
Failure to undertake Environmental Protection Measure (Art. 261)	4	0.88%

Illegal Construction and Operation of Facilities and Installations Polluting the Environment (Art. 262)	2	0.44%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	1	0.22%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	0.22%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	12	2.64%
Killing and Wanton Molesting to Animals (Art. 269)	42	9.27%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	17	3.75%
Devastation of Forests (Art. 274)	20	4.41%
Forest Theft (Art. 275)	314	69.31%
Poaching Game (Art. 276)	25	5.51%
Poaching Fish (Art. 277)	8	1.76%



2022		
Type of criminal offence	**Filed**	**% in relation to the total number of criminal complaints**
Environmental Pollution (Art. 260)	6	1.28%
Failure to undertake Environmental Protection Measure (Art. 261)	1	0.21%
Damaging the Environment (Art. 264)	9	1.92%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	6	1.28%
Killing and Wanton Molesting to Animals (Art. 269)	23	4.91%
Devastation of Forests (Art. 274)	26	5.55%
Forest Theft (Art. 275)	378	80.76%
Poaching Game (Art. 276)	16	3.41%

Poaching Fish (Art. 277)	3	0.64%

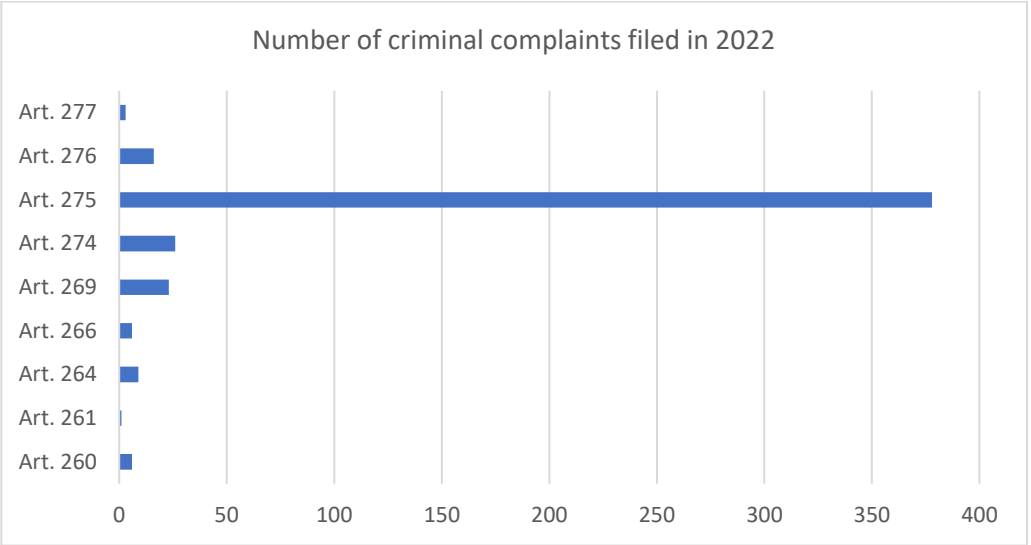
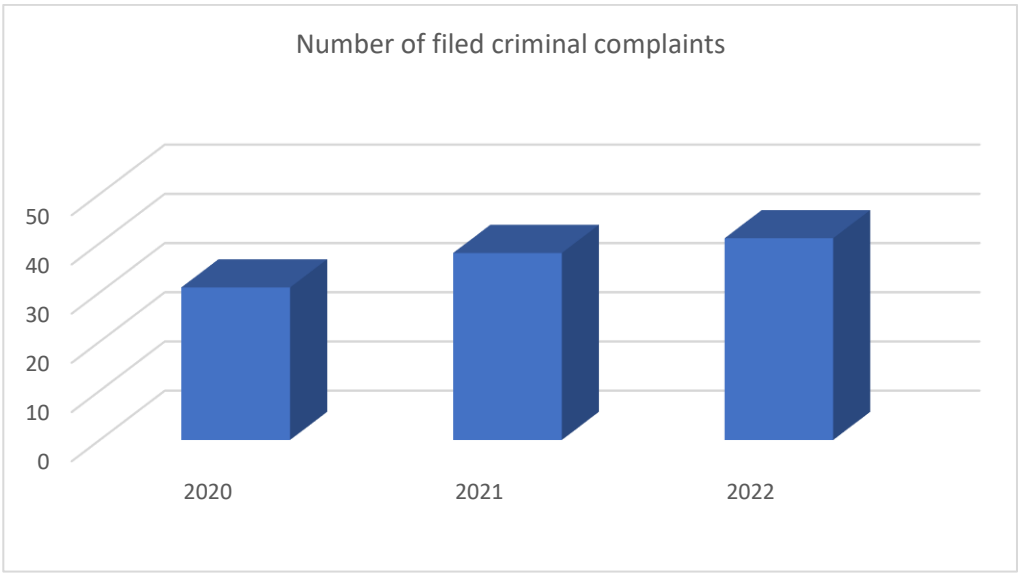


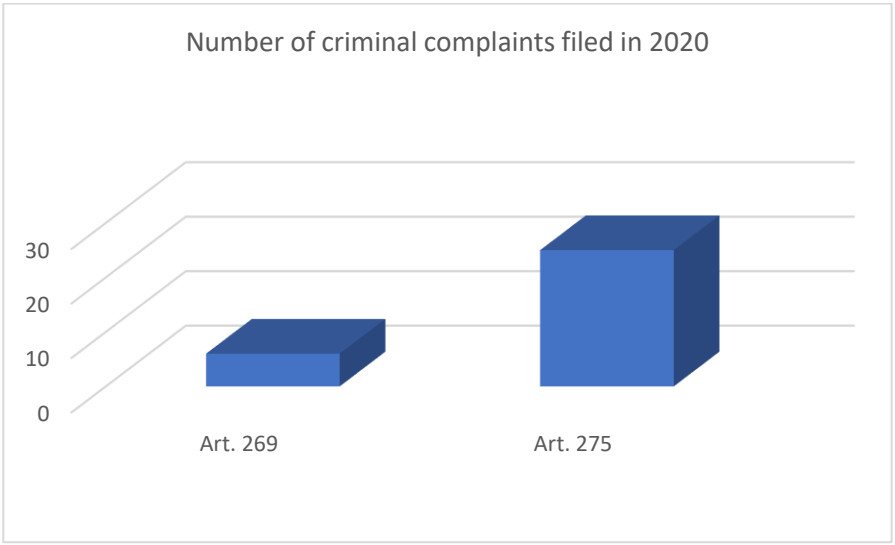
Table 33: Criminal complaints filed to the Basic Public Prosecutor's Office in Kragujevac

Year	**Filed criminal complaints**
2020	31
2021	38
2022	41
Total	110

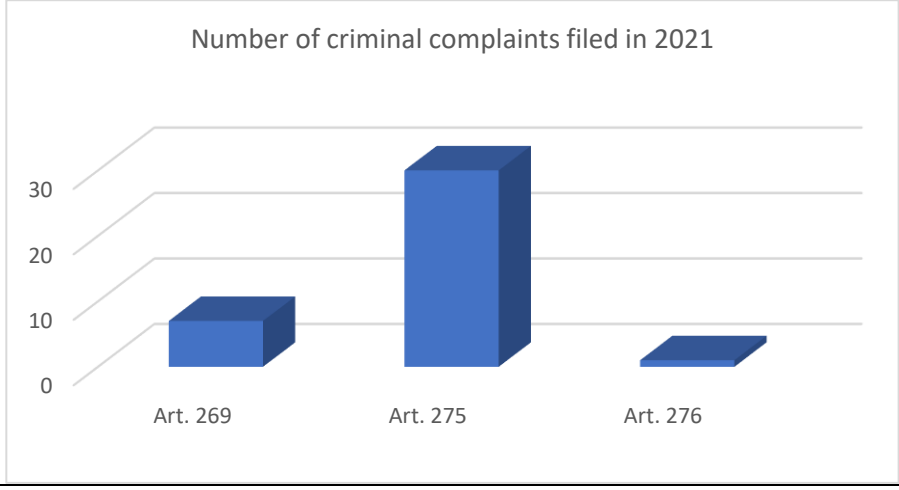


Tables 34-36: Criminal complaints filed to the Basic Public Prosecutor's Office in Kragujevac for individual criminal offences

2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Kragujevac**
Killing and Wanton Molesting to Animals (Art. 269)	6	19.35%
Forest Theft (Art. 275)	25	80.65%



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Kragujevac**
Killing and Wanton Molesting to Animals (Art. 269)	7	18.42%
Forest Theft (Art. 275)	30	78.95%
Poaching Game (Art. 276)	1	2.63%



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Kragujevac**
Killing and Wanton Molesting to Animals (Art. 269)	3	7.32%
Forest Theft (Art. 275)	38	92.68%

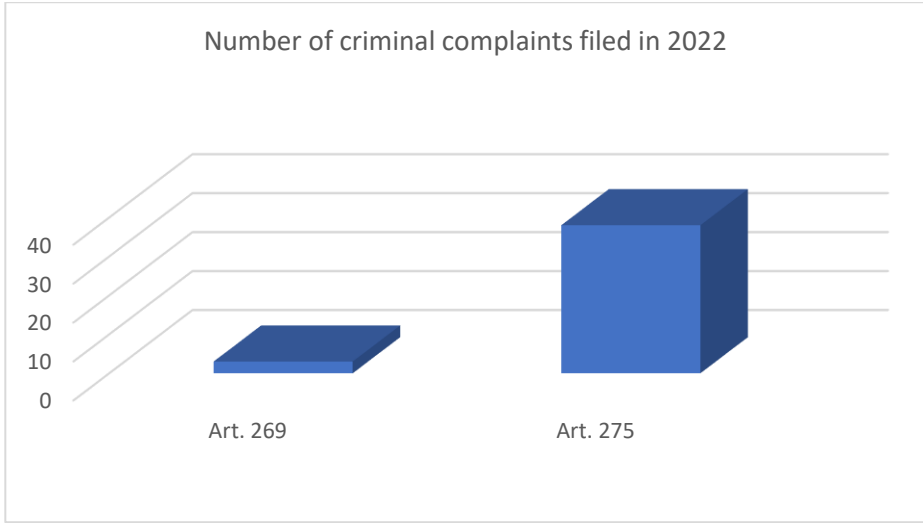
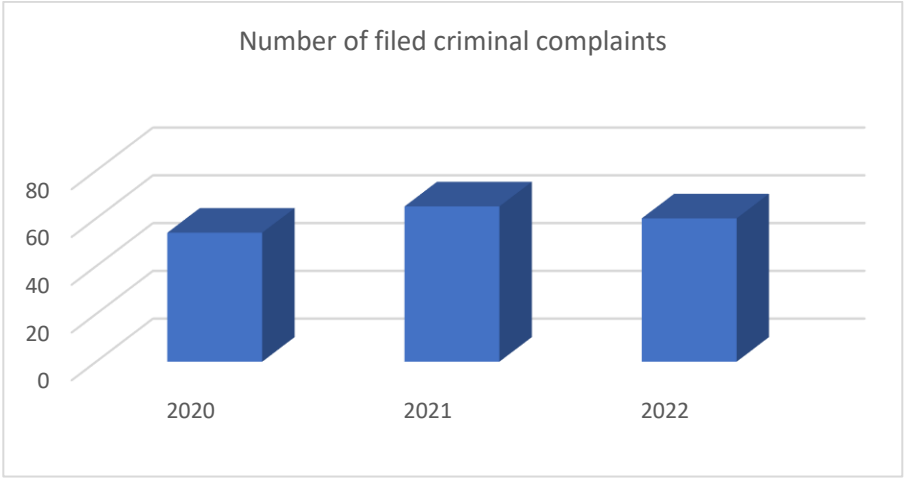


Table 37: Criminal complaints filed to the Basic Public Prosecutor's Office in Novi Pazar

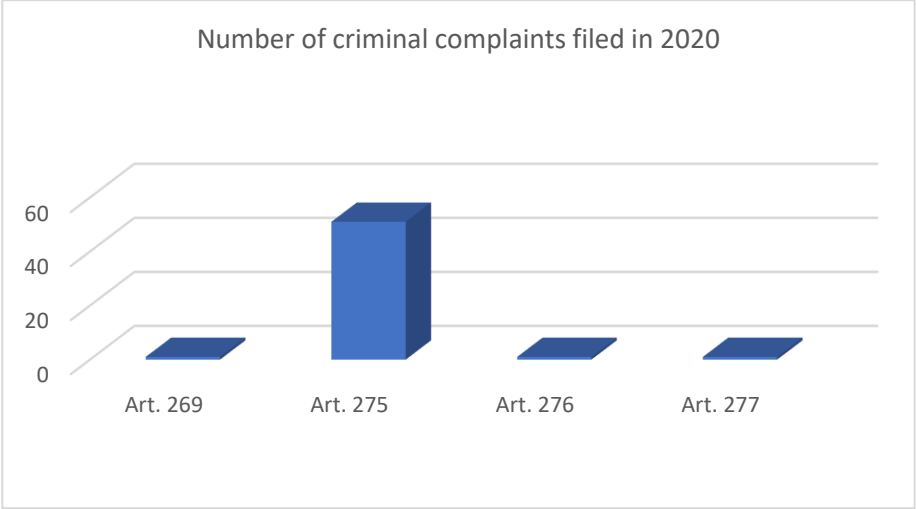
Year	**Filed criminal complaints**
2020	54

2021	65
2022	60
Total	179

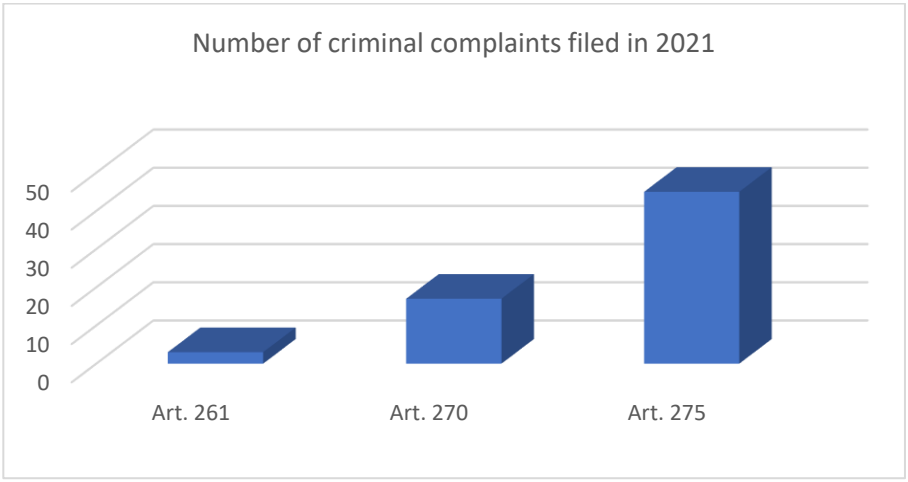


Tables 38-40: Criminal complaints filed to the Basic Public Prosecutor's Office in Novi Pazar for individual criminal offences

2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Novi Pazar**
Killing and Wanton Molesting to Animals (Art. 269)	1	1.85%
Forest Theft (Art. 275)	51	94.45%
Poaching Game (Art. 276)	1	1.85%
Poaching Fish (Art. 277)	1	1.85%



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Novi Pazar**
Failure to undertake Environmental Protection Measure (Art. 261)	3	4.62%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	17	26.15%
Forest Theft (Art. 275)	45	69.23%



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Novi Pazar**
Environmental Pollution (Art. 260)	5	8.33%
Forest Theft (Art. 275)	55	91.67%

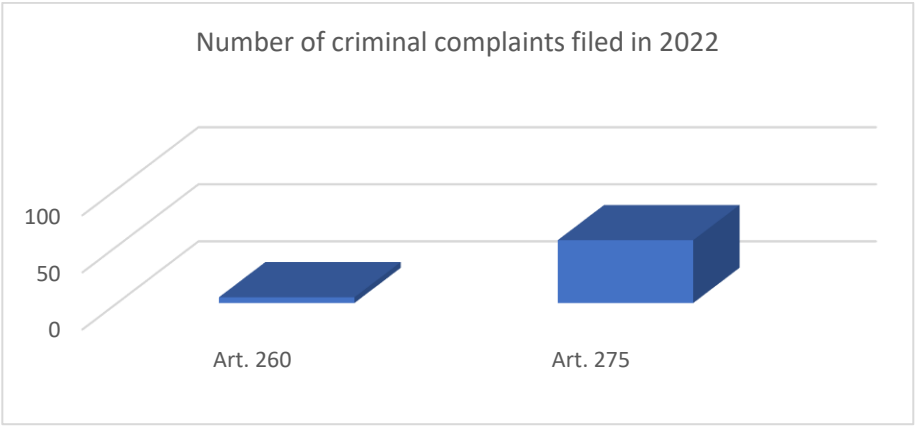
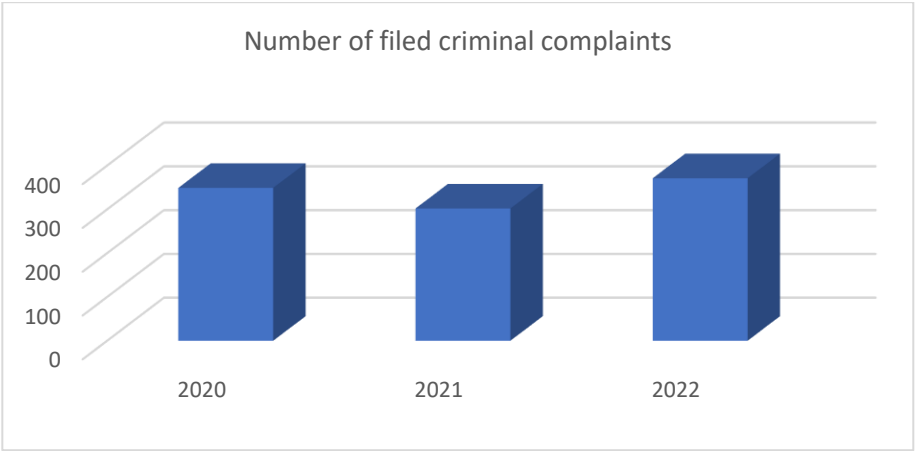


Table 41: Criminal complaints filed for the territory of the Appellate Public Prosecutor's Office in Niš[29]

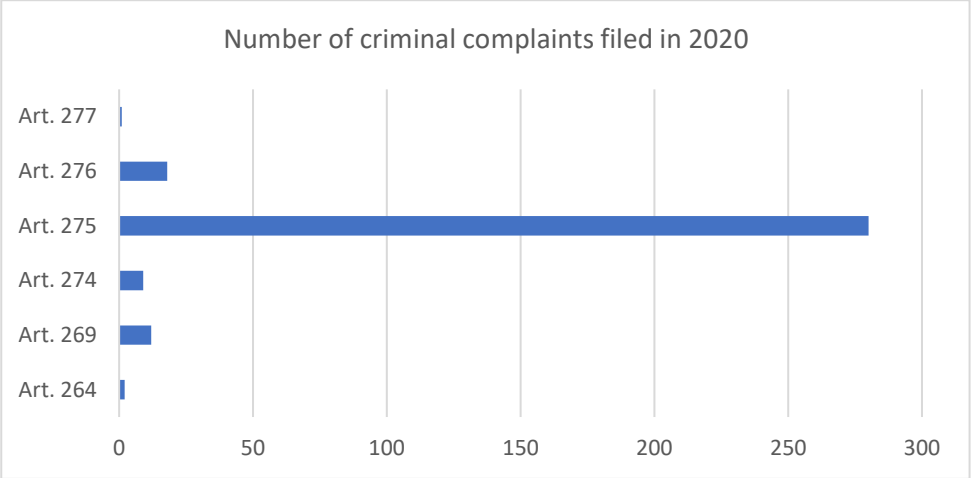
Year	**Filed criminal complaints**
2020	349
2021	302
2022	371
Total	1022

[29] Summary data for Basic Public Prosecutor's offices in Niš, Leskovac, Vranje, Aleksinac, Bor, Kuršumlija, Pirot, Prokoplje and Vladičin Han.

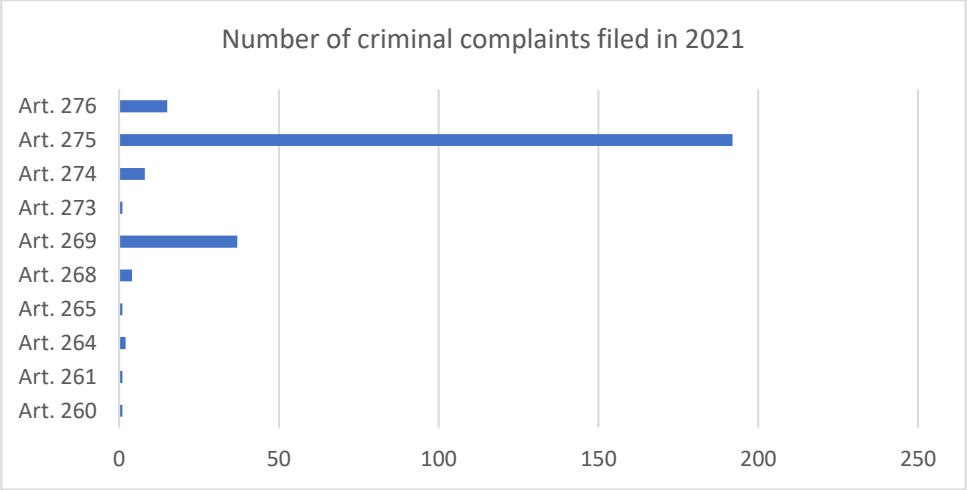


Tables 42-44: Criminal complaints filed for individual criminal offences

2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of filed criminal complaints**
Damaging the Environment (Art. 264)	2	0.57%
Killing and Wanton Molesting to Animals (Art. 269)	12	3.43%
Devastation of Forests (Art. 274)	9	2.57%
Forest Theft (Art. 275)	307	87.96%
Poaching Game (Art. 276)	18	5.15%
Poaching Fish (Art. 277)	1	0.28%



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of filed criminal complaints**
Environmental Pollution (Art. 260)	1	0.33%
Failure to undertake Environmental Protection Measure (Art. 261)	1	0.33%
Damaging the Environment (Art. 264)	2	0.66%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	1	0.33%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	4	1.32%
Killing and Wanton Molesting to Animals (Art. 269)	47	15.56%
Pollution of Livestock Fodder and Water (Art. 273)	1	0.33%
Devastation of Forests (Art. 274)	8	2.64%
Forest Theft (Art. 275)	222	73.51%
Poaching Game (Art. 276)	15	4.96%
Total	302	**100%**



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of filed criminal complaints**
Environmental Pollution (Art. 260)	3	0.80%
Failure to undertake Environmental Protection Measure (Art. 261)	1	0.27%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	2	0.27%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	27	7.27%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	1	0.27%
Killing and Wanton Molesting to Animals (Art. 269)	19	5.12%
Devastation of Forests (Art. 274)	2	0.53%
Forest Theft (Art. 275)	273	73.58%
Poaching Game (Art. 276)	43	11.59%
Total	371	**100%**

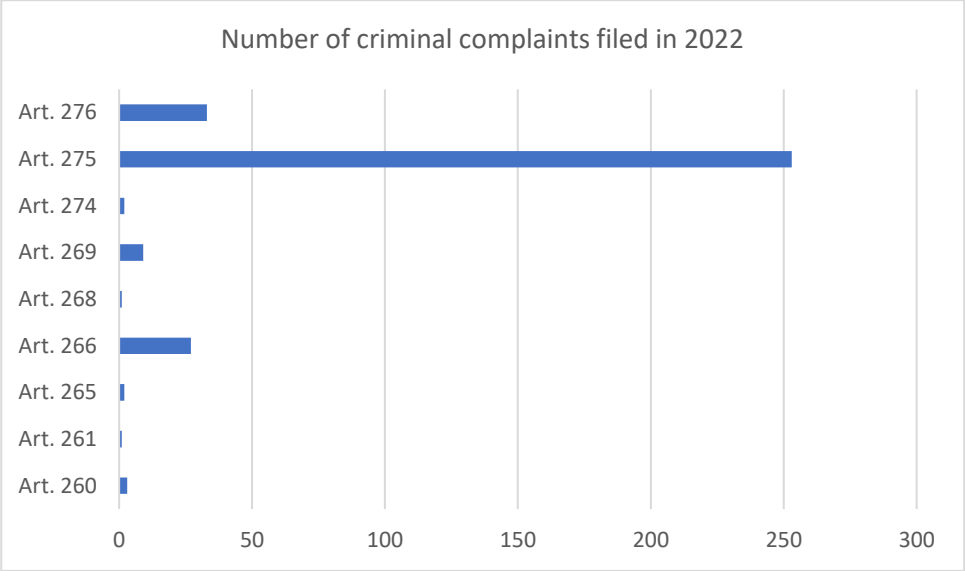
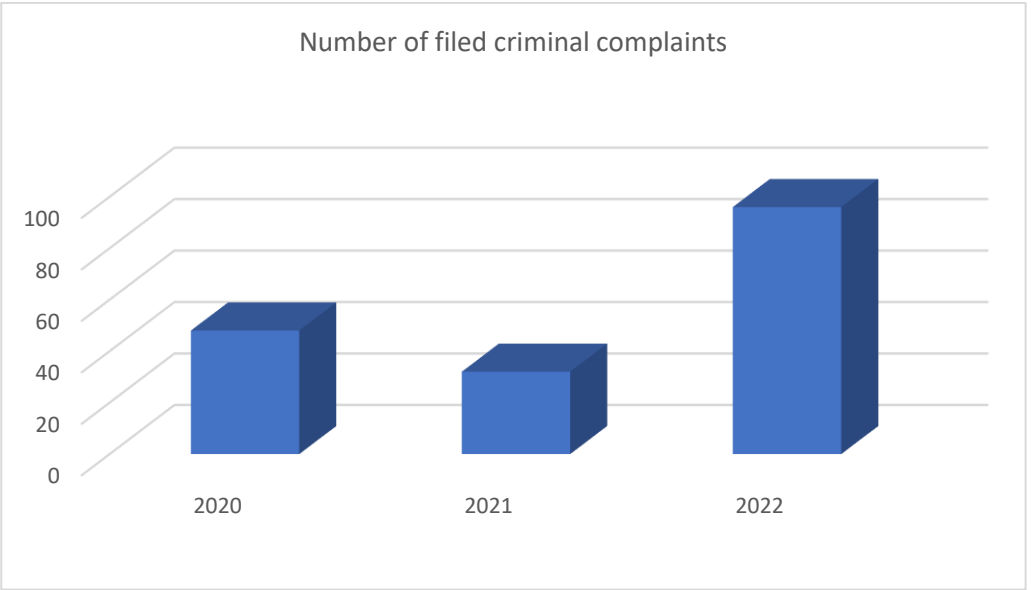


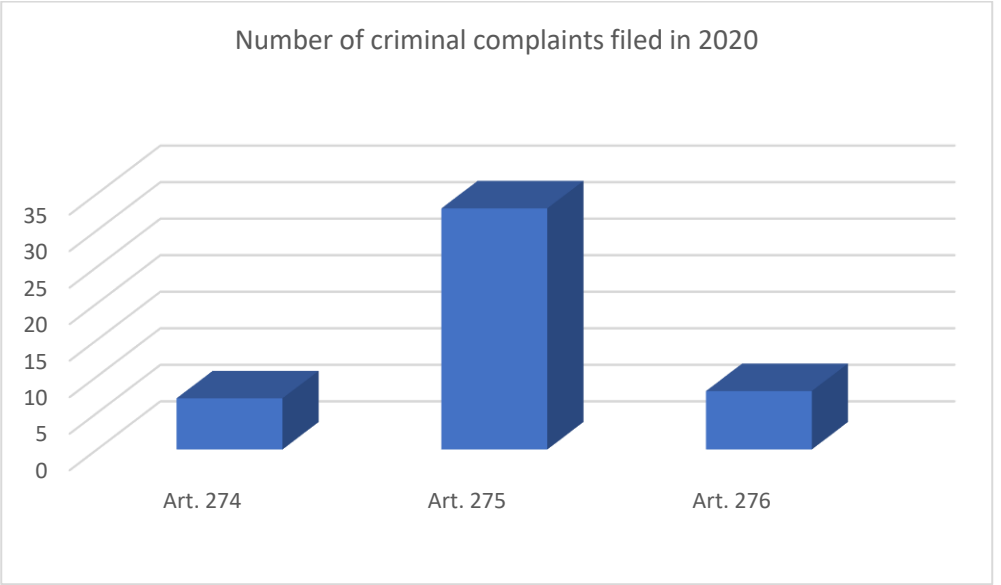
Table 45: Criminal complaints filed to the Basic Public Prosecutor's Office in Niš

Year	**Filed criminal complaints**
2020	48
2021	32
2022	96
Total	176

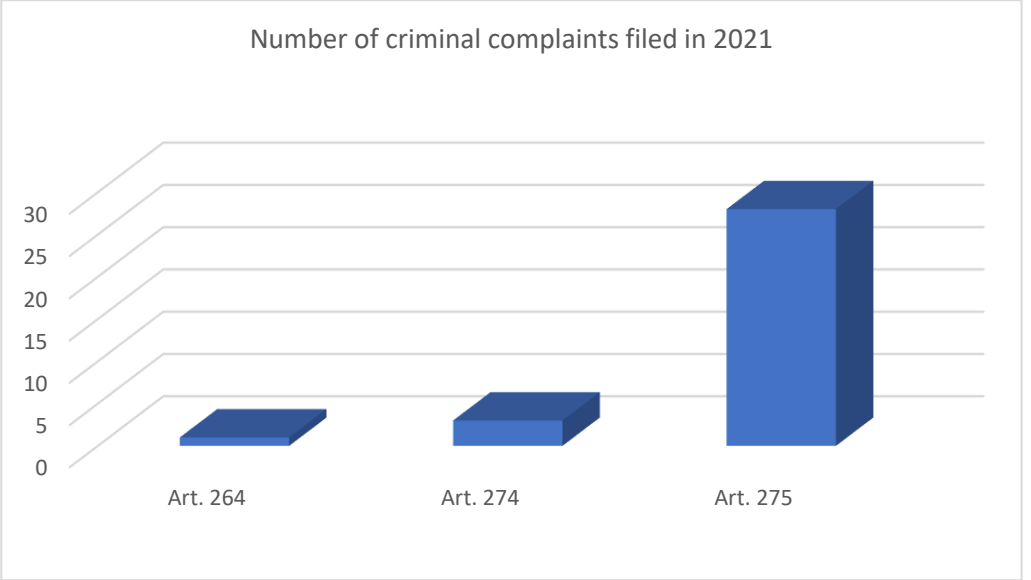


Tables 46-48: Criminal complaints filed to the Basic Public Prosecutor's Office in Niš for individual criminal offences

2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Niš**
Devastation of Forests (Art. 274)	7	14.58%
Forest Theft (Art. 275)	33	68.75%
Poaching Game (Art. 276)	8	16.67%



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Niš**
Damaging the Environment (Art. 264)	1	3.13%
Devastation of Forests (Art. 274)	3	9.38%
Forest Theft (Art. 275)	28	87.50%



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Niš**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	19	19.79%
Devastation of Forests (Art. 274)	1	1.04%
Forest Theft (Art. 275)	48	50.00%
Poaching Game (Art. 276)	28	29.17%

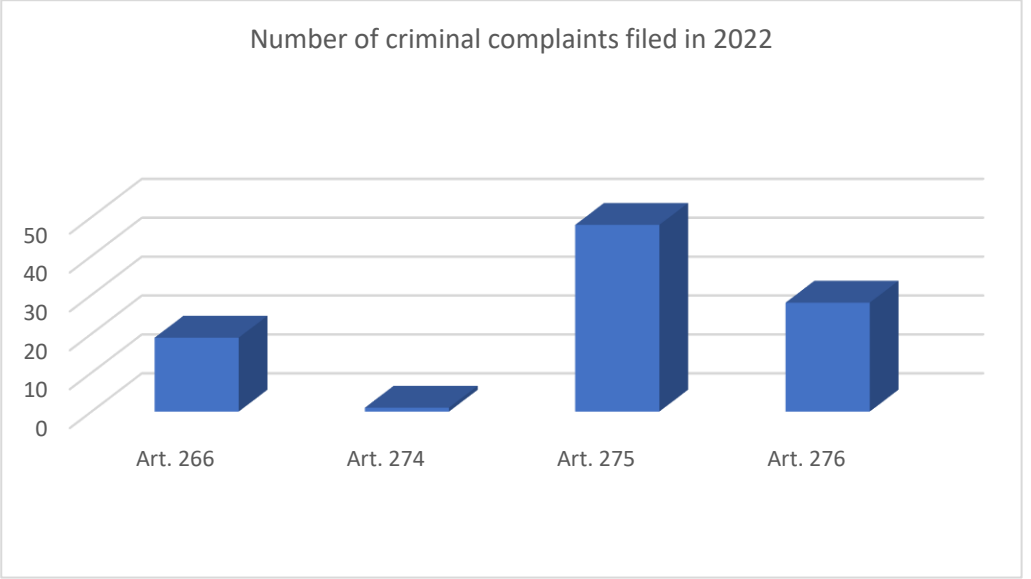
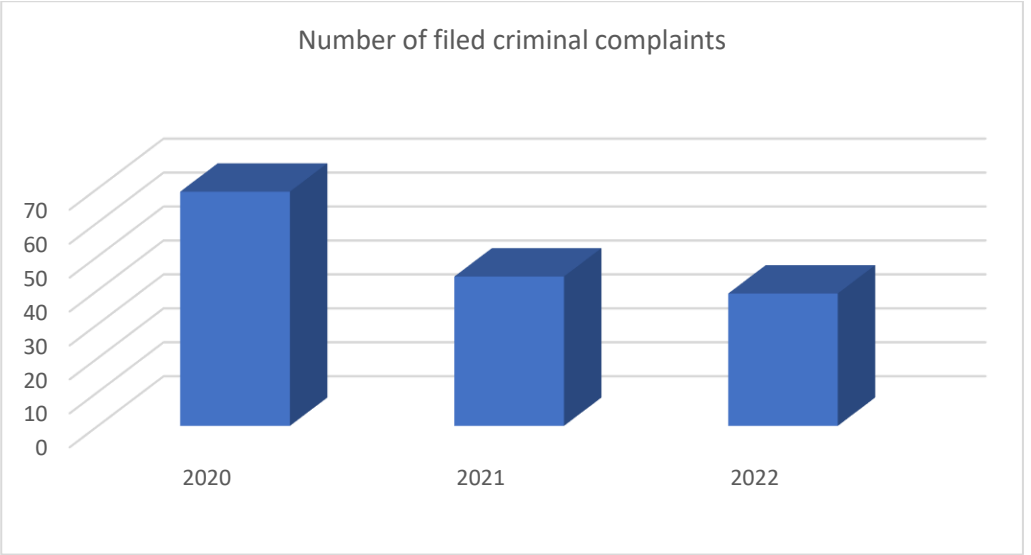


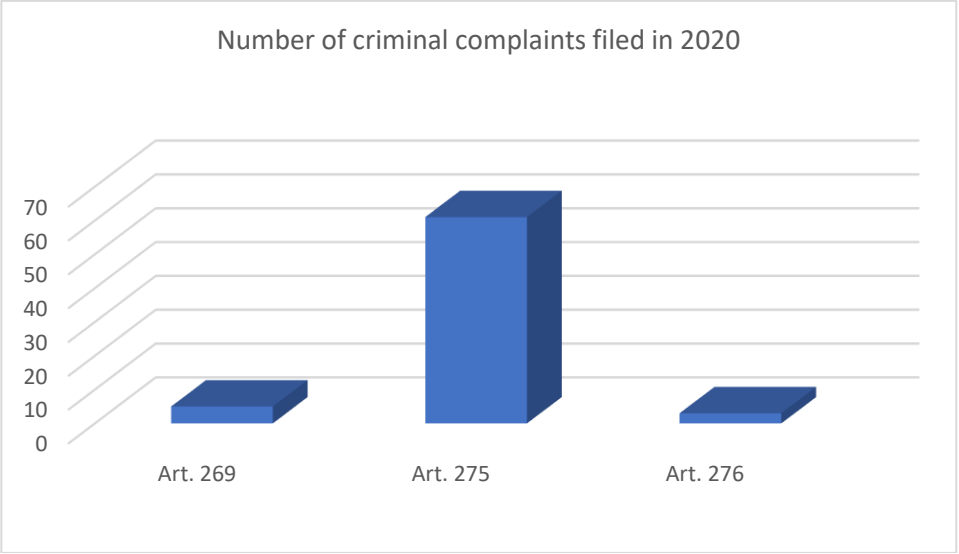
Table 49: Criminal complaints filed to the Basic Public Prosecutor's Office in Leskovac

Year	**Filed criminal complaints**
2020	69
2021	44
2022	39
Total	152

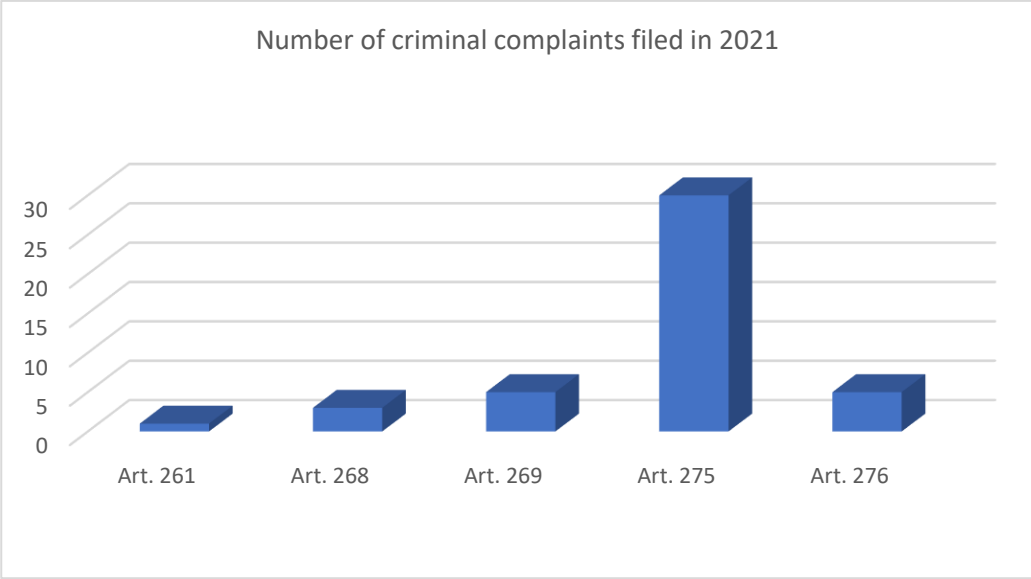


Tables 50-52: Criminal complaints filed to the Basic Public Prosecutor's Office in Leskovac for individual criminal offences

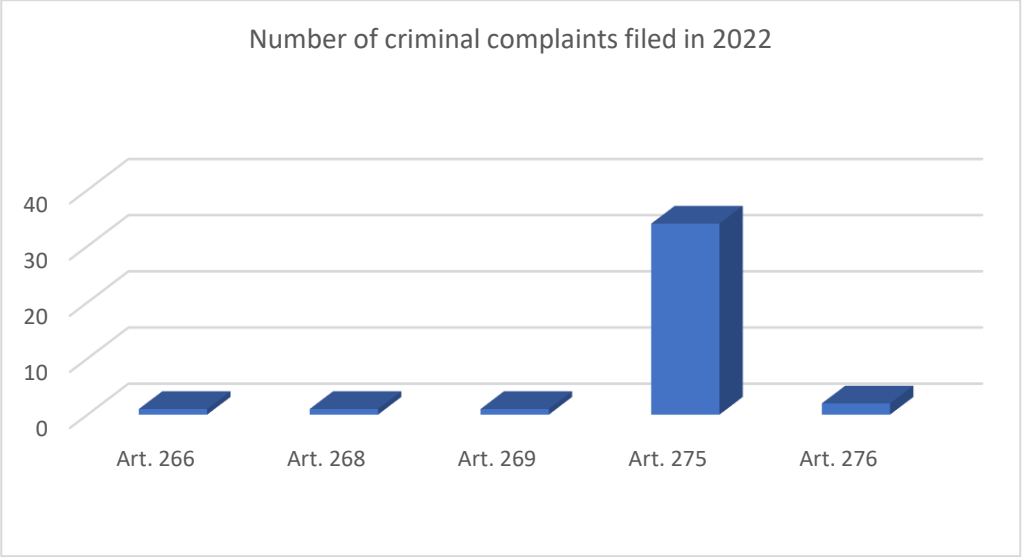
2020		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Leskovac**
Killing and Wanton Molesting to Animals (Art. 269)	5	7.25%
Forest Theft (Art. 275)	61	88.41%
Poaching Game (Art. 276)	3	4.35%



2021		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Leskovac**
Failure to undertake Environmental Protection Measure (Art. 261)	1	2.27%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	3	6.82%
Killing and Wanton Molesting to Animals (Art. 269)	5	11.36%
Forest Theft (Art. 275)	30	68.19%
Poaching Game (Art. 276)	5	11.36%



2022		
Criminal offence	**Filed criminal complaints**	**% in relation to the total number of criminal complaints filed to the Basic Public Prosecutor's Office in Leskovac**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	2.56%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	1	2.56%
Killing and Wanton Molesting to Animals (Art. 269)	1	2.56%
Forest Theft (Art. 275)	34	87.18%
Poaching Game (Art. 276)	2	5.14%
Total	39	**100%**



1.1.2. Entities authorized to file criminal complaints for the territory of the Republic of Serbia in the analysed cases

Here, just like with reporting any criminal offence prosecutable ex officio, when it comes to this aspect of the issue at hand, we should first recall the provision of Art. 280, paras. 1 and 3 of the CPC according to which "state and other bodies, legal and natural persons report criminal offences which are prosecutable ex officio about which they were informed or they learn in other manner, under the conditions stipulated by law or other regulation", and "the submitter of the criminal complaint shall relate details known to him/her and undertake measures to preserve the traces of the criminal offence, objects on which or by means of which the criminal offence was committed, and other evidence". In accordance with the above, among the numerous entities that have filed criminal complaints in the 161 analysed cases, most of them were government bodies and legal entities engaged in the protection of natural resources. In this context, when it comes to specific cases of filing criminal complaints in the analysed criminal cases, in the first place, as fully expected, is the PE "Srbijašume", which filed 32.91% of all filed criminal complaints. They are followed by the Ministry of Agriculture, Forestry and Water Management with 4.34% of filed criminal complaints and the PE "National Park Fruška Gora" with 1.24% of filed criminal complaints. Collectively, these three entities filed 38.49% of criminal complaints. The results are fully expected and are in accordance with the structure of the reported criminal offences, given the fact that in the total number of filed criminal complaints, around 80% of them refer to the criminal offence of forest theft.

In addition to the mentioned entities, in a significant number of cases, the entities filing criminal complaints are police officers of the Ministry of the Interior

with 31.67% of all filed criminal complaints, and injured parties, who filed criminal complaints in 24.22% of cases.

When it comes to entities filing criminal complaints, it is evident that there is another piece of information obtained from the conducted research that is attention-worthy. This is the fact that citizens and associations of citizens established for the purpose of environmental protection appear as entities filing criminal complaints for the group of criminal offences in question in a very small number of cases (only symbolically).

Table 53: Entities authorized to file criminal complaints in the territory of the Republic of Serbia

Entities filing criminal complaints	**Number**	**% in relation to the total number of criminal complaints**
Ministry of the Interior	51	31.67%
Injured party	39	24.22%
Provincial Secretariat for Urban Planning and Environmental Protection	1	0.62%
PE “National Park Fruška Gora”	2	1.24%
PE “Palić Ludaš”	1	0.62%
Citizens	2	1.24%
PE “Srbijašume” Belgrade	53	32.91%
Hunting Association “Niš”	1	0.62%
Hunting Association “Zelenika”	1	0.62%
Hunting Association “Porečje”	1	0.62%
Bird Protection and Study Society	1	0.62%
Ministry of Agriculture, Forestry and Water Management	7	4.34%
Civic Association “My City, My Street”	1	0.62%
Total	161	100%

Table 54: Entities authorized to file criminal complaints for the territory of the Appellate Public Prosecutor's Office in Novi Sad

Entities filing criminal complaints	**Number**	**% in relation to the total number of criminal complaints**
Ministry of the Interior	18	78.26%
Provincial Secretariat for Urban Planning and Environmental Protection	1	4.35%
PE “National Park Fruška Gora”	2	8.69%
PE “Palić Ludaš”	1	4.35%
Civic Association “My City, My Street”	1	4.35%
Total	23	100%

Table 55: Entities authorized to file criminal complaints for the territory of the Appellate Public Prosecutor's Office in Belgrade

Entities filing criminal complaints	Number	% in relation to the total number of criminal complaints
Ministry of the Interior	7	38.88%
Injured party	3	16.69%
PE "Srbijašume" Belgrade	7	38.88%
Bird Protection and Study Society	1	5.55%
Total	18	100%

Table 56: Entities authorized to file criminal complaints for the territory of the Appellate Public Prosecutor's Office in Kragujevac

Entities filing criminal complaints	Number	% in relation to the total number of criminal complaints
Ministry of the Interior	13	23.21%
Injured party	9	16.09%
Citizens	1	1.78%
PE "Srbijašume" Belgrade	30	53.57%
Ministry of Agriculture, Forestry and Water Management	3	5.35%
Total	56	100%

Table 57: Entities authorized to file criminal complaints for the territory of the Appellate Public Prosecutor's Office in Niš

Entities filing criminal complaints	Number	% in relation to the total number of criminal complaints
Ministry of the Interior	13	20.32%
Injured party	27	42.19%
Citizens	1	1.56%
PE "Srbijašume" Belgrade	16	25%
Hunting Association "Niš"	1	1.56%
Hunting Association "Zelenika"	1	1.56%
Hunting Association "Porečje"	1	1.56%
Ministry of Agriculture, Forestry and Water Management	4	6.25%
Total	64	100%

1.1.3. Filed criminal complaints and the evidence provided on the commission of the criminal offence and the perpetrator

Despite the fact that a criminal complaint is not evidence of the commission of a criminal offence but only one of the key documents for initiating

the necessary actions by the public prosecutor to establish the required level of suspicion regarding the commission of the criminal offence and the perpetrator, as well as to make an adequate decision based on the submitted criminal complaint, the legislator has, quite justifiably, prescribed that “the submitter of the criminal complaint shall relate details known to him/her and undertake other measures to preserve the traces of the criminal offence, objects on which or by means of which the criminal offence was committed, and other evidence” (Art. 280, para. 3 of the CPC). Having in mind the cited provision of the CPC and the types of entities that typically file criminal complaints for criminal offences against the environment, one of the issues examined in the research was the issue of the presented evidence on the commission of the criminal offence and the perpetrator by the entity filing the criminal complaint in the filed criminal complaint and its accompanying documentation. The results of the conducted research on this question indicate a substantial quantity and variety of evidence presented in and alongside the criminal complaint. Four of them are the most prevalent. These are: criminal complaint for forest-related offences, witness statement, official report on information received from citizens and record of unauthorized actions. Without listing other evidence that is submitted in and alongside the filed criminal complaint as evidence of the commission of the criminal offence and the perpetrator, the following question seems justified: is a significant number of the proposed pieces of evidence in accordance with Art. 280, para. 3 of the CPC, and why is some of the evidence that is considered crucial in such procedural situations missing from the proposed evidence? This is the case, for example, with the crime scene investigation. In view of this, it seems justified to advocate for the necessity of undertaking activities aimed at providing additional training for a certain number of entities on issues related to evidence collection and the writing of criminal complaints regarding the committed criminal offence and the perpetrator.

Evidence accompanying criminal complaint:

1. Official report on information received from citizens (7)
2. Witness statement (34)
3. Record of suspect interrogation (4)
4. Record of information received from citizens (4)
5. Record of entry into home and other premises (1)
6. Injured party statement (1)
7. Certificate of temporarily seized items (8)
8. Certificate of returned items (3)
9. Record of unauthorized action prepared by a forest guard (1)
10. Inspection reports with appendices (1)
11. Phototechnical documentation (7)
12. Forensic documentation (3)
13. Inheritance decision (1)
14. Criminal complaint for a forest-related offence (45)
15. Business Register Agency certificate (1)

16. Criminal record certificate (4)
17. Record of unauthorized action of the PE “Srbijašume” (6)
18. Notarized receipt copy (1)
19. Report on the inspection of hunting, hunting permits and hunting licenses for hunting grounds (1)
20. Official note from forest guard (1)
21. Risk assessment questionnaire (1)
22. Report from the veterinary station (2)
23. Decision designating the infected and endangered area (1)
24. Property ownership record (1)
25. Expert examination (3)

1.2. Decisions of the public prosecutor on filed criminal complaints

1.2.1. Criminal complaint dismissal (percentage and reasons for dismissal)[30]

One of the possible decisions of the public prosecutor after receiving a criminal complaint is its dismissal. According to Art. 284, para. 1, items 1-3 of the CPC, the public prosecutor will dismiss a criminal complaint in three cases. They will do so if it proceeds from the complaint that: the reported offence is not a criminal offence which is prosecutable ex officio; the statute of limitations has expired, or the offence is encompassed by an amnesty or a pardon, or there exist other circumstances which permanently exclude prosecution; there are no grounds for suspicion that a criminal offence which is prosecutable ex officio has been committed. Having in mind the fact that, as a rule, the dismissal of a criminal complaint effectively concludes the criminal case in question[31], one of the subsequent questions of the conducted research pertains to the issue of dismissal of submitted criminal complaints (their percentage relative to the total number of submitted criminal complaints and the reasons for their dismissal). The conducted research yielded three key results regarding this question.

First, with the exception of the criminal offence of Forest Theft, there is an extremely high percentage of dismissed criminal complaints. For example, observed for the Republic of Serbia as a whole in 2020, all criminal complaints filed for five criminal offences were dismissed. Or, for the criminal offence of Killing and Wanton Molesting to Animals, as the second criminal offence observed from the perspective of the total number of filed criminal complaints for

[30] The data on dismissal of criminal complaints shown in the attached tables and charts do not include cases of dismissal of criminal complaints under para. 3, Art. 284 of the CPC.

[31] The exception are cases when the immediately superior public prosecutor, based on the objection of the injured party, issued a mandatory instruction to the competent public prosecutor to initiate criminal prosecution (Art. 284, para. 2 in relation to Art. 51, paras. 1, 2 and 3 of the CPC).

criminal offences against the environment, we can also see a high percentage of dismissal of filed criminal complaints. Thus, in 2020 in the Republic of Serbia, 78.69% of all filed criminal complaints for this criminal offence were dismissed.

Second, observed from the aspect of the grounds on which the criminal complaint was dismissed, in the first place is the dismissal of the criminal complaint according to item 3, para. 1, Art. 284 of the CPC (lack of grounds for suspicion that a criminal offence prosecutable ex officio has been committed). In some of the analysed years, 74.35% of all filed criminal complaints were dismissed on these grounds. Such a high percentage of the dismissal of criminal complaints on these grounds is the result, according to the researchers, of the previously stated fact of the inadequacy of the collected evidence on the reported criminal offence and the perpetrator, which is another indicator of the necessity of undertaking actions with the aim of additional training of a certain number of entities on issues related to collecting evidence and writing criminal complaints regarding the committed criminal offence and the perpetrator.

Third, despite the fact that all eighteen criminal offences against the environment fall under criminal offences prosecutable ex officio, there is a significant percentage of dismissal of filed criminal complaints according to the item 1, para. 1, Art. 284 of the CPC (the reported offence it is not a criminal offence prosecutable ex officio). In some years, at some basic public prosecutor's offices, the percentage of dismissal of filed criminal complaints on these grounds is 15.55%.

Tables 58-60: Criminal offences against the environment and dismissed criminal complaints in the Republic of Serbia[32]

2020		
Type of criminal offence	Dismissed criminal complaints	% in relation to the number of criminal complaints for the specified criminal offence
Environmental Pollution (Art. 260)	16	80.00%
Failure to undertake Environmental Protection Measure (Art. 261)	6	100%
Illegal Construction and Operation of Facilities and Installations Polluting the Environment	1	100%
Damaging the Environment	11	45.45%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset	2	18.18%

[32] Data of the Statistical Office of the Republic of Serbia.

Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances	3	30.00%
Violation of the Right to be Informed on the State of the Environment	17	100%
Killing and Wanton Molesting to Animals	96	78.69%
Transmitting of Contagious Animal and Plant Diseases	1	100%
Producing Harmful Products for Treating Animals	1	100%
Pollution of Livestock Fodder and Water	27	100%
Devastation of Forests	61	23.47%
Forest Theft	63	3.61%
Poaching Game	9	10.59%
Poaching Fish	16	80.00%

2021		
Type of criminal offence	Dismissed criminal complaints	% in relation to the number of criminal complaints for the specified criminal offence
Environmental Pollution (Art. 260)	9	64.29
Failure to undertake Environmental Protection Measure (Art. 261)	4	100
Damaging the Environment	2	33.33
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset	2	50.00
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances	1	14.29
Violation of the Right to be Informed on the State of the Environment	24	96.00
Killing and Wanton Molesting to Animals	89	38.53

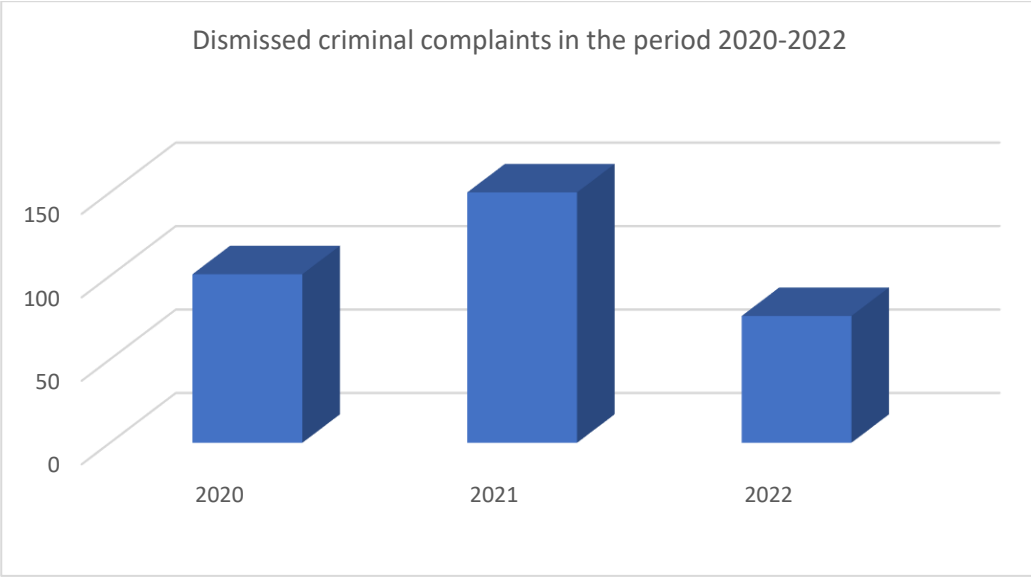
Transmitting of Contagious Animal and Plant Diseases	8	66.67
Malpractice in Veterinary Services	3	100
Devastation of Forests	18	54.55
Forest Theft	574	36.72
Poaching Game	57	61.29
Poaching Fish	5	35.71

2022		
Type of criminal offence	Dismissed criminal complaints	% in relation to the number of criminal complaints for the specified criminal offence
Environmental Pollution (Art. 260)	16	80.00
Failure to undertake Environmental Protection Measure (Art. 261)	6	85.71
Illegal Construction and Operation of Facilities and Installations Polluting the Environment	1	50
Damaging the Environment (Art. 264)	11	68.75
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset	2	50
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances	3	42.86
Violation of the Right to be Informed on the State of the Environment	17	85.00
Killing and Wanton Molesting to Animals	96	45.71
Transmitting of Contagious Animal and Plant Diseases	1	50
Pollution of Livestock Fodder and Water	1	25
Devastation of Forests	27	54.00
Forest Theft	489	34.46
Poaching Game	63	64.95

Poaching Fish	9	50

Table 61: Total dismissed criminal complaints in the area of the Appellate Public Prosecutor's Office in Novi Sad

Year	**Dismissed criminal complaints**
2020	101
2021	158
2022	88
Total	347



Tables 62-64: Total dismissed criminal complaints in the area of the Appellate Public Prosecutor's Office in Novi Sad for individual criminal offences

2020		
Criminal offence	Dismissed	% in relation to the total number of criminal complaints for the specific criminal offence
Environmental Pollution (Art. 260)	5	100%
Failure to undertake Environmental Protection Measure (Art. 261)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	30	48.38%
Malpractice in Veterinary Services (Art. 271)	1	100%

Devastation of Forests (Art. 274)	1	33.33%
Forest Theft (Art. 275)	48	38.09%
Poaching Game (Art. 276)	7	46.66%
Poaching Fish (Art. 277)	8	53.33%

2021		
Type of criminal offence	Dismissed	% in relation to the total number of criminal complaints for the specific criminal offence
Environmental Pollution (Art. 260)	7	100%
Damaging the Environment (Art. 264)	2	100%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	100%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	50	86.20%
Killing and Wanton Molesting to Animals (Art. 269)	24	58.53%
Forest Theft (Art. 275)	50	39.37%
Poaching Game (Art. 276)	19	82.60%
Poaching Fish (Art. 277)	5	62.50%

2022		
Type of criminal offence	Dismissed	% in relation to the total number of criminal complaints
Environmental Pollution (Art. 260)	1	33.33%
Failure to undertake Environmental Protection Measure (Art. 261)	4	44.44%

Damaging the Environment (Art. 264)	2	66.66%
Killing and Wanton Molesting to Animals (Art. 269)	19	54.28%
Devastation of Forests (Art. 274)	1	50%
Forest Theft (Art. 275)	53	30.11%
Poaching Game (Art. 276)	7	53.84%
Poaching Fish (Art. 277)	1	10%

Table 65: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Novi Sad

Year	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints**
2020	6	42.44%
2021	16	52.63%
2022	16	26.21%
Total	38	41.24%

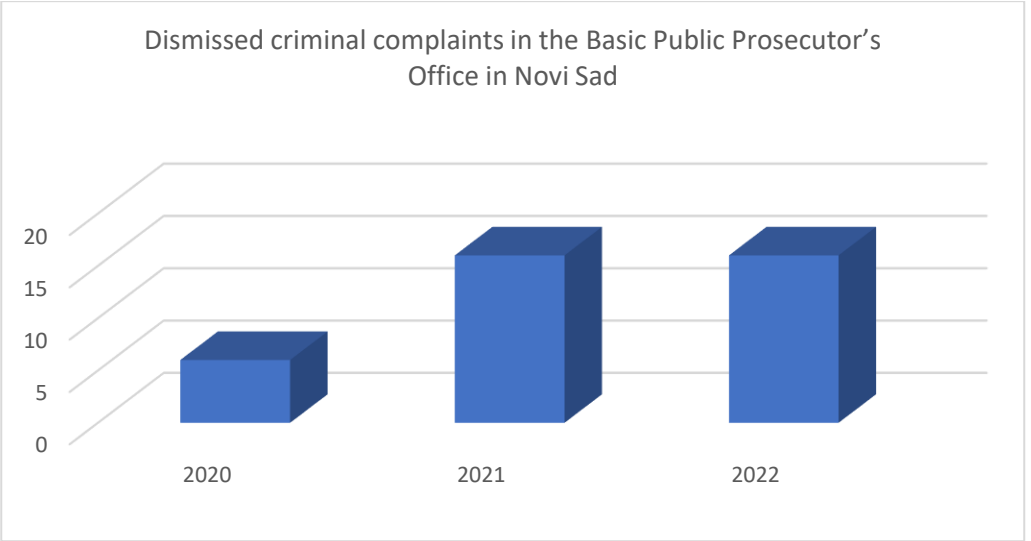
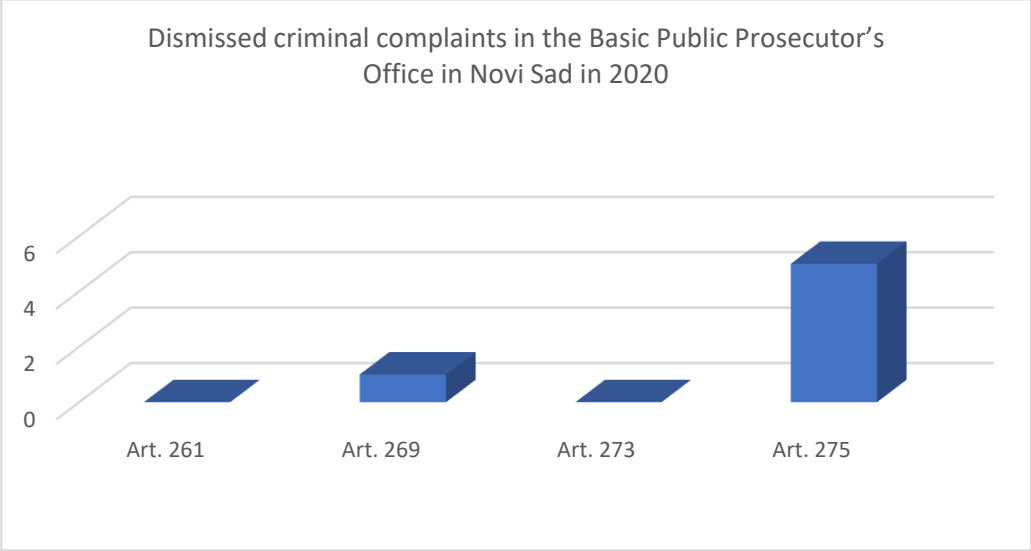


Table 66: Criminal complaint dismissal

Dismissed pursuant to Article	%
Article 283, paragraph 3	17.94%
Article 284, paragraph 1, item 1	7.69%
Article 284, paragraph 1, item 3	74.35%

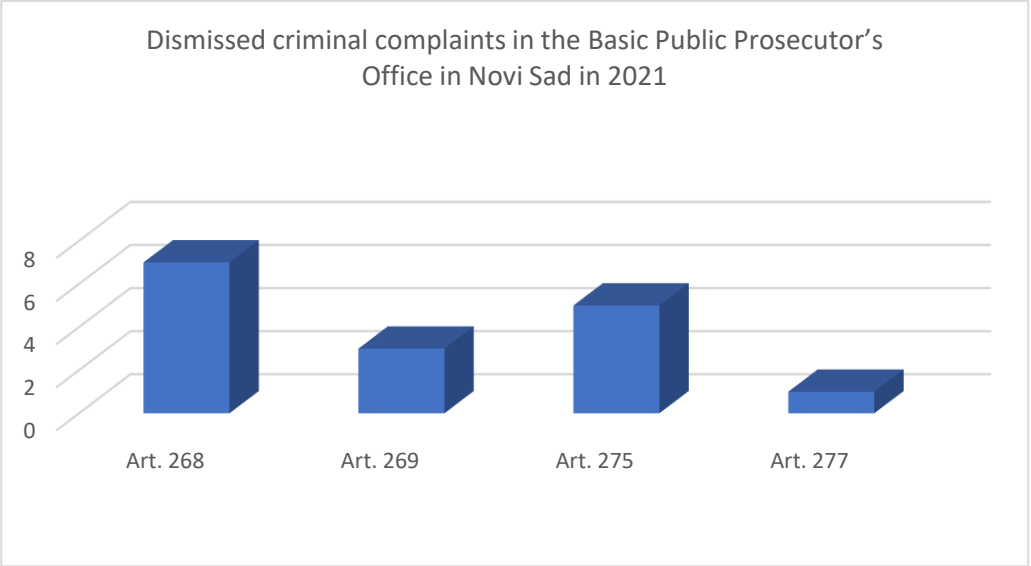
Tables 68-70: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Novi Sad for individual criminal offences

2020		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	1	33.33%
Forest Theft (Art. 275)	5	62.50%
Total	6	**46.15%**

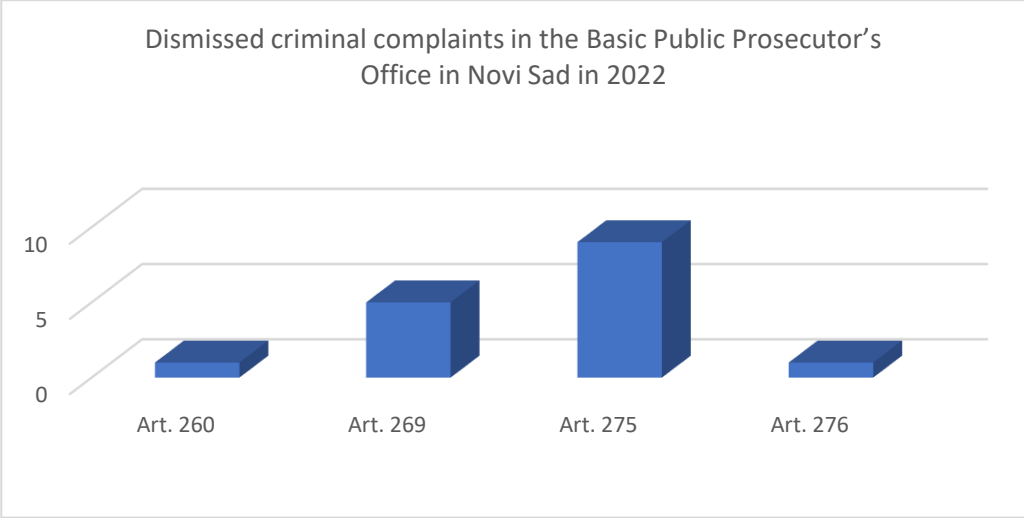


2021		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Violation of the Right to be Informed on the State of the Environment (Art. 268)	7	100%
Killing and Wanton Molesting to Animals (Art. 269)	3	37.50%
Forest Theft (Art. 275)	5	50%

Poaching Fish (Art. 277)	1	100%
Total	16	**61.54%**



2022		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Environmental Pollution (Art. 260)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	5	62.50%
Forest Theft (Art. 275)	9	52.94%
Poaching Game (Art. 276)	1	100%
Total	16	**59.26%**



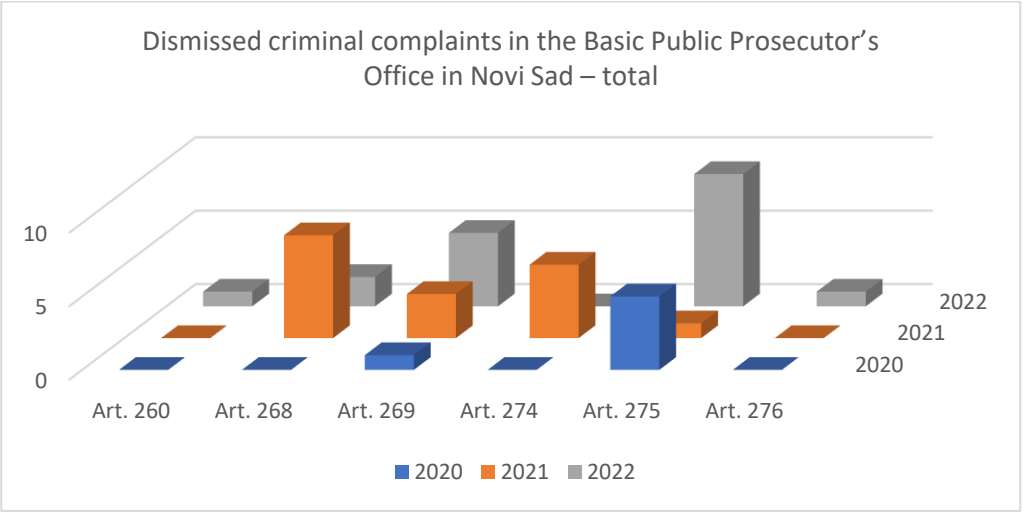


Table 71: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Subotica

Year	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints filed to the Basic Public Prosecutor's Office in Subotica**
2020	6	42.87%
2021	1	75%
2022	2	11.76%
Total	28	**50.91%**

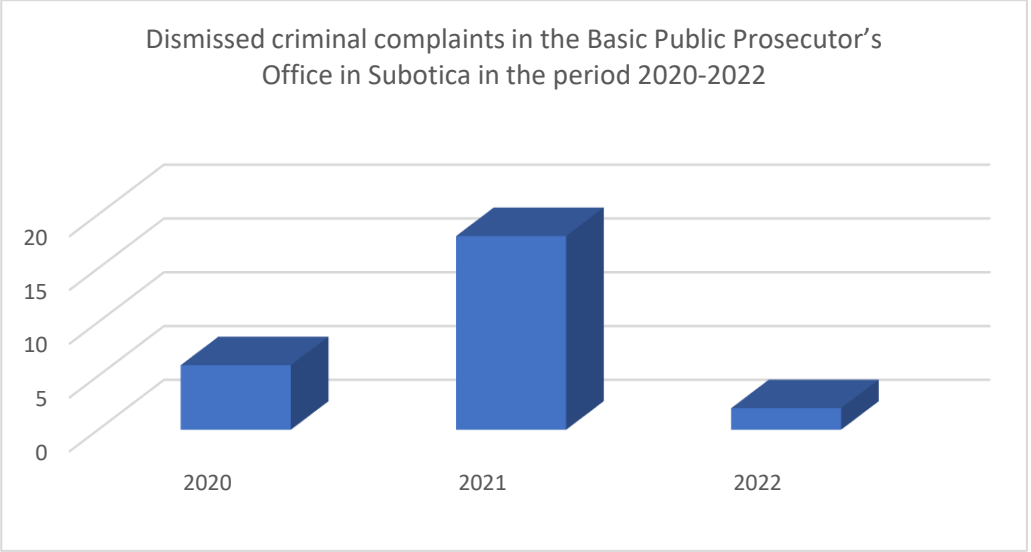
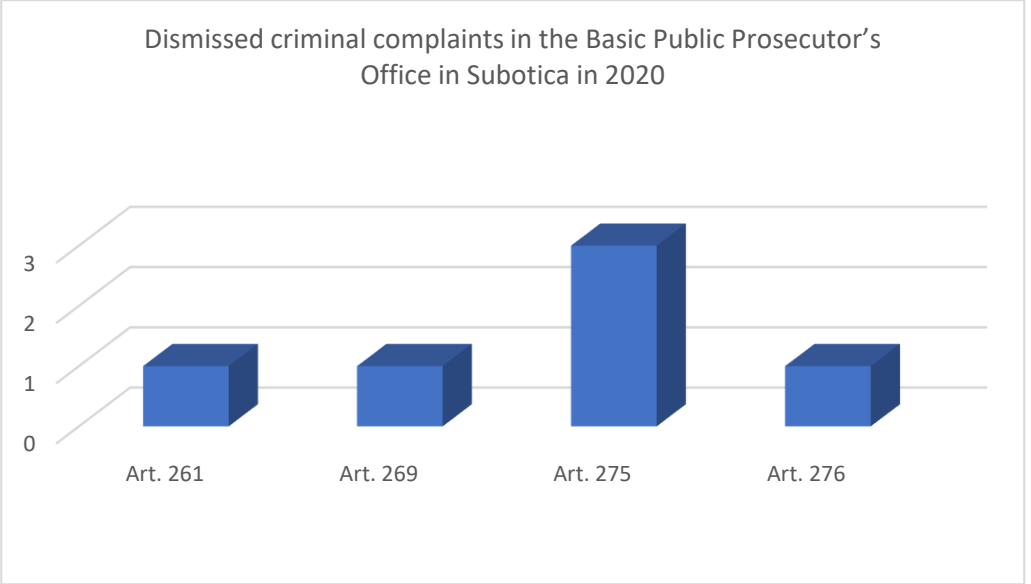


Table 72: Criminal complaint dismissal

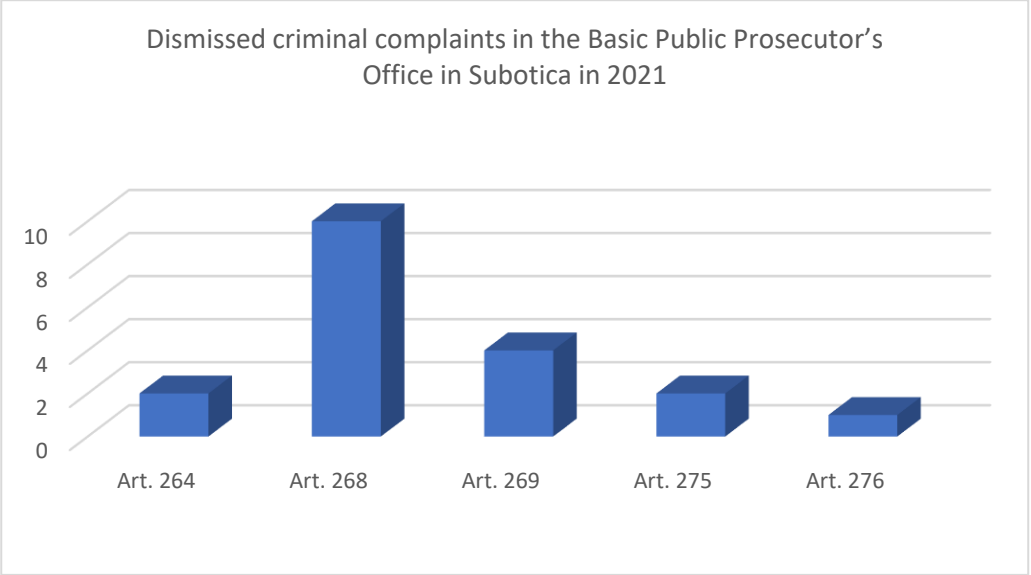
Dismissed pursuant to Article	%
Article 283, paragraph 3	40.62%
Article 284, paragraph 1, item 3	59.38%

Tables 73-75: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Subotica for individual criminal offences

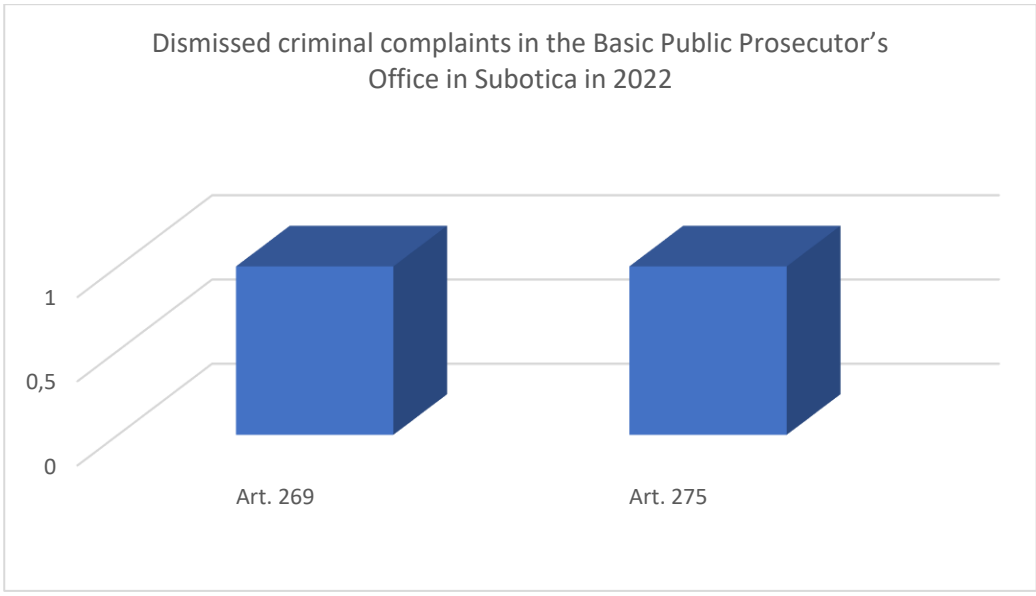
2020		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Failure to undertake Environmental Protection Measure (Art. 261)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	1	25%
Forest Theft (Art. 275)	3	37.50%
Poaching Game (Art. 276)	1	100%
Total	6	**42.86%**



2021		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Damaging the Environment (Art. 264)	2	100%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	10	100%
Killing and Wanton Molesting to Animals (Art. 269)	4	66.67%
Forest Theft (Art. 275)	2	33.33%
Poaching Game (Art. 276)	1	100%
Total	18	**75.00%**



2022		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	1	25%
Forest Theft (Art. 275)	1	12.50%
Poaching Game (Art. 276)	/	0%
Total	2	**11.76%**


Dismissed criminal complaints in the Basic Public Prosecutor's Office in Subotica in 2022
1
0,5
0
Art. 269
Art. 275

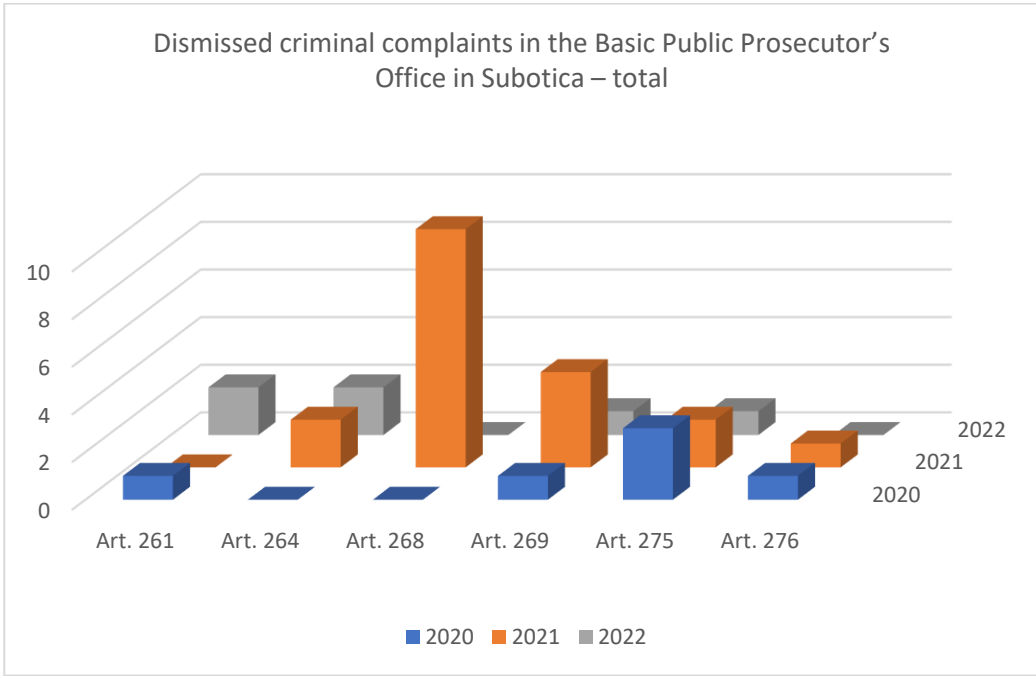

Dismissed criminal complaints in the Basic Public Prosecutor's Office in Subotica – total
10
8
6
4
2
0
Art. 261
Art. 264
Art. 268
Art. 269
Art. 275
Art. 276
2022
2021
2020
2020
2021
2022

Table 76: Total dismissed criminal complaints in the territory of the Appellate Public Prosecutor's Office in Belgrade

Year	**Dismissed criminal complaints**
2020	41
2021	50
2022	77
Total	168

Tables 77-79: Criminal complaint dismissal for individual criminal offences

2020		
Criminal offence	Dismissed	% in relation to the total number of criminal complaints for the specific criminal offence
Environmental Pollution (Art. 260)	1	100%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	33.33%
Killing and Wanton Molesting to Animals (Art. 269)	15	57.69%
Devastation of Forests (Art. 274)	4	80%
Forest Theft (Art. 275)	16	17.58%
Poaching Fish (Art. 277)	2	28.57%

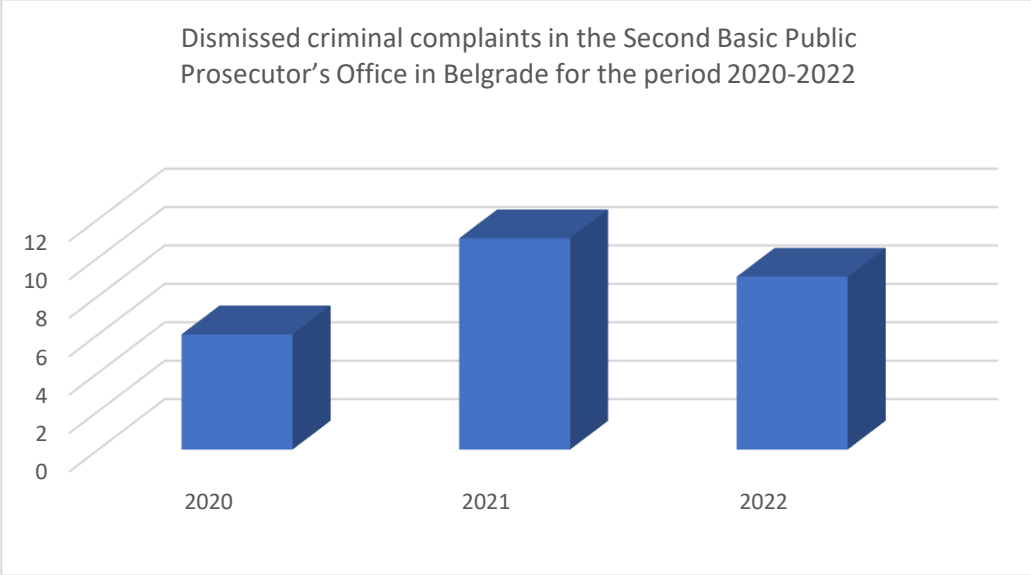
2021		
Type of criminal offence	Dismissed	% in relation to the total number of criminal complaints for the specific criminal offence
Environmental Pollution (Art. 260)	1	20%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	20%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	3	21.42%

Killing and Wanton Molesting to Animals (Art. 269)	11	37.93%
Pollution of Livestock Fodder and Water (Art. 273)	1	100%
Devastation of Forests (Art. 274)	2	100%
Forest Theft (Art. 275)	27	36.48%
Poaching Game (Art. 276)	2	33.33%
Poaching Fish (Art. 277)	2	28.57%

2022		
Type of criminal offence	Dismissed	% in relation to the total number of criminal complaints
Environmental Pollution (Art. 260)	1	20%
Failure to undertake Environmental Protection Measure (Art. 261)	1	100%
Damaging the Environment (Art. 264)	2	100%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	4	44.44%
Killing and Wanton Molesting to Animals (Art. 269)	8	38.09%
Pollution of Livestock Fodder and Water (Art. 273)	1	100%
Devastation of Forests (Art. 274)	3	33.33%
Forest Theft (Art. 275)	43	41.74%
Poaching Game (Art. 276)	10	83.33%
Poaching Fish (Art. 277)	4	66.66%

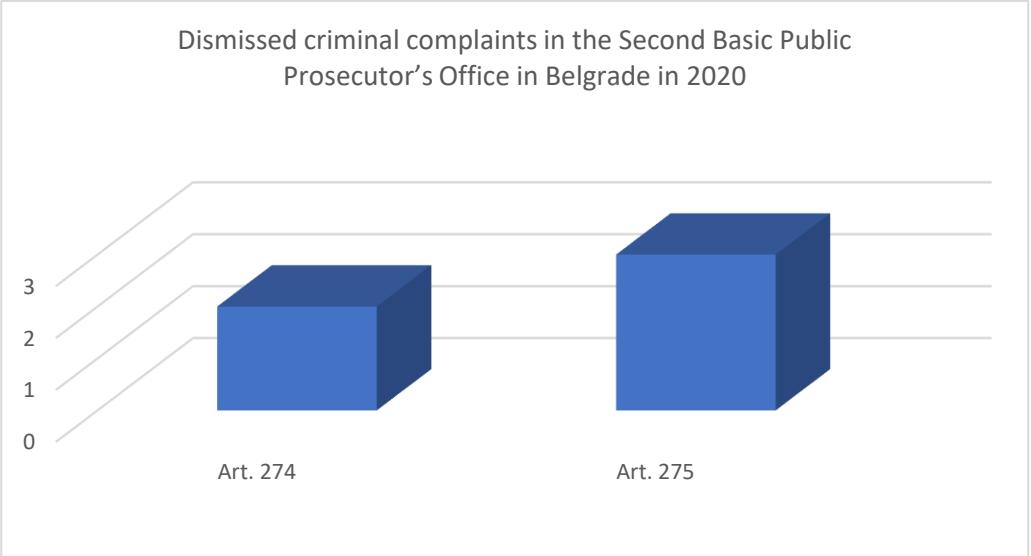
Table 80: Dismissed criminal complaints in the Second Basic Public Prosecutor's Office in Belgrade

Year	Dismissed criminal complaints	% in relation to the number of criminal complaints filed to the Second Basic Public Prosecutor's Office in Belgrade
2020	6	60%
2021	11	78.57%
2022	9	81.82%
Total	26	**74.29%**

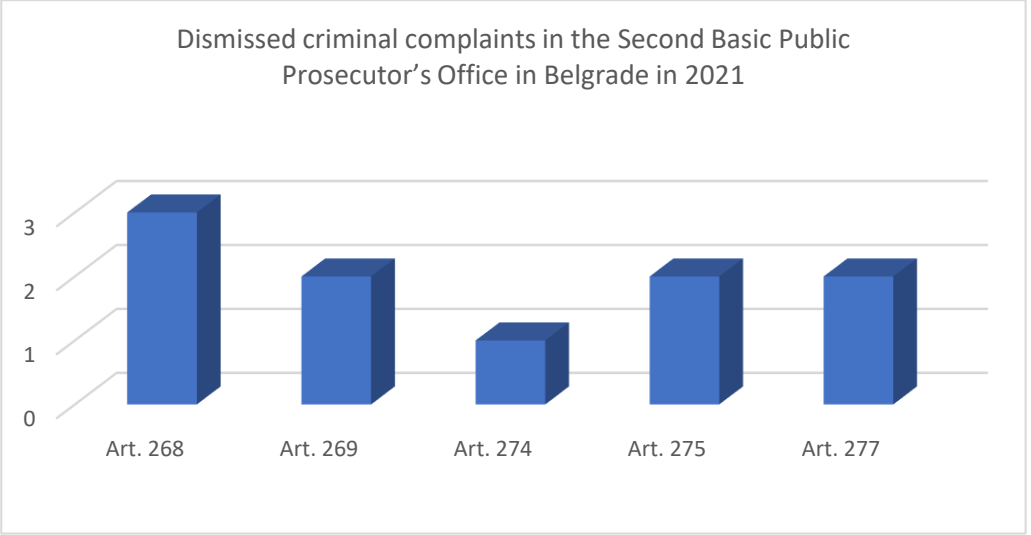


Tables 81-83: Dismissed criminal complaints in the Second Basic Public Prosecutor's Office in Belgrade for individual criminal offences

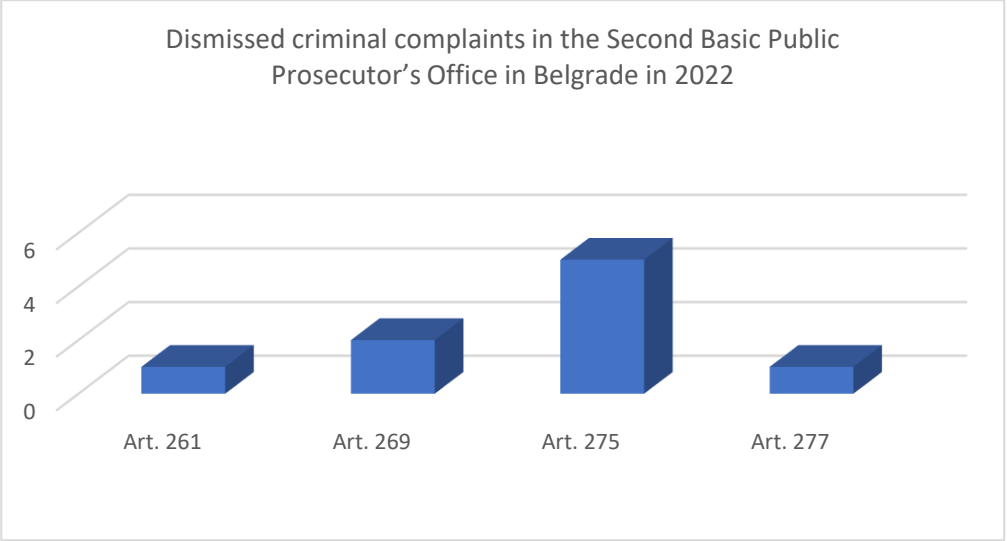
2020		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	/	/
Devastation of Forests (Art. 274)	2	100%
Forest Theft (Art. 275)	3	50%
Total	5	**100%**



2021		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Violation of the Right to be Informed on the State of the Environment (Art. 268)	2	100%
Killing and Wanton Molesting to Animals (Art. 269)	3	60.00%
Devastation of Forests (Art. 274)	1	100%
Forest Theft (Art. 275)	2	50%
Poaching Fish (Art. 277)	2	100%
Total	10	**71.43%**



2022		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Failure to undertake Environmental Protection Measure (Art. 261)	1	1%
Killing and Wanton Molesting to Animals (Art. 269)	2	66.67%
Forest Theft (Art. 275)	5	83.33%
Poaching Fish (Art. 277)	1	100%
Total	9	**81.82%**



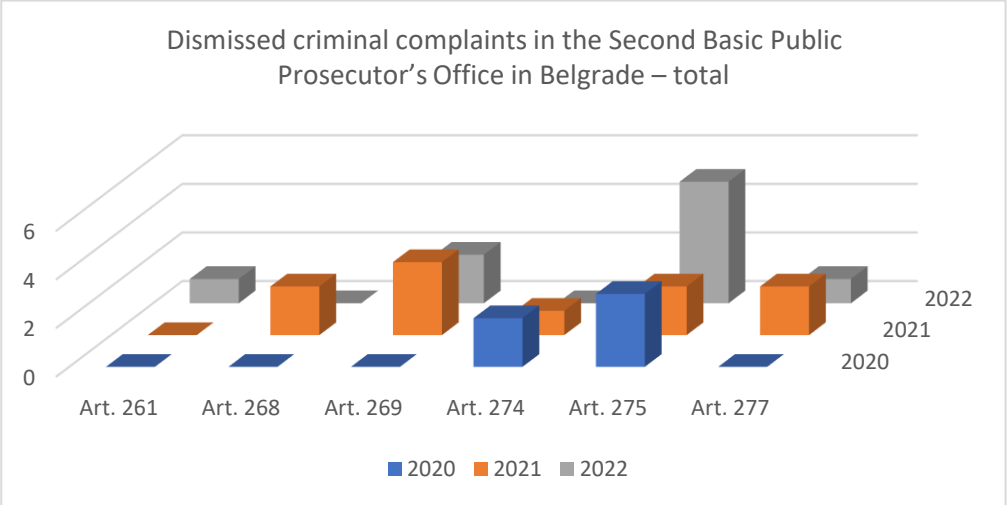
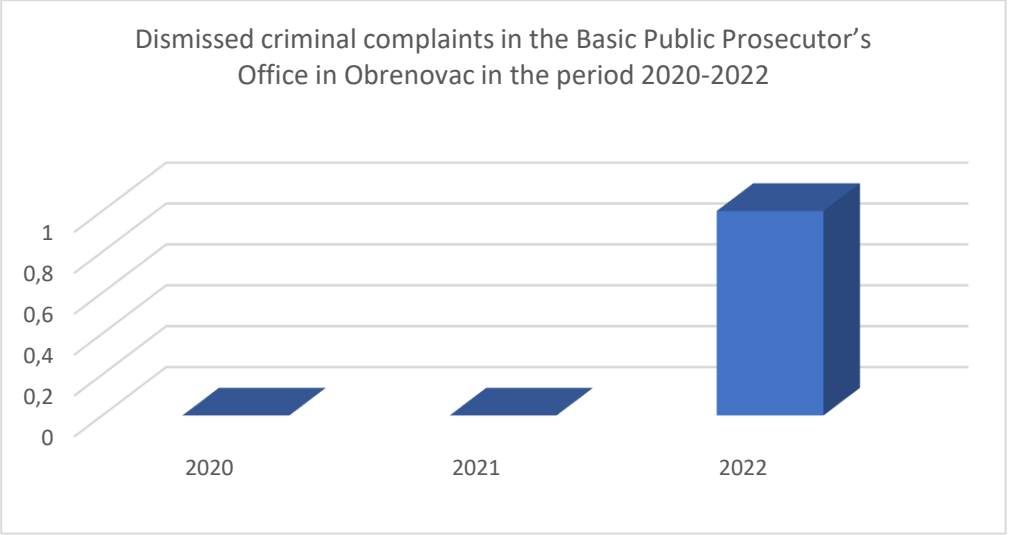


Table 84: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Obrenovac

Year	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints filed to the Basic Public Prosecutor's Office in Obrenovac**
2020	/	/
2021	/	/
2022	1	16.67%
Total	1	**5.56%**



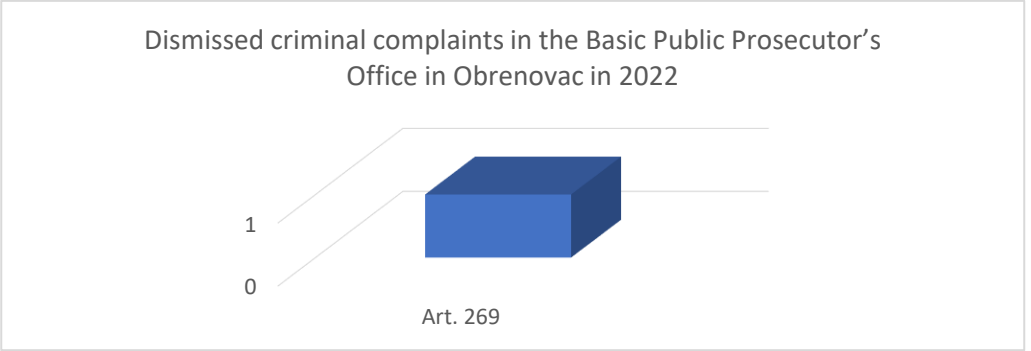
Tables 85-87: **Dismissed criminal complaints in the Basic Public Prosecutor's Office in Obrenovac for individual criminal offences**

2020		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	/	/
Killing and Wanton Molesting to Animals (Art. 269)	/	/
Forest Theft (Art. 275)	/	/
Poaching Game (Art. 276)	/	/
Total	/	**/**

2021		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Forest Theft (Art. 275)	/	/

Total	/	**/**

2022		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	1	100%
Forest Theft (Art. 275)	/	/
Poaching Game (Art. 276)	/	/
Total	1	**16.67%**



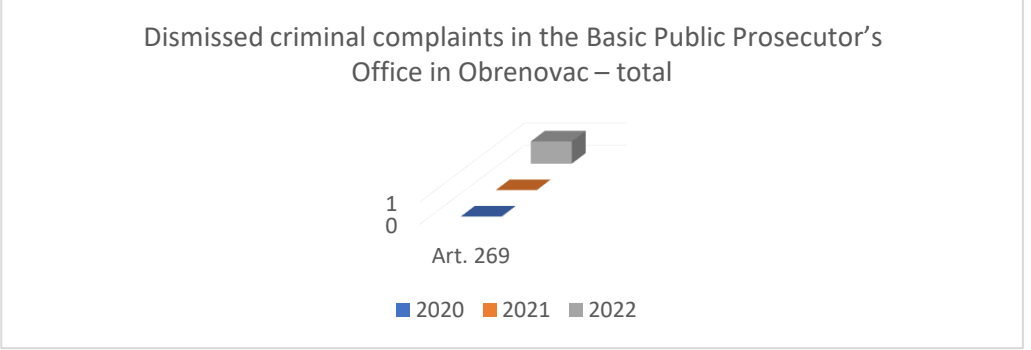


Table 88: Dismissed criminal complaints in the territory of the Appellate Public Prosecutor's Office in Kragujevac

Year	**Dismissed criminal complaints**
2020	269
2021	373
2022	310
Total	952

Tables 89-91: Criminal complaint dismissal for individual criminal offences

2020		
Criminal offence	Dismissed	% in relation to the total number of criminal complaints
Environmental Pollution (Art. 260)	8	100%
Failure to undertake Environmental Protection Measure (Art. 261)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	24	82.75%
Devastation of Forests (Art. 274)	16	51.61%
Forest Theft (Art. 275)	193	49.10%
Poaching Game (Art. 276)	19	86.36%
Poaching Fish (Art. 277)	4	80%

2021		
Type of criminal offence	Dismissed	% in relation to the total number of criminal complaints
Environmental Pollution (Art. 260)	3	42.85%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	100%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	9	75%
Killing and Wanton Molesting to Animals (Art. 269)	26	61.90%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	8	47.05%

Devastation of Forests (Art. 274)	17	85%
Forest Theft (Art. 275)	272	86.62%
Poaching Game (Art. 276)	20	80%
Poaching Fish (Art. 277)	12	100%

2022		
Type of criminal offence	Dismissed	% in relation to the total number of criminal complaints for the specific criminal offence
Environmental Pollution (Art. 260)	6	100%
Failure to undertake Environmental Protection Measure (Art. 261)	3	100%
Damaging the Environment (Art. 264)	7	77.77%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	1	8.33%
Killing and Wanton Molesting to Animals (Art. 269)	25	59.52%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	4	23.52%
Devastation of Forests (Art. 274)	21	80.76%
Forest Theft (Art. 275)	223	58.99%
Poaching Game (Art. 276)	19	100%
Poaching Fish (Art. 277)	1	33.33%

Table 92: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Kragujevac

Year	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints filed to the Basic Public Prosecutor's Office in Kragujevac**
2020	14	45.16%
2021	21	55.26%

2022	26	63.41%
Total	61	**55.45%**

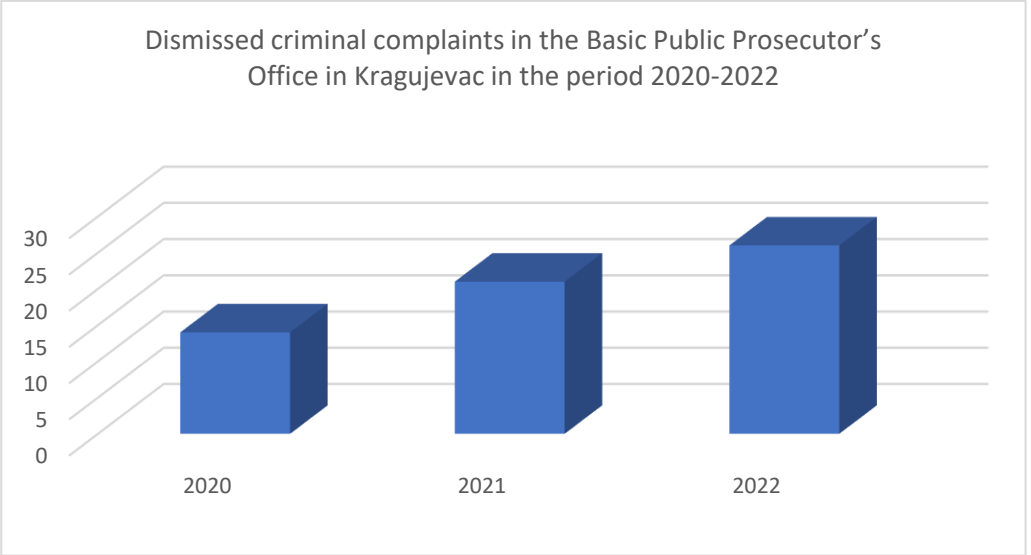
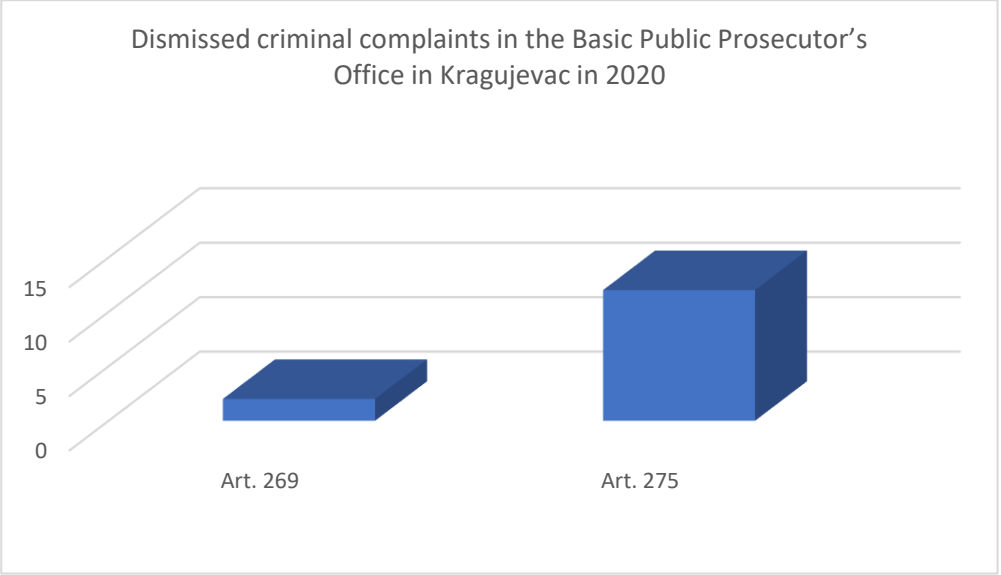


Table 93: Criminal complaint dismissal

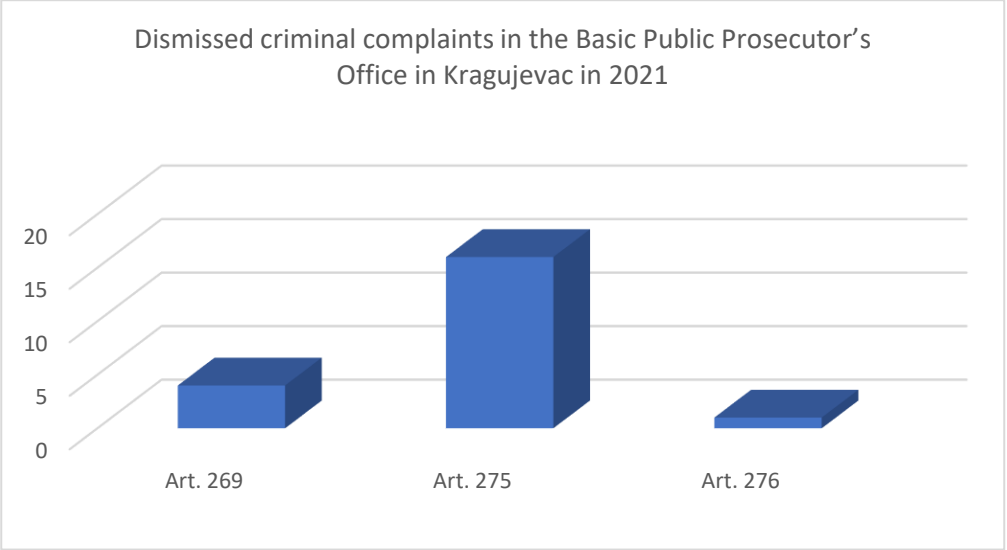
Dismissed pursuant to Article	%
Article 283, paragraph 3	30%
Article 284, paragraph 1, item 1	15.55%
Article 284, paragraph 1, item 3	55.45%

Tables 94-96: Dismissed criminal complaints for individual criminal offences in the Basic Public Prosecutor's Office in Kragujevac

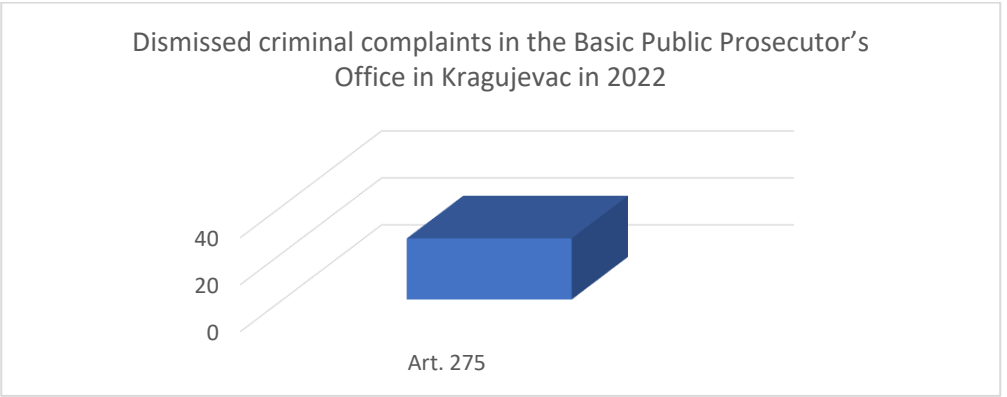
2020		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	2 (33.33%)	33.33%
Forest Theft (Art. 275)	12 (48%)	48%



2021		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	4 (57.14%)	57.14%
Forest Theft (Art. 275)	16 (52.33%)	52.33%
Poaching Game (Art. 276)	1 (100%)	100%



2022		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	/	/
Forest Theft (Art. 275)	26 (68.42%)	68.42%



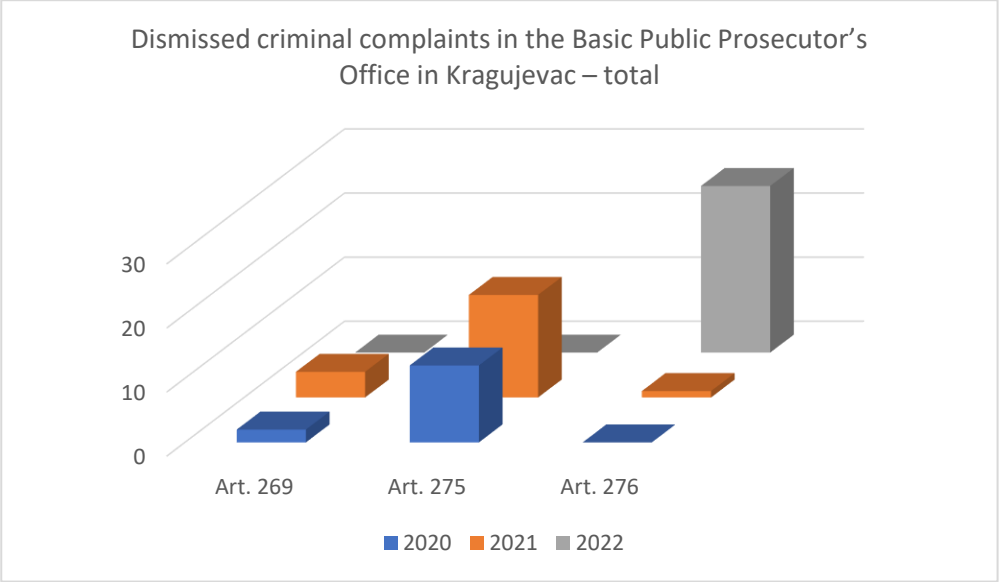


Table 97: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Novi Pazar

Year	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints filed to the Basic Public Prosecutor's Office in Novi Pazar**
2020	5	9.26%
2021	15	23.08%
2022	9	15.00%
Total	29	**16.20%**

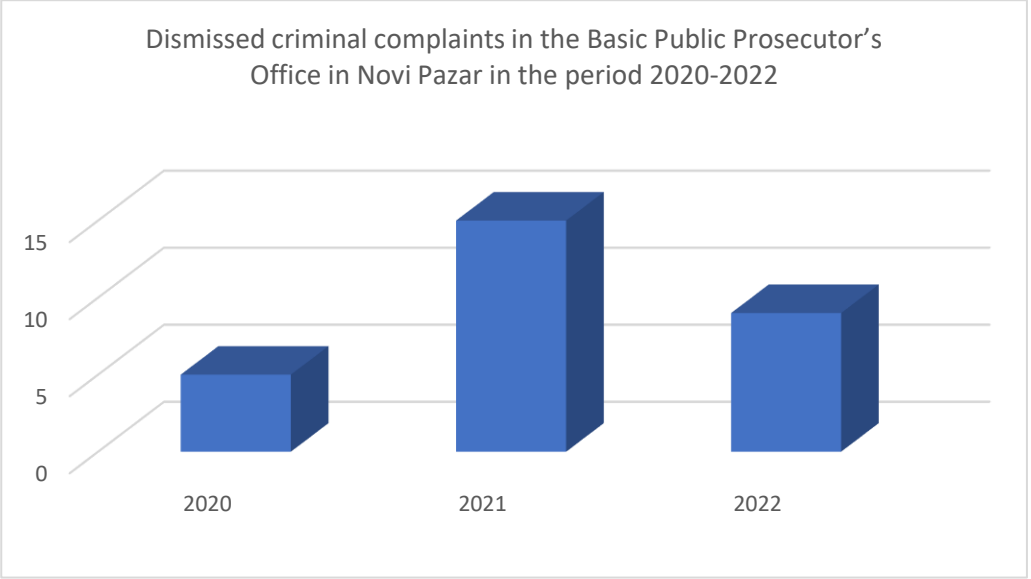
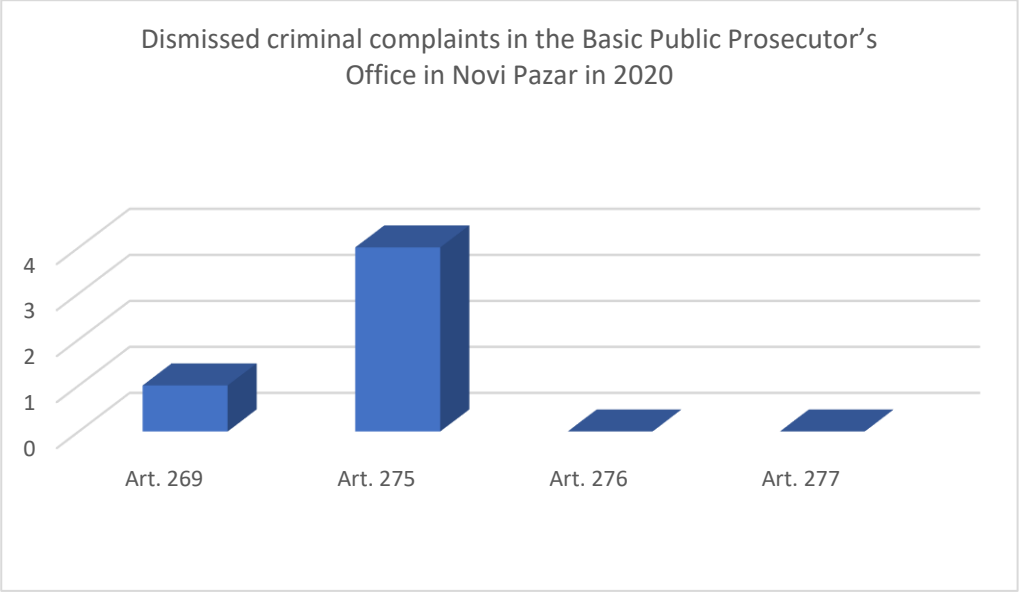


Table 98: Criminal complaint dismissal

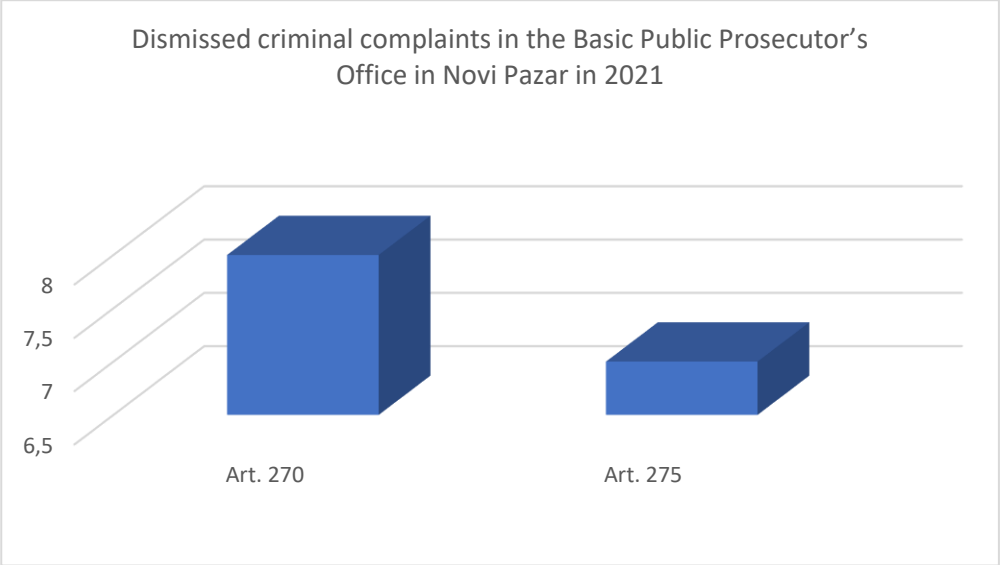
Dismissed pursuant to Article	%
Article 283, paragraph 3	63.64%
Article 284, paragraph 1, item 3	36.36%

Tables 99-101: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Novi Pazar for individual criminal offences

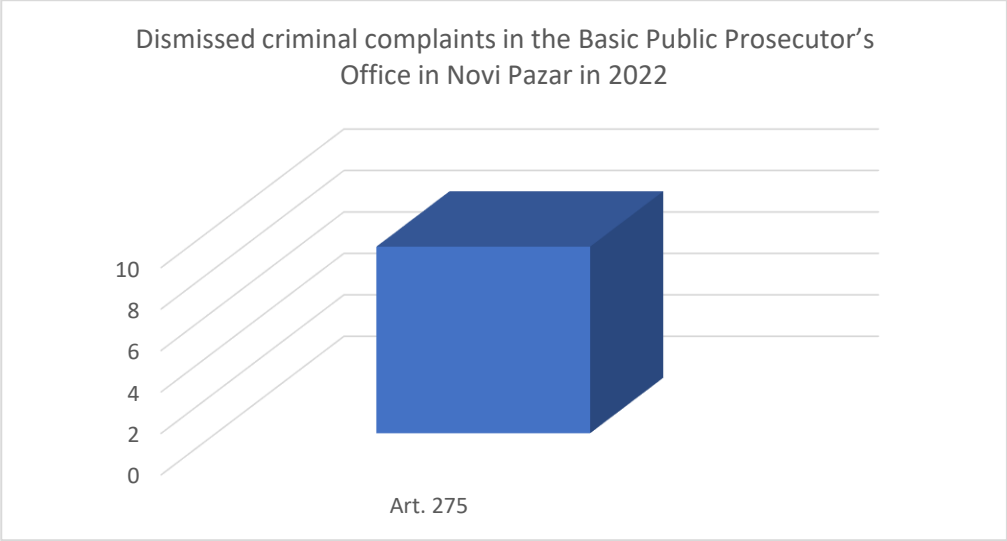
2020		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	1	100%
Forest Theft (Art. 275)	4	7.84%
Poaching Game (Art. 276)	/	/
Poaching Fish (Art. 277)	/	/
Total	5	**9.26%**



2021		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Failure to undertake Environmental Protection Measure (Art. 261)	/	/
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	8	47.06%
Forest Theft (Art. 275)	7	15.56%
Total	15	**23.08%**



2022		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Environmental Pollution (Art. 260)	/	/
Forest Theft (Art. 275)	9	16.36%
Total	9	**15.00%**



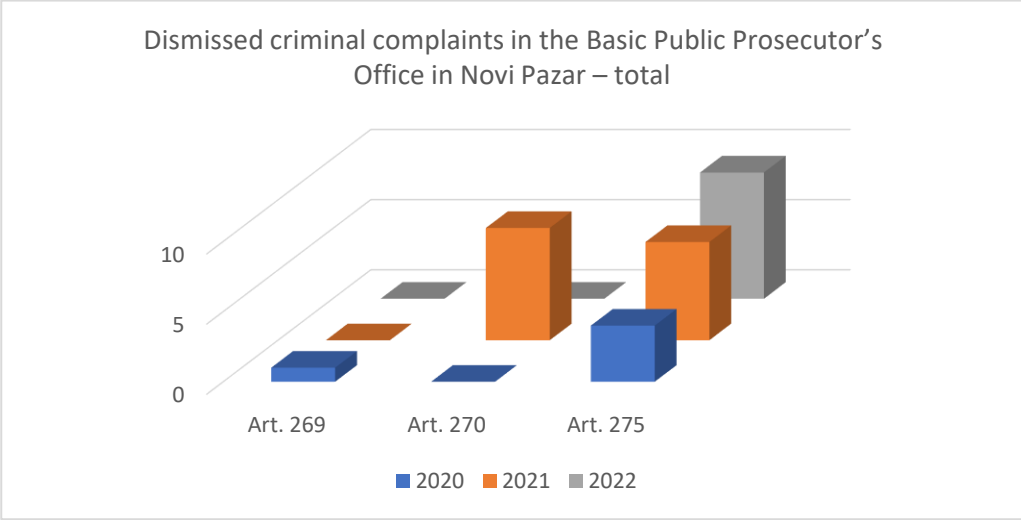


Table 102: Dismissed criminal complaints in the territory of the Appellate Public Prosecutor's Office in Niš

Year	Dismissed criminal complaints
2020	**197**
2021	**198**
2022	**206**
Total	**601**

Tables: 103-105: Dismissed criminal complaints for individual criminal offences

2020		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of filed criminal complaints for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	7	58.33%
Devastation of Forests (Art. 274)	1	11.11%
Forest Theft (Art. 275)	183	59.60%
Poaching Game (Art. 276)	5	27.77%
Poaching Fish (Art. 277)	1	100%

2021		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of filed criminal complaints**
Failure to undertake Environmental Protection Measure (Art. 261)	1	100%
Damaging the Environment (Art. 264)	2	100%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	4	100%
Killing and Wanton Molesting to Animals (Art. 269)	32	68.08%
Devastation of Forests (Art. 274)	5	62.50%
Forest Theft (Art. 275)	146	65.76%
Poaching Game (Art. 276)	12	80%

2022		
Criminal offence	**Dismissed criminal complaints**	**%**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	5	18.51%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	7	36.84%
Devastation of Forests (Art. 274)	2	100%
Forest Theft (Art. 275)	175	64.10%
Poaching Game (Art. 276)	15	34.88%
Poaching Fish (Art. 277)	1	100%
Total	206	62.23%

Table 106: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Niš

Year	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints filed to the Basic Public Prosecutor's Office in Niš**
2020	17	35.42%
2021	13	40.63%
2022	24	25.00%
Total	54	**30.68%**

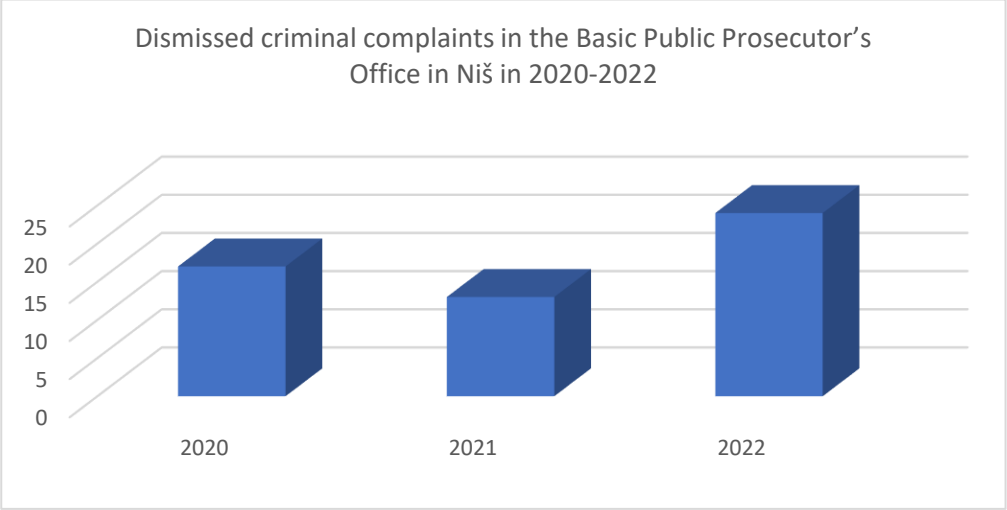
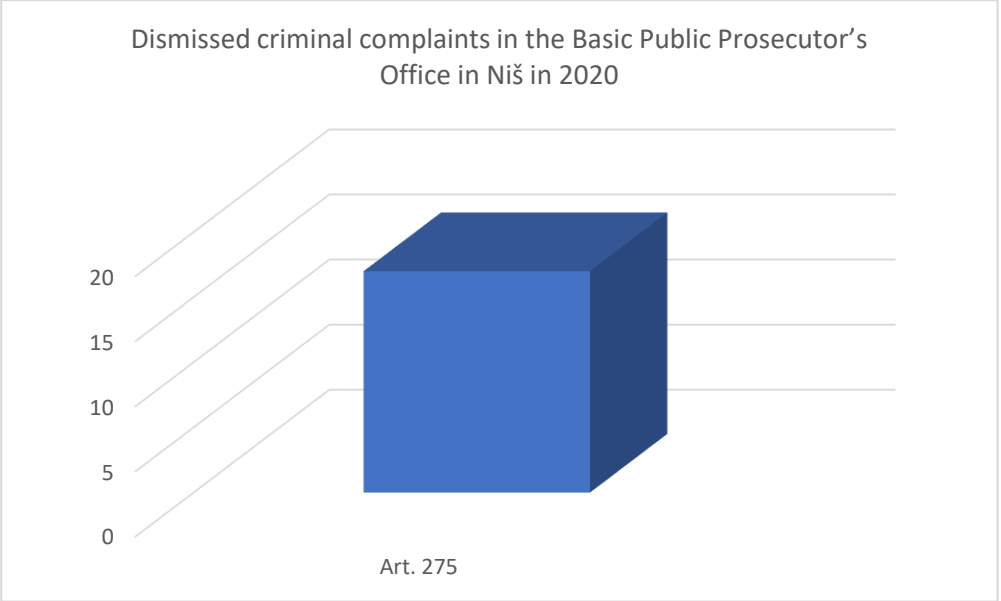


Table 107: Criminal complaint dismissal

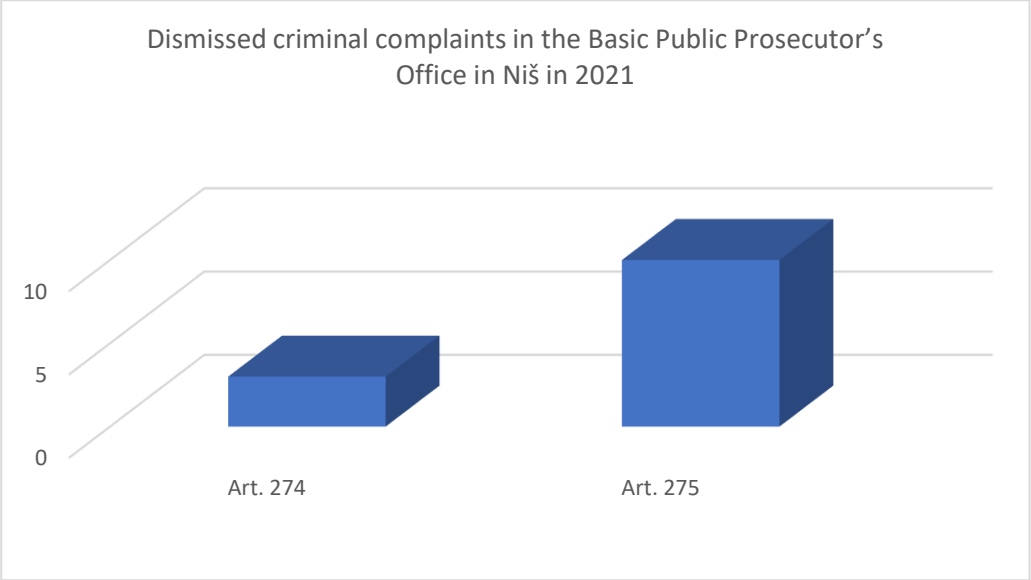
Dismissed pursuant to Article	%
Article 283, paragraph 3	29.26%
Article 284, paragraph 1, item 1	14.63%
Article 284, paragraph 1, item 2	2.43%
Article 284, paragraph 1, item 3	53.65%

Tables 108-110: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Niš for individual criminal offences

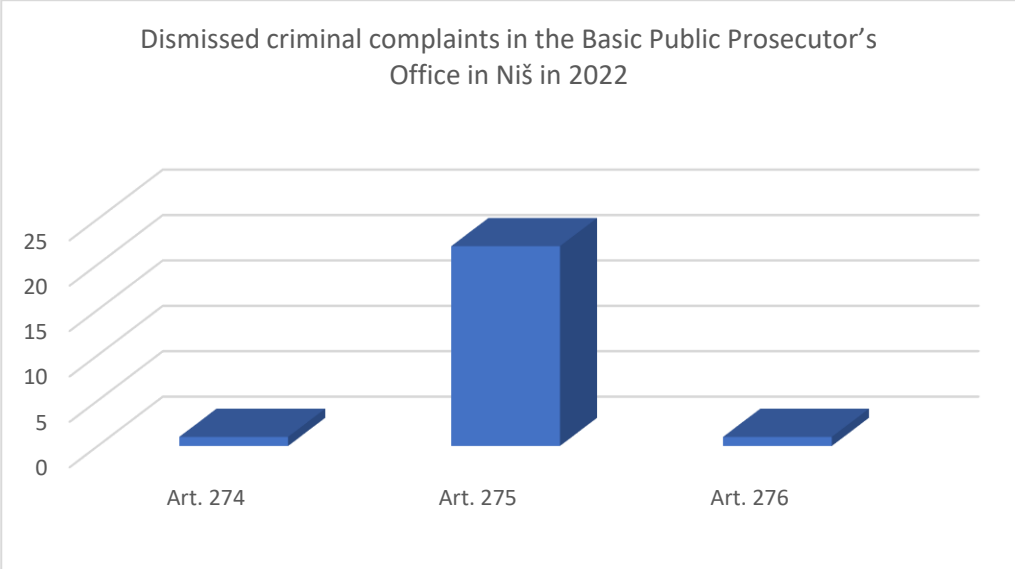
2020		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Devastation of Forests (Art. 274)	/	/
Forest Theft (Art. 275)	17	51.52%
Poaching Game (Art. 276)	/	/
Total	17	**35.42%**



2021		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Damaging the Environment (Art. 264)	/	/
Devastation of Forests (Art. 274)	3	100%
Forest Theft (Art. 275)	10	35.71%
Total	13	**40.63%**



2022		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Devastation of Forests (Art. 274)	1	100%
Forest Theft (Art. 275)	22	45.83%
Poaching Game (Art. 276)	1	3.57%
Total	24	**25.00%**



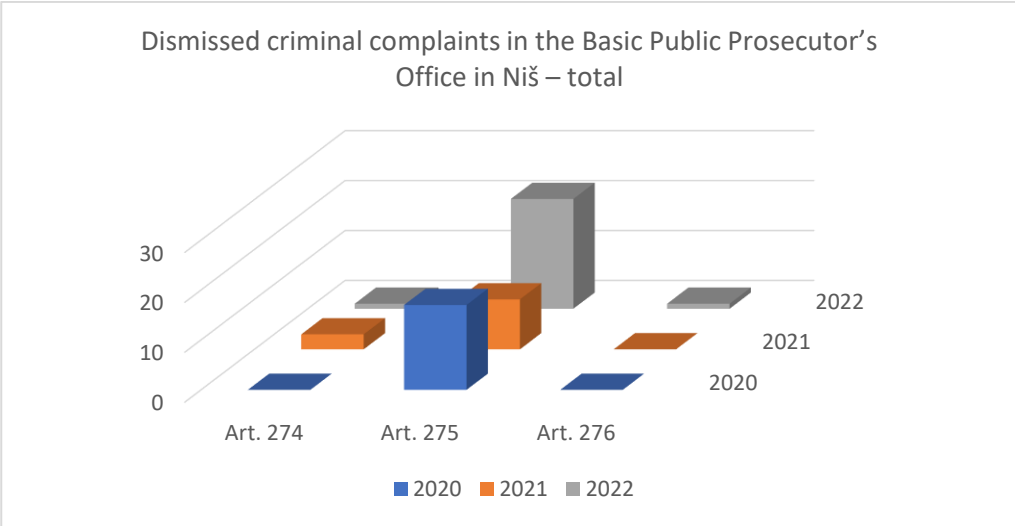


Table 111: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Leskovac

Year	**Dismissed criminal complaints**	**% in relation to the number of criminal complaints filed to the Basic Public Prosecutor's Office in Leskovac**
2020	65	94.20%
2021	39	88.64%
2022	34	87.18%
Total	138	

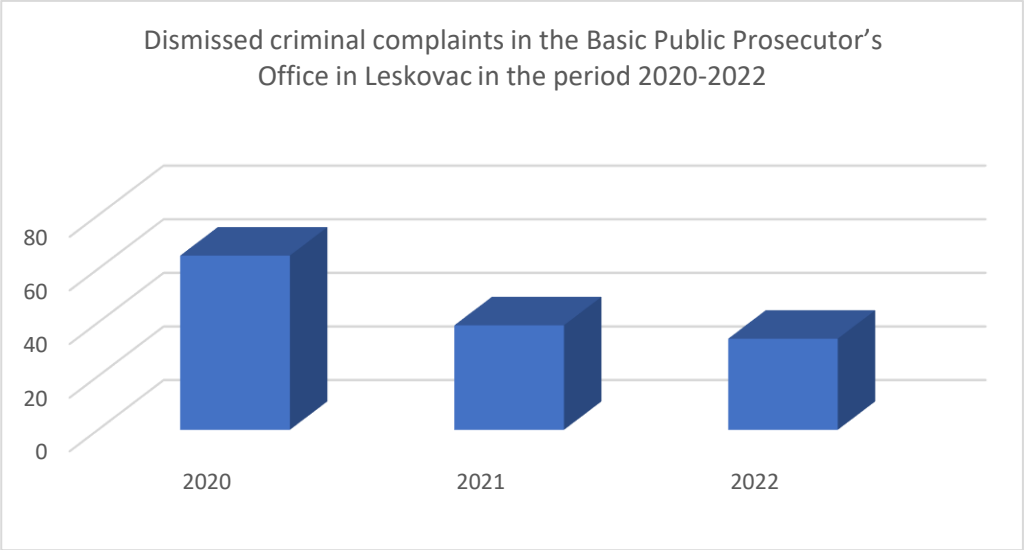
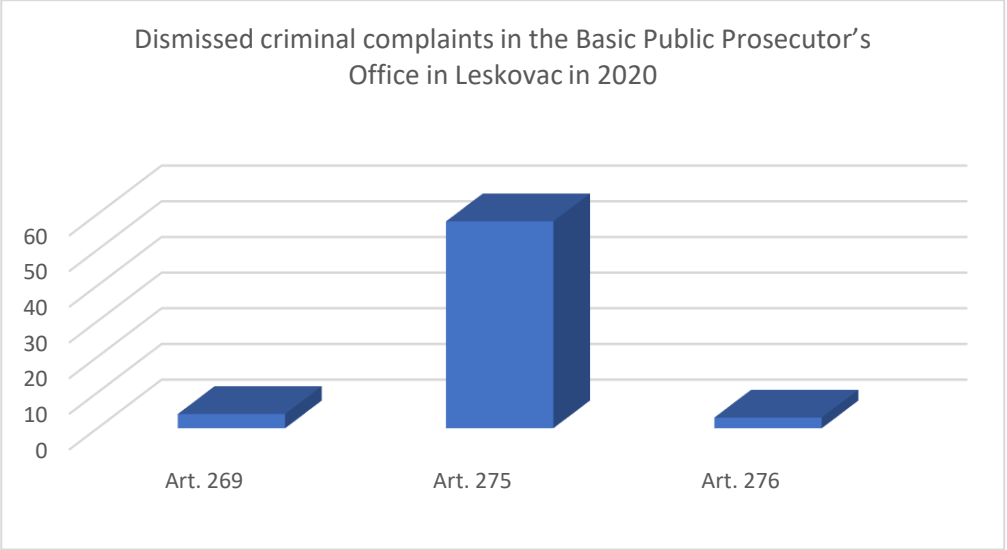


Table 112: Criminal complaint dismissal

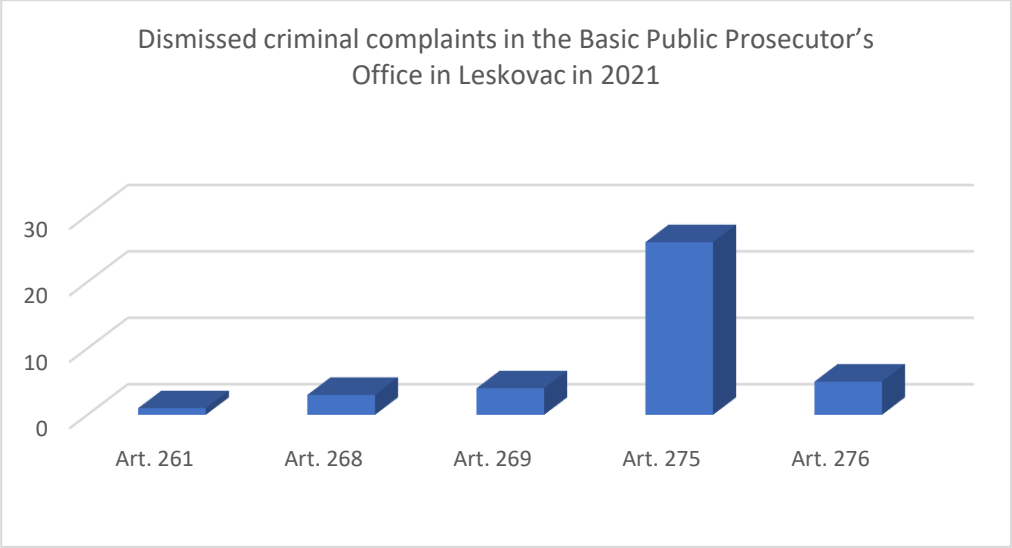
Dismissed pursuant to Article	%
Article 283, paragraph 3	13.63%
Article 284, paragraph 1, item 1	50%
Article 284, paragraph 1, item 2	9.09%
Article 284, paragraph 1, item 3	27.27%

Tables 113-115: Dismissed criminal complaints in the Basic Public Prosecutor's Office in Leskovac for individual criminal offences

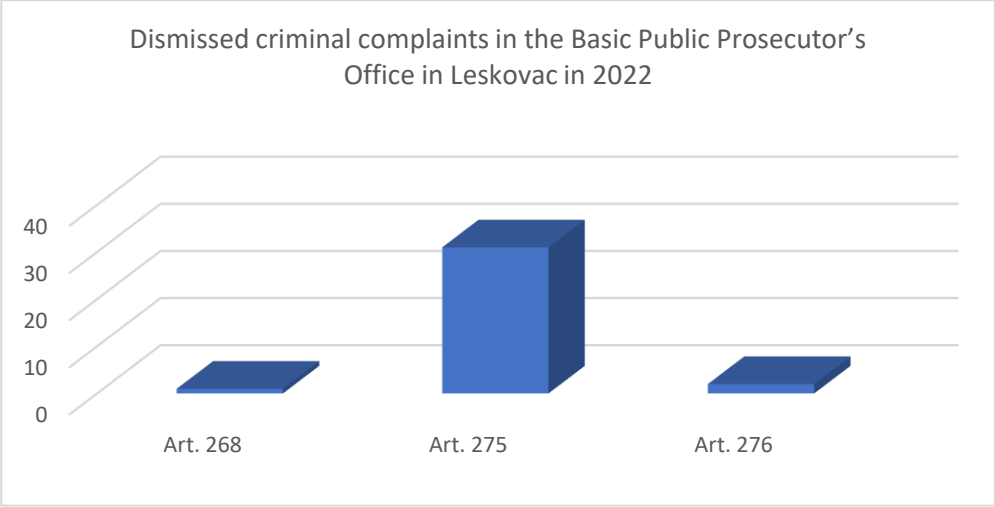
2020		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Killing and Wanton Molesting to Animals (Art. 269)	4	80.00%
Forest Theft (Art. 275)	58	95.08%
Poaching Game (Art. 276)	3	100%
Total	65	**94.20%**

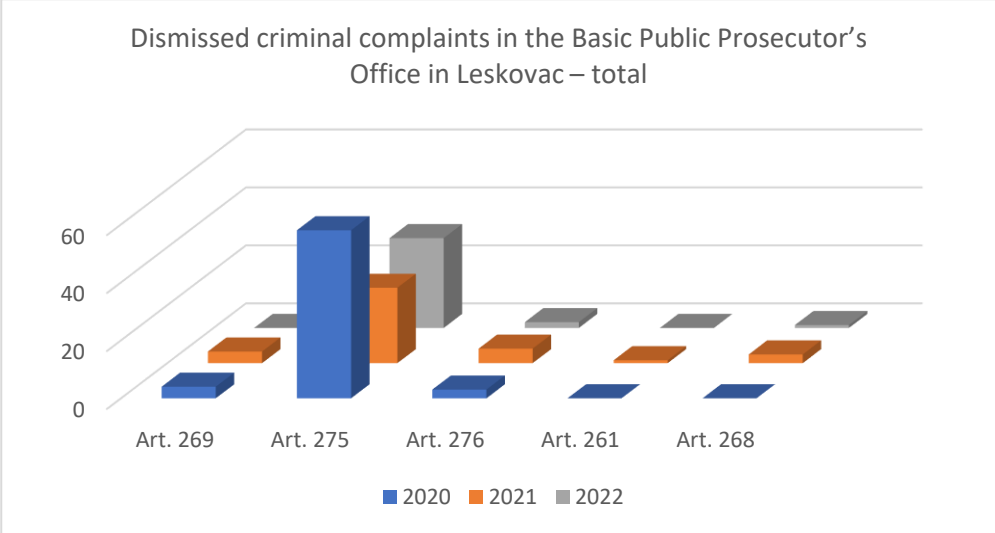


2021		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Failure to undertake Environmental Protection Measure (Art. 261)	1	100%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	3	100%
Killing and Wanton Molesting to Animals (Art. 269)	4	80.00%
Forest Theft (Art. 275)	26	86.67%
Poaching Game (Art. 276)	5	100%
Total		**88.64%**



2022		
Criminal offence	**Dismissed criminal complaints**	**% in relation to the total number of criminal complaints filed to this Prosecutor's Office for the specified criminal offences**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	/	/
Violation of the Right to be Informed on the State of the Environment (Art. 268)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	/	/
Forest Theft (Art. 275)	31	91.18%
Poaching Game (Art. 276)	2	100%
Total		**87.18%**


Dismissed criminal complaints in the Basic Public Prosecutor's Office in Leskovac in 2022
40
30
20
10
0
Art. 268
Art. 275
Art. 276


Dismissed criminal complaints in the Basic Public Prosecutor's Office in Leskovac – total
60
40
20
0
Art. 269
Art. 275
Art. 276
Art. 261
Art. 268
2020
2021
2022

1.2.2. Application of the principle of the opportunity in criminal prosecution and the type of obligation imposed on the suspect

When it comes to the principle of the opportunity in criminal prosecution as a method of resolving criminal cases in general, including criminal offences against the environment, one must first start from the fact that the key goal of reform of the criminal procedure legislation of the Republic of Serbia, which started with the adoption of the Criminal Procedure Code in 2001[33] and is still ongoing, is to create a normative basis for increasing the efficiency of criminal proceedings. In line with this stated goal, the reform process has introduced numerous innovations, and one of the most significant, when it comes to this particular issue, is the codification of the possibility to apply the principle of the opportunity in criminal prosecution to adult perpetrators of criminal offences in its two forms (conditional deferral of prosecution and unconditional dismissal of the criminal complaint).[34]

The principle was codified in the Criminal Procedure Code from 2001, and after initial reservations, not only among the legal professionals but also among the general public, the principle quickly became a widely accepted mechanism. Due to the relatively quick and widespread acceptance of the mechanism, all subsequent legislative interventions after the codification of the principle, of which there have been several, expanded the normative basis for its application. As a result of this approach to the principle within the legal profession, we now have not only a normative foundation for its extensive application but also strong advocacy from a significant part of the professional community for further expanding the scope of its potential application.[35]

Conditional deferral of criminal prosecution, as the key form of the principle, is now applicable to all criminal offences punishable by a fine or imprisonment of up to five years, while unconditional dismissal of the criminal complaint based on the principle of purposefulness of criminal prosecution as the second form of the principle of the opportunity is applicable to criminal offences punishable by imprisonment of up to three years. The introduction of the principle of the opportunity for adult perpetrators of criminal offences is primarily motivated by the need to rationalize the criminal justice system and relieve the courts, particularly in cases that result in minor penalties. Unlike the principle of legality, which obligates the public prosecutor to initiate criminal

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[33] "Official Gazette of the Republic of Serbia", No. 70/01 and 68/02 and "Official Gazette of the Republic of Serbia", No. 58/04, 85/05, 85/05, 115/05, 49/07, 20/09, 72/09 and 76/10.

[34] Kiurski, J., *Načelo oportuniteta krivičnog gonjenja*, Institut za kriminološka i sociološka istraživanja, Belgrade, 2019, 158.

[35] Miljuš, I., *Primena načela oportuniteta krivičnog gonjenja za krivična dela u vezi sa zloupotrebom opojnih droga*, in: "Narkokriminalitet - prevencija i represija", Srpsko udruženje za krivičnopravnu teoriju i praksu - Istraživački centar Banja Luka, Belgrade, 2023, 241.

prosecution if there is evidence that a certain criminal offence has been committed, the principle of the opportunity allows the public prosecutor to make a decision on whether to initiate criminal prosecution based on their assessment of the purposefulness of prosecution in the particular criminal matter. Of course, this applies provided that other legally prescribed prerequisites for the application of the principle are also met, depending on the form of the principle.

The principle of the opportunity in criminal prosecution grants the public prosecutor the authority to decide, based on their discretionary judgement, whether to initiate criminal prosecution. It is regulated as an exception that may and should be applied only in cases where it is prescribed by law and when the prosecution of a particular criminal case would be socially unjustified, i.e. when prosecuting the criminal case at hand would cause more harm than benefit. The Constitutional Court of the Republic of Serbia also holds this position, quite justifiably, noting that "when the prosecution considers the application of the principle of the opportunity in criminal prosecution, in addition to the fulfilment of formal conditions from Art. 283 of the CPC, in each specific case, the prosecution must also assess whether the deferral of prosecution and dismissal of the criminal complaint is purposeful from the point of view of public interest, or whether it is necessary to initiate the criminal proceedings, regardless of the fulfilment of the formal conditions for applying the principle of the opportunity".[36] However, although intended as an exception to the principle of legality as a rule, the practice shows that the number of such exceptions is increasingly growing, and it is increasingly taking on the character of a rule.

The current text of the Criminal Procedure Code of the Republic of Serbia recognizes two forms of the principle of the opportunity for adult perpetrators of criminal offences (conditional deferral of criminal prosecution (conditional opportunity) and unconditional (full opportunity)). The conditions for applying both forms of the principle are different, but the goals of applying both forms of the principle are identical (achieving the purpose of punishment in a specific criminal case without initiating and conducting criminal proceedings, increasing the efficiency of criminal proceedings and relieving courts of minor criminal offences) and must be assessed simultaneously, rather than individually. Only in cases where both goals are achieved through the application of the principle of the opportunity in a specific criminal case is the application of the principle justified from the criminal policy point of view. Otherwise, not only is there a lack of justification, but the application of the principle, independent of the two above-mentioned goals, constitutes an abuse of authority by the entities deciding on it, namely the holders of the public prosecutor's function.

Having in mind the *ratio legis* of the codification of the principle of the opportunity in criminal prosecution, as well as its widespread application in public prosecutorial practice in the Republic of Serbia (in general),[37] it is to be expected

[36] Decision of the Constitutional Court of Serbia, constitutional appeal No. 7951/2015 (27 January 2022).

[37] In the last ten years in the Republic of Serbia, about 20% of all filed criminal complaints have been resolved by applying the principle of the opportunity in criminal prosecution

that this principle also occupies one of the most important places in the penal policy of our public prosecutor's offices for criminal offences against the environment. This is especially true because the legislator allows the application of the principle, particularly its key form (conditional deferral of criminal prosecution), for the majority of criminal offences against the environment or the majority of forms of specific criminal offences within this group. To answer the question of whether the expectations of our professional and general public have been met when it comes to criminal offences against the environment, the research also covered this segment of prosecutorial penal policy.

Researchers were interested in three groups of questions when it comes to the application of this criminal procedure mechanism in criminal offences against the environment. These are: the number and percentage of issued orders on deferring criminal prosecution in relation to the total number of filed criminal complaints (collectively, by individual appellate and basic public prosecutor's offices and by individual criminal offences); the type of obligation imposed on the suspect in the order on deferring criminal prosecution (collectively, by individual appellate and basic public prosecutor's offices and by individual criminal offences); the number and percentage of unconditionally dismissed criminal complaints based on Art. 284, para. 3. of the CPC (full opportunity). Looking at these questions individually, the results are as follows:

First, as is the case with the application of the principle of the opportunity in criminal prosecution in the public prosecution practice in the Republic of Serbia in general and in the case of criminal offences against the environment, conditional deferral of criminal prosecution is not only the dominant but almost the only type of principle that is applied. The data in the attached tables and charts made on this issue show that criminal cases are also resolved in this way in criminal offences against the environment – through the application of the mechanism of conditional deferral of criminal prosecution. Truth be told, the percentage is significantly lower (about 50%) than the percentage of its application at the level of the Republic of Serbia in general. Such an approach of the holders of public prosecutor's functions towards this mechanism for this group of criminal offences should be sought in the essence of a larger number of criminal offences from this group and seems justified, because, as it has already been said, the principle of the opportunity in criminal prosecution in general, including this aspect of it, should serve as a criminal procedure mechanism for resolving less serious criminal offences, and some criminal offences against the environment or certain specific forms of these offences certainly do not fall into this category of criminal activities. For example, this is the case with criminal offence from Art. 262 of the CC (Illegal Construction and Operation of Facilities and Installations Polluting the Environment). Of the total number of analysed prosecutorial files, the criminal case was resolved by

(both forms). (See: *The manual for uniform application of the opportunity principle, Second amended edition*, OSCE Mission in Serbia, Belgrade, 2022).

applying the mechanism of conditional deferral of criminal prosecution in 10.17% of cases.

The application of the mechanism is visible in the territories of all four appellate public prosecutor's offices. Although, with a significant difference in the percentages of its application. Observed for the three-year period as a whole, the highest percentage of the application of the mechanism of conditional deferral of criminal prosecution for this group of criminal offences is in the territory of the Appellate Public Prosecutor's Office in Belgrade (14.76% in relation to the total number of persons suspected of these criminal offences), while the lowest percentage of such resolution of criminal matters is in the territory of the Appellate Public Prosecutor's Office in Niš (8.90% in relation to the total number of persons suspected of these criminal offences). Significant differences are also visible in the application of the mechanism of conditional deferral of criminal prosecution by each of the eight analysed basic public prosecutor's offices. Observed for the three-year period as a whole, the highest percentage of application of the mechanism is at the Second Basic Public Prosecutor's Office in Belgrade (22.86% of all suspects for analysed criminal offences), and the lowest is at the Basic Public Prosecutor's Office in Obrenovac, where not a single case of application of the mechanism was found in the analysed three-year period. Furthermore, there are also significant differences in the application of the mechanism from the perspective of the three analysed years. For example, in 2022, in the Basic Public Prosecutor's Office in Subotica, the mechanism was applied to 41.18% of suspects, and in the Basic Public Prosecutor's Office in Novi Pazar, in 2021, the mechanism was applied to 7.69% of suspects.

Second, when it comes to criminal offences for which the mechanism of conditional deferral of criminal prosecution was applied, in the first place among criminal offences, viewed both in absolute numbers and percentages, is Forest Theft (Art. 275 of the CC). This is followed by Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266 of the CC) and Poaching Game (Art. 276 of the CC). In addition to these criminal offences, the mechanism is, although in a significantly smaller percentage compared to the total number of filed criminal complaints, also applied to the criminal offences of Killing and Wanton Molesting to Animals (Art. 269 of the CC), Poaching Fish (Art. 277 of the CC), Devastation of Forests (Art. 274 of the CC), Violation of the Right to be Informed on the State of the Environment (Art. 268 of the CC) and Damaging the Environment (Art. 264 of the CC). In terms of percentages, the application of the mechanism to these criminal offences differs depending on the year and the basic public prosecutor's office. In certain public prosecutor's offices, in some of the observed years and for certain criminal offences, the mechanism of conditional deferral is applied to more than 50% of all suspects for a specific criminal offence;

Third, one of the inevitable questions that was the subject of analysis in the work on the project, is the question of the type of obligation imposed on the suspect in cases of conditional deferral of criminal prosecution after the

commission of one of the criminal offences from this group. The importance of this question lies in the fact that, among other things, only appropriately imposed obligations serve the function of criminal policy justification for the application of the mechanism of conditional deferral of criminal prosecution in the specific criminal case. The conducted research on this issue gives a result identical to the result for the application of the mechanism at the level of the Republic of Serbia in general. Here too, as is the case in general when it comes to the type of obligation imposed on the suspect in cases of conditional deferral of criminal prosecution, the primary obligation is to pay a certain amount of money to the account designated for public revenues, which is then used for humanitarian or other public purposes. We can say that this is imposed as a rule. In over 70% of all cases of conditional deferral of criminal prosecution, this obligation is imposed on the suspect.

Then, there is the obligation to rectify the detrimental consequence caused by the commission of the criminal offence or to indemnify the damage caused, which, according to the results obtained, is imposed on the suspect only exceptionally. The same applies to the obligation of doing community service or humanitarian work. No other legally prescribed obligations have been imposed. There were also no cases of applying the mechanism of conditional deferral of criminal prosecution with two or more obligations simultaneously (cumulatively) imposed on the suspect. Such prosecutorial practice can, and justifiably so it seems, be called into question. Having in mind the nature of criminal offences against the environment and especially their consequences, it is fully justified to advocate that in cases when the conditional deferral of criminal prosecution is applied to suspects charged with such criminal offences, they are first offered to rectify the detrimental consequence caused by the commission of the criminal offence or to indemnify the damage caused, and another (or several other) obligation(s) should be offered only after that. This primarily refers to the obligation to pay a certain amount of money into the account designated for public revenue, which is used for humanitarian or other public purposes, and the obligation to perform a specific type of community service or humanitarian work. It seems that imposing the obligation to rectify the detrimental consequence caused by the commission of the criminal offence or to indemnify the damage caused as a rule, followed (simultaneously and cumulatively) by imposing one or more additional obligations, primarily the obligation to pay a specific amount of money into the designated public revenue account, used for humanitarian or other public purposes, and the obligation to perform certain community service or humanitarian work, is not only justified from the criminal policy aspect but is also the only correct solution when conditional deferral of criminal prosecution for criminal offences against the environment is applied. Only under this condition can the mechanism of conditional deferral of criminal prosecution, as a key aspect of the principle of the opportunity for this group of criminal offences, be in the function of the goals that must be achieved through its application, in

the function of the desired level of criminal law protection of the environment through this mechanism, which is currently not the case.[38]

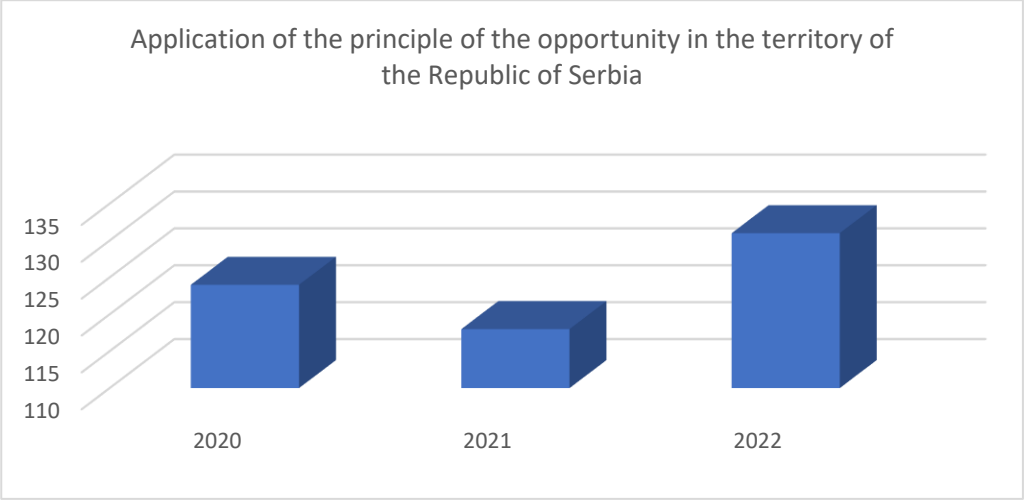
Fourth, as fully expected, given the legally prescribed conditions for its application[39], there are almost no cases of resolving criminal cases from this group through the other possible form of the principle of the opportunity. In the 161 analysed prosecutorial files, there was only one identified case of the application of the full opportunity – unconditional dismissal of the criminal complaint pursuant to Art. 284, para. 3 of the CPC.

Table 116: Application of the principle of the opportunity at the territory of the Republic of Serbia

Year	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
2020	124	10.19%
2021	118	10.07%
2022	131	10.23%
Total	373	10.17%

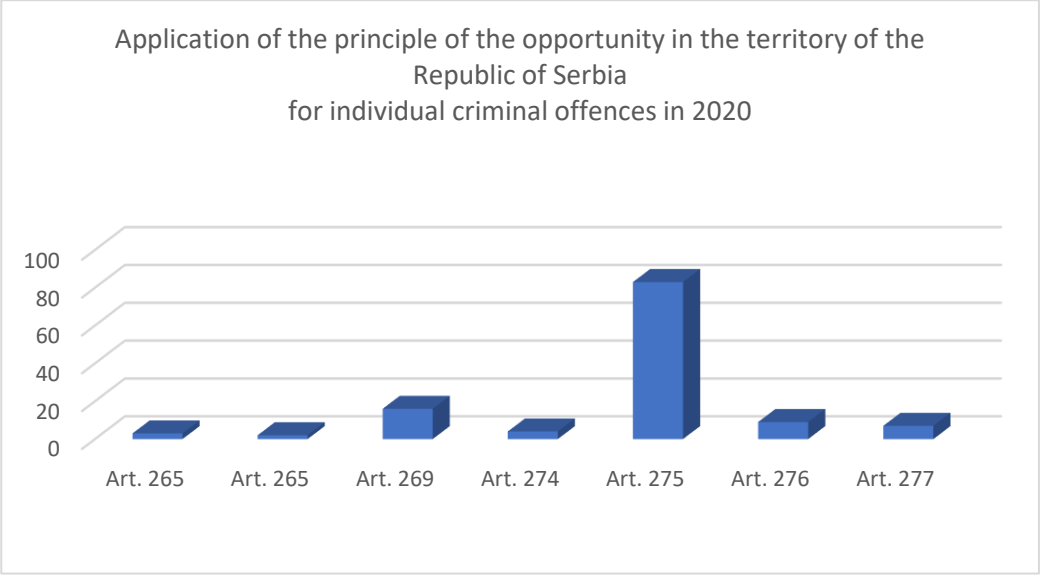
[38] The extent to which such a position is prevalent is best illustrated by the fact that a large part of the professional community of Serbia advocates that one of the mandatory conditions for the possibility of a conditional deferral of the criminal prosecution of the suspect should be the obligation to rectify the detrimental consequence caused by the commission of the criminal offence or to indemnify the damage caused, and that imposing additional obligations should remain only a possibility, rather than being mandatory for the suspect, which, it seems, should be particularly important in the case of criminal offences against the environment. (See more in: Škulić, M., Miljuš, I., *The Impact of Basic Victimological Conceptions and the Idea of Restorative Justice on the Position of the Injured Party in Criminal Procedure: A Review of International Standards*, in: "The position of victims in the Republic of Serbia", Institute of criminological and sociological research, Belgrade, 2024,13-30.).

[39] According to Art. 284, para. 3 of the CPC, there are three cumulatively prescribed conditions that must be met in order for the public prosecutor to be able to dismiss the criminal complaint without any conditions (to apply the full opportunity). Those are: that this criminal offence is punishable by a term of imprisonment of up to three years; that the suspect, as a result of genuine remorse, has voluntarily prevented the occurrence of consequence or has already indemnified the damage in full and that the public prosecutor assesses that in view of the circumstances, conducting criminal proceedings and pronouncing a criminal sanction would not be fair or purposeful.

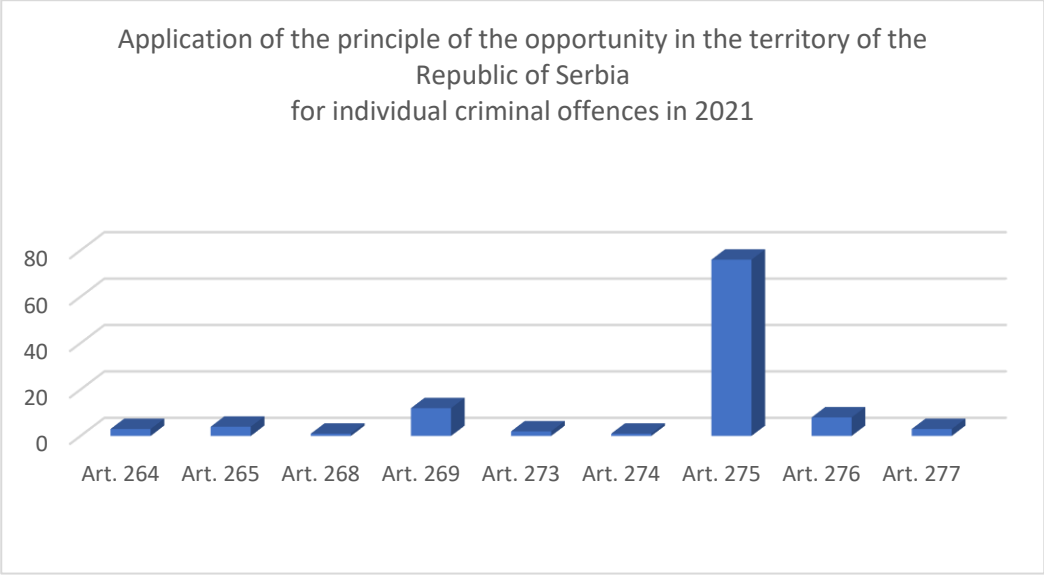


Tables 117-119: Application of the principle of the opportunity in the territory of the Republic of Serbia for individual criminal offences in relation to the number of criminal complaints for the given criminal offence

2020		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	3	50%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	2	40%
Killing and Wanton Molesting to Animals (Art. 269)	16	13.22%
Devastation of Forests (Art. 274)	4	8.69%
Forest Theft (Art. 275)	83	9.48%
Poaching Game (Art. 276)	9	15.51%
Poaching Fish (Art. 277)	7	29.16%



2021		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Environmental Pollution (Art. 260)	1	5.55%
Damaging the Environment (Art. 264)	3	50%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	4	50%
Violation of the Right to be Informed on the State of the Environment (Art. 268)	1	1.14%
Killing and Wanton Molesting to Animals (Art. 269)	15	9.80%
Pollution of Livestock Fodder and Water (Art. 273)	2	100%
Devastation of Forests (Art. 274)	2	6.89%
Forest Theft (Art. 275)	79	11.31%
Poaching Game (Art. 276)	8	11.94%
Poaching Fish (Art. 277)	3	13.04%



2022		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Failure to undertake Environmental Protection Measure (Art. 261)	2	16.66%
Damaging the Environment (Art. 264)	1	7.14%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	2	33.33%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	12	22.22%
Killing and Wanton Molesting to Animals (Art. 269)	10	11.23%
Devastation of Forests (Art. 274)	1	2.70%
Forest Theft (Art. 275)	93	10.59%
Poaching Game (Art. 276)	6	7.31%
Poaching Fish (Art. 277)	4	28.57%

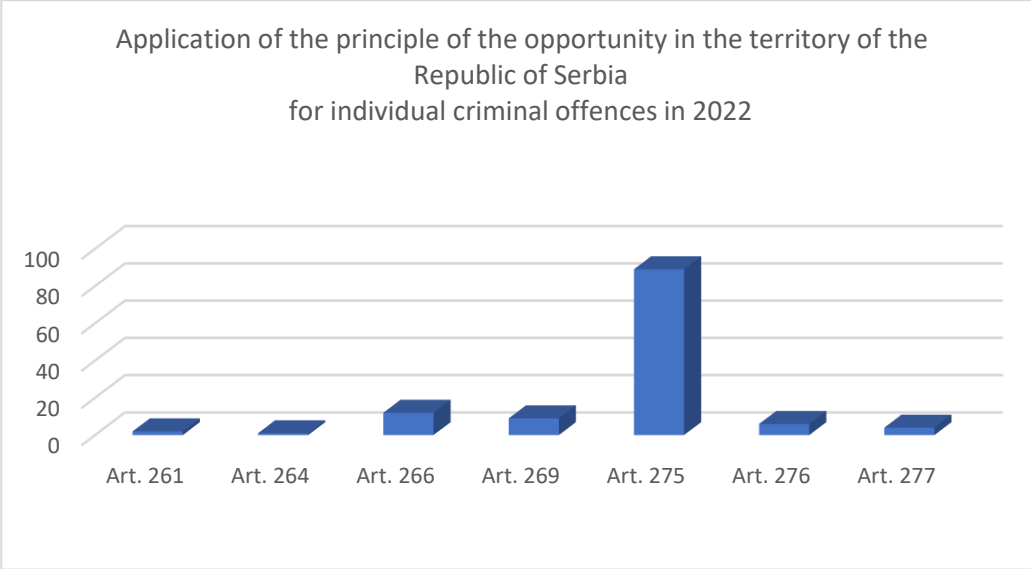


Table 120: Deferral of criminal prosecution and type of imposed obligation in the territory of the Republic of Serbia

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	124	118	131
Paying a certain amount of money	91	98	126
Rectifying the detrimental consequence/indemnifying the damage	37	29	21
Performing certain community service or humanitarian work	2	1	1
Other obligations	/	/	/

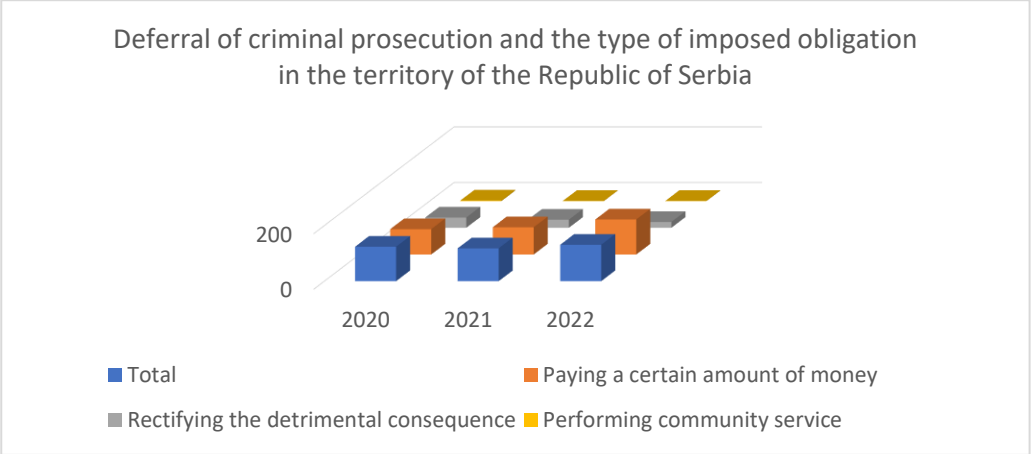
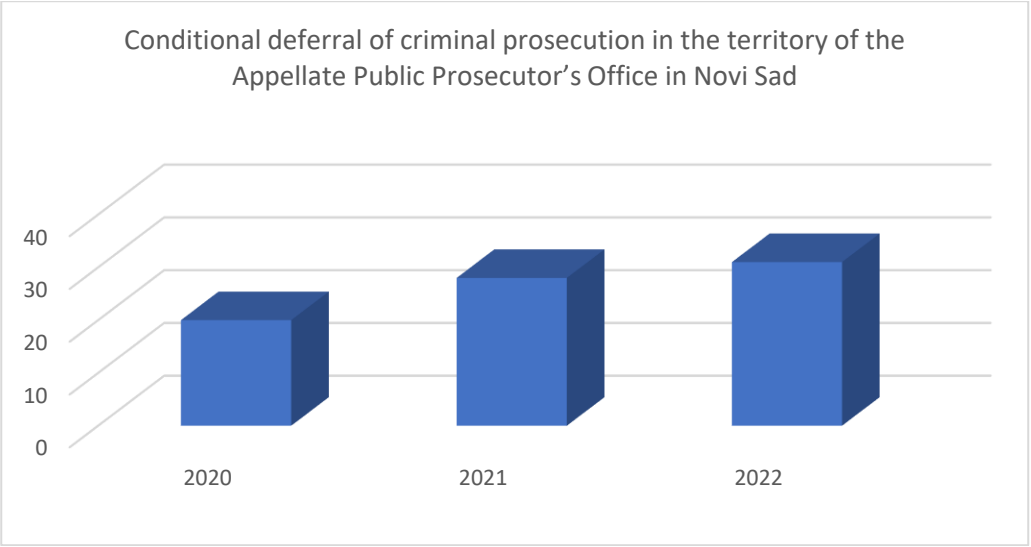


Table 121: Application of the principle of the opportunity in the territory of the Appellate Public Prosecutor's Office in Novi Sad

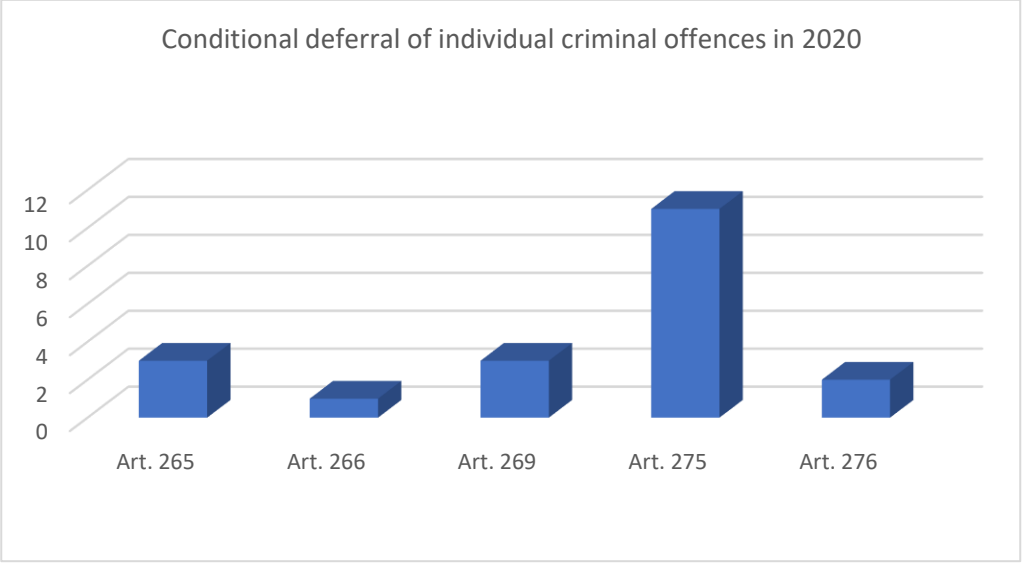
Year	Conditional deferral of criminal prosecution	% in relation to the number of filed criminal complaints
2020	24	8.40%
2021	35	9.82%
2022	30	10.69%
Total	99	9.96%



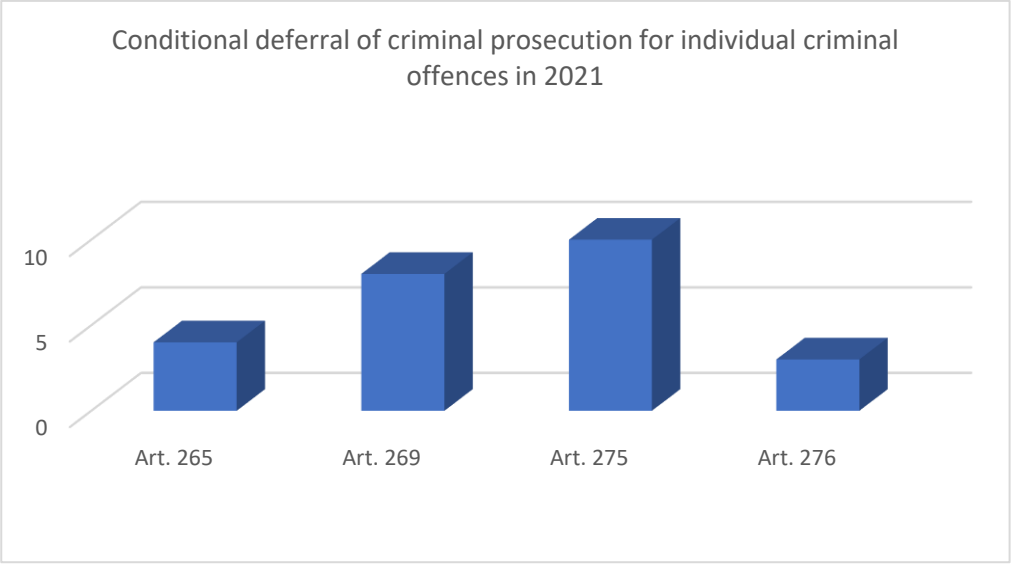
Tables 122-124: Application of the principle of the opportunity in the territory of the Appellate Public Prosecutor's Office in Novi Sad for individual criminal offences

2020

Criminal offence	Conditional deferral of criminal prosecution	% in relation to the number of filed criminal complaints
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	3	60.00%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	3	4.84%
Forest Theft (Art. 275)	15	8.73%
Poaching Game (Art. 276)	2	13.33%



2021		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	4	66.67%
Killing and Wanton Molesting to Animals (Art. 269)	13	19.51%
Forest Theft (Art. 275)	15	7.87%
Poaching Game (Art. 276)	3	13.04%



2022		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Failure to undertake Environmental Protection Measure (Art. 261)	2	22.22%
Damaging the Environment (Art. 264)	1	33.33%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	2	50%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	3	20.00%
Killing and Wanton Molesting to Animals (Art. 269)	4	11.43%
Forest Theft (Art. 275)	10	7.95%
Poaching Game (Art. 276)	5	30.77%
Poaching Fish (Art. 277)	3	20.00%

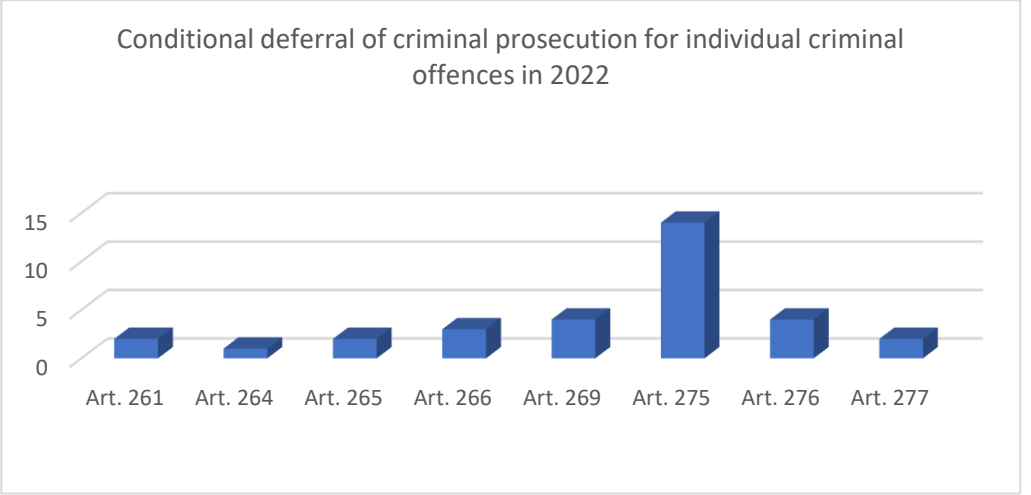


Table 125: Deferral of criminal prosecution and the type of imposed obligation in the territory of the Appellate Public Prosecutor's Office in Novi Sad

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	24	35	30
Paying a certain amount of money	17	29	36
Rectifying the detrimental consequence/indemnifying the damage	7	5	4
Performing certain community service or humanitarian work	/	1	/
Other obligations	/	/	/

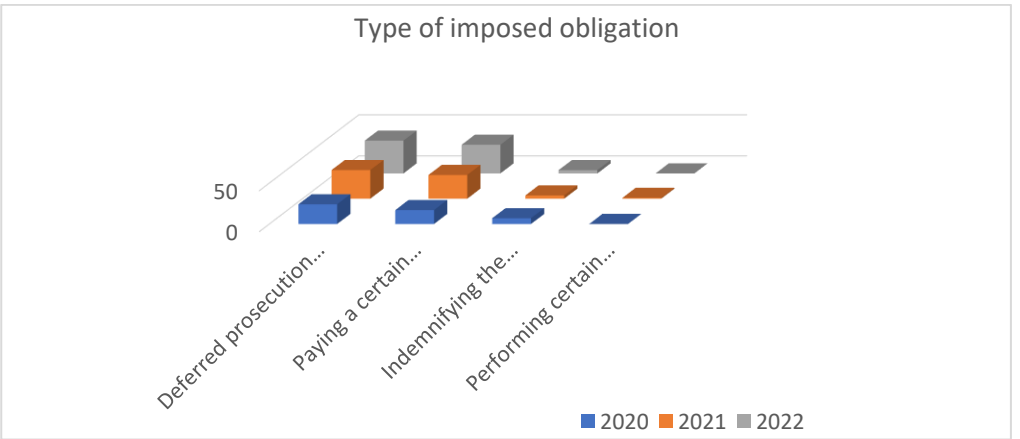
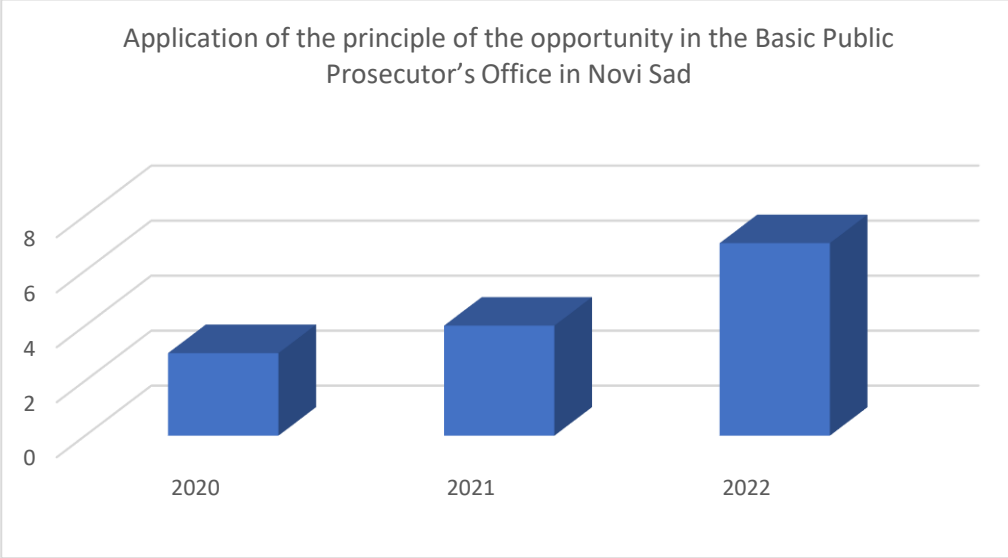


Table 126: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Novi Sad

Year	Conditional deferral of criminal prosecution	% in relation to the number of filed criminal complaints
2020	/	/
2021	3	11.54%
2022	4	14.81%
Total	7	**10.61%**

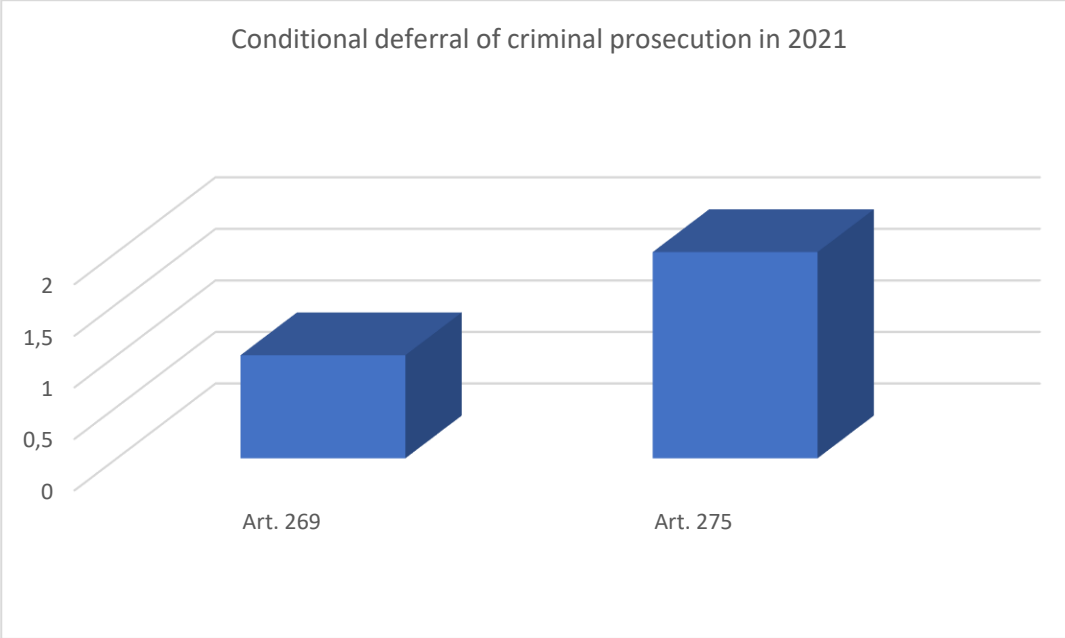


Tables 127-129: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Novi Sad for individual criminal offences

2020		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Total	/	/

2021		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	12.50%

Forest Theft (Art. 275)	2	20.00%
Total	3	**11.54%**



2022		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	12.50%
Forest Theft (Art. 275)	3	17.65%
Total	4	**14.81%**

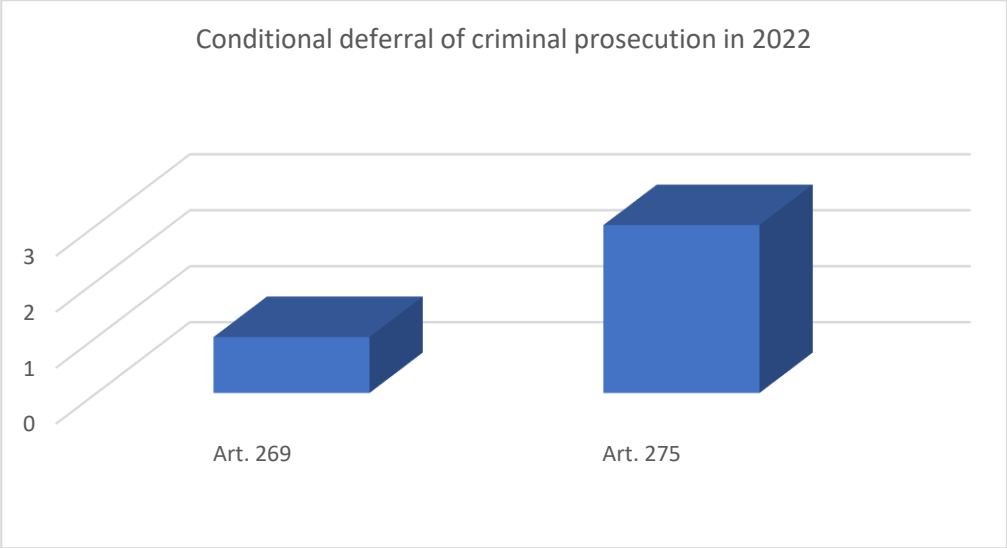


Table 130: Deferral of criminal prosecution and type of imposed obligation

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	/	2	4
Paying a certain amount of money	/	2 (100%)	4 (100%)
Rectifying the detrimental consequence/indemnifying the damage	/	/	/
Performing certain community service or humanitarian work	/	/	/
Other obligations	/	/	/

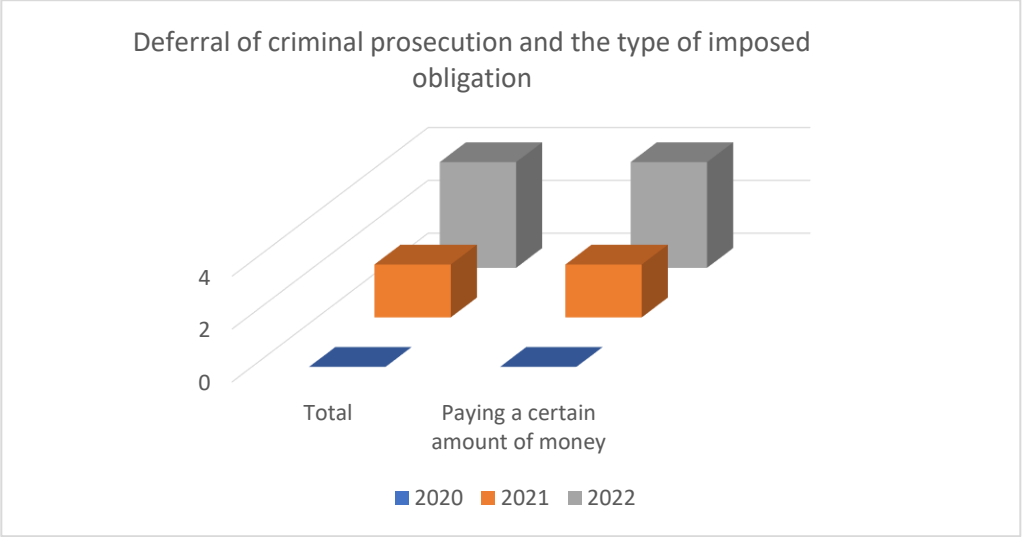
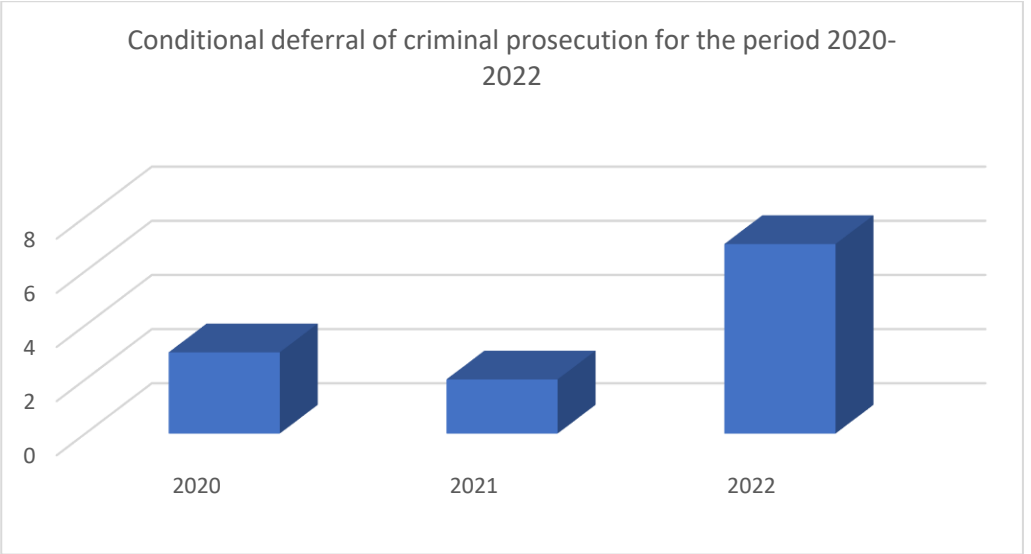


Table 131: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Subotica

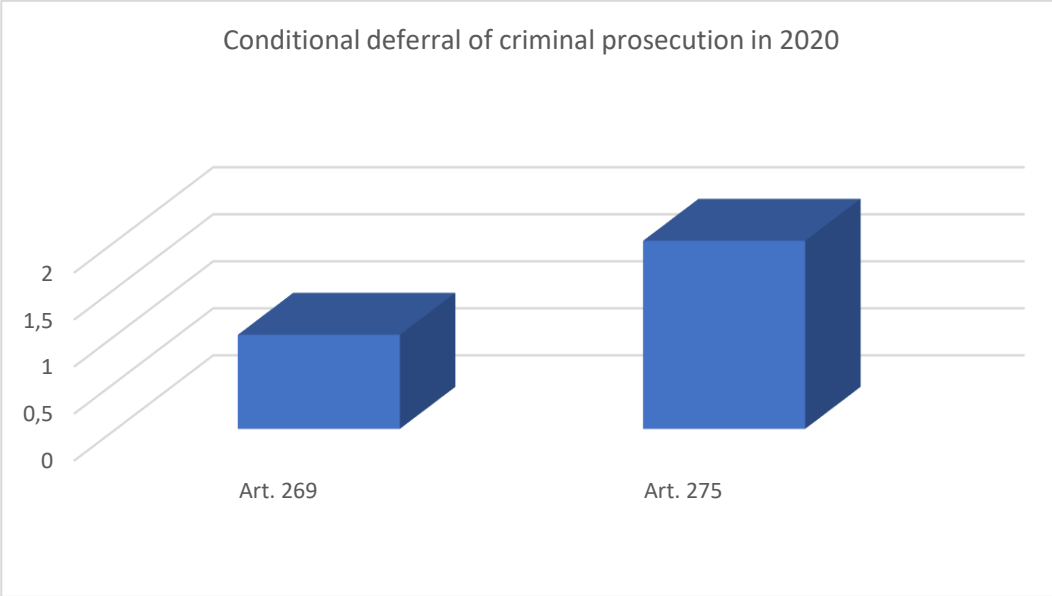
Year	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
2020	3 (21.42%)	21.42%
2021	2 (8.33%)	8.33%
2022	7 (41.18%)	41.18%
Total	12 (18.18%)	**18.18%**



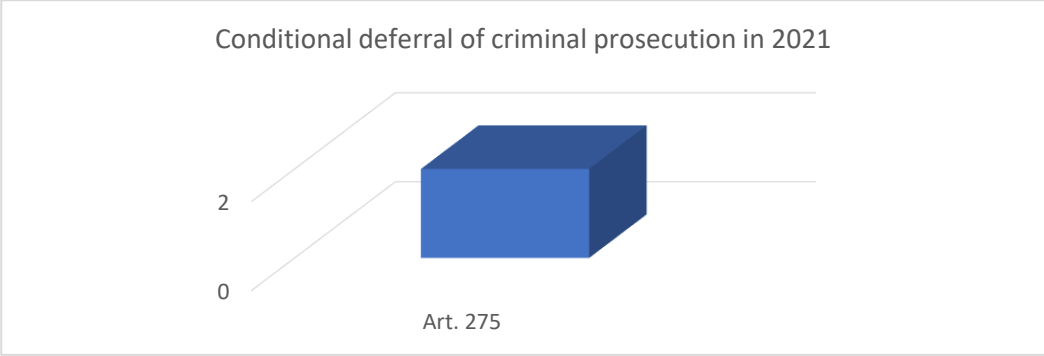
Tables 132-134: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Subotica for individual criminal offences

2020

Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	25.00%
Forest Theft (Art. 275)	2	25.00%
Total	3	**21.43%**



2021		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	2	33.33%
Total	2	**8.33%**



2022		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Damaging the Environment (Art. 264)	1	100%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	1	25.00%
Forest Theft (Art. 275)	2	25.00%
Poaching Game (Art. 276)	2	100%
Total	7	**41.18%**

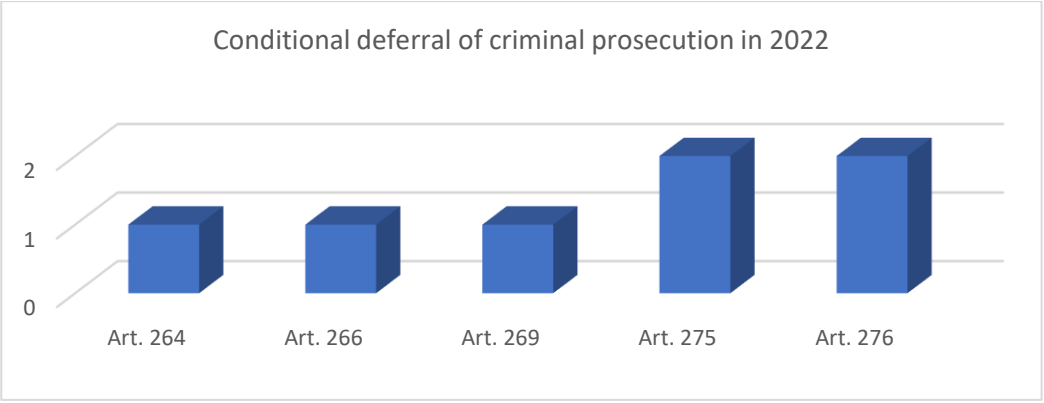


Table 135: Deferral of criminal prosecution and the type of imposed obligation at the Basic Public Prosecutor's Office in Subotica

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	3	2	7
Paying a certain amount of money	3 (100%)	/	7 (100%)
Rectifying the detrimental consequence/indemnifying the damage	/	2 (100%)	/
Performing certain community service or humanitarian work	/	/	/
Other obligations	/	/	/

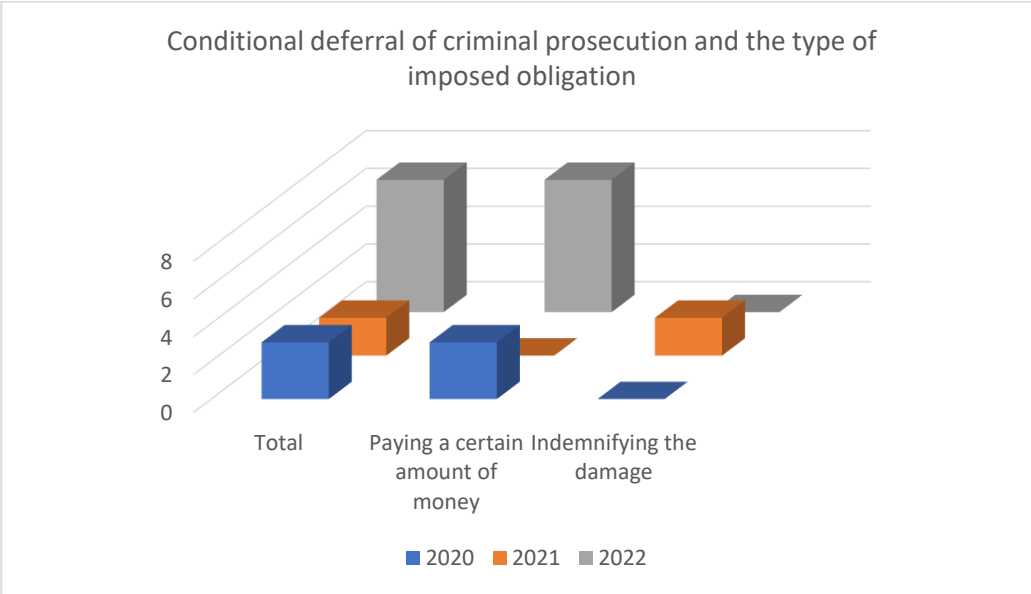


Table 136: Deferral of criminal prosecution in the territory of the Appellate Public Prosecutor's Office in Belgrade

Year	**Deferred criminal prosecution**	**% in relation to the number of filed criminal complaints**
2020	20	16.47%
2021	20	13.63%
2022	20	16.47%
Total	60	14.76%

Tables 137-139: Deferral of criminal prosecution in the territory of the Appellate Public Prosecutor's Office in Belgrade for individual criminal offences

2020		
Criminal offence	Deferred	% in relation to the total number of criminal complaints
Killing and Wanton Molesting to Animals (Art. 269)	6	44.44%
Devastation of Forests (Art. 274)	1	50%
Forest Theft (Art. 275)	8	10.66%
Poaching Game (Art. 276)	2	66.66%
Poaching Fish (Art. 277)	3	20%

2021		
Type of criminal offence	Deferred	% in relation to the total number of criminal complaints
Environmental Pollution	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	5	17.39
Pollution of Livestock Fodder and Water (Art. 273)	1	100%
Devastation of Forests (Art. 274)	1	2.85%
Forest Theft (Art. 275)	8	22.85%
Poaching Fish (Art. 277)	4	80%

2022		
Type of criminal offence	Deferred	% in relation to the total number of criminal complaints
Killing and Wanton Molesting to Animals (Art. 269)	7	58.33%
Devastation of Forests (Art. 274)	2	28.57%
Forest Theft (Art. 275)	10	19.60%
Poaching Fish (Art. 277)	1	100%

Table 140: Deferral of criminal prosecution and the type of imposed obligation at the Appellate Public Prosecutor's Office in Belgrade

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	20	20	20

Paying a certain amount of money	18	17	19
Rectifying the detrimental consequence/indemnifying the damage	1	2	/
Performing certain community service or humanitarian work	2	1	1
Other obligations	/	/	/

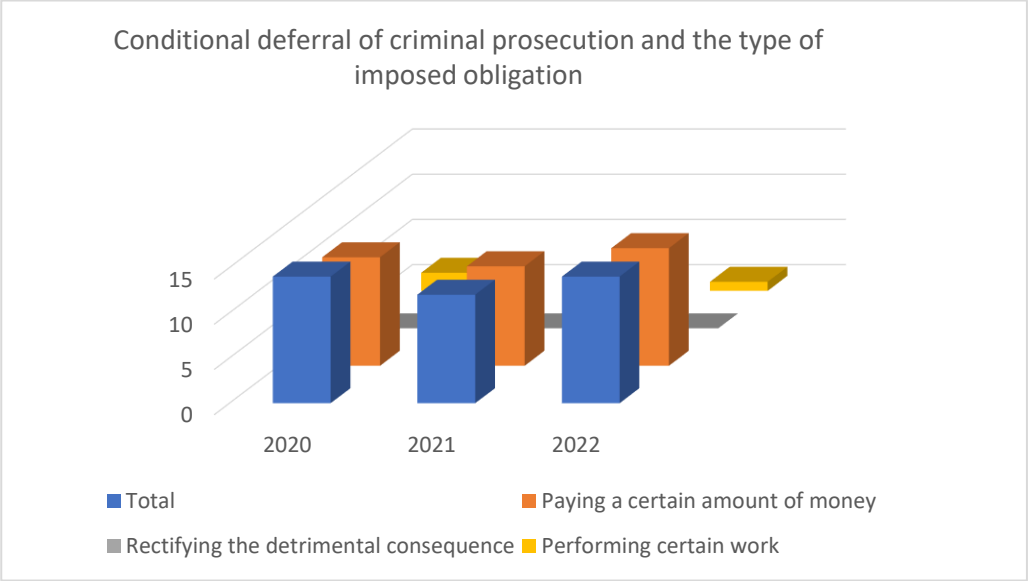
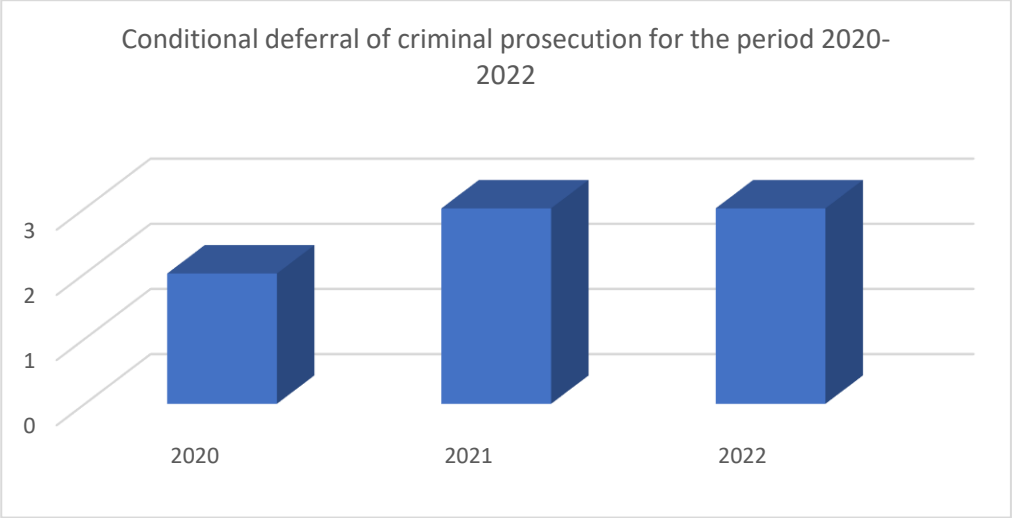


Table 141: Application of the principle of the opportunity in the Second Basic Public Prosecutor's Office in Belgrade

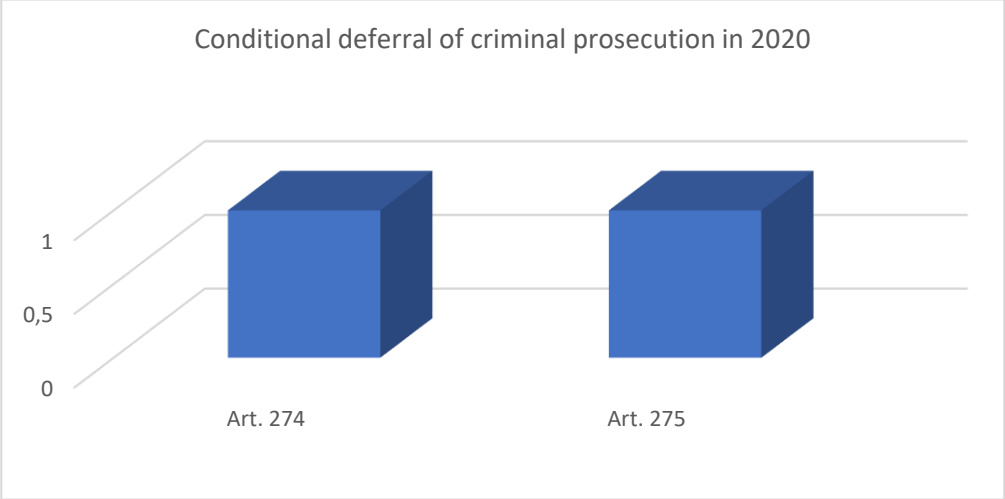
Year	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
2020	2	20.00%
2021	3	21.43%
2022	3	27.27%
Total	8	22.86%



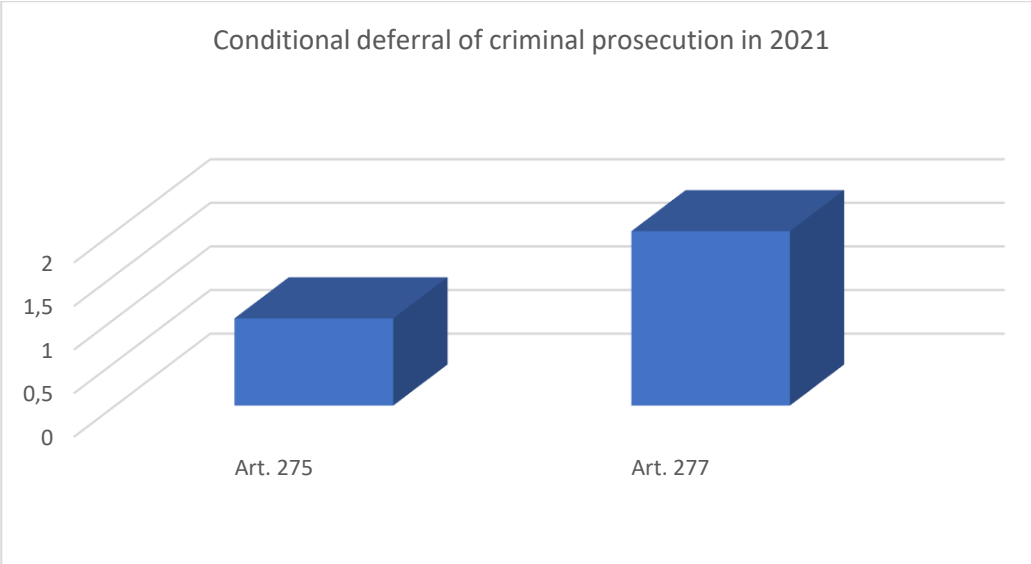
Tables 142-144: Application of the principle of the opportunity in the Second Basic Public Prosecutor's Office in Belgrade for individual criminal offences

2020

Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Devastation of Forests (Art. 274)	1	50%
Forest Theft (Art. 275)	1	16.67%
Total	2	**20.00%**



2021		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	1	25.00%
Poaching Fish (Art. 277)	2	100%
Total	3	**21.43%**



2022

Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	3	50%
Poaching Fish (Art. 277)	1	100%
Total	3	**27.27%**

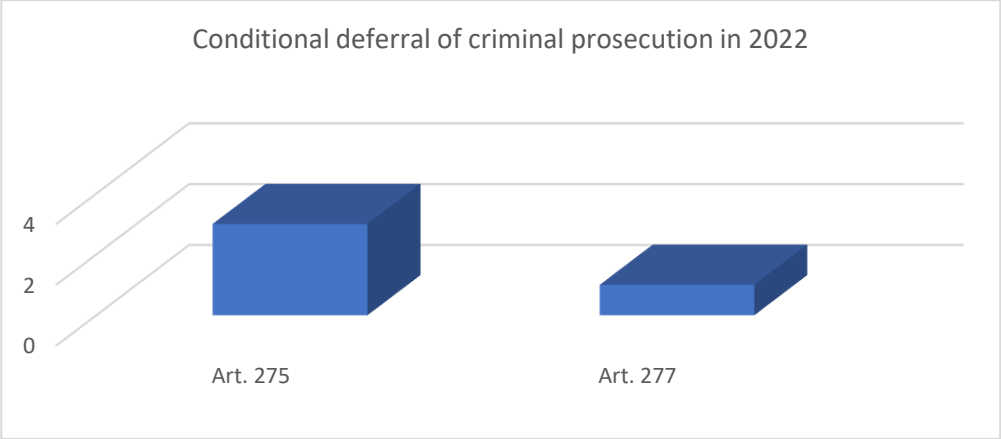


Table 145: Deferral of criminal prosecution and the type of imposed obligation at the Second Basic Public Prosecutor's Office in Belgrade

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	2	3	1
Paying a certain amount of money	2 (100%)	2 (66.67%)	1 (100%)
Rectifying the detrimental consequence/indemnifying the damage	/	/	/
Performing certain community service or humanitarian work	/	1 (33.33%)	/
Other obligations	/	/	/

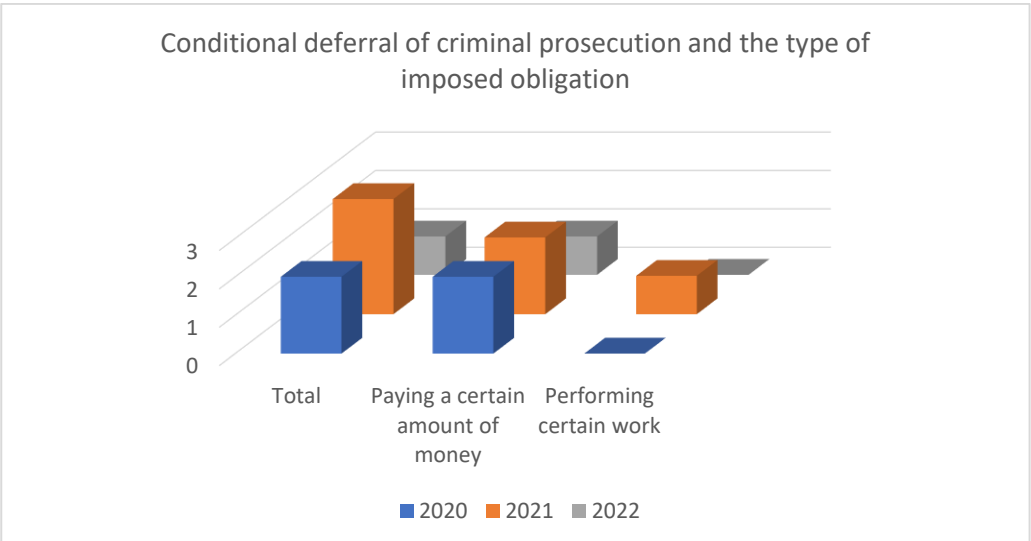


Table 146: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Obrenovac

Year	**Conditional deferral of criminal prosecution**
2020	/
2021	/
2022	/
Total	/

Table 147: Conditional deferral of criminal prosecution in the territory of the Appellate Public Prosecutor's Office in Kragujevac

Year	**Deferred criminal prosecution**	**% in relation to the number of filed criminal complaints**
2020	45	9.14%
2021	31	8.16%
2022	49	10.47%
Total	131	9.27%

Tables 148-150: Conditional deferral of criminal prosecution in the territory of the Appellate Public Prosecutor's Office in Kragujevac for individual criminal offences

2020		
Criminal offence	**Deferred**	**% in relation to the total number of criminal complaints**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	0.20%
Killing and Wanton Molesting to Animals (Art. 269)	1	0.20%
Devastation of Forests (Art. 274)	2	0.40%
Forest Theft (Art. 275)	40	8.13%
Poaching Fish (Art. 277)	1	0.20%

2021		
Type of criminal offence	**Deferred**	**% in relation to the total number of criminal complaints**

Violation of the Right to be Informed on the State of the Environment (Art. 268)	1	0.22%
Killing and Wanton Molesting to Animals (Art. 269)	1	0.22%
Devastation of Forests (Art. 274)	1	0.22%
Forest Theft (Art. 275)	34	7.50%

2022		
Type of criminal offence	**Deferred**	**% in relation to the total number of criminal complaints**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	0.21%
Killing and Wanton Molesting to Animals (Art. 269)	1	0.21%
Forest Theft (Art. 275)	44	9.40%
Poaching Game (Art. 276)	2	0.42%
Poaching Fish (Art. 277)	1	0.21%

Table 151: Deferral of criminal prosecution and the type of imposed obligation at the territory of the Appellate Public Prosecutor's Office in Kragujevac

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	45	37	49
Paying a certain amount of money	42	35	44
Rectifying the detrimental consequence/indemnifying the damage	9	4	6
Performing certain community service or humanitarian work	/	/	/
Other obligations	/	/	/

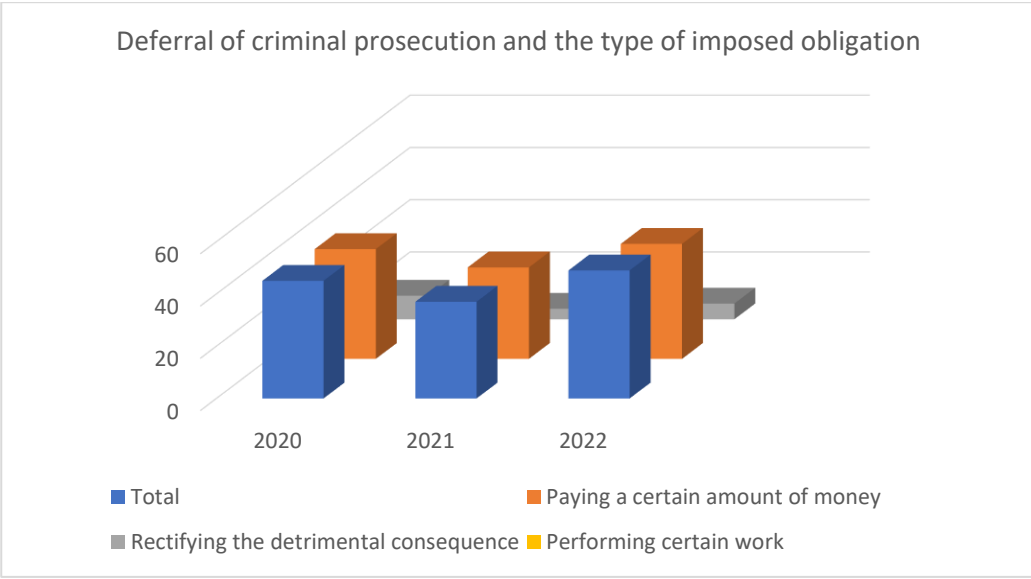
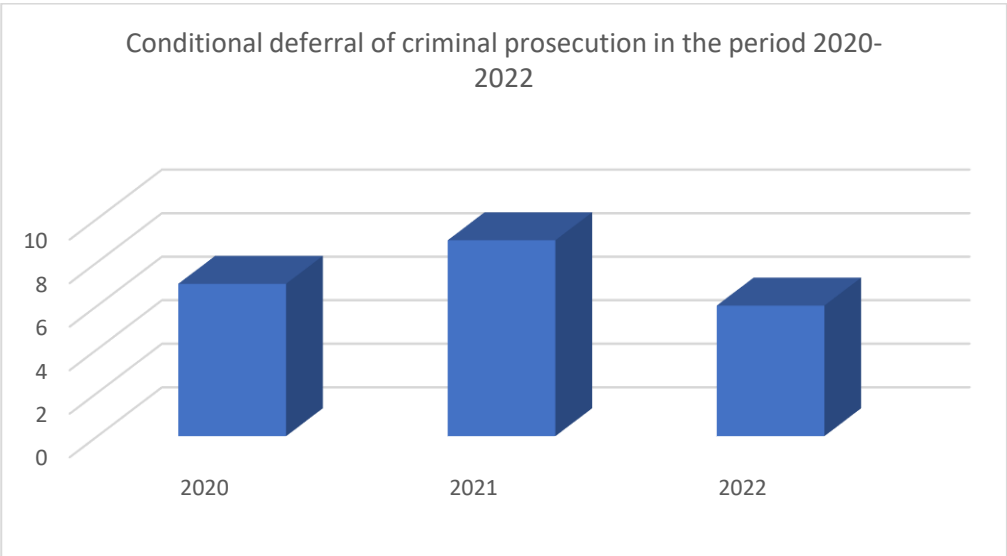


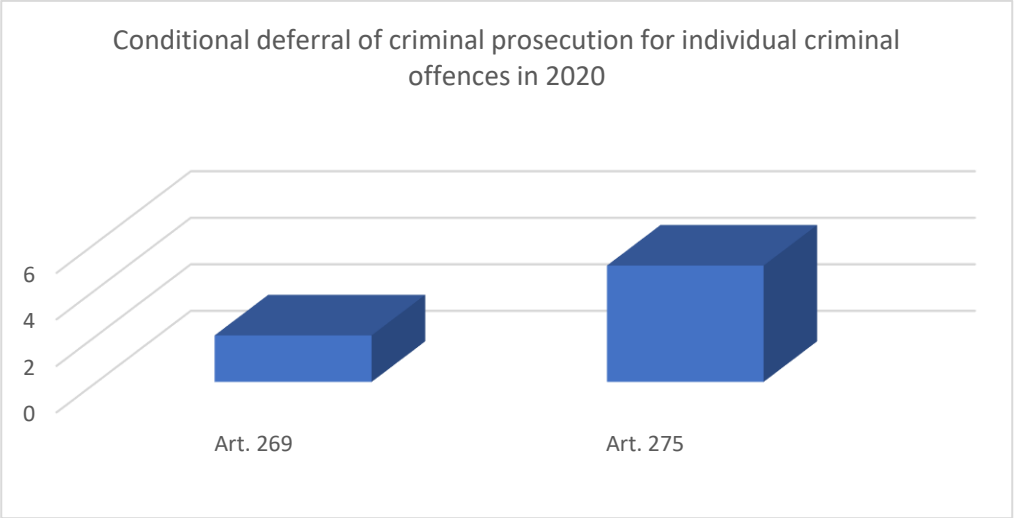
Table 152: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Kragujevac

Year	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
2020	7	22.58%
2021	9	23.68%
2022	6	14.63%
Total	21	**19.09%**

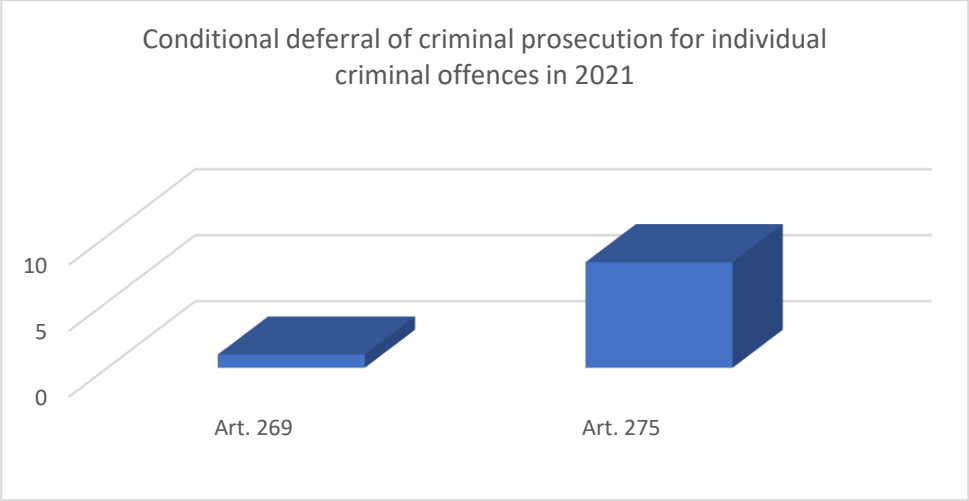


Tables 153-155: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Kragujevac for individual criminal offences

2020		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	2	33.33%
Forest Theft (Art. 275)	5	20%
Total	7	**22.58%**



2021		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	14.28%
Forest Theft (Art. 275)	8	26.66%
Total	9	**23.68%**



2022		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	33.33%
Forest Theft (Art. 275)	5	13.15%
Total	6	**14.63%**

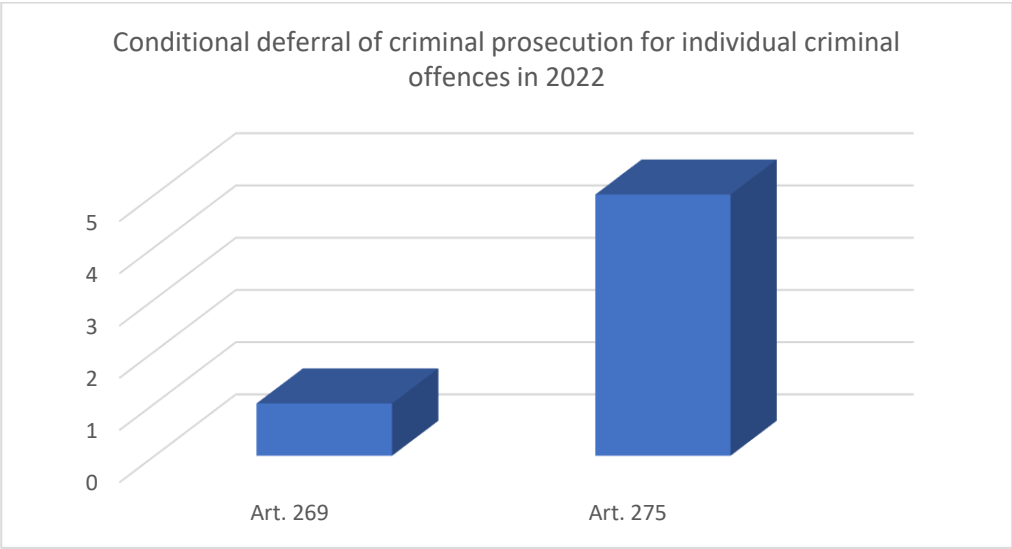


Table 156: Deferral of criminal prosecution and type of imposed obligation

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	7	9	6
Paying a certain amount of money	5 (71.42%)	6 (66.66%)	3 (16.66%)
Rectifying the detrimental consequence/indemnifying the damage	2 (28.57%)	3 (33.33%)	5 (83.33%)
Performing certain community service or humanitarian work	/	/	/
Other obligations	/	/	/

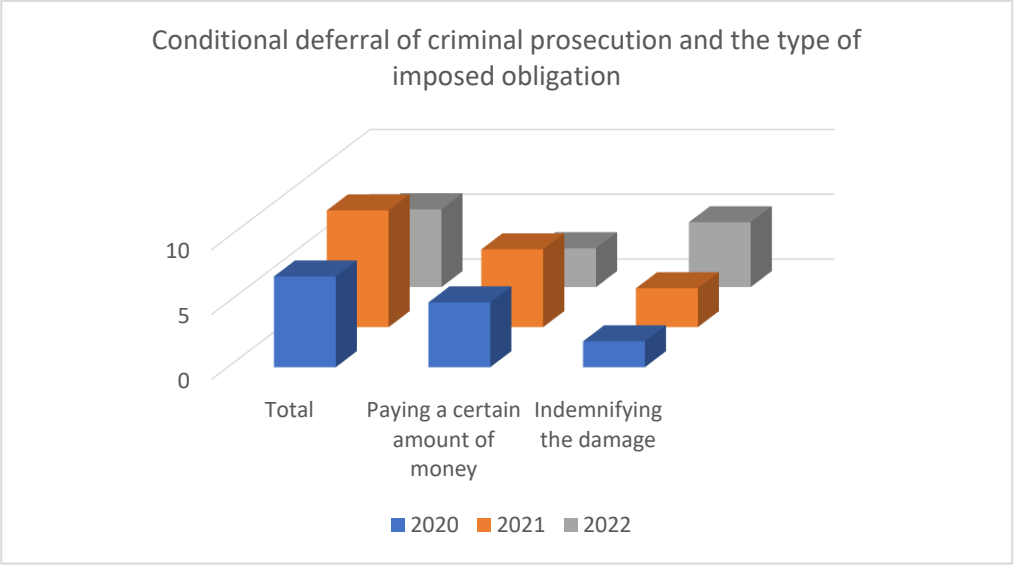
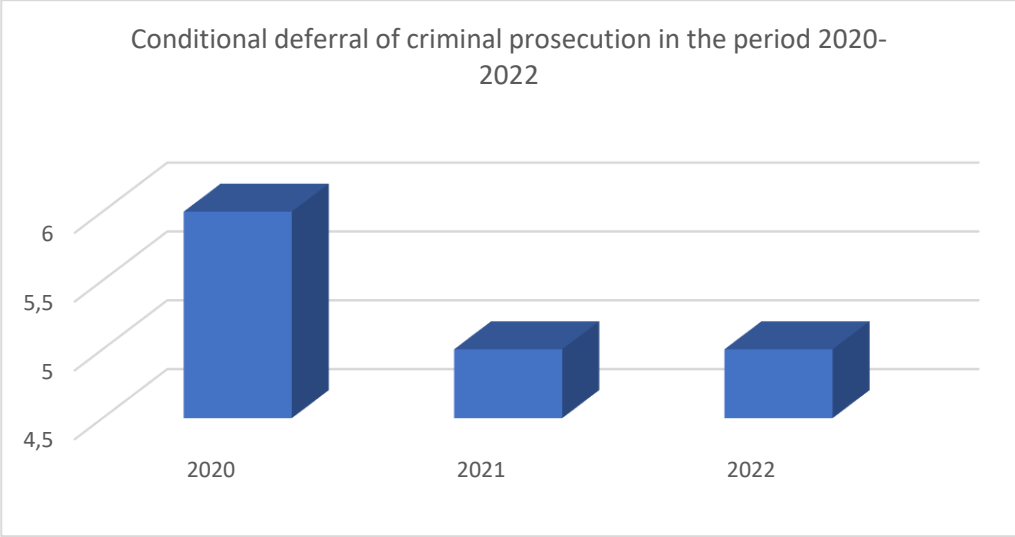


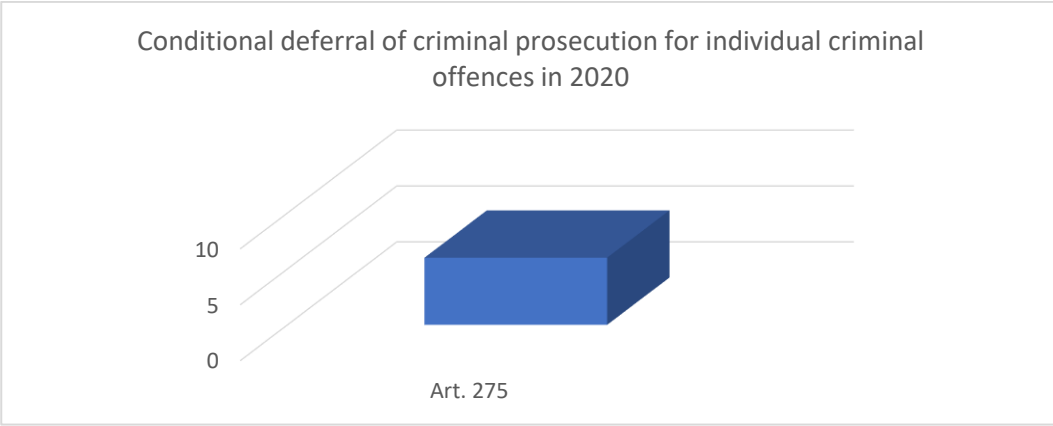
Table 157: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Novi Pazar

Year	Conditional deferral of criminal prosecution	% in relation to the number of filed criminal complaints
2020	6	11.11%
2021	5	7.69%
2022	5	8.33%
Total	16	**8.94%**



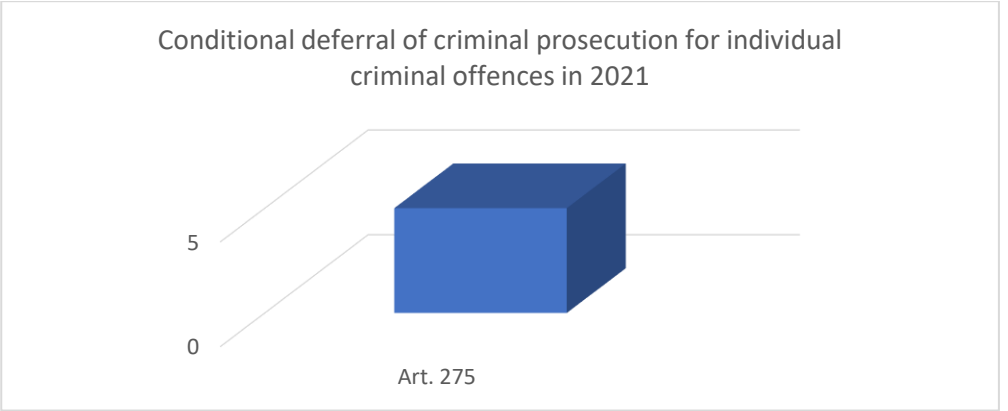
Tables 158-160: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Novi Pazar for individual criminal offences

2020		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	6	11.76%
Total	6	**11.11%**



2021		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**

Failure to undertake Environmental Protection Measure (Art. 261)	/	/
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	/	/
Forest Theft (Art. 275)	5	11.11%
Total	5	**7.69%**



2022		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	5	9.09%
Total	5	**8.33%**

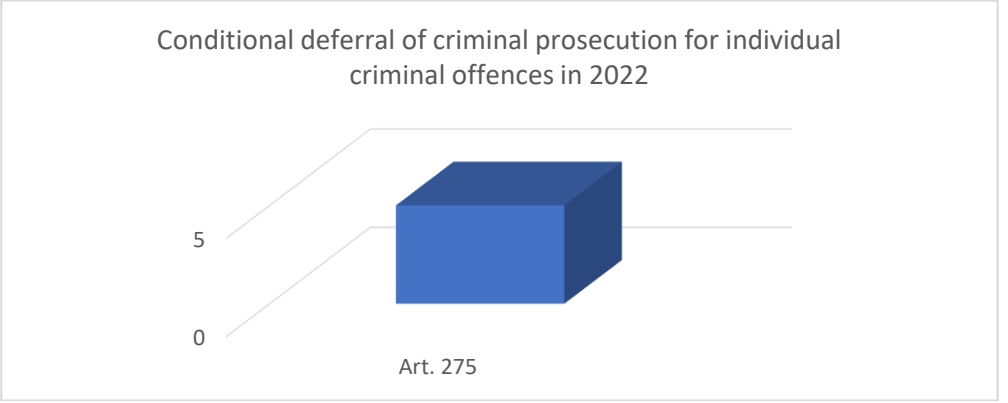


Table 161: Deferral of criminal prosecution and the type of imposed obligation at the Basic Public Prosecutor's Office in Novi Pazar

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	6 (11%)	5 (7.69%)	5 (8.33%)
Paying a certain amount of money	6 (11%)	5 (7.69%)	5 (8.33%)
Rectifying the detrimental consequence/indemnifying the damage	/	/	/
Performing certain community service or humanitarian work	/	/	/
Other obligations	/	/	/

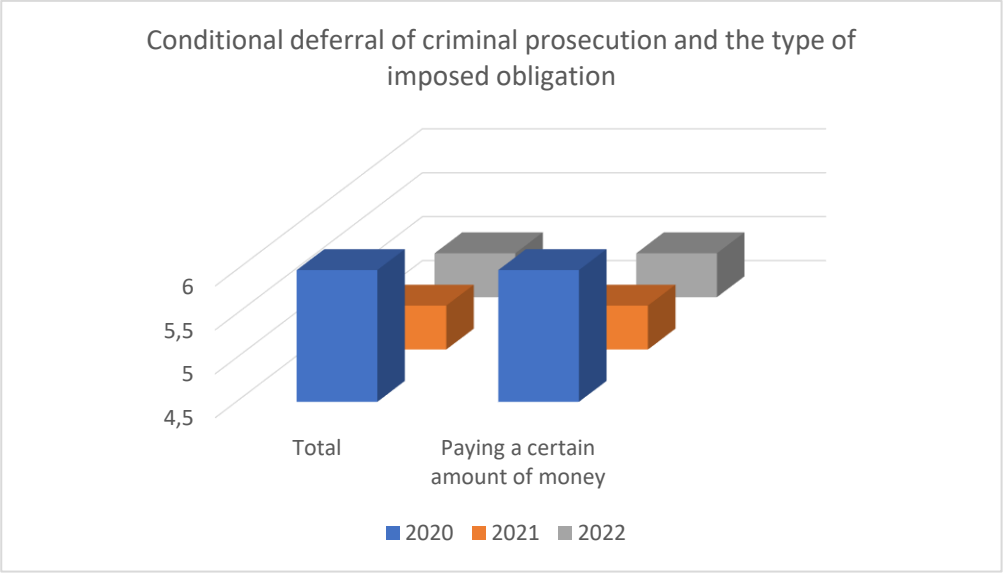


Table 162: Deferral of criminal prosecution in the territory of the Appellate Public Prosecutor's Office in Niš

Year	Deferral of criminal prosecution	% in relation to the number of filed criminal complaints
2020	35	8.30%
2021	32	11.58%
2022	32	9.97%
Total	**99**	**8.90%**

Tables 163-165: Deferral of criminal prosecution for individual criminal offences

2020		
Criminal offence	**Deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**

Killing and Wanton Molesting to Animals (Art. 269)	2	0.62%
Devastation of Forests (Art. 274)	1	0.31%
Forest Theft (Art. 275)	29	6.21%
Poaching Game (Art. 276)	3	0.93%

2021		
Criminal offence	**Deferral of criminal prosecution**	**%**
Damaging the Environment (Art. 264)	3	1.14%
Killing and Wanton Molesting to Animals (Art. 269)	2	0.76%
Forest Theft (Art. 275)	24	8.01%
Poaching Game (Art. 276)	3	1.14%

2022		
Criminal offence	**Deferral of criminal prosecution**	**%**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	4	2.41%
Killing and Wanton Molesting to Animals (Art. 269)	2	0.30%
Forest Theft (Art. 275)	26	5.13%

Table 166: Deferral of criminal prosecution and the type of imposed obligation in the territory of the Appellate Public Prosecutor's Office in Niš

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	35	32	32
Paying a certain amount of money	20	21	28
Rectifying the detrimental consequence/indemnifying the damage	21	20	11
Performing certain community service or humanitarian work	/	/	/
Other obligations	/	/	/

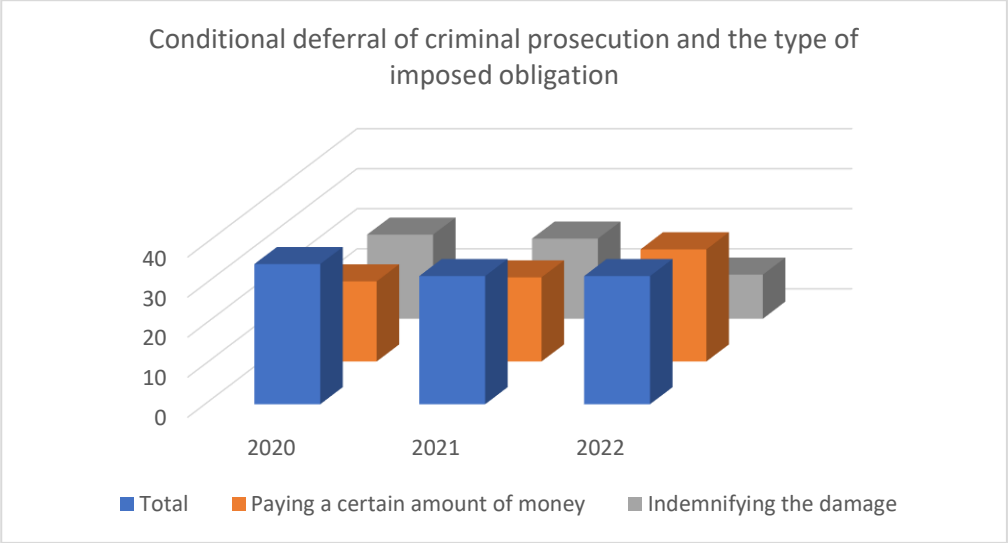
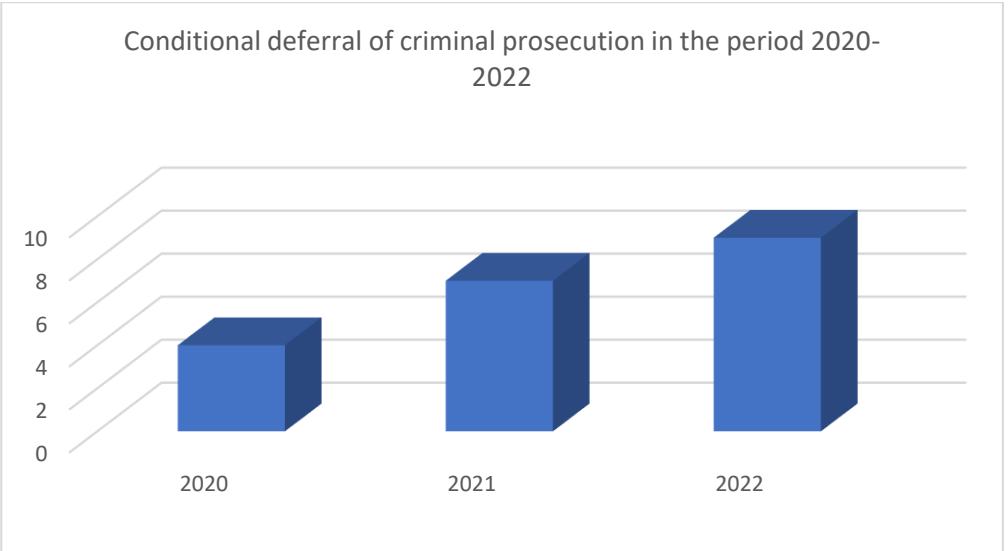


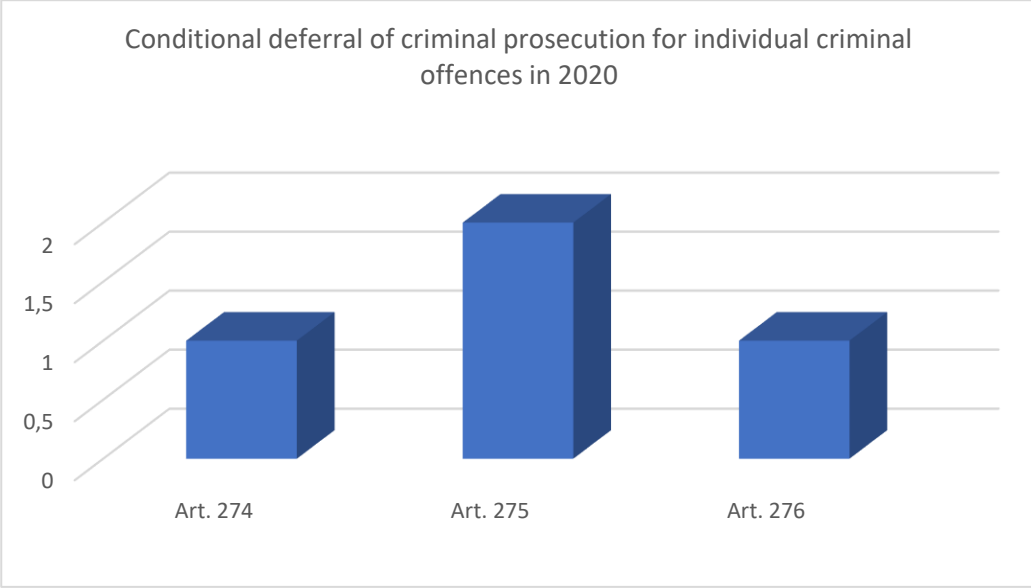
Table 167: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Niš

Year	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
2020	4	8.33%
2021	7	21.88%
2022	9	9.38%
Total	20	**11.36%**

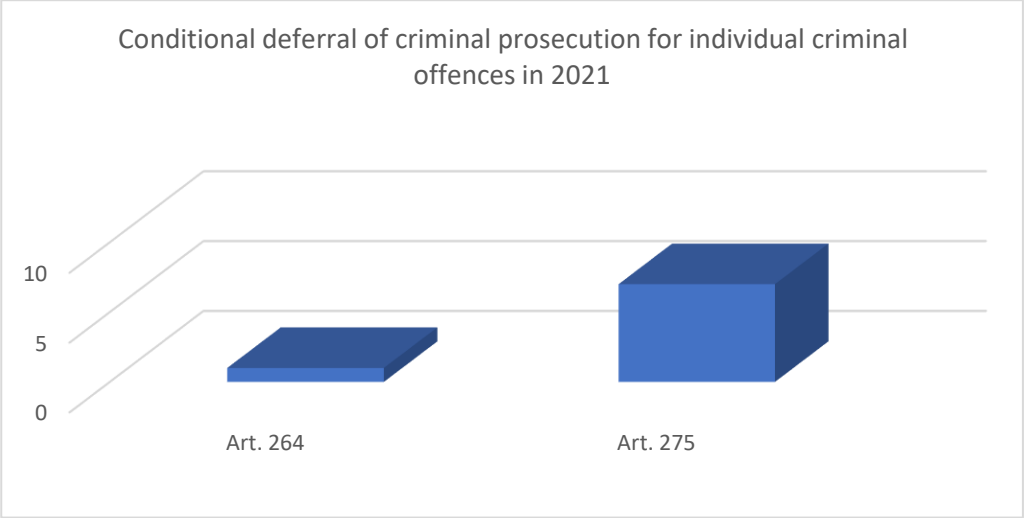


Tables 168-170: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Niš for individual criminal offences

2020		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Devastation of Forests (Art. 274)	1	14.29%
Forest Theft (Art. 275)	2	6.06%
Poaching Game (Art. 276)	1	12.50%
Total	4	**8.33%**



2021		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Damaging the Environment (Art. 264)	1	100%
Devastation of Forests (Art. 274)	/	/
Forest Theft (Art. 275)	7	25.00%
Total	8	**25.00%**



2022		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	7	36.84%
Forest Theft (Art. 275)	2	4.17%
Total	9	**9.38%**

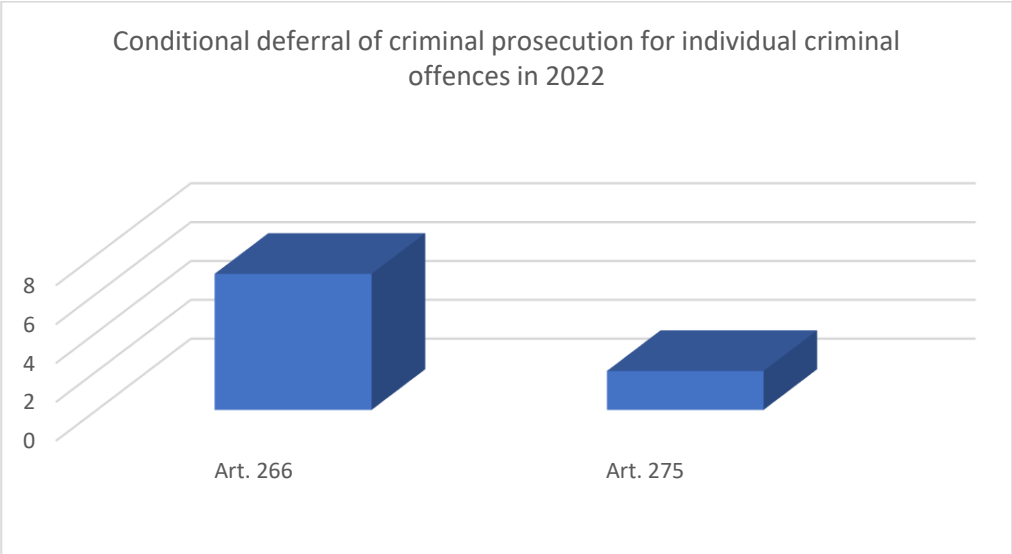


Table 171: Deferral of criminal prosecution and the type of imposed obligation at the Basic Public Prosecutor's Office in Niš

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	4	7	9
Paying a certain amount of money	4	7	9
Rectifying the detrimental consequence/indemnifying the damage	/	/	/
Performing certain community service or humanitarian work	/	/	/
Other obligations	/	/	/

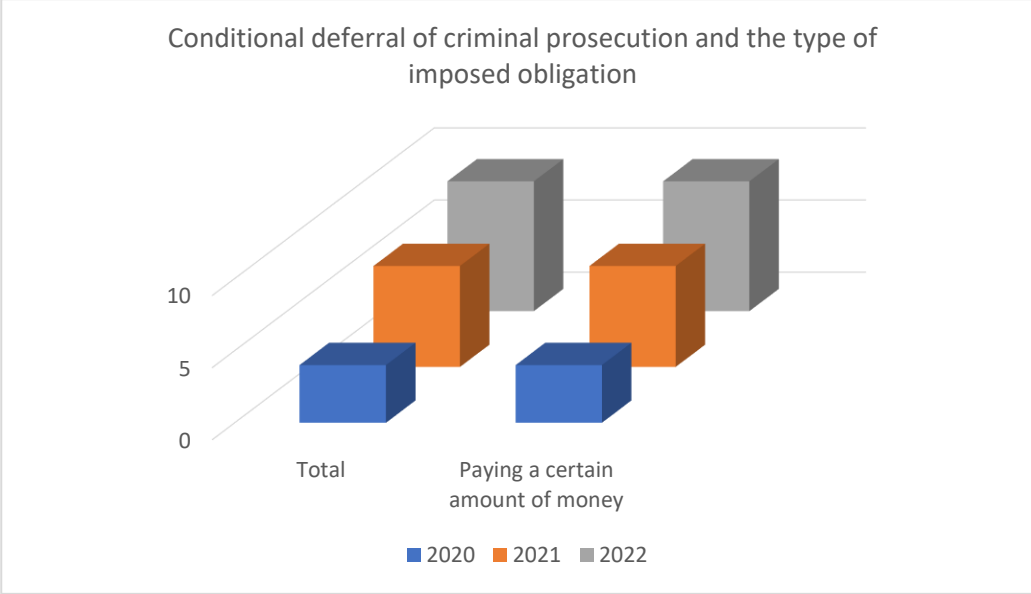
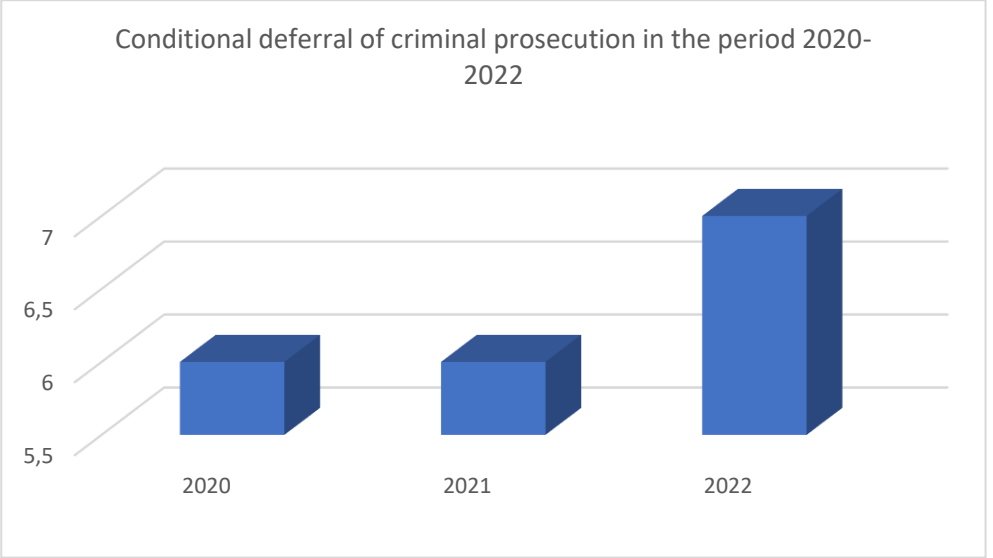


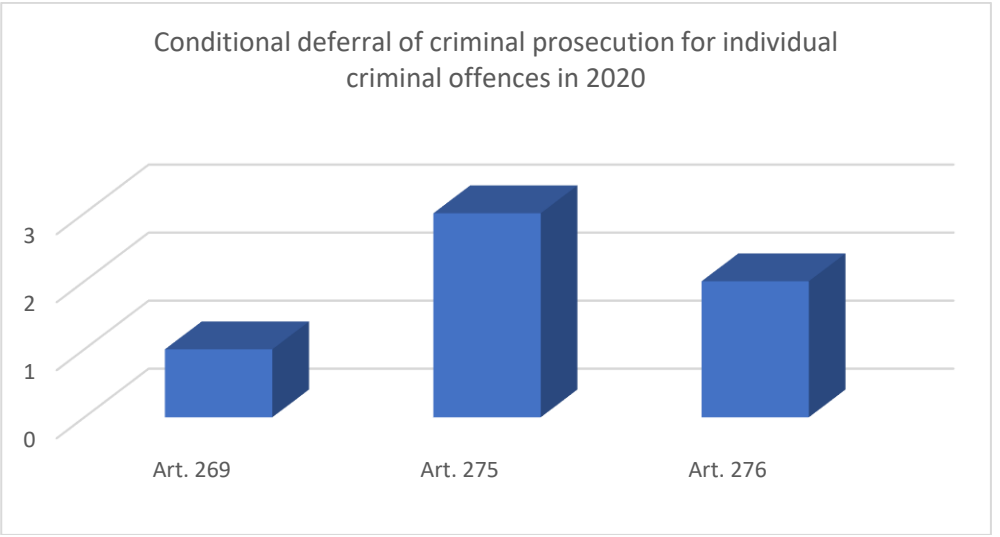
Table 172: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Leskovac

Year	Conditional deferral of criminal prosecution	% in relation to the number of filed criminal complaints
2020	6	8.70%
2021	6	13.64%
2022	7	17.95%
Total	19	**12.50%**

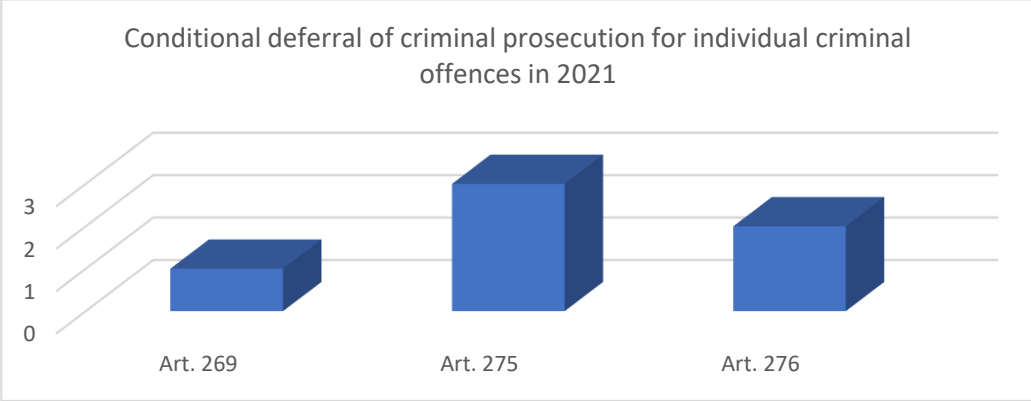


Tables 173-175: Application of the principle of the opportunity in the Basic Public Prosecutor's Office in Leskovac for individual criminal offences

2020		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	20.00%
Forest Theft (Art. 275)	3	4.92%
Poaching Game (Art. 276)	2	66.67%
Total	6	**8.70%**



2021		
Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	20.00%
Forest Theft (Art. 275)	3	10.00%
Poaching Game (Art. 276)	2	40.00%
Total	6	**13.64%**



2022

Criminal offence	**Conditional deferral of criminal prosecution**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	7	20.59%
Total	7	**17.95%**

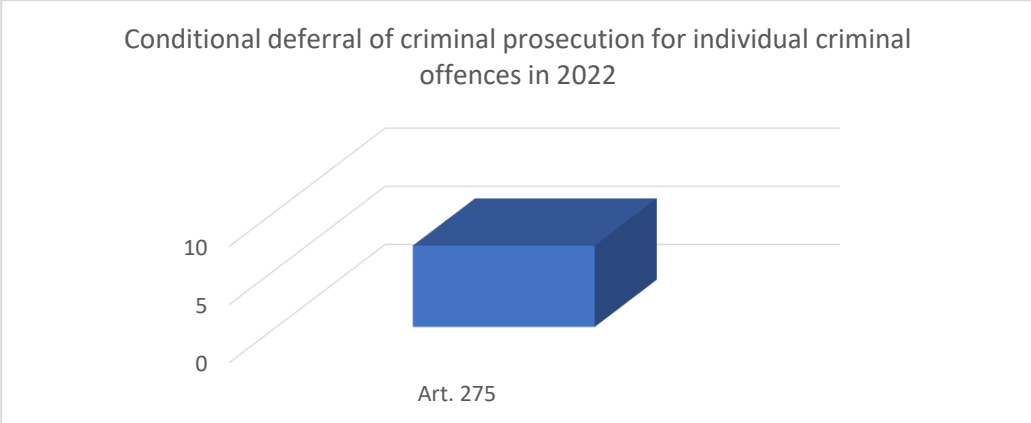
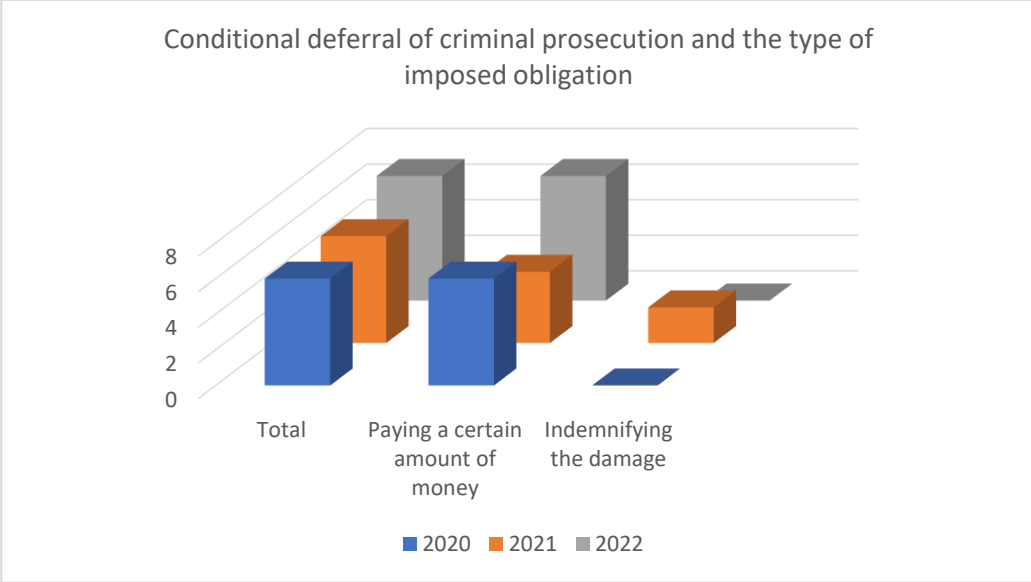


Table 176: Deferral of criminal prosecution at the Basic Public Prosecutor's Office in Leskovac and the type of imposed obligation

Year	2020 (total)	2021 (total)	2022 (total)
Deferred criminal prosecution (total)	6	6	7
Paying a certain amount of money	6 (100%)	4 (66.67%)	7 (100%)
Rectifying the detrimental consequence/indemnifying the damage	/	2 (33.33%)	/
Performing certain community service or humanitarian work	/	/	/
Other obligations	/	/	/



2. Criminal offences against the environment and charging documents filed (total and broken down by criminal offences)

One of the six initial hypotheses of the research conducted is that the number of charges for criminal offences against the environment is relatively low and they predominantly concern minor criminal offences of this type. In other words, the number of prosecuted criminal cases in this category does not correspond to the actual number of committed criminal offences against the environment. The key reason for such ratio (discrepancy) between the criminal cases reported and prosecuted (number of criminal complaints filed and number and percentage of charging documents filed) should be sought in the inadequacy of the proposed evidentiary materials substantiating the filed criminal complaints. The results of the research conducted, presented in the tables and charts below, support the accuracy of the posed hypothesis. Only some of the substantial number of findings of this nature are highlighted below:

First, in the analysed three-year period, across the Republic of Serbia, a charging document was filed in only 19.1% of the reported criminal cases – filed criminal complaints. Only 1145 charging documents were filed. The number of filed charging documents by years is largely even, which is not the case with the number of charging documents filed in the territories of individual appellate public prosecutors' offices. From this aspect, the number of filed charging documents is the highest in the territory of the Appellate Public Prosecutor's Office in Kragujevac, where 442 charging documents were filed during the three analysed years (38.6% of all filed charging documents for criminal offences against the environment in the Republic of Serbia). The number of filed charging documents is the lowest in the territory of the Appellate Public Prosecutor's Office in Belgrade. In the three years under consideration, only 51 charging documents were filed in the territory of this Appellate Public Prosecutor's Office (4.4% of all filed charging documents for criminal offences against the environment in the territory of the Republic of Serbia).

Second, there are substantial differences in the number of filed charging documents between some of the eight analysed basic public prosecutors' offices. Thus, for instance, in 2020, no charging documents for these criminal offences were filed in the Second Basic Public Prosecutor's Office in Belgrade and the Basic Public Prosecutor's Office in Obrenovac, while in the same year, fifteen charging documents for this category of criminal offences were filed in the Basic Public Prosecutor's Office in Novi Pazar.

Third, it should be noted that in some of the analysed years, in the territories of some basic public prosecutors' offices, no charging documents for criminal offences against the environment were filed. This is the case with the Second Basic Public Prosecutor's Office in Belgrade and the Basic Public Prosecutor's Office in Obrenovac.

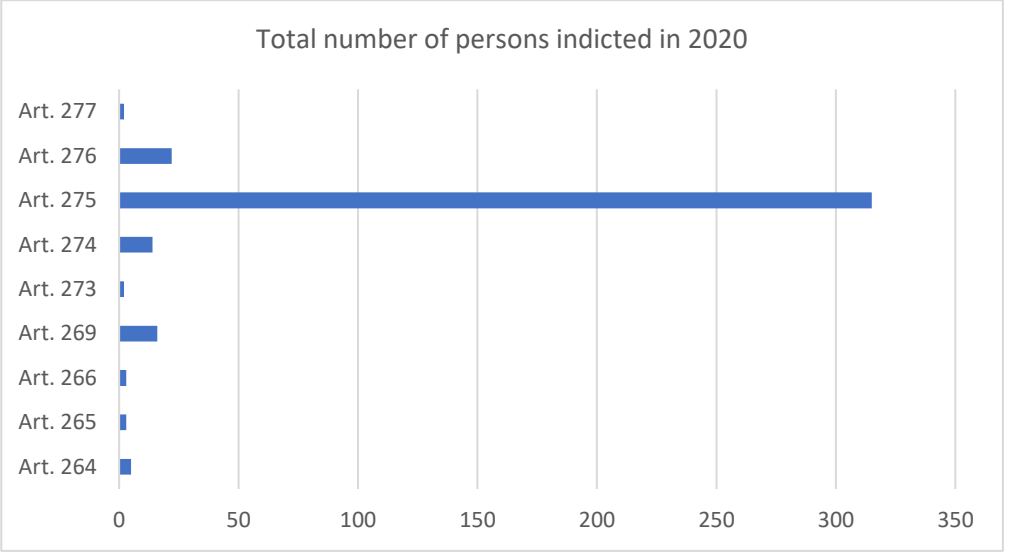
Fourth, the criminal offence of Forest Theft (Art. 275 of the CC) accounts for the largest number and percentage of charging documents filed for these criminal offences. Out of the total of 1145 charging documents filed for criminal offences against the environment, 945 (82.8%) were filed for the criminal offence of Forest Theft.

Fifth, from the aspect of the type of criminal offence for which charging documents were filed, the second, third, fourth and fifth most prevalent (albeit in a several times smaller number and percentage) are the criminal offences of Killing and Wanton Molesting to Animals, Poaching Fish, Devastation of Forests and Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances. As regards other criminal offences, there were no or only a negligible number of charging documents filed.

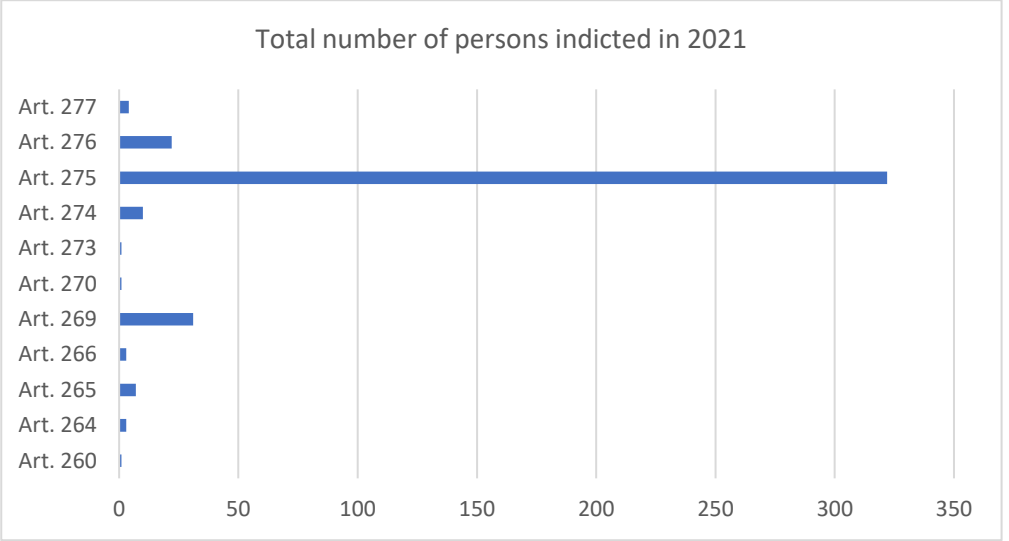
Tables 177–179: Motions to indict filed in the territory of the Republic of Serbia in the period 2020–2022[40]

2020		
Type of criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Damaging the Environment (Art. 264)	5	100%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	3	27.27%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	3	30.00%
Killing and Wanton Molesting to Animals (Art. 269)	16	13.11%
Pollution of Livestock Fodder and Water (Art. 273)	2	100%
Devastation of Forests (Art. 274)	14	22.95%
Forest Theft (Art. 275)	315	18.05%
Poaching Game (Art. 276)	22	25.88%
Poaching Fish (Art. 277)	2	10.00%

[40] Data of the Statistical Office of the Republic of Serbia.



2021		
Type of criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Environmental Pollution (Art. 260)	1	7.14%
Damaging the Environment (Art. 264)	3	50.00%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	7	46.66%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	3	42.86%
Killing and Wanton Molesting to Animals (Art. 269)	31	13.42%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	1	8.33%
Pollution of Livestock Fodder and Water (Art. 273)	1	33.33%
Devastation of Forests (Art. 274)	10	30.30%
Forest Theft (Art. 275)	322	20.60%
Poaching Game (Art. 276)	22	23.66%
Poaching Fish (Art. 277)	4	28.57%



2022		
Type of criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Environmental Pollution (Art. 260)	1	5.00%
Damaging the Environment (Art. 264)	2	12.50%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	3	75.00%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	6	85.71%
Killing and Wanton Molesting to Animals (Art. 269)	28	13.33%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	1	50.00%
Pollution of Livestock Fodder and Water (Art. 273)	1	25.00%
Devastation of Forests (Art. 274)	11	22.00%
Forest Theft (Art. 275)	308	21.71%
Poaching Game (Art. 276)	8	8.25%
Poaching Fish (Art. 277)	20	52.94%

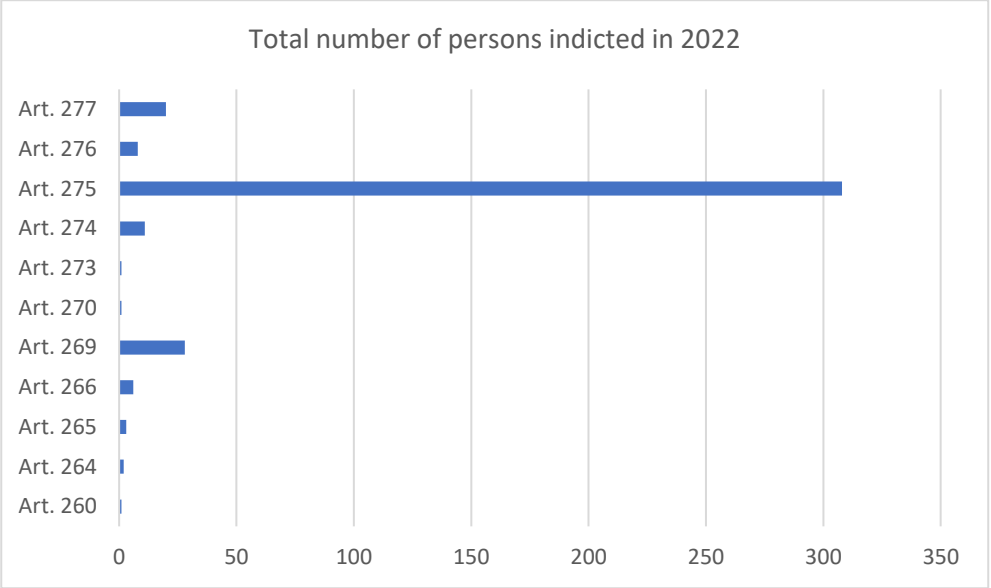
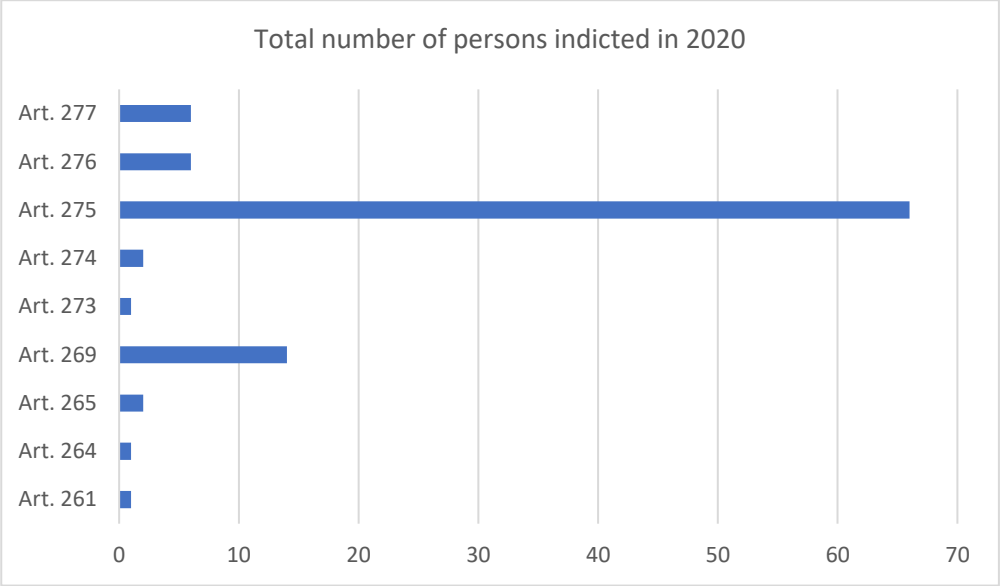


Table 180: Total indictments for the territory of the Appellate Public Prosecutor's Office in Novi Sad

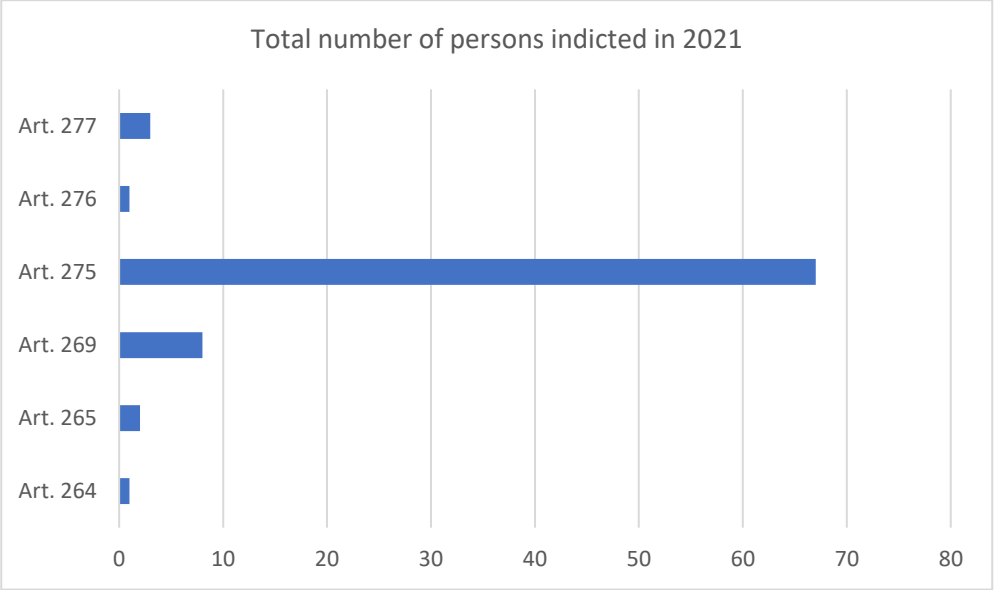
Year	**Indicted**	**% in relation to the number of filed criminal complaints**
2020	99	29.83%
2021	81	27.02%
2022	106	33.45%
Total	286	**30.90%**

Tables 181–183: Total indictments for the territory of the Appellate Public Prosecutor's Office in Novi Sad broken down by criminal offences

2020		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints for the criminal offence in question**
Failure to Undertake Environmental Protection Measure (Art. 261)	1	20%
Damaging the Environment (Art. 264)	1	100%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	2	40.00%
Killing and Wanton Molesting to Animals (Art. 269)	14	22.58%
Pollution of Livestock Fodder and Water (Art. 273)	1	100%
Devastation of Forests (Art. 274)	2	66.67%
Forest Theft (Art. 275)	66	52.38%
Poaching Game (Art. 276)	6	40.00%
Poaching Fish (Art. 277)	6	40.00%



2021		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Damaging the Environment (Art. 264)	1	50.00%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	2	33.33%
Killing and Wanton Molesting to Animals (Art. 269)	8	19.51%
Forest Theft (Art. 275)	67	52.76%
Poaching Game (Art. 276)	1	4.35%
Poaching Fish (Art. 277)	3	37.50%
Total	81	**29.67%**



2022		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Environmental Pollution (Art. 260)	1	33.33%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	1	25.00%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	10	66.67%
Killing and Wanton Molesting to Animals (Art. 269)	8	22.86%
Devastation of Forests (Art. 274)	1	50.00%
Forest Theft (Art. 275)	81	46.02%
Poaching Game (Art. 276)	2	15.38%
Poaching Fish (Art. 277)	2	20.00%
Total	106	**39.26%**

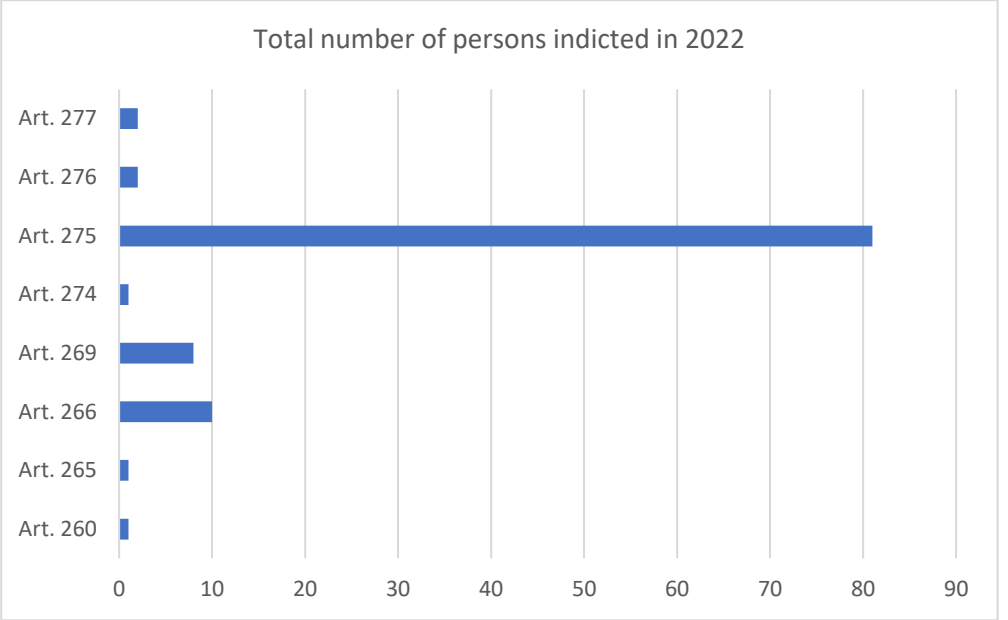
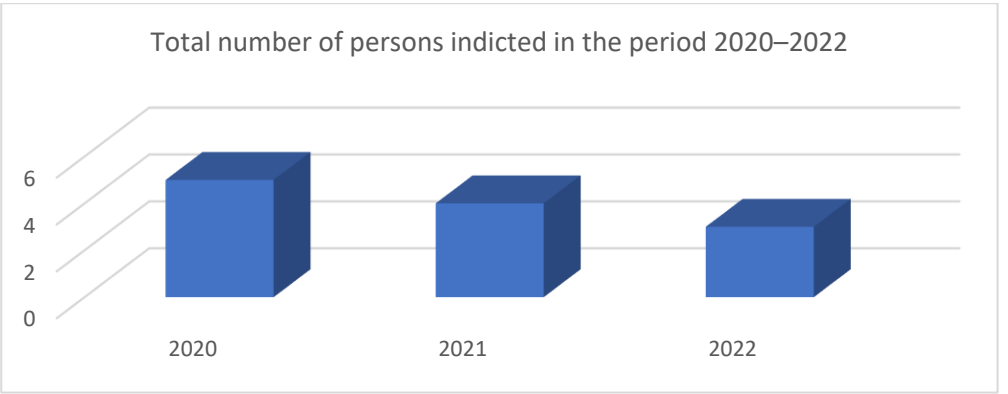


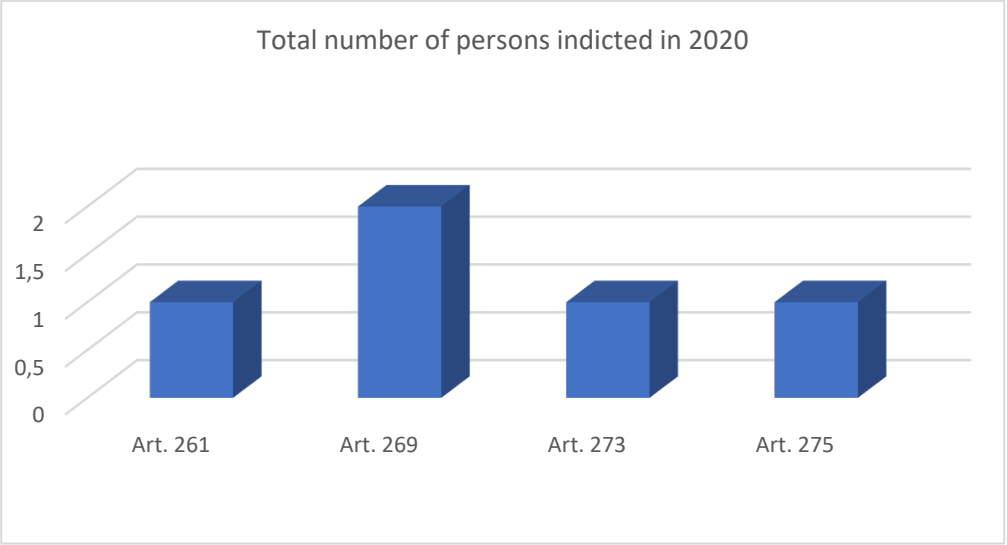
Table 184: Indictments and the Basic Public Prosecutor's Office in Novi Sad

Year	Indicted	%
2020	5	(38.46%)
2021	4	(15.38%)
2022	3	(11.11%)
Total	12	(18.18%)

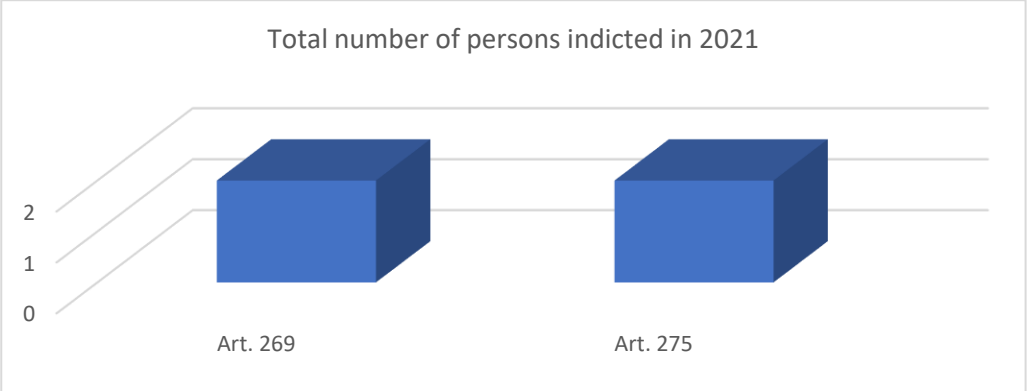


Tables 185–187: Indictments broken down by criminal offences and the Basic Public Prosecutor's Office in Novi Sad

2020		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Failure to Undertake Environmental Protection Measure (Art. 261)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	2	66.67%
Pollution of Livestock Fodder and Water (Art. 273)	1	100%
Forest Theft (Art. 275)	1	12.50%
Total	5	**38.46%**



2021		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	2	25.00%
Forest Theft (Art. 275)	2	20.00%
Total	4	**15.38%**



2022

Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	12.50%
Forest Theft (Art. 275)	2	11.76%
Total	3	**11.11%**

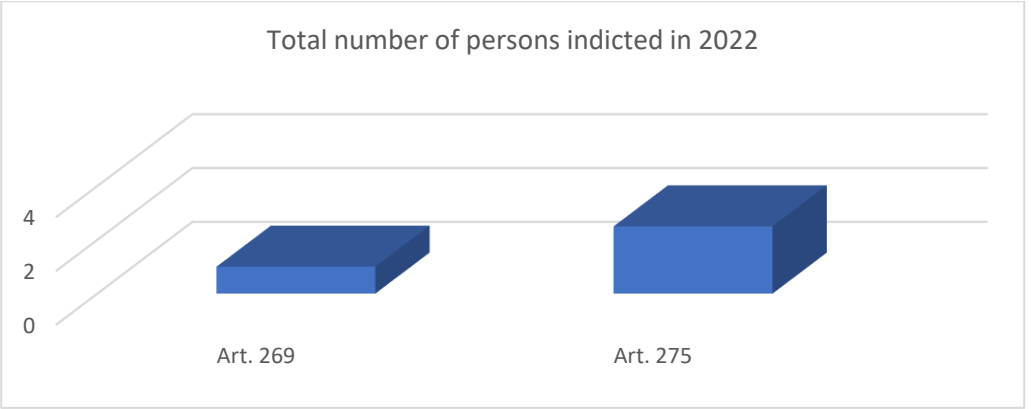
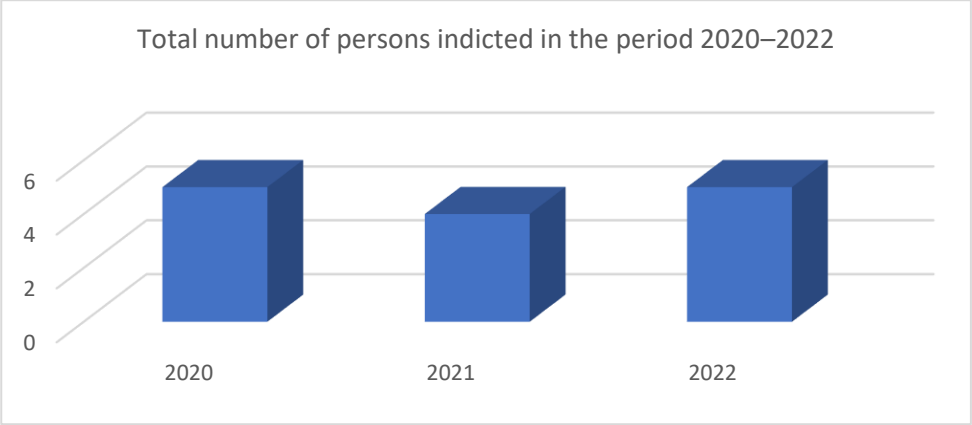


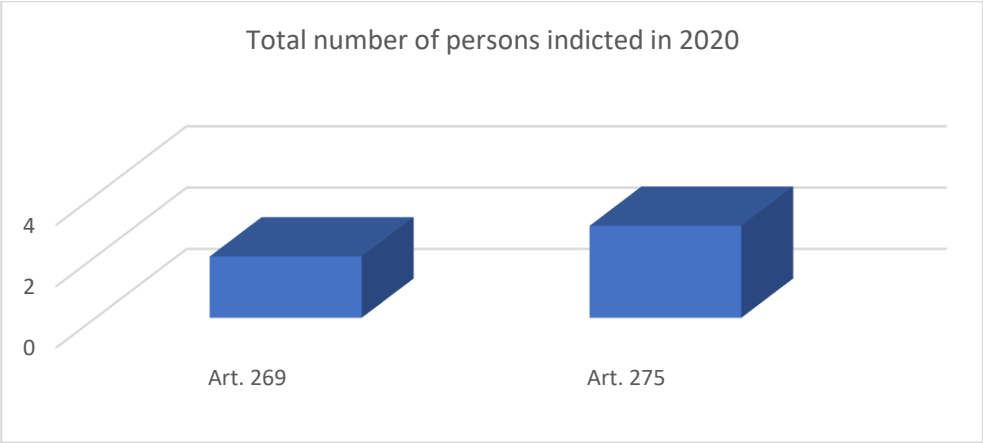
Table 188: Indictments and the Basic Public Prosecutor's Office in Subotica

Year	**Indicted**	**% in relation to the number of filed criminal complaints**
2020	5	35.71%
2021	4	16.67%
2022	5	29.46%
Total	14	25.46%

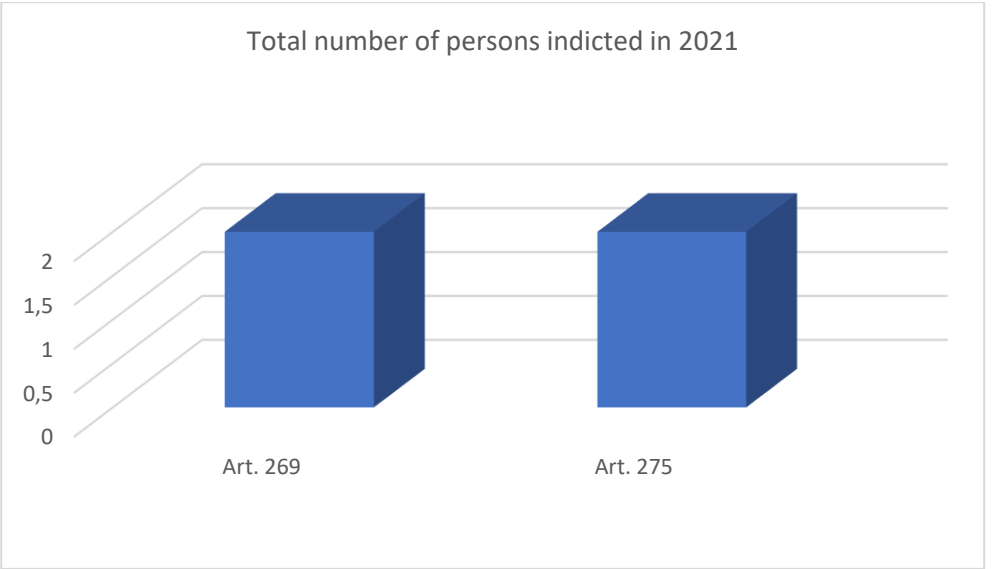


Tables 189–191: Indictments broken down by criminal offences and the Basic Public Prosecutor's Office in Subotica

2020		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	2	50.00%
Forest Theft (Art. 275)	3	37.50%
Total	5	**35.71%**



2021		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	2	33.33%
Forest Theft (Art. 275)	2	33.33%
Total	4	**16.67%**



2022		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	2	50.00%
Forest Theft (Art. 275)	3	37.50%
Total	5	29.41%

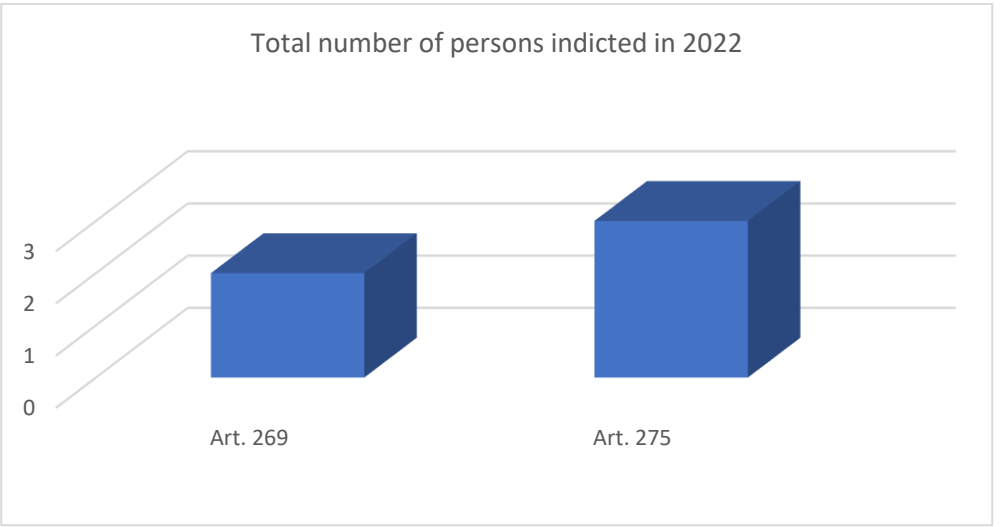


Table 192: Total number of persons indicted in the territory of the Appellate Public Prosecutor's Office in Belgrade

Year	Indicted
2020	20
2021	27
2022	14
Total	51

Tables 193–195: Total number of persons indicted broken down by criminal offences

2020		
Criminal offence	**Indicted**	**% in relation to the total number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	4	15.38%
Forest Theft (Art. 275)	13	14.28%
Poaching Game (Art. 276)	3	75%

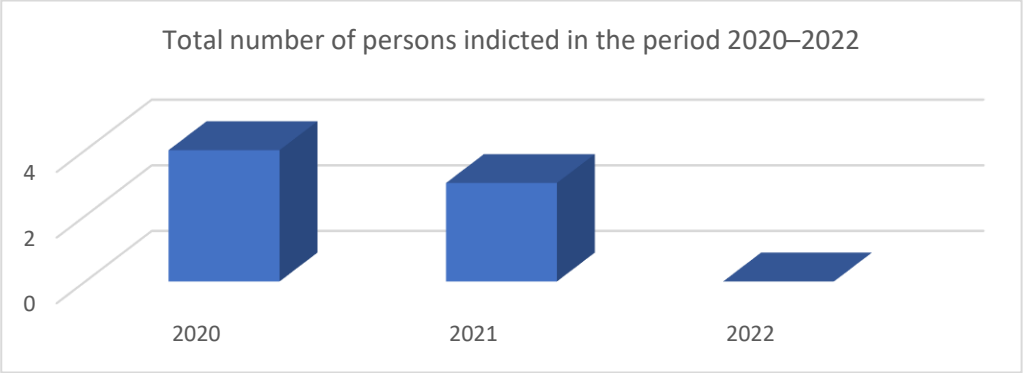
2021		
Type of criminal offence	Indicted	% in relation to the total number of filed criminal complaints
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	2	40%
Killing and Wanton Molesting to Animals (Art. 269)	3	10.34%
Pollution of Livestock Fodder and Water (Art. 273)	9	10.22%
Forest Theft (Art. 275)	27	36.48%

2022		
Type of criminal offence	**Indicted**	**% in relation to the total number of filed criminal complaints**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	2	22.22%

Killing and Wanton Molesting to Animals (Art. 269)	3	14.28%
Devastation of Forests (Art. 274)	2	22.22%
Forest Theft (Art. 275)	6	5.82%
Poaching Game (Art. 276)	1	8.33%

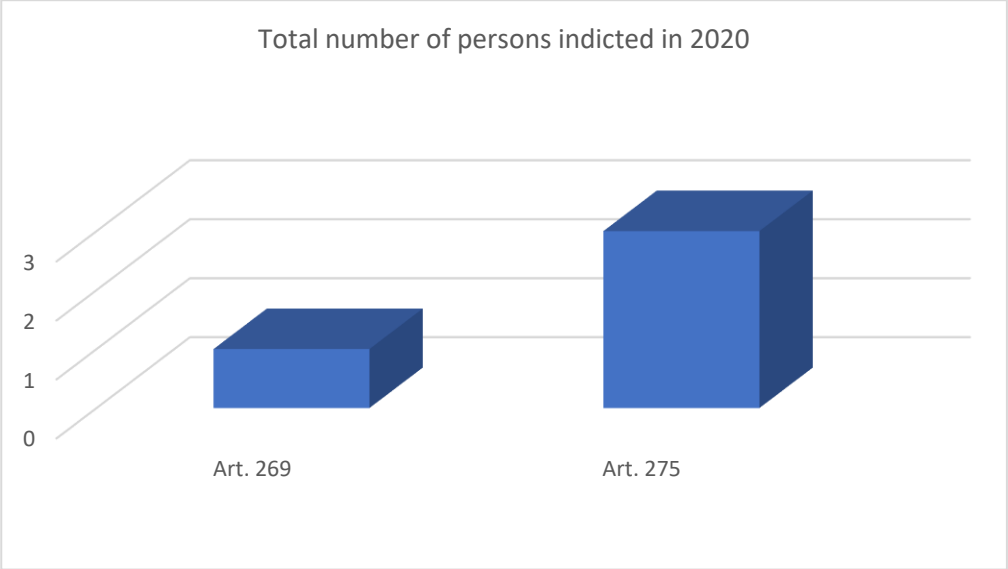
Table 196: Indictments and the Second Basic Public Prosecutor's Office in Belgrade

Year	**Indicted**	**% in relation to the number of filed criminal complaints**
2020	4	40.00%
2021	3	21.43%
2022	0	0%
Total	7	**20.00%**

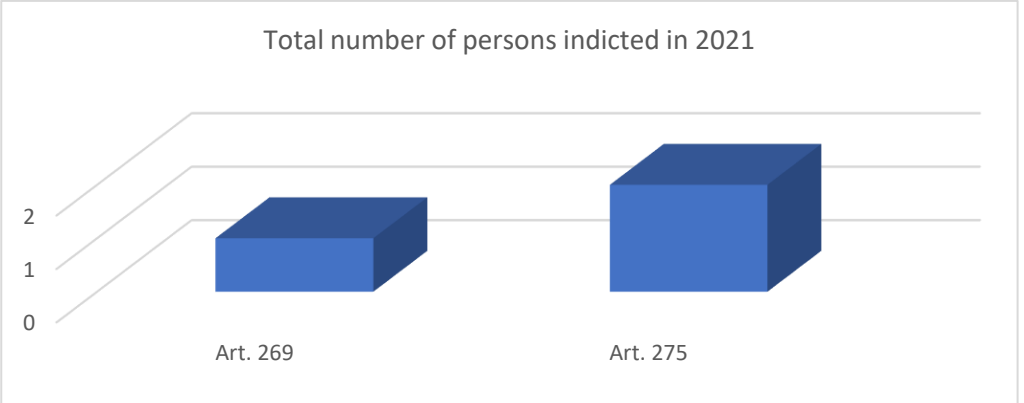


Tables 197–199: Indictments broken down by criminal offences and the Second Basic Public Prosecutor's Office in Belgrade

2020		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	50.00%
Forest Theft (Art. 275)	3	50.00%
Total	4	**40.00%**



2021		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	20.00%
Forest Theft (Art. 275)	2	50.00%
Total	3	**21.43%**

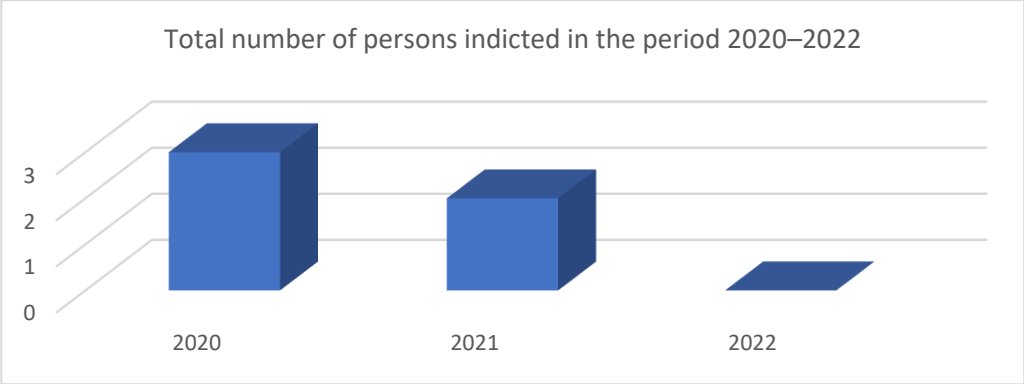


2022

Criminal offence	Indicted	% in relation to the number of filed criminal complaints
Total	/	/

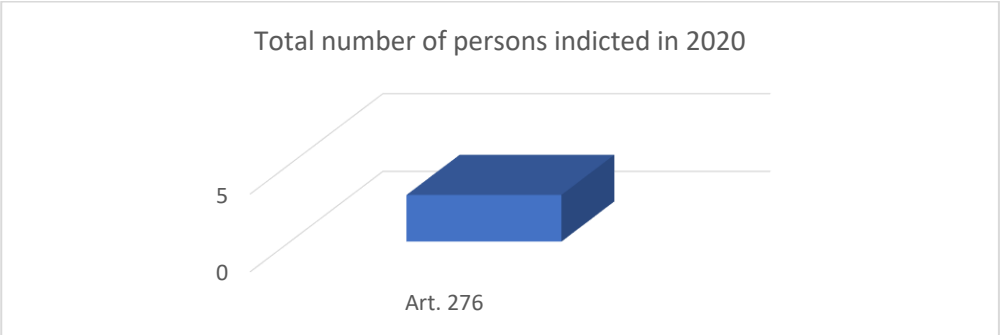
Table 200: Indictments and the Basic Public Prosecutor's Office in Obrenovac

Year	Indicted	% in relation to the number of filed criminal complaints
2020	3	37.50%
2021	2	50.00%
2022	0	0%
Total	5	**27.78%**

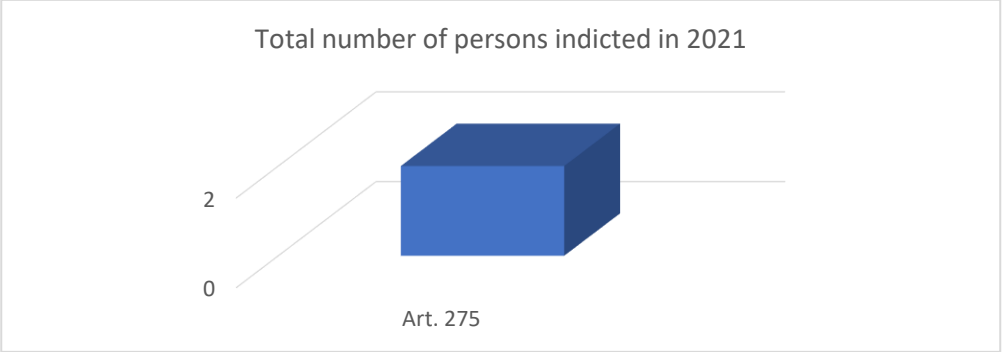


Tables 201–203: Indictments broken down by criminal offences and the Basic Public Prosecutor's Office in Obrenovac

2020		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Poaching Game (Art. 276)	3	100%
Total	3	**37.50%**



2021		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	2	50.00%
Total	2	**50.00%**



2022		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Total	/	**/**

Table 204: Total number of persons indicted in the territory of the Appellate Public Prosecutor's Office in Kragujevac

Year	**Indicted**
2020	126
2021	162
2022	154
Total	442

Tables 205–207: Total number of persons indicted broken down by criminal offences

2020		
Criminal offence	Indicted	% in relation to the total number of filed criminal complaints
Environmental Pollution (Art. 260)	1	12.50%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	1	100%

Killing and Wanton Molesting to Animals (Art. 269)	10	34.48%
Devastation of Forests (Art. 274)	9	29.03%
Forest Theft (Art. 275)	100	25.44%
Poaching Game (Art. 276)	5	22.72%

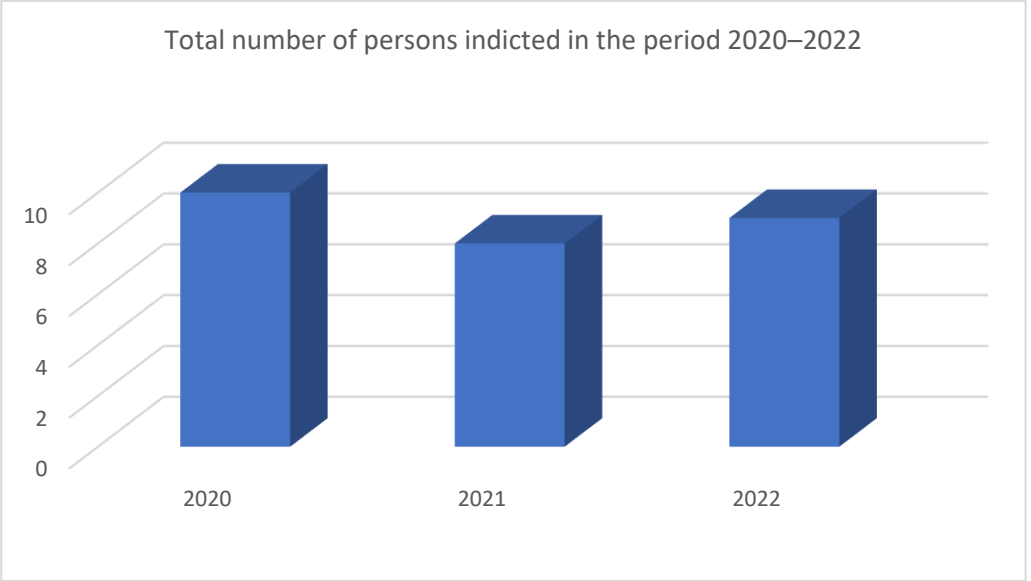
2021		
Type of criminal offence	Indicted	% in relation to the total number of filed criminal complaints
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	13	30.95%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	5	29.41%
Devastation of Forests (Art. 274)	4	20%
Forest Theft (Art. 275)	132	42.03%
Poaching Game (Art. 276)	6	24%
Poaching Fish (Art. 277)	1	12.50%

2022		
Type of criminal offence	**Indicted**	**% in relation to the total number of filed criminal complaints**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	16.66%
Killing and Wanton Molesting to Animals (Art. 269)	9	39.13%

Devastation of Forests (Art. 274)	14	53.84%
Forest Theft (Art. 275)	125	33.06%
Poaching Game (Art. 276)	3	18.75%
Poaching Fish (Art. 277)	2	66.66%

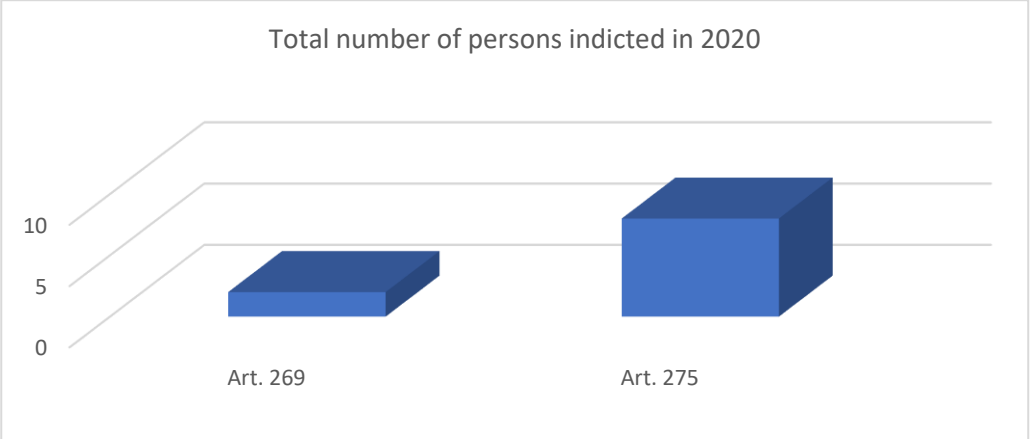
Table 208: Indictments and the Basic Public Prosecutor's Office in Kragujevac

Year	**Indicted**	**%**
2020	10	32.25%
2021	8	21.05%
2022	9	21.95%
Total	27	**24.55%**

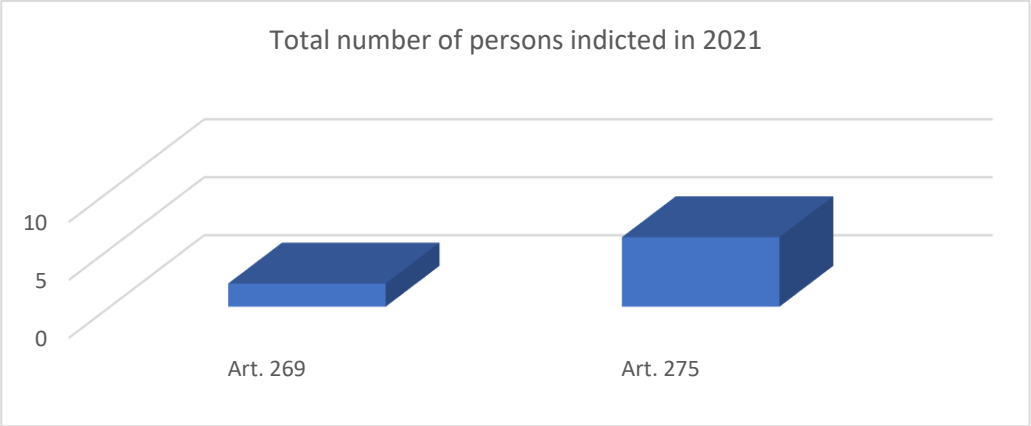


Tables 209–211: Indictments broken down by criminal offences and the Basic Public Prosecutor's Office in Kragujevac

2020		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	2	33.33%
Forest Theft (Art. 275)	8	32.00%
Total	10	**32.26%**



2021		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	2	28.57%
Forest Theft (Art. 275)	6	20%
Total	8	**21.05%**



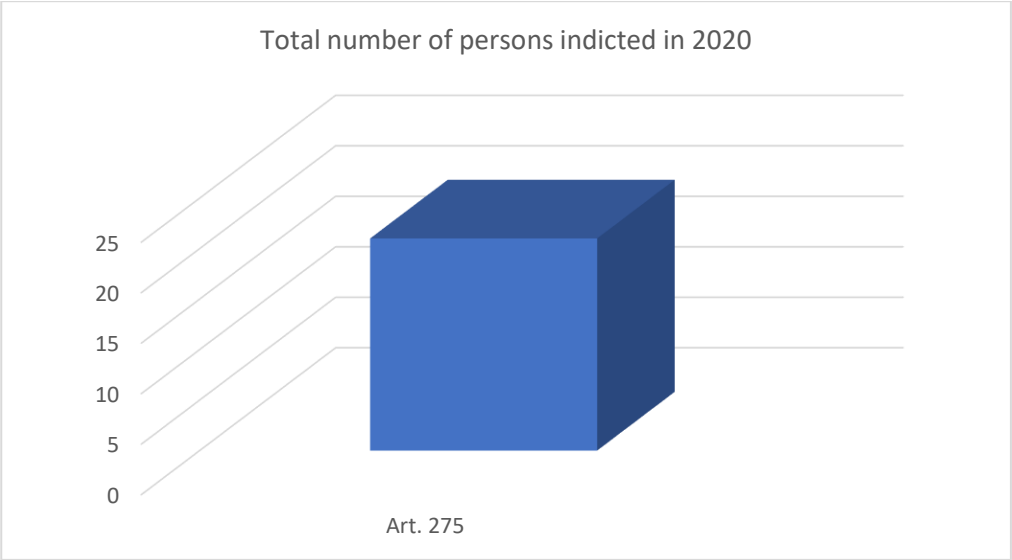
2022		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	2	66.66%
Forest Theft (Art. 275)	7	18.42%
Total	9	**21.95%**

Table 212: Indictments and the Basic Public Prosecutor's Office in Novi Pazar

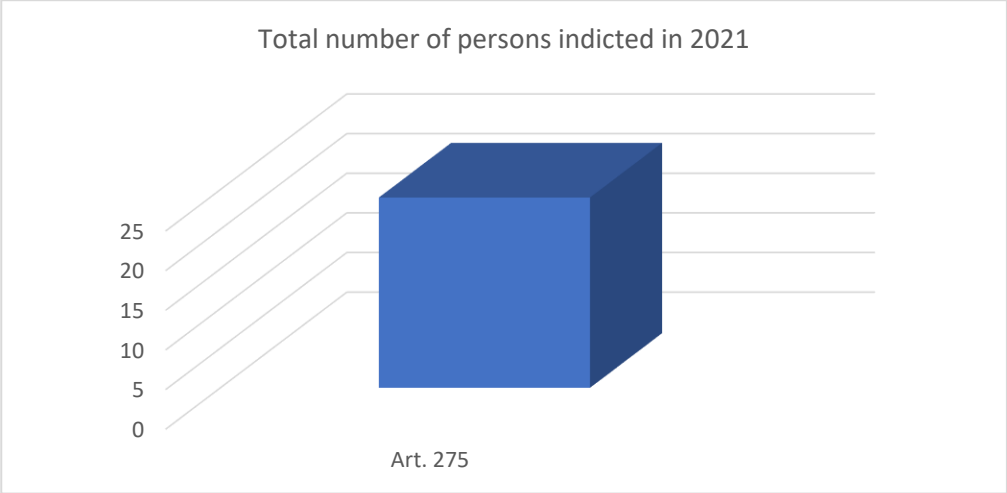
Year	Indicted	% in relation to the number of filed criminal complaints
2020	21	38.89%
2021	24	36.92%
2022	15	25.00%
Total	60	**33.52%**

Tables 213–215: Indictments broken down by criminal offences and the Basic Public Prosecutor's Office in Novi Pazar

2020		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	21	41.18%
Total	21	**38.89%**



2021		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	24	53.33%
Total	24	**36.92%**



2022		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	15	27.27%
Total	15	**25.00%**

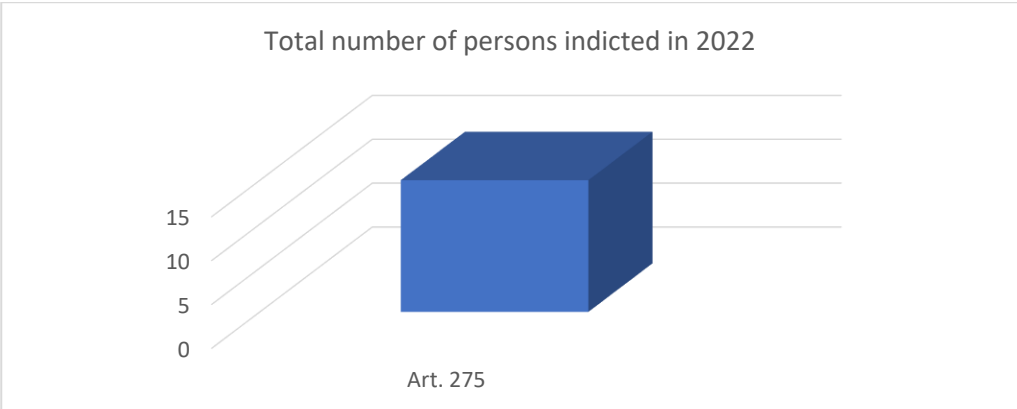


Table 216: Indictments in the territory of the Appellate Public Prosecutor's Office in Niš

Year	**Indicted**
2020	**84**
2021	**45**
2022	**61**
Total	**190**

Tables 217–219: Indictments in the territory of the Appellate Public Prosecutor's Office in Niš

2020		
Criminal offence	**Indicted**	**% in relation to the total number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	6	50%
Devastation of Forests (Art. 274)	2	22.22%
Forest Theft (Art. 275)	74	24.10%
Poaching Game (Art. 276)	2	11.11%

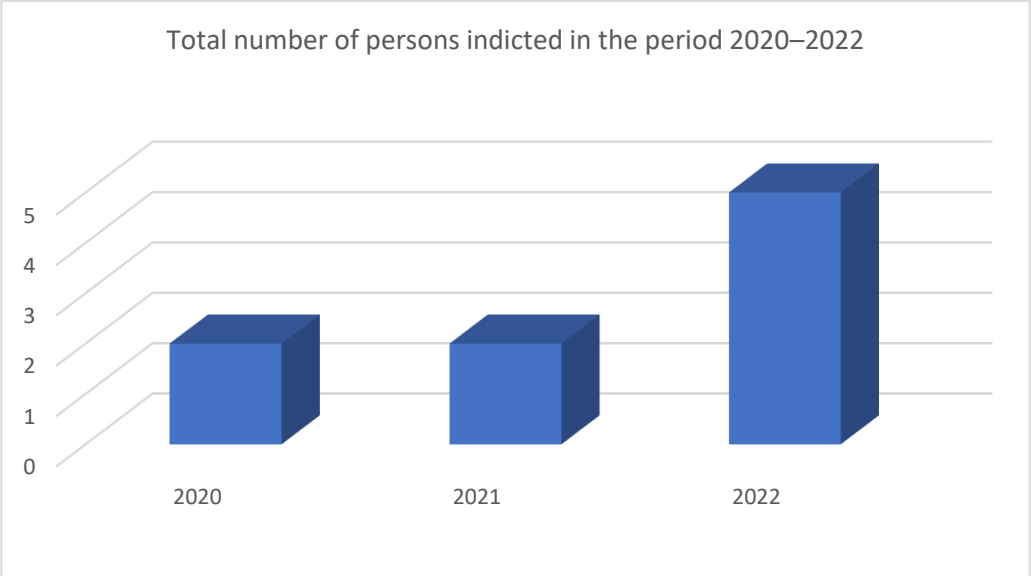
2021		
Criminal offence	**Indicted**	**% in relation to the total number of filed criminal complaints**
Environmental Pollution (Art. 260)	1	100%
Killing and Wanton Molesting to Animals (Art. 269)	2	4.25%
Pollution of Livestock Fodder and Water (Art. 273)	1	100%
Devastation of Forests (Art. 274)	2	25%
Forest Theft (Art. 275)	38	17.11%
Poaching Game (Art. 276)	1	6.66%

2022		
Criminal offence	**Indicted**	**%**
Environmental Pollution (Art. 260)	3	100%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	2	100%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	3	11.11%
Killing and Wanton Molesting to Animals (Art. 269)	2	10.52%
Forest Theft (Art. 275)	38	13.91%
Poaching Game (Art. 276)	3	6.97%

Table 220: Indictments and the Basic Public Prosecutor’s Office in Niš

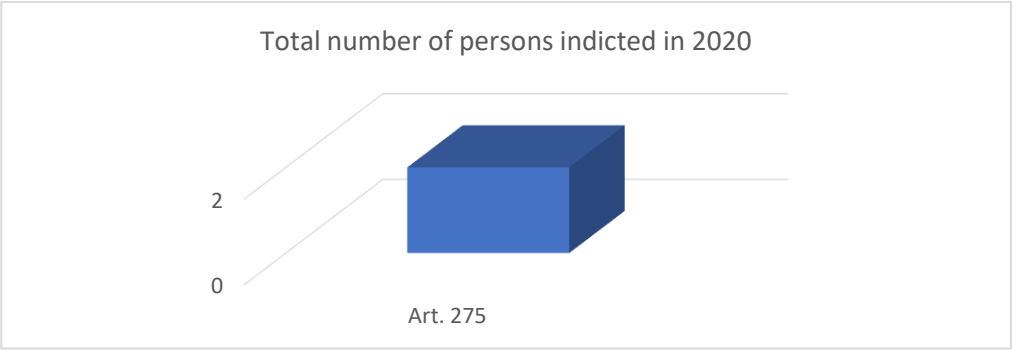
Year	**Indicted**	**% in relation to the number of filed criminal complaints**
2020	2	4.17%

2021	2	6.25%
2022	5	5.21%
Total	9	**5.11%**



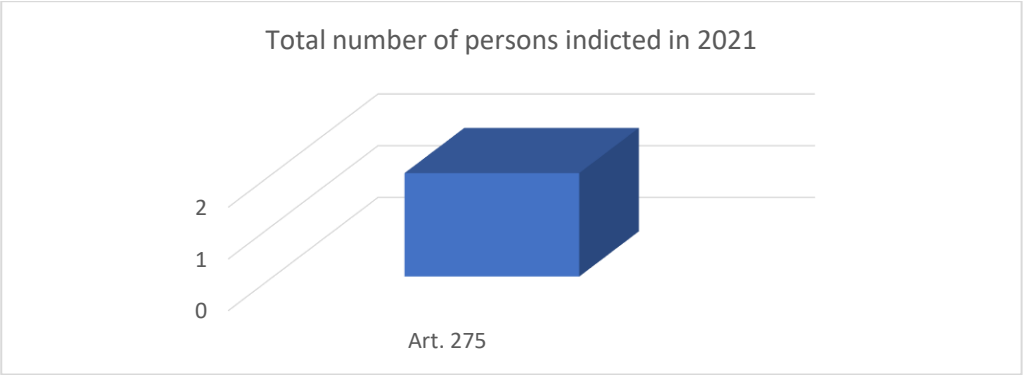
Tables 221–223: Indictments broken down by criminal offences and the Basic Public Prosecutor's Office in Niš

2020		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Forest Theft (Art. 275)	2	6.06%
Total	2	**4.17%**



2021

Criminal offence	Indicted	% in relation to the number of filed criminal complaints
Forest Theft (Art. 275)	2	7.14%
Total	2	**6.25%**



2022		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	5.26%
Forest Theft (Art. 275)	2	4.17%
Total	3	**3.13%**

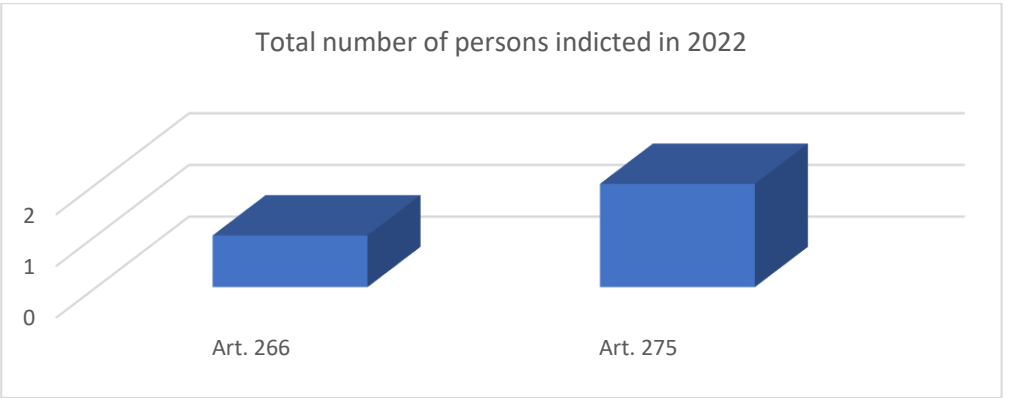


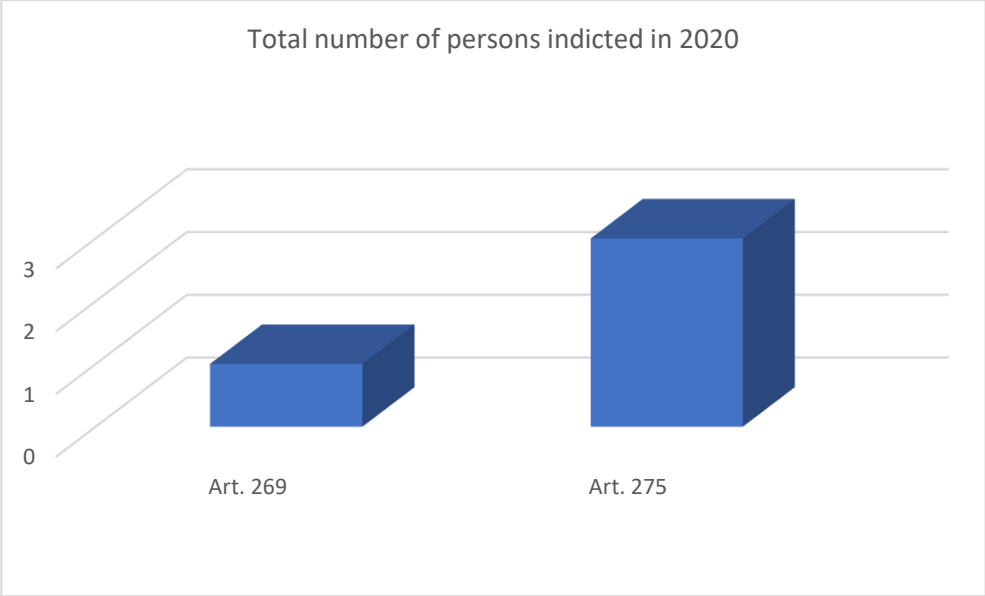
Table 224: Indictments and the Basic Public Prosecutor's Office in Leskovac

Year	Indicted	% in relation to the number of filed criminal complaints

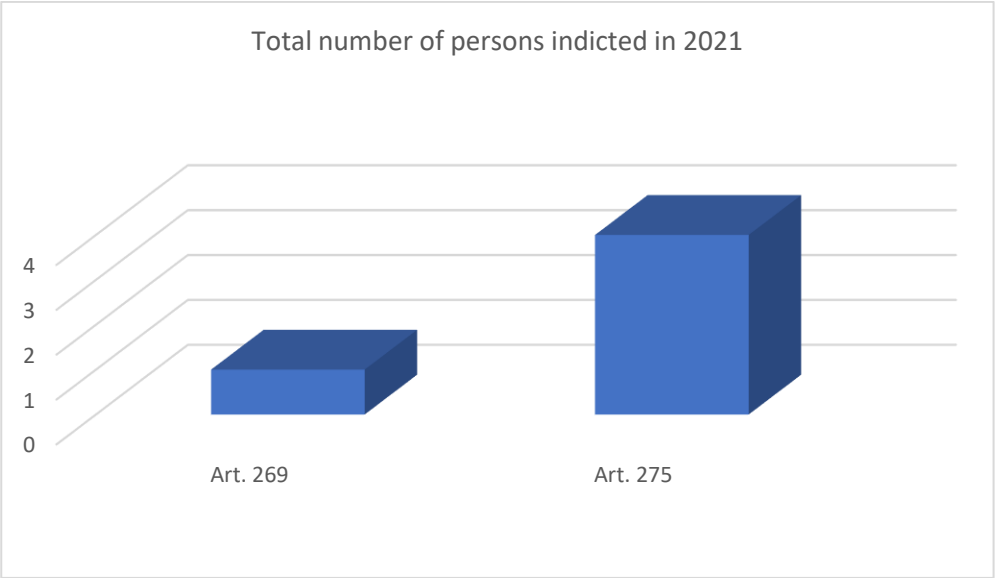
2020	4	5.80%
2021	5	11.36%
2022	2	5.13%
Total	11	**7.24%**

Tables 225–227: Indictments broken down by criminal offences and the Basic Public Prosecutor's Office in Leskovac

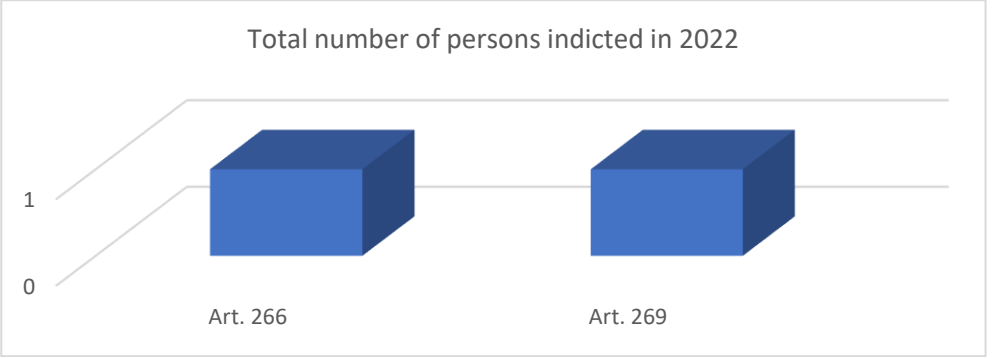
2020		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	20.00%
Forest Theft (Art. 275)	3	4.92%
Total	4	**5.80%**



2021		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Killing and Wanton Molesting to Animals (Art. 269)	1	20.00%
Forest Theft (Art. 275)	4	13.33%
Total	5	**11.36%**



2022		
Criminal offence	**Indicted**	**% in relation to the number of filed criminal complaints**
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	1	100.00%
Killing and Wanton Molesting to Animals (Art. 269)	1	100.00%
Total	2	**5.13%**



1.1. Charging documents filed and evidence proposed on the commission of the criminal offence and the perpetrator

Evidence accompanying the motion to indict in the analysed cases was as follows:

1. Record of suspect interrogation (46)
2. Record of event scene investigation (1)
3. Forensic documentation (27)
4. Certificate of temporarily seized items (17)
5. Certificate of returned items (6)
6. Record of injured party interrogation (6)
7. Record of search of a dwelling (2)
8. Criminal record certificate (68)
9. Record of witness interrogation (11)
10. Record of expert examination (8)
11. Expert witness findings and opinion (1)
12. Expert witness opinion (2)
13. Inspection reports with appendices
14. Birth certificate
15. Record of unauthorized action of the PE “Srbijašume” (12)

16. Record of unauthorized action of the Forest Estate Niš (4)
17. Business Registers Agency certificate (5)
18. Rulebook on Waste Categories, Examination and Classification (2)
19. Purchase receipts (2)
20. Certificate of earnings (3)
21. Certificate of purchase of recyclable materials (3)
22. Certificate of paid tax and social insurance contributions (1)
23. Current account statements (2)
24. Certificate of registration (1)
25. Copy of cadastral plan (2)
26. Extract from title deed (3)
27. Photocopy of forest warden's logbook (2)
28. Criminal complaint for a forest-related offence (22)
29. Assessment and calculation of forest damages (7)
30. Gift agreement (1)
31. Record of inspection (1)
32. Application to mark trees for felling (1)
33. Report of the Veterinary Directorate (3)
34. Record of crime scene investigation (1)

3. Plea bargain as a modality of handling criminal matters

Serbia's criminal procedural law reform process has brought many novelties. They are primarily geared towards creating a legislative basis for enhancing the efficiency of criminal proceedings in qualitative and quantitative terms. Among the key new features introduced with this goal in mind is the plea bargain. Despite ample criticism by the professional community regarding its normative elaboration, which will not be addressed here as it is beyond the scope of analysis under the project, it is fair to say that the plea bargain is generally accepted in the domestic professional community as a crucially important modality of simplified handling of criminal matters. In view of the *ratio legis* behind its codification, it is expected to hold a prominent position in the penal policy of both public prosecutors' offices and courts in Serba overall, including with regard to criminal offences against the environment, all the more so because the legislator allows the possibility of plea bargains in respect of all criminal offences until the conclusion of the main hearing.[41] In order to answer the question whether these expectations of domestic professional community and wider circles are met with respect to criminal offences against the

[41] For more information on this matter, see: Jovanović,I., i dr., *Pojednostavljene forme postupanja u krivičnim stvarima (regionalna krivičnoprocesna zakondavstva i iskustva u primeni)*, Misija OEBS-a u Srbiji, Belgrade, 2013, 11-357.

environment, the research also included this aspect of prosecutorial and judicial penal policy. With regard to this institute of criminal procedural law, three groups of questions were of interest to the researchers, namely: number of plea bargains concluded (in the aggregate, and broken down by basic public prosecutors' offices and by criminal offences); proposer of plea bargain; and type and level of criminal sanctions in concluded plea bargains. The results on each question will be presented individually below.

3.1. ***Number of plea bargains concluded (in the aggregate, broken down by basic public prosecutors' offices, and by criminal offences) – prevalence of plea bargains***

The analysis of the data presented in the tables below shows in particular that the plea bargain, as a crucial modality of simplified handling of criminal matters, is a penal policy instrument present in public prosecutors' case law, including in this group of criminal offences. Admittedly, it is not present to the expected extent. This is all the more true given that the key *ratio legis* behind the codification of the plea bargain is the intent to enhance the efficiency of the judiciary, i.e. to handle criminal matters without prior procedures and procedural actions foreseen for classical criminal proceedings. This observation is substantiated by the fact that during the considered three-year period, only fifteen plea bargains were concluded in the territory of all four appellate public prosecutors' offices (in the territory of the eight analysed basic public prosecutors' offices). If this figure is viewed in the context of the overall number of analysed public prosecutors' files, a plea bargain was concluded in only 0.9% of the analysed cases. This finding further grows in relevance in view of the fact that no plea bargains were concluded in half of the analysed basic public prosecutors' offices. Specifically, these are the Basic Public Prosecutor's Offices in Obrenovac, Kragujevac, Novi Pazar and Leskovac. Among the basic public prosecutors' offices whose work included the conclusion of plea bargains, the first place is held by the Basic Public Prosecutor's Office in Niš, where 3 plea bargains were concluded in 2022, followed by the Basic Public Prosecutor's Office in Subotica with 2 concluded plea bargains and the Second Public Prosecutor's Office in Belgrade and the Basic Public Prosecutor's Office in Novi Sad with one plea bargain each. The appropriacy of such approach taken by the analysed public prosecutors' offices with regard to plea bargains is questionable, given that the plea bargain, by its very nature, is intended to handle low- and medium-severity crime, i.e. criminal offences within the first-instance subject-matter jurisdiction of basic courts, which indeed include all eighteen criminal offences from Chapter XXIV of the CC (Criminal offences against the environment).

Table 228: Plea bargains in the territory of the Republic of Serbia

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	Type of criminal offence	Type and level of criminal sanction
2020	3	2	2 criminal offences of Poaching Game (Art. 276) 3 criminal offences of Forest Theft	Suspended sentence
2021	4	4	Damaging the Environment (Art. 264–1); 2 criminal offences of Killing and Wanton Molesting to Animals (Art. 269) 2 criminal offences of Forest Theft (275) 3 criminal offences of Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	6 conditional sentences, home imprisonment and fine
2022	8	/	5 criminal offences of Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266), Forest Theft (Art. 275) Poaching Game (Art. 276) Devastation of Forests (Art. 274)	3 conditional sentences and 4 fines

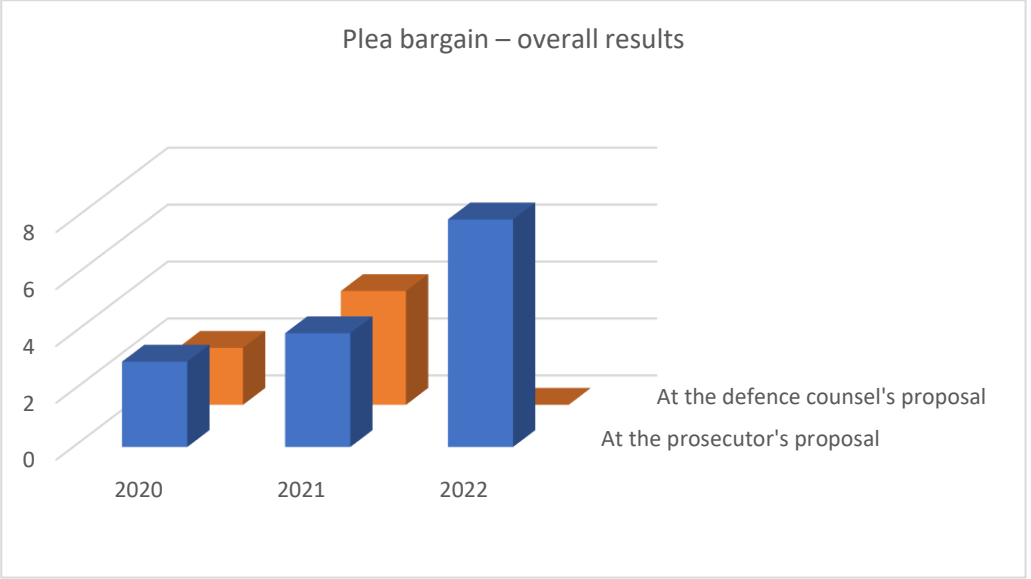


Table 229: Plea bargains in the territory of the Appellate Public Prosecutor's Office in Novi Sad

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of criminal sanction
2020	2	1	/	Poaching Game (Art. 276–4), Forest Theft (Art. 275), Forest Theft (Art. 275)	Suspended sentence
2021	1	/	/	Damaging the Environment (Art. 264– 1); Killing and Wanton Molesting to Animals (Art. 269)	Suspended sentence
2022	1	/	/	Devastation of Forests (Art. 274)	Fine

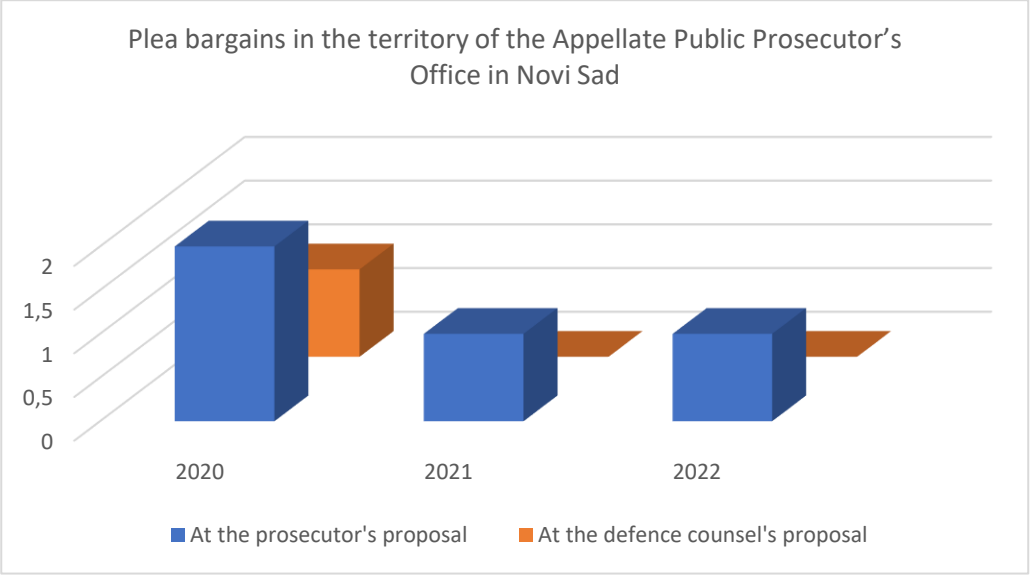


Table 230: Plea bargains and the Basic Public Prosecutor's Office in Novi Sad

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of criminal sanction
2020	/	/	/	/	/
2021	1	/	/	Killing and Wanton Molesting to Animals (Art. 269)	Suspended sentence
2022	/	/	/	/	/

Table 231: Plea bargains and the Basic Public Prosecutor's Office in Subotica

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of criminal sanction
2020	/	/	/	/	/
2021	2	/	/	/	/
2022	1	/	/	/	/

Table 232: Plea bargains in the territory of the Appellate Public Prosecutor's Office in Belgrade

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of

					criminal sanction
2020	/	/	/	/	/
2021	2	1	/	Killing and Wanton Molesting to Animals (Art. 269), Forest Theft (275)	Home imprisonment
2022	2	/	/	Poaching Game (Art. 276)	2 suspended sentences, 30,000 RSD fine

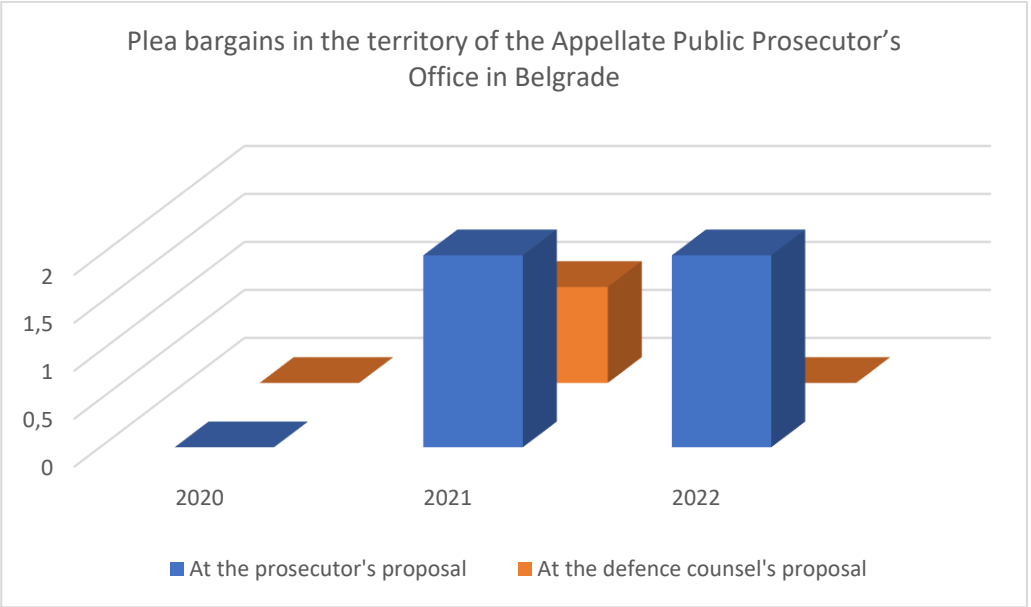


Table 233: Plea bargains and the Second Basic Public Prosecutor's Office in Belgrade

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	**Type of criminal offence**	**Type and level of criminal sanction**
2020	/	/	/	**/**	**/**
2021	1	1	/	Killing and Wanton Molesting to Animals (Art. 269)	Home imprisonment
2022	/	/	/	**/**	**/**

Table 234: Plea bargains and the Basic Public Prosecutor's Office in Obrenovac

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of criminal sanction
2020	/	/	/	/	/
2021	/	/	/	/	/
2022	/	/	/	/	/

Table 235: Plea bargains in the territory of the Appellate Public Prosecutor's Office in Kragujevac

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of criminal sanction
2020	/	/	/	/	/
2021	1	1	/	Forest Theft (Art. 275), Poaching Game (Art. 276)	2 suspended sentences
2022	/	/	/	/	/

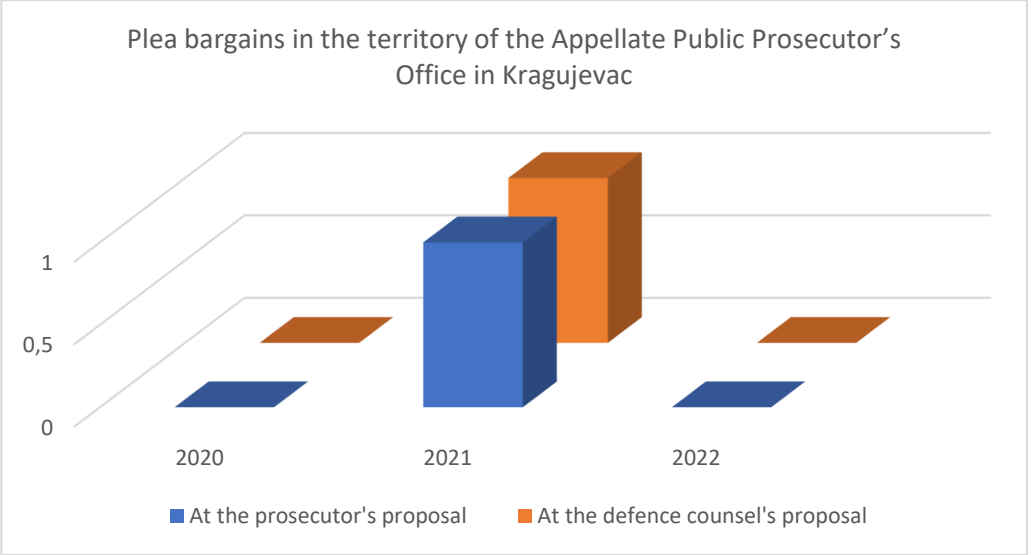


Table 236: Plea bargains and the Basic Public Prosecutor's Office in Kragujevac

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of

					criminal sanction
2020	/	/	/	/	/
2021	/	/	/	/	/
2022	/	/	/	/	/

Table 237: Plea bargains and the Basic Public Prosecutor's Office in Novi Pazar

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of criminal sanction
2020	/	/	/	/	/
2021	/	/	/	/	/
2022	/	/	/	/	/

Table 238: Plea bargains in the territory of the Appellate Public Prosecutor's Office in Niš

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of criminal sanction
2020	1	1	/	Forest Theft (Art. 275), Poaching Game (Art. 276)	2 suspended sentences
2021	/	2	/	Forest Theft (Art. 275), Poaching Game (Art. 276)	Suspended sentence, 100,000 RSD fine
2022	5	/	/	Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266), Forest Theft (Art. 275)	Suspended sentence; 2 fines of 100,000 RSD each

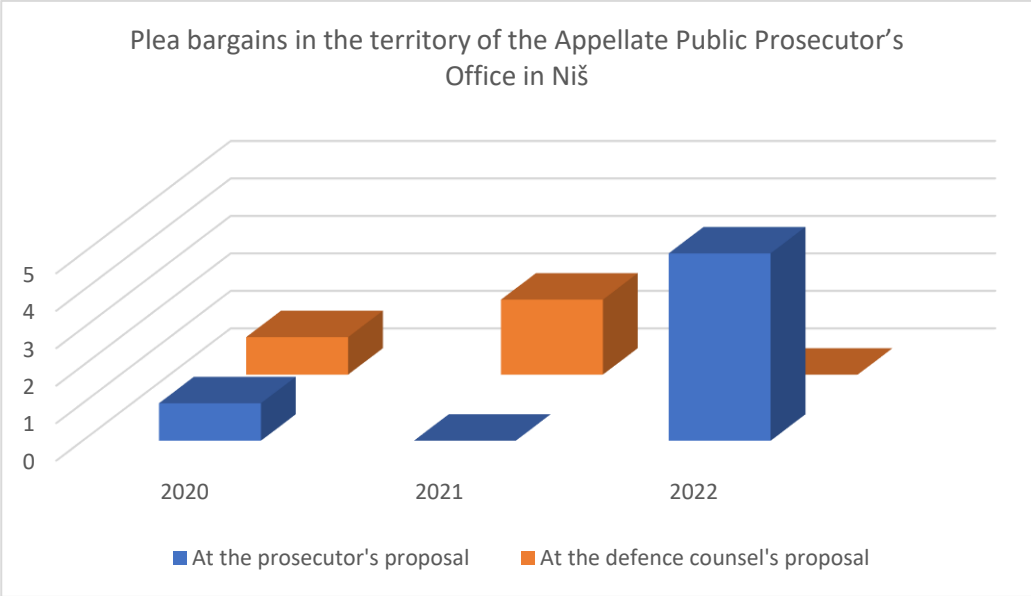


Table 239: Plea bargains and the Basic Public Prosecutor's Office in Niš

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of criminal sanction
2020	1	/	/	Poaching Game (Art. 276)	Suspended sentence
2021	/	/	/	/	/
2022	3	/	/	Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	Suspended sentence

Table 240: Plea bargains and the Basic Public Prosecutor's Office in Leskovac

Year	Yes, at the prosecutor's proposal	Yes, at the defendant's proposal	No	Type of criminal offence	Type and level of criminal sanction

2020	/	/	/	/	/
2021	/	/	/	/	/
2022	/	/	/	/	/

As regards the specific criminal offences from this group which were the subject of plea bargains, they comprise the following: Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266 of the CC), Forest Theft (Art. 275 of the CC), Killing and Wanton Molesting to Animals (Art. 269 of the CC); Poaching Game (Art. 264 para. 4. of the CC) and Devastation of Forests (Art. 274 of the CC).

3.2. Proposer of plea bargain

Another interesting and also expected observation obtained through the research conducted is that plea bargains were predominantly concluded at the public prosecutor's initiative, irrespective of the basic public prosecutor's office concerned. Out of the total number of plea bargains, 15 were concluded at the public prosecutor's proposal, and six – at the defendant's proposal.

3.3. Type and level of criminal sanction in concluded plea bargains

A research finding that merits particular attention when it comes to criminal law as an environmental protection instrument in general, and hence also in handling these criminal matters through plea bargains, concerns the type and level of the criminal sanction in concluded plea bargains. The outstandingly high relevance of this question stems from the fact that only an adequately weighed criminal sanction imposed on the perpetrator of a criminal offence will fulfil the role of a (general and special) crime prevention instrument. Hence, with regard to this aspect of the research conducted, an essential question arises: Is the criminal sanction in a plea bargain adequate – does it serve the purpose of prevention of the analysed criminal offences to the desired extent? The findings of the research conducted hardly give rise to a positive response to the question at hand. This view is substantiated by the fact that, in almost all of the cases, the judgment endorsing the plea bargain delivers a suspended sentence, and only sporadically a fine or home imprisonment. The accuracy of this finding is illustrated by a case of the criminal offence stipulated in Art. 266 of the CC (Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances). The least severe form of this criminal offence (para. 1. of Art. 266 of the CC) is punishable by imprisonment of six months to five years and a fine (cumulatively), and the most severe one (para. 5. of Art. 266 of the CC) by imprisonment of three to ten years and a fine, also cumulatively, whereas the plea bargain for this criminal offence resulted in a suspended sentence. Alternatively, in cases where a fine was

imposed, its level was close to the legally prescribed minimum. In addition, it seems relevant to examine the question of appropriacy of home imprisonment as a sanction for the criminal offence of Killing and Wanton Molesting to Animals from Art. 269 of the CC (Table 210).

To sum up, the research conducted yields two key findings in response to the question posed. First, the prevalence of the plea bargain as a modality of handling criminal matters in cases of criminal offences against the environment is not consistent with the crime policy considerations underlying the codification of this simplified modality of handling criminal matters. The number of cases where the criminal matter at hand was handled through this mechanism is quite small, virtually negligible. Second, the criminal sanctions imposed in concluded plea bargains are not consistent with the desired level of (general and special) prevention of this category of criminal offences.

2. Criminal offences against the environment and convicted persons (in the aggregate and broken down by courts)

The question who are the convicted perpetrators of criminal offences against the environment appears interesting and relevant from multiple aspects. Firstly, it reflects the overall situation in a given society with regard to these values, and also speaks volumes about this aspect of overall crime policy, in particular whether and to what extent people are “equal before the court and the law”, i.e. whether the likelihood of being convicted is equal irrespective of one's social and economic background. The general public perception is that wealthier, better educated and generally socially successful individuals are less likely to be convicted by courts, which must not be taken to mean that these categories are favoured by the state or by the court, but rather that other factors are at play. As regards women, as a rule, they rarely appear as perpetrators of criminal offences. Further, when it comes to age, the perception is that people of a mature age (over 60) are less prone to criminal offences compared to younger groups, etc. The extent to which these, as well as some other public perceptions concerning criminal offenders’ personal characteristics are justified when it comes to perpetrators of criminal offences against the environment was addressed by the research. However, before presenting the findings, we will outline some of the indicators concerning convicted persons.

First, in 20% of the filed charging documents, criminal proceedings were concluded by discontinuation, judgment rejecting the charges, or acquittal. A comparison of the relevant tables and charts presenting these matters shows that a total of 1145 charging documents were filed in the Republic of Serbia over the analysed three-year period on grounded suspicion of committed criminal offence(s) against the environment. Out of the 1145 filed charging documents, 921 suspects were found guilty and criminal sanctions were imposed on them (80%). Similar findings are obtained when figures are observed by years.

Second, over 80% (more precisely 81.4%) of all persons convicted of criminal offences against the environment in the Republic of Serbia in the period 2020–2022 were convicted of Forest Theft from Art. 275 of the CC.

Third, out of the total number of persons convicted of criminal offences against the environment, the criminal offence of Killing and Wanton Molesting to Animals (Art. 269 of the CC) is the second most prevalent. Across the Republic of Serbia, 64 persons were convicted of this criminal offence (5.5% of all those convicted of criminal offences against the environment). There are either no or negligible numbers of persons convicted of other criminal offences.

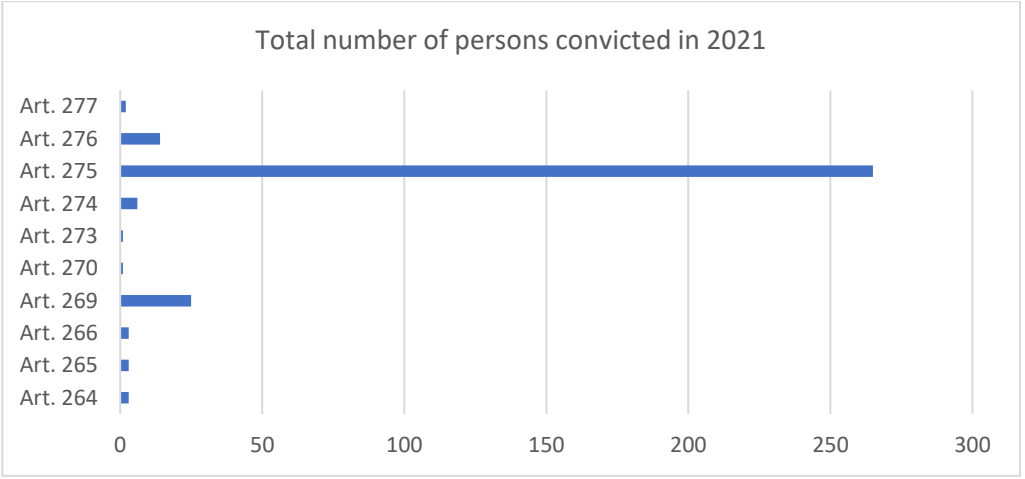
Tables 241–243: Persons convicted of criminal offences against the environment in the Republic of Serbia in the period 2020–2022

2020

Type of criminal offence	Convicted	% in relation to the number of filed criminal complaints
Damaging the Environment (Art. 264)	3	60.00%
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	3	27.27%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	3	30.00%
Killing and Wanton Molesting to Animals (Art. 269)	14	11.48%
Pollution of Livestock Fodder and Water (Art. 273)	1	100.00%
Devastation of Forests (Art. 274)	12	19.67%
Forest Theft (Art. 275)	240	13.75%
Poaching Game (Art. 276)	13	15.29%
Poaching Fish (Art. 277)	2	10.00%

2021		
Type of criminal offence	**Convicted**	**% in relation to the number of filed criminal complaints**
Damaging the Environment (Art. 264)	3	50.00%

Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	3	75.00%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	3	42.86%
Killing and Wanton Molesting to Animals (Art. 269)	25	10.82%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	1	8.33%
Pollution of Livestock Fodder and Water (Art. 273)	1	33.33%
Devastation of Forests (Art. 274)	6	18.18%
Forest Theft (Art. 275)	265	16.95%
Poaching Game (Art. 276)	14	15.05%
Poaching Fish (Art. 277)	2	14.29%



2022		
Type of criminal offence	**Convicted**	**% in relation to the number of filed criminal complaints**
Environmental Pollution (Art. 260)	1	5.00%
Damaging the Environment (Art. 264)	1	6.25%

Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (Art. 265)	3	75.00%
Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266)	2	28.57%
Killing and Wanton Molesting to Animals (Art. 269)	25	11.90%
Transmitting of Contagious Animal and Plant Diseases (Art. 270)	1	50.00%
Devastation of Forests (Art. 274)	7	14.00%
Forest Theft (Art. 275)	245	17.27%
Poaching Game (Art. 276)	6	6.19%
Poaching Fish (Art. 277)	16	88.89%

3. *Perpetrators of criminal offences against the environment*

3.1. Persons convicted of criminal offences against the environment (in aggregate and broken down by criminal offences)

Table 244: Persons convicted in the courts in question (aggregate data for the cases observed)

		Number	%	Overall %
	Guilty	141	84.9	85.5
	Not guilty	12	7.2	7.3
	Charges rejected	6	3.6	3.6
	Proceedings discontinued	6	3.6	3.6
	Total	165	99.4	100.0
No data		1	.6	
Total		166	100.0	

Table 245: Was the defendant found guilty? Data broken down by analysed courts.

		Yes	No	Charges rejected	Proceedings discontinued	Total
Court	Kragujevac	16	1	1	0	18
	Niš	15	0	0	0	15
	Novi Pazar	12	2	1	0	15
	Leskovac	16	0	0	0	16
	Subotica	24	4	0	0	28
	Novi Sad	22	1	3	1	27
	Belgrade	24	3	0	3	30

	Obrenovac	12	1	1	2	16
Total		141	12	6	6	165

Table 246: Was the defendant found guilty? Data broken down by appellate courts.

		Yes	No	Charges rejected	Proceedings discontinued	Total
Court	Novi Sad	46	5	3	1	55
	Belgrade	36	4	1	5	46
	Kragujevac	28	3	2	0	33
	Niš	31	0	0	0	31
Total		141	12	6	6	165

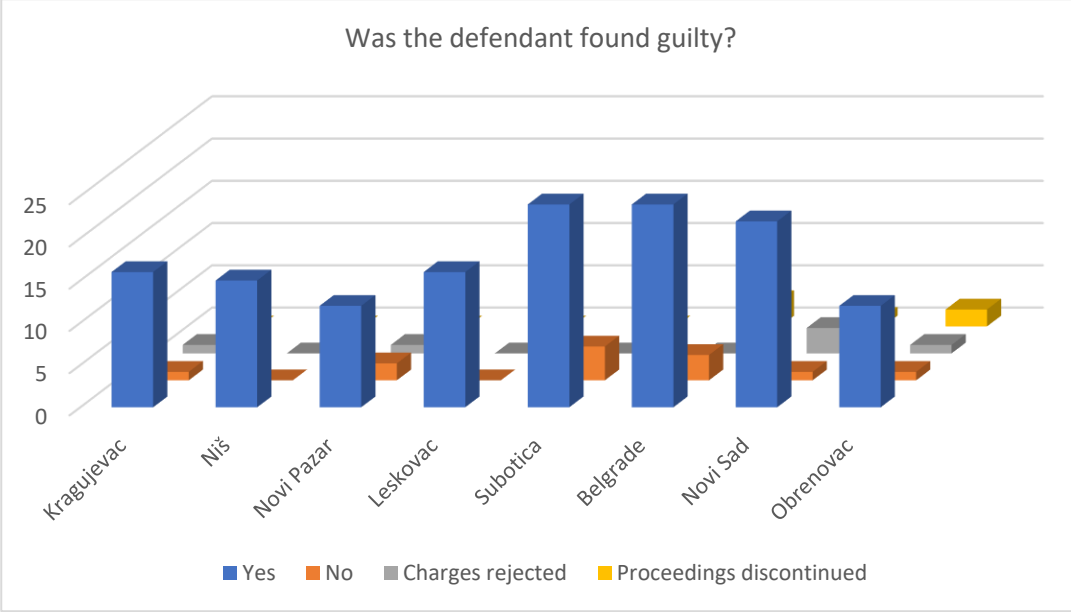


Table 247: Convicted persons broken down by criminal offences

	Number	%	Total %
Environmental Pollution – Art. 260(1)	1	.6	.6
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265(1)	1	.6	.6
Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265(4)	4	2.4	2.4

Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances – Article 266	10	6.0	6.0
Violation of the Right to be Informed on the State of the Environment – Art. 268	1	.6	.6
Killing and Wanton Molesting to Animals – Art. 269(1)	42	25.3	25.3
Killing and Wanton Molesting to Animals – Art. 269(2)	8	4.8	4.8
Transmitting of Contagious Animal Diseases – Art. 270	4	2.4	2.4
Producing Harmful Products for Treating Animals – Art. 272(1)	1	.6	.6
Pollution of Livestock Fodder and Water – Art. 273(3)	1	.6	.6
Devastation of Forests – Art. 274	2	1.2	1.2
Devastation of Forests – Art. 274(2)	2	1.2	1.2
Forest Theft – Art. 275(1)	49	29.5	29.5
Forest Theft – Art. 275(2)	30	18.1	18.1
Poaching Game – Art. 276(1)	3	1.8	1.8
Poaching Game – Art. 276(3)	1	.6	.6
Poaching Game – Art. 276(4)	1	.6	.6
Poaching Fish – Art. 277(1)	3	1.8	1.8
Poaching Fish – Art. 277(2)	1	.6	.6
Poaching Fish – Art. 277(3)	1	.6	.6
Total	166	100.0	100.0

3.2. Sex, age and educational attainment of perpetrators of criminal offences

As regards the sex of perpetrators of this group of criminal offences and of criminal offences in general, the obtained findings confirm the widespread perception with regard to criminal offenders in general, namely that these are, as a rule, men, and that women generally rarely appear in this role. According to the findings, among all convicted persons, 97% are male, and 2.4% – female.

From the aspect of age, the perpetrators of this group of criminal offences are middle-aged. In 29.5% of the cases, these are individuals aged 31–45, and in 30.7% of the cases – individuals aged 46–60. It is worth noting that, in terms of percentages, a significantly higher proportion of perpetrators are aged over 60 (23.5%) than under 30 (13.9%).

With regard to the educational attainment, perpetrators of criminal offences against the environment are predominantly individuals with secondary education (53.6% of all perpetrators), followed by those with primary education (27.7%), while those with tertiary education account for the smallest proportion (5.4%).

Table 248: Perpetrators' sex

	Number	%	Overall %
Male	161	97.0	97.0
Female	4	2.4	2.4
Legal entity	1	.6	.6
Total	166	100.0	100.0

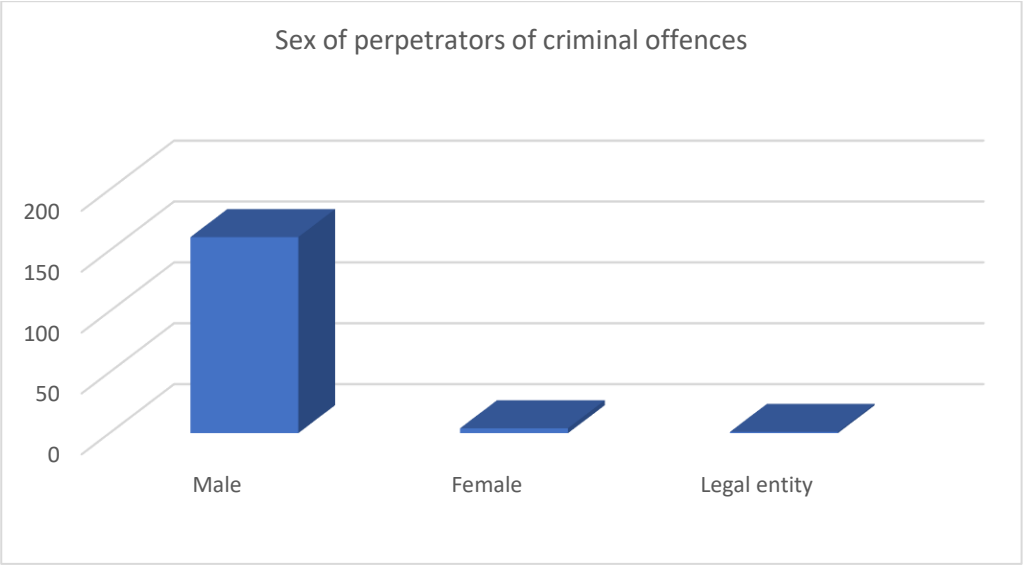


Table 249: Legal qualification – respondents' sex

		Respondents' sex			Total
		Male	Female	Legal entity	
Legal qualification	Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265	1	0	0	1
	Poaching Fish – Art. 277	3	0	0	3
	Transmitting of Contagious Animal Diseases – Art. 270	4	0	0	4
	Killing and Wanton Molesting to Animals – Art. 269	40	2	0	42
	Forest Theft – Art. 275(1)	48	1	0	49
	Forest Theft – Art. 275(2)	30	0	0	30
	Devastation of Forests – Art. 274	2	0	0	2
	Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances – Article 266	10	0	0	10
	Poaching Game – Art. 276	3	0	0	3
	Killing and Wanton Molesting to Animals – Art. 269(2)	8	0	0	8
	Pollution of Livestock Fodder and Water – Art. 273(3)	1	0	0	1
	Poaching Fish – Art. 277(2)	1	0	0	1
	Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265(4)	3	1	0	4
	Poaching Game – Art. 276(3)	1	0	0	1
	Poaching Game – Art. 276(4)	1	0	0	1
	Poaching Fish – Art. 277(3)	1	0	0	1
	Producing Harmful Products for Treating Animals – Art. 272(1)	1	0	0	1
	Violation of the Right to be Informed on the State of the Environment – Art. 268	0	0	1	1
	Devastation of Forests – Art. 274(2)	2	0	0	2

	Environmental Pollution – Art. 260(1)	1	0	0	1
Total		161	4	1	166

Table 250: Perpetrators' age

		Number	%	Overall %
	Up to 30	23	13.9	14.2
	31–45	49	29.5	30.2
	46–60	51	30.7	31.5
	Over 60	39	23.5	24.1
	Total	162	97.6	100.0
No data		4	2.4	
Total		166	100.0	

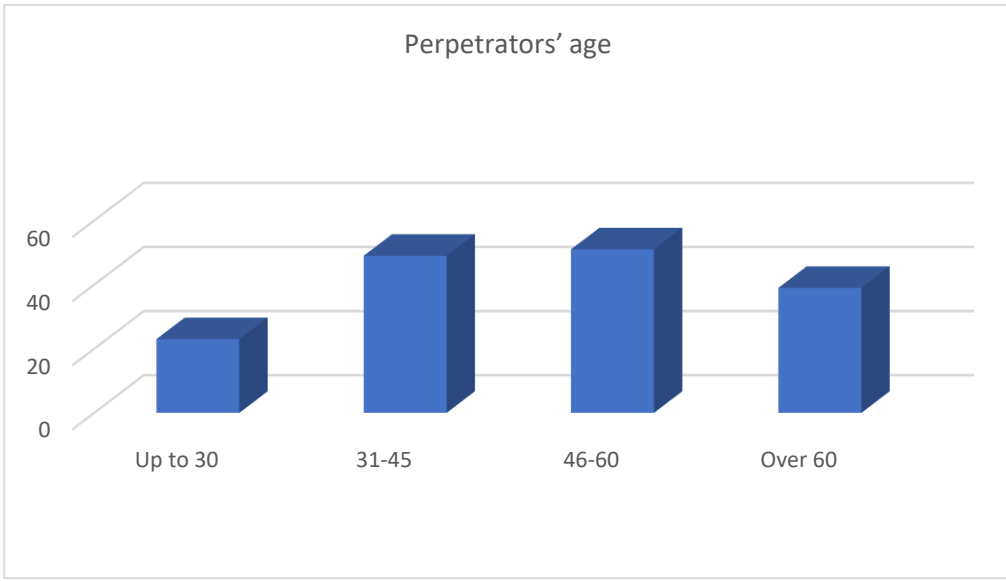
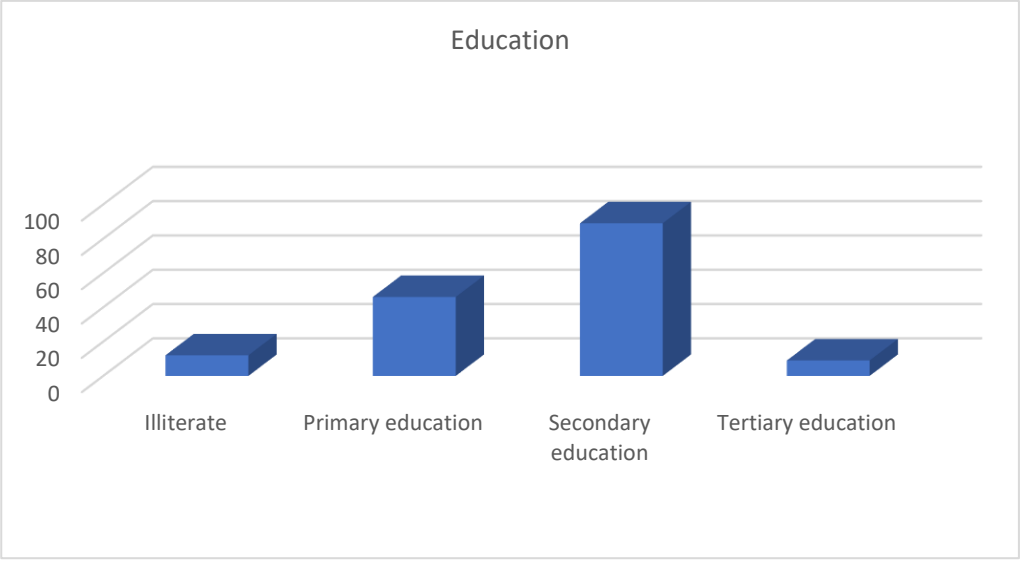


Table 251: Educational attainment

	Number	%	Overall %

	Illiterate	12	7.2	7.7
	Primary education	46	27.7	29.5
	Secondary education	89	53.6	57.1
	Tertiary education	9	5.4	5.8
	Total	156	94.0	100.0
No data		10	6.0	
Total		166	100.0	



3.3. Occupation, financial status, marital status and number of underage children of perpetrators of criminal offences

The research questionnaire included the question whether perpetrators of criminal offences against the environment diverge from the overall trend when it comes to occupation, financial status, marital status and number of underage children. The research findings indicate that, with regard to these characteristics, there are no significant discrepancies between the perpetrators of the analysed criminal offences and the overall trend among criminal offenders in general. This is substantiated by the following research findings:

First, as regards the occupation of perpetrators of the analysed criminal offences, they are, as a rule, unemployed and blue-collar workers (67.7% of all perpetrators), followed by others (persons not included in any of the specified occupational categories) at 19.9% and farmers at 6% In addition, it is worth noting that white-collar workers account for a negligible proportion (1.2%) of perpetrators of the analysed criminal offences.

Second, from the aspect of financial status, the greatest proportion of perpetrators are those with “low” and “very low” financial status (55.4%), while those with “high” and “very high” financial status account for a negligible

proportion (5.4%). However, when it comes to this characteristic of the perpetrators of this group of criminal offences, as well as criminal offenders in general, the following question inevitably arises: What were the criteria on the basis of which researchers classified one individual into a specific category (e.g. “high” and “very high” financial status”) and another into another category (“low” and “very low” financial status)? This is a general impression, which is, of course, a highly misleading and varying category – indeed, a perception. Yet, if a perpetrator, for instance, has two underage children and an unemployed wife, and does not have a permanent job himself, then he clearly cannot be assessed as wealthy or e.g. “moderately affluent”, and will simply have to be classified as either “poor” or “very poor”. This approach may give rise to objections, in particular with regard to its imprecision. This view is supported by the fact that the case files did not include any data on the financial status of 23.5% of the perpetrators.

Third, the majority (62.7%) of perpetrators of the analysed criminal offences were married or in a domestic partnership.

Fourth, the majority (61.4%) of perpetrators of the analysed criminal offences did not have any underage children, while 26.5% had two or more. From this aspect, a fairly interesting finding, and also one to be expected, is that the perpetrators of the criminal offence of Killing and Wanton Molesting to Animals were mainly individuals without underage children (71.4%).

Table 252: Occupation

		Number	%	Overall %
	Unemployed	53	31.9	34.2
	Student	1	.6	.6
	Blue-collar worker	52	31.3	33.5
	White-collar worker	2	1.2	1.3
	Farmer	10	6.0	6.5
	Private entrepreneur	4	2.4	2.6
	Other	33	19.9	21.3
	Total	155	93.4	100.0
No data		11	6.6	
Total		166	100.0	

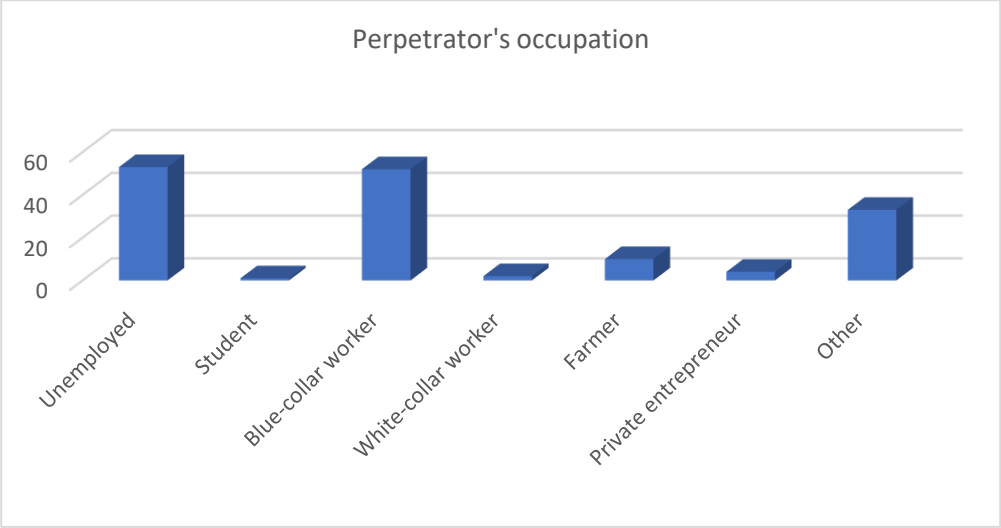


Table 253: Perpetrators' financial status

		Number	%	Overall %
	No data	39	23.5	23.9
	Very low	40	24.1	24.5
	Low	52	31.3	31.9
	Medium	23	13.9	14.1
	High	7	4.2	4.3
	Very high	2	1.2	1.2
	Total	163	98.2	100.0
No data		3	1.8	
Total		166	100.0	

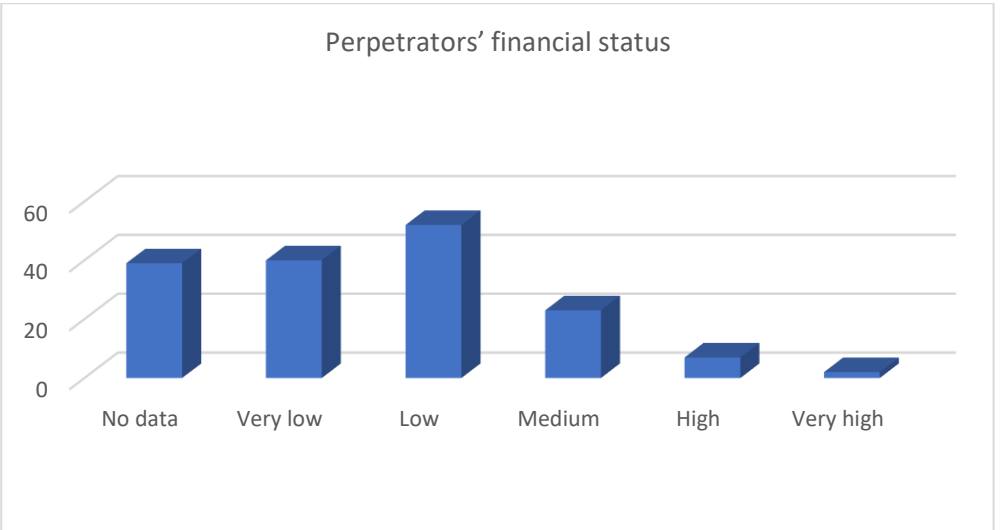


Table 254: Marital status

		Number	%	Overall %
	Single	59	35.5	36.2
	Married or in domestic partnership	104	62.7	63.8
	Total	163	98.2	100.0
No data		3	1.8	
Total		166	100.0	

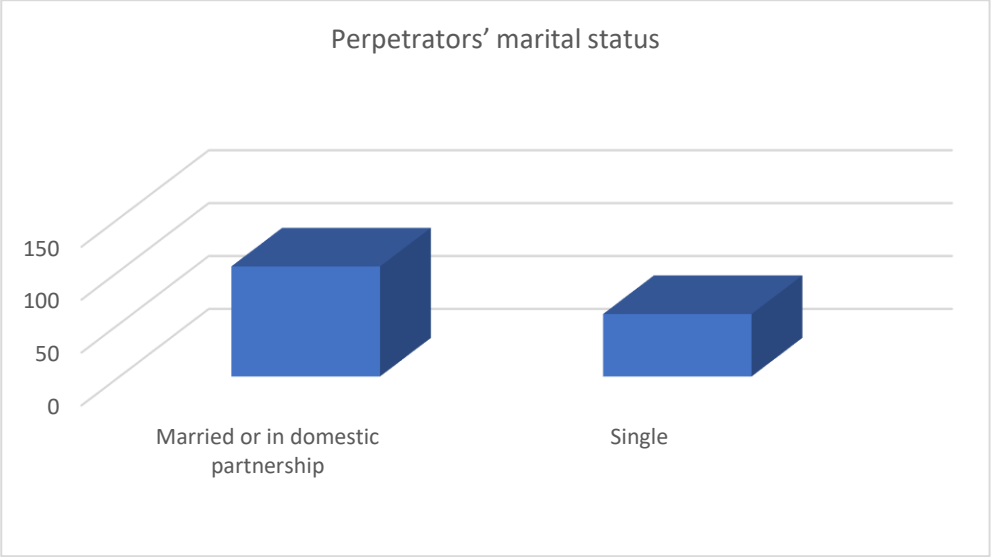


Table 255: Perpetrators' underage children

		Number	%	Overall %
	No children	102	61.4	62.2
	One	18	10.8	11.0
	Two or more	44	26.5	26.8
	Total	164	98.8	100.0
No data		2	1.2	
Total		166	100.0	

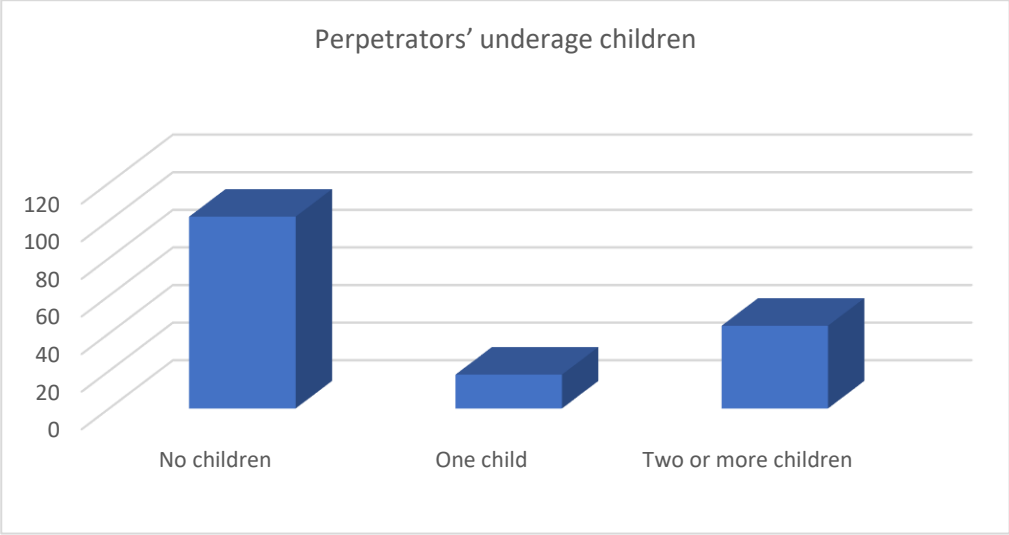


Table 256: Legal qualification and number of underage children

		Number of underage children			Total
		None	One	Two or more	
Legal qualification	Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265	0	0	1	1
	Poaching Fish – Art. 277	2	0	1	3
	Transmitting of Contagious Animal Diseases – Art. 270	2	0	2	4
	Killing and Wanton Molesting to Animals – Art. 269	30	6	6	42
	Forest Theft – Art. 275(1)	25	7	17	49
	Forest Theft – Art. 275(2)	17	1	12	30
	Devastation of Forests – Art. 274	2	0	0	2
	Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances – Article 266	5	1	3	9
	Poaching Game – Art. 276	3	0	0	3

	Killing and Wanton Molesting to Animals – Art. 269(2)	7	1	0	8
	Pollution of Livestock Fodder and Water – Art. 273(3)	0	1	0	1
	Poaching Fish – Art. 277(2)	0	1	0	1
	Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265(4)	4	0	0	4
	Poaching Game – Art. 276(3)	1	0	0	1
	Poaching Game – Art. 276(4)	1	0	0	1
	Poaching Fish – Art. 277(3)	1	0	0	1
	Producing Harmful Products for Treating Animals – Art. 272(1)	0	0	1	1
	Devastation of Forests – Art. 274(2)	1	0	1	2
	Environmental Pollution – Art. 260(1)	1	0	0	1
Total		102	18	44	164

3.4. Previous convictions of perpetrators of criminal offences

A matter that warranted special focus in the research was recidivism (previous convictions) among the perpetrators of this category of criminal offences. The high relevance of this matter stems from the fact that the level of recidivism is, amongst other things, an indicator of (in)adequacy of judicial penal policy in respect of this and other categories of perpetrators and that it does not fulfil the purpose of punishment. This is due to the fact that, within the general purpose of criminal sanctions (Art. 4. para. 2. of the CC), the purpose of punishment includes, amongst other things, preventing perpetrators from committing criminal offences and deterring them from committing criminal offences in the future, deterring others from committing criminal offences and demonstrating societal condemnation of criminal offences, strengthening morals and fostering the duty to obey the law. For this reason, the legislator's position on previous convictions as an aggravating circumstance in weighing criminal sanctions on repeat offenders (Art. 55. para. 1 and 2. of the CC) is entirely justified. It was, hence, essential to look into the matter of recidivism (previous

convictions) among the perpetrators of this category of criminal offences, all the more so because one of the key initial hypotheses was that there was a discrepancy between the legislator's policy and judicial penal policy with regard to criminal offences against the environment. In other words, the judicial penal policy with regard to this group of criminal offences is lenient/inadequate and, as such, does not serve the purpose of prevention to the desired extent.

In this respect, the findings of the research conducted indicate that individuals convicted of these criminal offences include a substantial number of those with previous convictions. Out of the total number of those convicted, 37.8% are repeat offenders, and 24.4% have two or more previous convictions. Some of the analysed criminal offences are characterized by an even greater proportion of perpetrators with previous convictions. Thus, Forest Theft as the most prevalent one among criminal offences against the environment features 51.8% of perpetrators with previous convictions, and 34.1% were convicted of this criminal offence two or more times. This figure, in itself, testifies to the inefficiency of prosecutorial and judicial penal policy with regard to criminal offences against the environment; as such, it does not serve the purpose of (general and special) prevention of this group of criminal offences to the desired extent.

Finally, from the aspect of perpetrators' personal characteristics, the following findings are worth noting:

- as regards perpetrators' sex, they are, as a rule (in 97% of the cases), men;
- perpetrators of this group of criminal offences are, as a rule, middle-aged;
- as regards educational attainment, perpetrators of this category of criminal offences are predominantly individuals with secondary education (53.6% of all perpetrators);
- as regards perpetrators' occupation, they are, as a rule, unemployed and blue-collar workers;
- from the aspect of financial status, perpetrators of criminal offences against the environment are individuals with "low" and "very low" financial status (55.4%), while those with "high" and "very high" financial status account for an almost negligible proportion (5.4%);
- the majority (62.7%) of perpetrators of the analysed criminal offences are married or in a domestic partnership;
- perpetrators of the analysed group of criminal offences are predominantly (61.4%) individuals without underage children, which is especially the case with the criminal offence of Killing and Wanton Molesting to Animals, where 71.4% of the perpetrators have this characteristic;
- a substantial proportion are individuals with previous convictions (repeat offenders) – 37.8%;

- there are recorded cases of criminal liability for attempted criminal offence of Forest Theft;
- cases of criminal offences committed in complicity account for a significant proportion;
- premeditation is, as a rule, the only form of culpability for the committed criminal offences.

Table 257: Perpetrators' previous convictions

		Number	%	Overall %
	No convictions	102	61.4	62.2
	Yes, one	22	13.3	13.4
	Yes, multiple	40	24.1	24.4
	Total	164	98.8	100.0
No data		2	1.2	
Total		166	100.0	

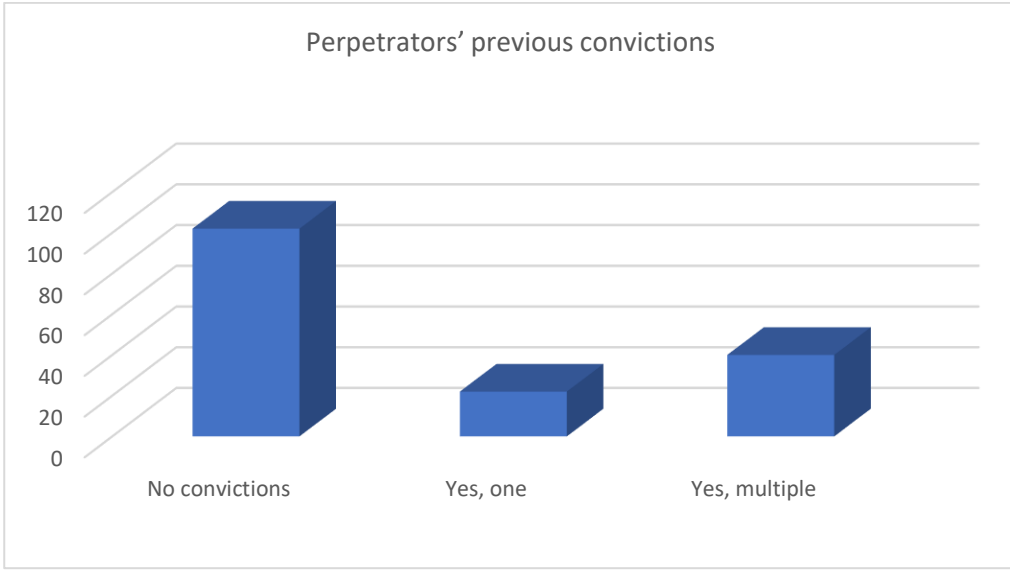


Table 258: Legal qualification – previous convictions

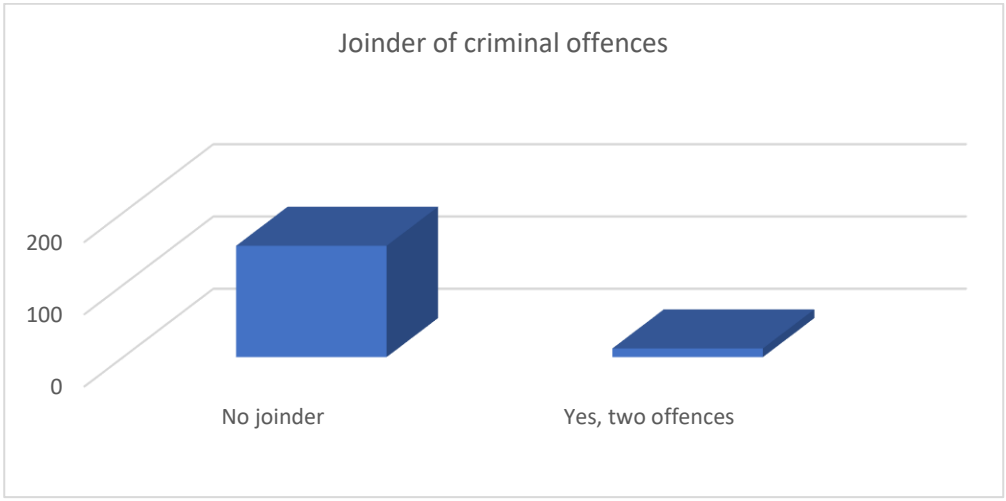
		Previous convictions			Total
		No	Yes, one	Yes, multiple	
Legal qualification	Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265	0	0	1	1
	Poaching Fish – Art. 277	2	1	0	3
	Transmitting of Contagious Animal Diseases – Art. 270	3	1	0	4
	Killing and Wanton Molesting to Animals – Art. 269	34	3	5	42
	Forest Theft – Art. 275(1)	22	9	18	49
	Forest Theft – Art. 275(2)	16	5	9	30
	Devastation of Forests – Art. 274	2	0	0	2
	Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances – Article 266	9	0	1	10
	Poaching Game – Art. 276	3	0	0	3
	Killing and Wanton Molesting to Animals – Art. 269(2)	5	1	2	8
	Pollution of Livestock Fodder and Water – Art. 273(3)	1	0	0	1
	Poaching Fish – Art. 277(2)	0	0	1	1
	Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265(4)	2	1	1	4
	Poaching Game – Art. 276(3)	0	1	0	1
	Poaching Fish – Art. 277(3)	1	0	0	1
	Producing Harmful Products for Treating Animals – Art. 272(1)	0	0	1	1

	Devastation of Forests – Art. 274(2)	1	0	1	2
	Environmental Pollution – Art. 260(1)	1	0	0	1
Total		102	22	40	164

3.5. Joinder of criminal offences

Table 259: Joinder of criminal offences

	Number	%	Overall %
No	154	92.8	92.8
Yes, two offences	12	7.2	7.2
Total	166	100.0	100.0

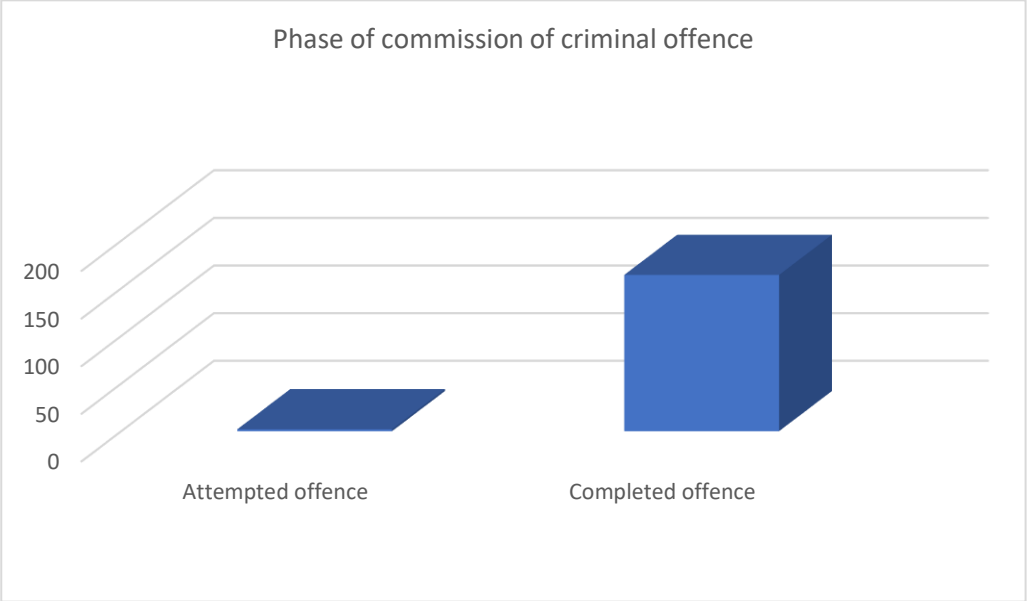


3.6. Phase of commission of criminal offence

One of the characteristics of criminal offences against the environment is that one is liable for a completed criminal offence. An exception to this is the criminal offence of Forest Theft, where criminal liability for an attempted criminal offence is stipulated (Art. 275 para. 3. of the CC). The research conducted indicates that this exception is present in case law. More specifically, two cases concerned attempted criminal offences, and the defendants were found to be liable for them.

Table 260: Phase of commission of offence

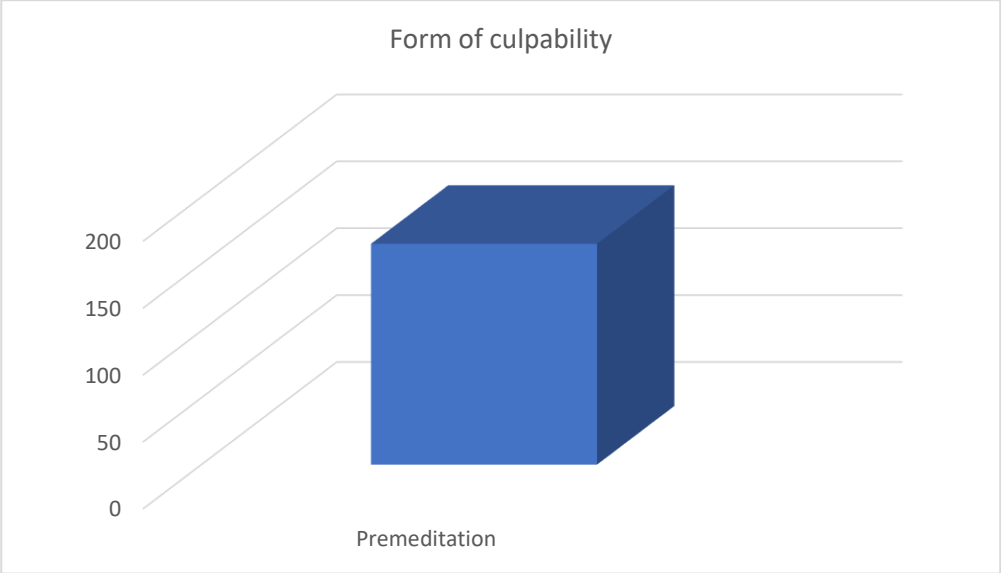
		Number	%	Overall %
	Attempted offence	2	1.2	1.2
	Completed offence	164	98.8	98.8
	Total	166	100.0	100.0



3.7. Form of culpability

Table 261: Form of culpability

		Number	%	Overall %
	Premeditation	165	99.4	100.0
No data		1	.6	
Total		166	100.0	



3.8. Complicity in the commission of criminal offence

Table 262: Did the perpetrator have an accomplice?

		Number	%	Overall %
	No	122	73.5	73.9
	Yes	43	25.9	26.1
	Total	165	99.4	100.0
No data		1	.6	
Total		166	100.0	

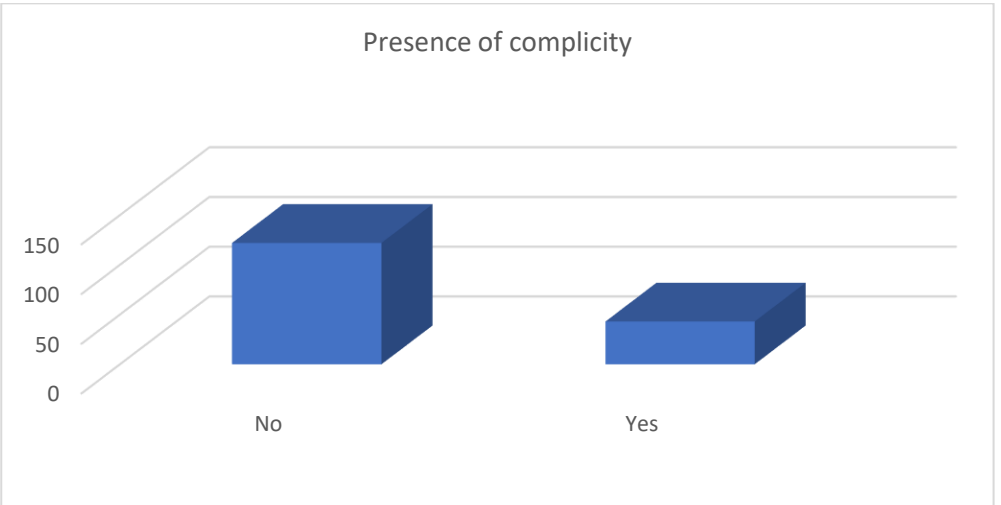
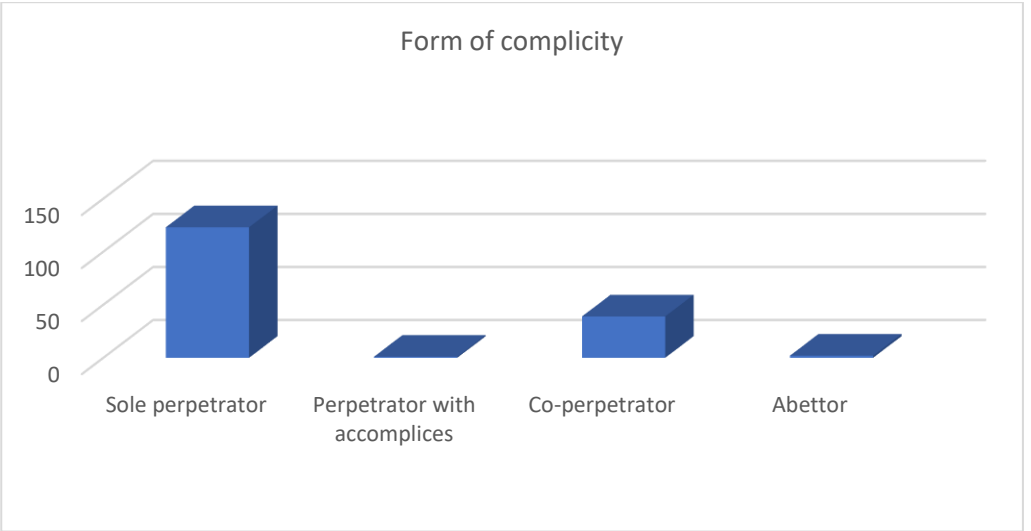


Table 263: Form of complicity

		Number	%	Overall %
	Sole perpetrator	123	74.1	74.5
	Perpetrator with accomplices	1	.6	.6
	Co-perpetrator	39	23.5	23.6
	Abettor	2	1.2	1.2
	Total	165	99.4	100.0
No data		1	.6	
Total		166	100.0	



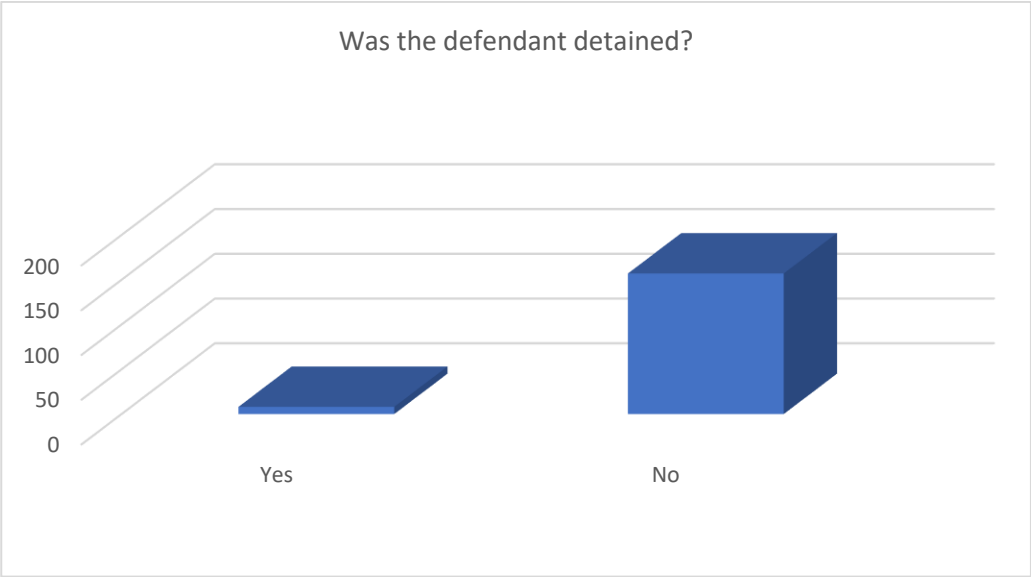
3.9. Detention and criminal proceedings for criminal offences against the environment

Detention, as the most severe measure to secure the defendant's presence in criminal proceedings, is characterized by numerous specific features. Two of them carry special weight in the light of the subject and set objectives of the research. First, compared to other measures to secure the defendant's presence in criminal proceedings, detention as the most severe measure should be applied as an exception, i.e. other requirements being fulfilled, it should only be ordered if the same purpose cannot be achieved by another measure (Art. 210 para. 1. of the CPC). Second, given its specific features, by its very nature, detention as a measure to secure the defendant's presence in criminal proceedings is, as a rule, applied in regular (general) criminal proceedings. In view of this, as well as the fact that all criminal offences geared towards environmental protection are tried in summary criminal

proceedings, it was to be expected that detention would be applied only exceptionally, if at all. The assumption proved to be true. The table below shows that, out of all analysed cases, eight out of the total of 166 defendants (4.8%) were detained. In all eight cases, detention was ordered pursuant to item 1. of paragraph 1. of Art. 211 of the CPC, i.e. on the grounds of defendants' failure to appear at the main hearing in the criminal proceedings conducted for three criminal offences (Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (in two cases), Killing and Wanton Molesting to Animals (in five cases), and Producing Harmful Products for Treating Animals (in one case)).

Table 264: Detention

		Number	%	Overall %
	Yes	8	4.8	4.8
	No	157	94.6	95.2
	Total	165	99.4	100.0
No data		1	.6	
Total		166	100.0	



3.10. Defence counsel as a participant in criminal proceedings for criminal offences against the environment

Before delving into the analysis of the findings regarding this aspect of the matter at hand, it is essential to note the following: First, professional defence for the defendant in criminal proceedings, i.e. retaining a defence counsel, is not only the most common, but also the strongest guarantee that the defendant's rights and interests will be represented and defended in an appropriate manner in criminal proceedings. Second, despite the fact that professional defence is provided in both cases, the defendant's trust in the defence counsel of choice is, without question, far stronger than his/her trust in the *ex officio* defence counsel, which is relevant to the success of the defence as well. Third, given that, as a rule, the defendant had prior contacts and interviews with his defence counsel before granting him/her power of attorney, it may affect subsequent efficiency of state authorities' (in particular prosecutors and courts) work in those cases. Fourth, it is also worth noting that this finding indirectly points to differences among defendants in criminal proceedings from the aspect of their financial status. Having all this in mind, three questions were analysed in the research conducted with regard to defence counsels as participants in this category of criminal proceedings. These questions concern both the prevalence of professional defence in general and the prevalence of professional defence depending on the criminal offence concerned, as well as the modality of retaining a defence counsel in the analysed criminal cases. When assessed individually, their key characteristics are as follows:

First, when it comes to the prevalence of professional defence in general, it was clearly present in a significant number of cases. Out of all defendants, 56 or 33.7% had a defence counsel/professional defence in the criminal proceedings conducted. The case files contain no data on the reasons for the absence of professional defence in the remaining 64.5% of the cases. However, in view of the findings presented above, as well as the fact that in cases where professional defence was available, it was provided by a defence counsel of choice, it can be reasonably assumed that the key reason for not retaining a defence counsel was the financial status of the defendant and persons who have this possibility under Art. 75. para. 1. of the CRC.

Second, as regards the modality of retaining a defence counsel, the findings show that a defence counsel of choice was retained in all cases.

Third, three criminal offences were the subject of criminal proceedings where a defence counsel appeared as a participant in the proceedings. These are the criminal offences of Forest Theft (para. 1 and 2 of Art. 275), where a defence counsel was present in 25 cases (44.6% of all cases involving a defence counsel), followed by the criminal offence of Killing and Wanton Molesting to Animals (Art. 269 of the CC), where 18 defendants had a defence counsel (32.1% of all cases involving a defence counsel), which is to be expected, given that the defendants charged with these two criminal offences hold the top two positions among the total number of defendants charged with criminal offences against the environment in the analysed case files. Ranked third is the criminal offence of Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances from Art. 266 of the CC.

Table 265: Did the perpetrator have a defence counsel?

		Number	%	Overall %
	Yes	56	33.7	34.4
	No	107	64.5	65.6
	Total	163	98.2	100.0
No data		3	1.8	
Total		166	100.0	

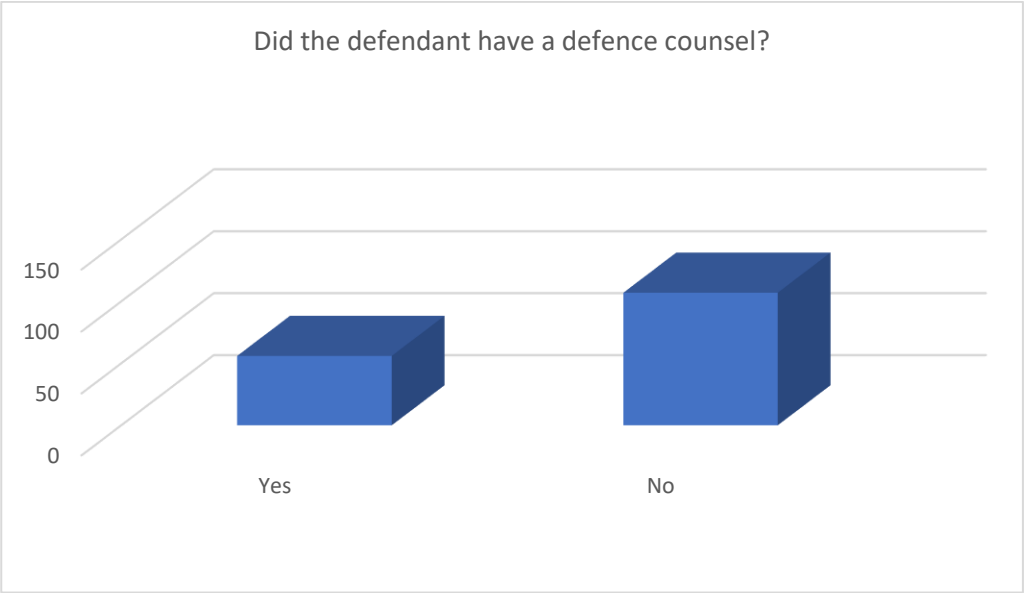


Table 266: Legal qualification and presence of defence counsel

		Presence of a defence counsel		
		Yes	No	Total
Legal qualification	Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265	0	1	1
	Poaching Fish – Art. 277	0	3	3
	Transmitting of Contagious Animal Diseases – Art. 270	0	4	4
	Killing and Wanton Molesting to Animals – Art. 269	19	22	41
	Forest Theft – Art. 275(1)	17	32	49

	Forest Theft – Art. 275(2)	8	22	30
	Devastation of Forests – Art. 274	1	1	2
	Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances – Article 266	5	5	10
	Poaching Game – Art. 276	1	2	3
	Killing and Wanton Molesting to Animals – Art. 269(2)	4	4	8
	Pollution of Livestock Fodder and Water – Art. 273(3)	0	1	1
	Poaching Fish – Art. 277(2)	0	1	1
	Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset – Art. 265(4)	0	4	4
	Poaching Game – Art. 276(3)	0	1	1
	Poaching Game – Art. 276(4)	0	1	1
	Poaching Fish – Art. 277(3)	1	0	1
	Producing Harmful Products for Treating Animals – Art. 272(1)	0	1	1
	Devastation of Forests – Art. 274(2)	0	2	2
Total		56	107	163

4. Duration of criminal proceedings from the filed criminal complaint to the resolution of the criminal matter concerned by a final court decision (efficient or not?)

A matter in focus in the research conducted was the efficiency of handling the analysed criminal cases. The key reason for attaching such high importance

to this aspect of the issue at hand lies in the fact that only efficient criminal proceedings constitute an instrument for successful fight against crime in general, and thus also against this group of criminal offences, and, as such, correspond to the goals of general and special prevention. In contrast, the inefficient application of criminal enforcement measures is contrary to the goals of general and special prevention. Indeed, it encourages potential perpetrators and, quite justifiably, causes public dissatisfaction, thus giving additional relevance to this issue. In addition, the principle of trial within a reasonable time, as one of the crucial features brought about by Serbia's criminal procedural law reform efforts to date, requires the court to conduct criminal proceedings without delays and preclude any misuse of rights aimed at stalling the proceedings (Art. 14. of the CPC).[42]

One of the key initial hypotheses posed during project work concerns the efficiency of criminal proceedings for this group of criminal offences. The assumption was that criminal proceedings are relatively lengthy – that in a substantial number of cases up to two years pass between the initiation of criminal proceedings and the final adjudication. The posed hypothesis, despite all the arguments presented above, proved to be true. This observation is substantiated by the findings of the research conducted**.** They unequivocally show that in 34.2% of the cases, criminal proceedings from the filed criminal complaint to the final court decision lasted longer than two years. In 14.3% of the cases, criminal proceedings lasted between three and five years. When the unquestionable fact that in 1.9 percent of the analysed cases, criminal proceedings lasted longer than five years is taken into account, this observation further grows in relevance.

When the matter at hand is assessed at the level of individual basic courts, significant differences in court efficiency come to light. In other words, in some cases they are several times greater. Thus, for instance, in the Second Basic Court in Belgrade, out of the 29 analysed cases, in 10 cases (34.4%) criminal proceedings lasted between two and three years, while in 9 cases (31%) they lasted between three and five years. Similar research findings were obtained in the Basic Court in Kragujevac and the Basic Court in Niš (Table 244). In contrast with this, the situation in the Basic Court in Novi Pazar is entirely different. Out of the 14 analysed cases, in 13 cases (92.8%) criminal proceedings were concluded within two years, and in only one case they lasted up to three years.

If the presented figures are viewed in the context of the type of criminal offence from this group in respect of which criminal proceedings are typically conducted, they become all the more relevant. More specifically, from this aspect, the research conducted reveals that, when it comes to this group of criminal offences overall, criminal proceedings are, as a rule, initiated and conducted for minor criminal offences. For instance, out of all persons indicted of all criminal offences against the environment, over 70% are indicted of three

[42] Bejatović, S., *Novi Zakonik o krivičnom postupku Republike Srbije i adekvatnost državne reakcije na kriminalitet*, in: "Teški oblici kriminaliteta i državna reakcija", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2013, 47-48.

criminal offences (Forest Theft, Poaching Game, and Poaching Fish), noting that, from the aspect of filed charging documents, the criminal offence of Forest Theft from Art. 275 of the CC is ranked first by a wide margin.

These and other findings clearly indicate that it is essential to undertake further measures, in particular practical ones, to enhance the efficiency of criminal proceedings for this group of criminal offences in our country in order to reach the efficiency level of relevant comparative criminal procedural legislation and the required standards of trial within a reasonable time. This is all the more relevant because the legislative framework provides an adequate foundation for the desired efficiency level, but its practical application is not appropriate.[43]

From the practical aspect, a measure that should contribute to raising the efficiency of criminal proceedings for criminal offences against the environment, understood in qualitative and quantitative terms, is raising awareness of judicial office holders about the importance of efficient application of criminal law norms as instruments for achieving the desired level of environmental protection through criminal law.

Table 267: Time between criminal complaint and final court decision

		Number	%	Overall %
Valid	Up to one year	55	33.1	34.2
	Up to two years	51	30.7	31.7
	Two to three years	29	17.5	18.0
	Three to five years	23	13.9	14.3
	Over five years	3	1.8	1.9
	Total	161	97.0	100.0
No data		5	3.0	
Total		166	100.0	

Table 268: Court – time between criminal complaint and final court decision

		Time between criminal complaint and final court decision					Total
		Up to one year	Up to two years	Two to three years	Three to five years	Over five years	
Court	Kragujevac	8	5	2	3	0	18
	Niš	3	9	2	1	0	15
	Novi Pazar	7	6	1	0	1	15

[43] See: Škulić, M., *Kaznena politika i reforma krivičnog procesnog zakonodavstva Srbije (Adekvatnost reakcije na kriminalitet ili ne?),* in: `` Kaznena politika i adekvatnost reakcije na kriminalitet``, Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2024,18-34.

	Leskovac	4	3	2	6	1	16
	Subotica	19	6	0	3	0	28
	Novi Sad	7	10	8	1	1	27
	Belgrade	1	9	10	9	0	29
	Obrenovac	6	3	4	0	0	13
Total		55	51	29	23	3	161

Table 269: Plea bargain

		Number	%	Overall %
	Yes	6	3.6	3.6
	No	159	95.8	96.4
	Total	165	99.4	100.0
No data		1	.6	
Total		166	100.0	

5. Prescribed and imposed criminal sanctions for criminal offences against the environment (type and level – consistent or not?)

The third initial hypothesis in project work resulting in this study is that there is a discrepancy between the legislator's policy and judicial penal policy when it comes to criminal offences against the environment. Judicial penal policy with regard to this group of criminal offences is lenient, i.e. penalties are close to the minimum levels prescribed by law. In view of this hypothesis, the expectation was that there would be more cases of imprisonment or fine close to the prescribed minimum levels, as well as a significant number of cautionary measures – suspended sentences and judicial admonitions. This is the widespread perception of the general public; however, it has not been substantiated, seeing that no in-depth comprehensive scientific research into this matter has been conducted. In addition, another hypothesis argues that inadequate judicial and prosecutorial penal policy does not serve the purpose of prevention of criminal offences against the environment and criminal offences in general to the desired extent. To verify these two hypotheses, in particular the former, two groups of questions were analysed as part of the research conducted. They concern the relationship between criminal sanctions prescribed and imposed for criminal offences against the environment (the type and level thereof) and, on the basis of these, an assessment of their (in)consistency and thus also (in)adequacy as environmental protection instruments under the

criminal law. However, before presenting the research findings with regard to these two groups of questions, it is essential to note the following two facts.

*First ,*the current text of the Criminal Code foresees the following types of criminal sanctions: penalties, cautionary measures, security measures and rehabilitation measures. The following penalties may be imposed on a perpetrator of a criminal offence: life sentence; imprisonment; fine; community service; and revocation of driver's license (Art. 43. of the CC). Life sentence and imprisonment may only be imposed as principal penalties (Art. 44. para. 1. of the CC), while fine, community service and revocation of driver's license may be imposed both as principal and as secondary penalties (Art. 44. para. 2. of the CC).

As regards cautionary measures, the Criminal Code distinguishes between suspended sentence and judicial admonition (Art. 64. para. 1. of the CC). By suspended sentence, the court determines penalty for the offender and concurrently determines that it shall not be enforced provided the convicted person does not commit a new criminal offence during a period set by the court, which may not be less than one or longer than five years (probationary period) (Art. 65. para. 1 of the CC). The Criminal Code foresees judicial admonition as a specific type of cautionary measure. Judicial admonition may be imposed for criminal offences punishable by imprisonment of less than one year or fine, which have been committed under such extenuating circumstances that they render them particularly minor. For particular criminal offences and under the conditions provided by law, a judicial admonition may be imposed even when such offences are punishable by imprisonment of up to three years. (Art. 77. para. 1 and 2. of the CC).

The court may impose one or more security measures, as a specific type of criminal sanctions, on a criminal offender. The following security measures may be imposed on a criminal offender: compulsory psychiatric treatment and confinement in a medical institution; compulsory psychiatric treatment at liberty; compulsory drug addiction treatment; compulsory alcohol addiction treatment; prohibition on practising a profession, activity or duty; prohibition on driving a motor vehicle; confiscation of objects; expulsion of a foreigner from the country; publishing of judgement; prohibiting convergence and communication with victim; prohibition on attending certain sports events (Art. 79. para. 1. pt) 1–11. of the CC). Security measures may be imposed individually or cumulatively, in addition to another criminal sanction or as stand-alone sanctions. Essentially, only the security measures of compulsory psychiatric treatment and confinement in a medical institution and compulsory psychiatric treatment at liberty for a mentally incompetent perpetrator are imposed on a stand-alone basis[44].

[44] See: Kolarić, D., *Kaznena politika i reforma krivičnog materijalnog zakonodavstva Republike Srbije*, in: "Kaznena politika i adekvatnost reakcije na kriminalitet", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2024, 4-17.

Second, with regard to the criminal sanctions prescribed for criminal offences against the environment, two of their characteristics are relevant to this aspect of the analysis. The first concerns the type of criminal sanctions prescribed for these criminal offences, and the second – the range of prescribed penalties of imprisonment for each of the eighteen criminal offences and their forms. An analysis of these two characteristics of criminal sanctions prescribed for criminal offences against the environment reveals that they provide an adequate normative basis allowing the criminal sanctions for perpetrators to be individualized to a degree which serves the purpose of (general and special) prevention to the desired extent. However, as noted above, this is only one aspect. It is also necessary for prescribed criminal sanctions to be adequately imposed. The findings of the research conducted do not point to a positive response concerning this aspect of criminal sanctions for the analysed criminal offences. More specifically, one of the key questions that was, quite justifiably, in focus in the research was the question of type and level of criminal sanctions imposed on perpetrators of criminal offences against the environment. The key reason for giving such high level of attention to this aspect of criminal law instruments geared towards responding to criminal offences against the environment lies in the fact that only adequately prescribed and adequately imposed criminal sanctions for perpetrators will serve the purpose of (general and special) prevention of these and any other criminal offences to the desired extent. The question whether this requirement is met or not is answered by research findings. The findings are numerous. The key ones, from the aspect of imposed criminal sanctions, are as follows.

First, with regard to the type of criminal sanction imposed, suspended sentence is ranked first by a wide margin. Relative to the research sample as a whole, out of all convicted persons (166), 87 received a suspended sentence (52.4% of all imposed criminal sanctions). Broken down by the eight analysed basic courts, the number and percentage of suspended sentences is even higher in some of the courts (this is the case, for instance, with the Basic Court in Novi Sad and the Second Basic Court in Belgrade).

With regard to this criminal sanction, two more research findings are especially noteworthy. Firstly, in none of the cases of suspended sentence did the court impose an obligation on the perpetrator to undertake specific prescribed protection measures within a set time limit, despite the fact that the cases concerned include, for instance, conditional sentences for the criminal offence of Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (Art. 266 of the CC). Secondly, the penalties determined in the conditional sentences imposed were close to the minimum levels prescribed for the criminal offences concerned.

Second, judicial admonition has its place among the imposed criminal sanctions. Nevertheless, it was only imposed on one defendant.

Third, fines are ranked second in terms of their proportion in the total number of criminal sanctions imposed. In the overall research sample, a fine as the principal penalty was imposed on 18 defendants (10.8% of all criminal

sanctions imposed). In addition, this criminal sanction is characterized by two additional features identified in the research. Firstly, none of the 18 imposed fines were determined in daily amounts – all were determined in particular amounts. Secondly, none of the 18 imposed fines were higher than 100,000 dinars.

Fourth, a commendable novelty brought about by substantive criminal law reform in the Republic of Serbia, launched by the passage of the current text of the Criminal Code in 2005[45], is the codification of a new, highly specific type of criminal sanction – the penalty of community service. There are ample crime policy reasons providing justification for the codification of this penalty[46] and it is expected to assume a prominent place among penalties imposed on criminal offenders in general, and thus also perpetrators of criminal offences against the environment, all the more so because the legislator envisages a broad range of possibilities of imposing this type of penalty. Under Art. 52. para. 1. of the CC, "community service may be imposed for criminal offences punishable by imprisonment of up to three years or a fine." In addition, this penalty, just as fine and revocation of driver's license, may be imposed both as the principal and as the secondary penalty (Art. 44. para. 1. of the CC). In view of these stipulated conditions for imposing this penalty, it is unquestionably possible to impose it (as the principal or secondary penalty) for almost all forms of criminal offences against the environment. Having in mind all of the above, as well as the nature of criminal offences against the environment, it is entirely justified to raise the issue of the share of this type of penalties in all criminal sanctions imposed on perpetrators of the analysed criminal offences. The research findings in this regard indicate that, in this group of criminal offences, as well as criminal offences in general, this type of penalty accounts for an almost negligible proportion of all criminal sanctions. Among all criminal sanctions for criminal offences against the environment in the analysed sample, community service was imposed in only two cases. In both cases, it was imposed as the principal penalty on perpetrators who had already (once each) been convicted of these criminal offences. In addition, another interesting finding was obtained through the research conducted with regard to this type of penalty. More specifically, in both cases, community service was imposed on individuals aged up to 30.

In view of all the arguments presented above, advocacy to bring this type of penalty to the fore appears to be quite justified. At the same time, the view

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[45] See: Stojanović, Z., *Reforma krivičnog zakonodavstva – osnovne karakteritike i tendencije*, in: "Dve decenije reforme kaznenog zakonodavstva: Iskustva i pouke", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2023, 11-24.

[46] See: Mrvić-Petrović, N., *Rad u javnom interesu (pojam, uslovi mogućnosti izricanja, trajanje i posledice neizvršenja naložene ovaveze)*, in "Alternativne krivične sankcije (regionalna krivična zakonodavstva, iskustva u primeni i mere unapređenja)", Misija OEBS-a u Srbiji, Belgrade, 2018, 151-160; Ćorović, E., Turanjanin, V., Spasić, D., *Community Service as a Criminal Sanction in Serbian Criminal Legislation*, International Journal of Offender Therapy and Comparative Criminology, 2022, 0(0). https://doi.org/10.1177/0306624X221132993.

that priority should be given to imposing this penalty as the secondary one also seems entirely justified. This approach to imposing the penalty of community service corresponds to the nature of criminal offences against the environment and serves the purpose of their prevention, in particular special prevention.

Fifth, if not a crucial one, than certainly an important and indispensable indicator of adequacy of judicial penal policy in general and in respect of this group of criminal offences is the length of imprisonment imposed on perpetrators of these criminal offences. This observation is supported by the fact that only an adequately weighed criminal sanction, in particular imprisonment as the key criminal sanction within the state's response to crime in general and also to this group of criminal offences, will serve the purpose of both general and special prevention to the desired extent. In addition, it should be noted that this criminal sanction was imposed in only 10.2% of the cases relative to the total number of criminal sanctions in the analysed sample. Further, with regard to this aspect of the matter at hand, it should be highlighted that one of the key initial research hypotheses was that there was a discrepancy between the legislator's policy and the judicial penal policy when it comes to criminal offences against the environment. In other words, judicial penal policy in respect of this group of criminal offences is lenient, with the range of penalties around the minimum legally prescribed levels, and as such does not serve the purpose of (general and special) prevention of this type of crime to the desired extent.

The research conducted yields two key findings in response to this question. First, a relatively small proportion of persons convicted of these criminal offences received a sentence of imprisonment – only 10.2% of the total criminal sanctions in the analysed sample. Second, among all sentences of imprisonment, those of up to 6 months account for the largest proportion (33.3%), noting that in 25% of all cases of imprisonment, home imprisonment within the meaning of Art. 45. para. 3. of the CC was ordered. If these indicators are viewed in the context of criminal sanctions prescribed for the analysed criminal offences, primarily in the context of three offences which are, virtually, the only prosecuted criminal offences from this group (Killing and Wanton Molesting to Animals, Forest Theft, and Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances), then it can be observed that the obtained research findings largely substantiate the accuracy of the above hypothesis, i.e. that we have an inordinately lenient judicial penal policy, as assessed from the aspect of both proportion and length of imposed sentences of imprisonment. If the negligible number of cases where the perpetrator concurrently received a sentence of imprisonment and a fine is taken into account as well, the above observation carries additional weight. Having this in mind, it appears entirely justified to argue that such judicial penal policy, assessed from the aspect of imprisonment, does not serve the purpose of prevention of criminal offences against the environment to the desired extent, in particular when it comes to the three aforementioned criminal offences which are, in practice, the most prevalent among this group.

Sixth, none of the 166 analysed criminal cases involved ordering environmental protection and preservation measures.

Seventh, security measures, as noted above, constitute a specific type of criminal sanctions which are most commonly imposed in addition to another criminal sanction in case law. In view of the nature of most criminal offences against the environment, this practice was to be expected in these criminal matters. The research conducted reveals that this practice is, quite justifiably, present in criminal proceedings conducted for criminal offences against the environment. The research findings show that one of the 166 persons convicted received the security measure of compulsory psychiatric treatment and confinement in a medical institution, as a stand-alone sanction, for the criminal offence of Killing and Wanton Molesting to Animals (Art. 269 para. 1. of the CC). The security measure of confiscation of objects was imposed, along with the penalty, in 26 cases, mainly in cases of Killing and Wanton Molesting to Animals (10 security measures of confiscation of objects).[47]

Finally, as regards the type and level of criminal sanctions imposed on perpetrators of criminal offences against the environment, two additional characteristics identified in the research conducted bear special relevance to this aspect of the matter at hand.

First, in the Republic of Serbia's criminal law, the penalty for a committed criminal offence is weighed within the prescribed sentencing range (minimum and maximum) for the criminal offence concerned. However, in some cases, the criminal law allows extenuating the penalty below the legally prescribed minimum level for a given criminal offence, or even substituting the prescribed penalty with a more lenient penalty type. More specifically, the legal institute of "extenuation of penalty" has been introduced as an essential institute of criminal law in designing penal policy. This legal institute grants a certain discretion to the court to apply the relatively "abstract penalty" to the specific event and specific individual on a case-by-case basis[48], with the proviso that cases where this legal institute may be applied are specified by the legislator. These are cases where: extenuation of penalty is provided for by law; the law provides for exemption of the offender from penalty and the court decides otherwise; the court finds that particularly extenuating circumstances exist indicating that the purpose of punishment may be achieved by an extenuated penalty (Art. 56. of the CC). The professional community almost unanimously agrees that extensive application of the legal institute of extenuation of penalty is a sign of a lenient

[47] Other criminal offences for which this security measure was imposed include: Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset (four measures); Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances (four measures); Killing and Wanton Molesting to Animals (ten measures); Producing Harmful Products for Treating Animals (one measure); Pollution of Livestock Fodder and Water (one measure); Forest Theft (three measures) and Poaching Fish (three measures).

[48] Stojanović, Z., *Komentar Krivičnog zakonika*, Belgrade, 2018, 168-173.

penal policy.[49] Hence, one of the research questions was: Did the cases of analysed criminal offences against the environment include cases where the legal institute of extenuation of penalty was applied, and if yes, to what extent? This question carries special weight in the context of the CC provision whereunder "the court may not pronounce an extenuated penalty to a person who was previously convicted for the same criminal offence or criminal offence of the same type" (Art. 57. para. 3. of the CC); as shown above, the number of such cases in the analysed sample is considerable (out of all convicted persons in the analysed sample, 37.8% are repeat offenders, and 24.4% have two or more previous convictions). The research findings obtained in response to this question show that the legal institute of extenuation of penalty was applied in three out of the 166 analysed criminal cases.[50]

Second, a questions that is, quite justifiably, in the legislator's focus is the question of general principles of sentencing. The importance of this matter is best illustrated by the fact that the legislator expressly stipulates that the court is to determine a penalty for a criminal offender within the limits set forth by law for such criminal offence, with regard to the purpose of punishment and taking into account all circumstance that could have bearing on severity of the punishment (extenuating and aggravating circumstances), and specifically enumerates the key ones (Art. 54. para. 1–3. of the CC). In view of the importance of this provision, the research conducted also focused on the circumstances considered by the court in imposing criminal sanctions on perpetrators of the analysed criminal offences. The analysis of responses to this question yielded two key findings.

1. With regard to aggravating circumstances considered by the court in pronouncing criminal sanctions, it should be highlighted, firstly, that in 106 of the analysed criminal cases (63.9%) no aggravating circumstances were taken into account in determining the type and level of criminal sanctions (Table 270). In 15 cases (9%), degree of culpability was taken into account; in 7 cases (4.2%) – offender's prior life; in 1 case – motives for committing the offence; in 11 cases (6.6%) – circumstances under which the offence was committed; in 1 case – offender's behaviour after the commission of the criminal offence; in 7 cases (4.2%) – degree of endangering or damaging protected goods; and in 4 cases – other circumstances.

2. As regards extenuating circumstances considered by the court in pronouncing criminal sanctions, in 82 of the analysed criminal cases (49.4%) no extenuating circumstances were taken into account in determining the type and level of criminal sanctions. In 45 cases (27.1%), personal and family circumstances were taken into account; in 2 cases (1.2%) – degree of culpability;

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[49] Komlen-Nikolić, L., *Ublažavanje kazne i adekvatnost reakcije na kriminalitet*, in: "Izmene u krivičnom zakonodavstvu i statusu nosilaca pravosudnih funkcija i adekvatnost državne reakcije na kriminalitet (međunarodni pravni standardi i stanje u Srbiji)", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2019, 268.

[50] In all three cases, this legal institute was applied on the basic form of the criminal offence of Forest Theft (Art. 275, para. 1 of the CC).

in 31 cases (19.3%) – offender's prior life. Other extenuating circumstances were taken into account in a negligible number of cases or not at all. In addition, when it comes to extenuating circumstances, the following two findings merit particular attention. First, in 53 suspended sentences (60.9% of all delivered suspended sentences), no extenuating circumstances were found. Second, despite the fact that Art. 77. of the CC expressly provides that “a judicial admonition may be imposed for criminal offences punishable by imprisonment of less than one year or a fine, which have been committed under such extenuating circumstances which render them particularly minor”, no extenuating circumstances were found in cases of judicial admonition (Table. 270).

Table 270: Criminal sanctions imposed: aggregate results

		Number	%	Overall %
	Imprisonment	17	10.2	12.1
	Fine	18	10.8	12.8
	Imprisonment and fine	7	4.2	5.0
	Suspended sentence	87	52.4	61.7
	Judicial admonition	1	.6	.7
	Community service	2	1.2	1.4
	Suspended sentence and fine	8	4.8	5.7
	Security measure	1	.6	.7
	Total	141	84.9	100.0
No data		25	15.1	
Total		166	100.0	

Table 271: Criminal sanctions imposed, broken down by courts

Court	Impris.	Fine	Impris. and fine	Susp. sent.	Jud. adm.	Comm. serv.	Susp. sent. and fine	Sec. measure
NS	0	1	1	20	0	0	0	0
SU	4	5	2	11	0	0	2	0
BG	6	1	0	16	0	0	0	1
OB	0	0	2	8	0	2	0	0
KG	2	1	2	11	0	0	0	0
NP	0	6	0	5	1	0	0	0
NI	1	2	0	8	0	0	4	0
LE	4	2	0	8	0	0	2	0

Table 272: Sanction imposed – presence of a defence counsel

		Presence of a defence counsel		
		Yes	No	Total
Sanction imposed	Imprisonment	9	8	17
	Fine	4	14	18
	Imprisonment and fine	2	5	7
	Suspended sentence	25	62	87
	Judicial admonition	0	1	1
	Community service	2	0	2
	Suspended sentence and fine	2	6	8
	Security measure	1	0	1
Total		45	96	141

Table 273: Length of imprisonment

	Number	%	Overall %
Up to 6 months	8	4.8	33.3
6–12 months	7	4.2	29.2
One to three years	3	1.8	12.5
Home imprisonment	6	3.6	25.0
Total	24	14.5	100.0

Table 274: Sanction imposed – perpetrator's age				
	Up to 30	31-45	46–60	Over 60
Imprisonment	4	5	7	1
Fine	0	6	6	5
Imprisonment and fine	0	1	6	0
Suspended sentence	11	21	24	29
Judicial admonition	0	1	0	0
Community service	2	0	0	0
Suspended sentence and fine	0	4	3	1
Security measure	1	0	0	0
Total	18	38	46	36

Table 275: Previous convictions – length of imprisonment

		Length				Total
		Up to 6 months	6–12 months	1–3 years	Home imprisonment	
Previous convictions	No	1	2	0	1	4
	Yes, one	2	0	0	1	3
	Yes, multiple	5	5	3	4	17
Total		8	7	3	6	24

Table 276: Sanction imposed – previous convictions

		No	Yes, one	Yes, multiple	Total
Sanction imposed	Imprisonment	3	2	12	17
	Fine	13	2	3	18
	Imprisonment and fine	1	1	5	7
	Suspended sentence	63	13	10	86
	Judicial admonition	1	0	0	1
	Community service	0	2	0	2

	Suspended sentence and fine	8	0	0	8
	Security measure	1	0	0	1
Total		90	20	30	140

Table 277: Environmental protection and preservation measures

	Number	%	Overall %
No	141	84.9	100.0
No data	25	15.1	
Total	166	100.0	

Table 278: Security measures

		Number	%	Overall %
	None imposed	115	69.3	81.0
	In addition to a penalty	26	15.7	18.3
	Stand-alone	1	.6	.7
	Total	142	85.5	100.0
No data		24	14.5	
Total		166	100.0	

6. Criminal offences against the environment and extenuation of and exemption from penalty

Table 279: Extenuation of penalty

		Number	%	Overall %
	Yes	3	1.8	2.1
	No	137	82.5	97.9
	Total	140	84.3	100.0
No data		26	15.7	
Total		166	100.0	

Table 280: Exemption from penalty

	Number	%	Overall %
No	139	83.7	100.0
No data	27	16.3	
Total	166	100.0	

7. Circumstances informing the choice of type and level of criminal sanctions

7.1. Extenuating circumstances and the choice of type and level of criminal sanctions

Table 281: None found

	Number	%	Overall %
	82	49.4	100.0

Table 282: Degree of culpability

	Number	%	Overall %
	2	1.2	100.0

Table 283: Motives

	Number	%	Overall %
	5	3.0	100.0

Table 284: Perpetrator's prior life

	Number	%	Overall %
	32	19.3	100.0

Table 285: Personal and family circumstances

	Number	%	Overall %
	45	27.1	100.0

Table 286: Perpetrator’s behaviour after the offence

	Number	%	Overall %
	22	13.3	100.0

Table 287: Attitude towards the victim

	Number	%	Overall %
	2	1.2	100.0

Table 288: Circumstances under which the offence was committed

	Number	%	Overall %
	4	2.4	100.0

Table 289: Other circumstances

	Number	%	Overall %
	2	1.2	100.0

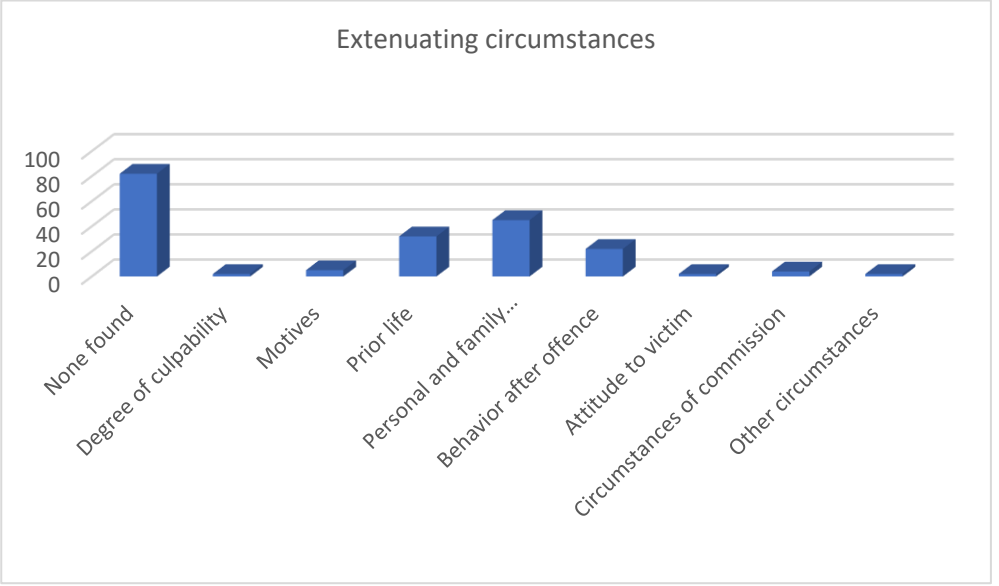


Table 290: Sanction imposed – no extenuating circumstances found

		None found	Total
Sanction imposed	Imprisonment	9	9
	Fine	8	8
	Imprisonment and fine	4	4
	Suspended sentence	53	53
	Judicial admonition	1	1
	Suspended sentence and fine	6	6
	Security measure	1	1
Total		82	82

Table 291: Sanction imposed – degree of culpability

		Total	
Sanction	Fine	1	1
	Suspended sentence	1	1
Total		2	2

Table 292: Sanction imposed – degree of culpability as an extenuating circumstance

		Total	
Sanction	Fine	1	1
	Suspended sentence	1	1
Total		2	2

Table 293: Sanction imposed – prior life

		Prior life	Total
Sanction	Imprisonment	4	4
	Fine	7	7
	Imprisonment and fine	1	1
	Suspended sentence	18	18
	Suspended sentence and fine	2	2
Total		32	32

Table 294: Sanction imposed – personal and family circumstances

		Total	
Sanction	Imprisonment	4	4
	Fine	8	8
	Imprisonment and fine	2	2
	Suspended sentence	29	29
	Community service	2	2
Total		45	45

7.2. Aggravating circumstances and the choice of type and level of criminal sanctions

Table 295: None found

	Number	%	Overall %
	106	63.9	100.0

Table 296: Degree of culpability

	Number	%	Overall %
	15	9.0	100.0

Table 297: Degree of endangering or damaging protected goods

	Number	%	Overall %
	7	4.2	100.0

Table 298: Motives

	Number	%	Overall %
	1	.6	100.0

Table 299: Offender's prior life

	Number	%	Overall %
	14	8.4	100.0

Table 300: Behaviour after the commission of the criminal offence

	Number	%	Overall %
	1	.6	100.0

Table 301: Circumstances under which the offence was committed

	Number	%	Overall %
	11	6.6	100.0

Table 302: Other circumstances

	Number	%	Overall %
	4	2.4	100.0

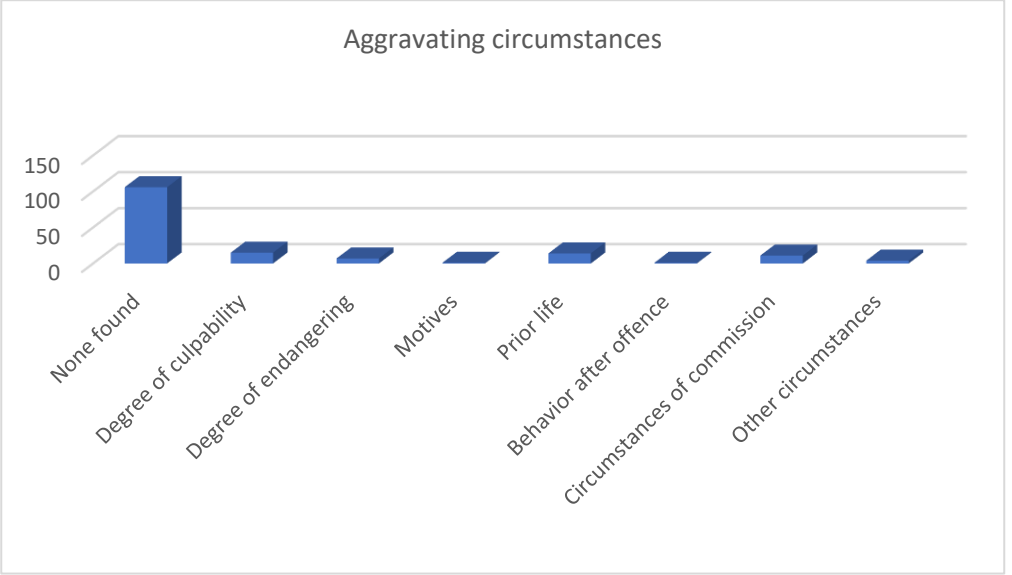


Table 303: Sanction imposed – prior life

			Total
	Imprisonment	4	4
	Fine	2	2
	Imprisonment and fine	2	2
	Suspended sentence	6	6
Total		14	14

Table 304: Sanction imposed –behaviour after offence

			Total
Sanction	Imprisonment	1	1
Total		1	1

Table 305: Sanction imposed – degree of endangering

		Total	
Sanction	Imprisonment	2	2
	Imprisonment and fine	1	1
	Suspended sentence	4	4
Total		7	7

8. Criminal offences against the environment and confiscation of means of commission of criminal offence and proceeds of crime

Table 306: Confiscation of means and proceeds

		Number	%	Overall %
	Yes	24	14.5	16.7
	No	120	72.3	83.3
	Total	144	86.7	100.0
No data		22	13.3	
Total		166	100.0	

9. Legal entity as a subject of criminal liability – criminal offences against the environment

The passage of the Law on Liability of Legal Entities for Criminal Offences (LLLECO)[51] provided the prerequisites for initiating and conducting criminal proceedings against legal entities with a view to assessing their criminal liability. Hence, the passage of this law, laying down the possibility of holding legal entities accountable for criminal offences, is welcomed and entirely justified from the aspect of crime policy.[52] An in-depth analysis of the nature of many criminal offences against the environment shows that the implementation of this law can be expected to play a meaningful role and that its provisions on criminal sanctions which may be imposed on a legal entity[53], as well as the prescribed legal consequences of conviction of a specific criminal offence[54] may achieve a

[51] "Official Gazette of the RS", No. 97/2008.

[52] See: Ćorović, E., *Odgovornost pravnih lica za krivična dela – iskustva i pouke*, in: "Dve decenije reforme kaznenog zakonodavstva: iskustva i pouke", Srpsko udruženje za krivičnopravnu teoriju i praksu, Belgrade, 2023, 190-207.

[53] These include, in particular, two types of penalties (fine and termination of the status of legal entity) and three types of security measures (prohibition on practicing certain registered activities or operations; confiscation of objects; publicizing the judgment).

[54] Under Art. 27 and 28. of the LLLECO, the conviction of a legal entity for a given criminal offence may have the legal consequence of termination or forfeiture of certain rights or prohibition on acquiring certain rights; the legal consequences of a conviction regarding the termination or forfeiture of certain rights comprise: termination of practicing certain activities or business operations; forfeiture of certain permits, approvals, concessions, subsidies or other forms of incentives granted by a decision of a government authority or a local self-government authority. The legal consequences of a conviction regarding the prohibition on acquiring certain rights comprise: prohibition on practicing certain activities or business operations; prohibition on participation in public procurement procedures; prohibition on participation in privatization of business entities; prohibition

significant general prevention effect in particular in this group of criminal offences.

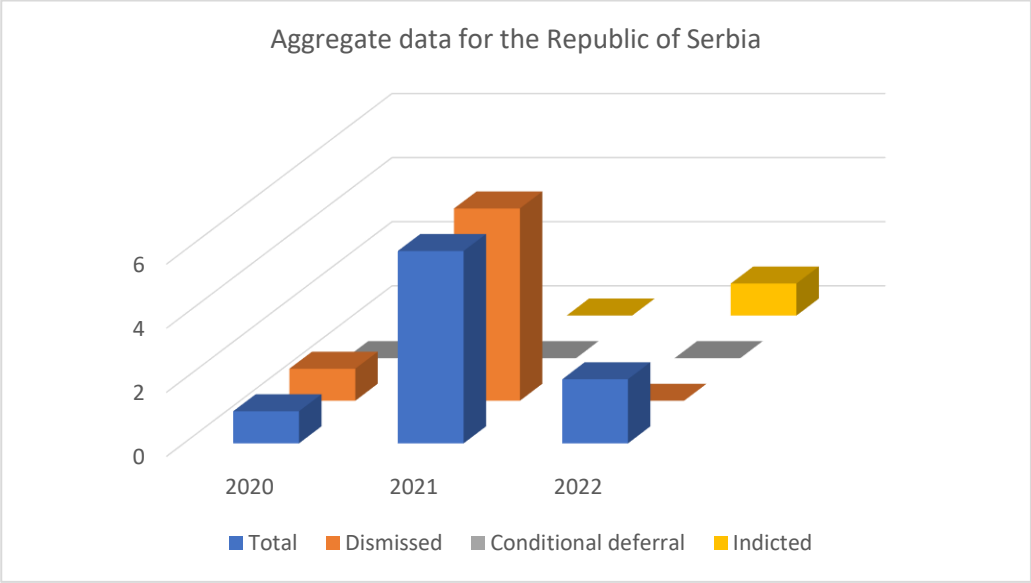
Nevertheless, despite the rationale behind this position, when it comes to this aspect of the matter at hand, the research conducted revealed an almost complete absence of not only liability, but also prosecution of legal entities for any criminal offence from this group. The findings presented in Table 282 show that none of the analysed cases concluded by a final court decision in the research sample concerned a legal entity as a subject of liability for a criminal offence against the environment. The research sample shows that in the indicated timeframe, only nine criminal complaints were filed against legal entities for criminal offences against the environment. Five criminal complaints were filed in the territory of the Appellate Public Prosecutor's Office in Novi Sad, and 4 in the territory of the Appellate Public Prosecutor's Office in Belgrade. In the research sample, in the territories of the remaining two appellate public prosecutors' offices, no criminal complaints against these entities for the analysed criminal offences were found. In addition, there is another noteworthy research finding. It concerns the fate of the filed criminal complaints. Seven criminal complaints against legal entities for criminal offences against the environment were dismissed. In all seven cases, the grounds for dismissal is the absence of grounds for suspicion that a criminal offence was committed (Art. 284 para. 1. item 3. of the CPC). Two criminal cases were prosecuted and two charging documents were filed[55]; however, neither has been concluded by a final court decision yet. The research findings are contrary to the apparently well-founded public perception of this matter. According to this perception, the largest environmental polluters are legal entities. However, the subject of the research was not the justifiability of the public perception of this issue, or possible reasons for the absence of prosecution of legal entities on these grounds. Yet, the view that legal entities' liability for criminal offences against the environment requires far more attention appears entirely justified, all the more so because interviews with judicial office holders conducted as part of the collection and analysis of the data which comprised the research sample showed that there were criminal proceedings initiated against legal entities for criminal offences from this group, albeit in negligible numbers. Nevertheless, they last inordinately long, which is, amongst other things, a result of the difficulty of proving the liability of legal entities for criminal offences from this group.

on acquiring certain permits, approvals, concessions, subsidies or other forms of incentives granted by a decision of a government authority or a local self- government authority.

[55] One of the two prosecuted cases concerns the criminal offence of Violation of the Right to be Informed on the State of the Environment (Art. 268 of the CC).

Table 307: Aggregate data for the Republic of Serbia

Year	Total filed	Complaints dismissed	Conditional deferral	Indicted
2020	1	1	/	/
2021	6	6	/	/
2022	2	/	/	1
Total	9	7	/	1



IV. CONCLUDING OBSERVATIONS AND IMPROVEMENT MEASURES

The research conducted yielded more findings than planned. Their shared characteristic is that they mainly confirmed all of the initial research hypotheses. Despite the fact that the findings obtained through the research only pertain to the observed sample, it may be said that they reflect the overall penal policy with regard to all criminal offences against the environment. This observation is substantiated by the fact that the subject of the research (the present analysis) was selected so as to encompass the number of cases that was relevant by all research criteria in order to assess the overall penal policy with regard to criminal offences against the environment in a given society and at a given time. The criteria for selecting prosecutorial and judicial cases for analysis were such that all of them taken together, i.e. in average terms, viewed in the context of the research as a whole, demonstrate the penal policy (legislative, prosecutorial, judicial) in a given territory and a given period, despite the fact that each prosecutorial case and each judgment are individual acts. Having this in mind, any observation obtained through the research with regard to the questions posed about the legislative, prosecutorial and judicial penal policy concerning this group of criminal offences essentially reflects the average penal policy in Serbia with regard to the analysed matters.

Among a significant number of findings obtained through the research conducted[56], the following merit particular attention from the aspect of the hypotheses posed:

I. The number of criminal complaints filed for criminal offences against the environment is not small and, despite certain variations, remains stable (about 2000 annually). As a rule, the majority (83.77%) of all criminal complaints filed are those for the criminal offence of Forest Theft (Art. 275 of the CC). Ranked second in terms of the number and percentage of criminal complaints filed (5.86%) is the criminal offence of Killing and Wanton Molesting to Animals. The numbers and percentages of criminal complaints filed for the remaining 16 criminal offences against the environment are negligible or none.

As regards entities filing criminal complaints, the research conducted shows that citizens and civic associations formed in pursuit of environmental protection goals appear in a very small (negligible) number of cases in the role of entities filing criminal complaints for this group of criminal offences.

II. With regard to the question of criminal complaints filed and evidence proposed on the commission of the criminal offence and the perpetrator, the research findings indicate the need for action in order to provide additional

[56] Findings obtained through research are presented in the analysis of each of the questions posed, and, as such, they constitute an integral whole together with the conclusions presented here.

training to a number of entities in evidence collection and drafting criminal complaints about criminal offences committed and perpetrators. This is especially relevant in view of the fact that most criminal complaints filed are dismissed owing to absence of adequate evidence supporting the grounds for suspicion of commission of the reported criminal offence.

III. With the exception of the criminal offence of Forest Theft, an inordinately high percentage of filed criminal complaints are dismissed. For instance, at the level of the Republic of Serbia as a whole, all criminal complaints filed for five criminal offences were dismissed in 2020. Further, for the criminal offence of Killing and Wanton Molesting to Animals, as the second most prevalent in terms of the total number of criminal complaints filed for criminal offences against the environment, the percentage of dismissed criminal complaints is also high. Thus, 78.69% of all criminal complaints filed for this criminal offence in the Republic of Serbia in 2020 were dismissed.

As regards the grounds for dismissal, most criminal complaints were dismissed pursuant to item 3. of para. 1. of Art. 284 of the CPC (absence of grounds for suspicion that a criminal offence which is prosecutable *ex officio* has been committed). In some of the analysed years, as many as 74.35% of all criminal complaints filed were dismissed on these grounds. Such high proportion of criminal complaints dismissed on these grounds is, in the researchers' view, a result of the established inadequacy of evidence collected on the reported criminal offence and perpetrator.

Although all 18 criminal offences against the environment are among those prosecutable *ex officio*, a substantial proportion of filed criminal complaints are dismissed pursuant to item 1. of para. 1. of Art. 284 of the CPC (the reported offence is not a criminal offence which is prosecutable *ex officio*). In some years and in some basic public prosecutors' offices, the proportion of criminal complaints dismissed on these grounds was as high as 15.55%.

With a view to reducing the prevalence of dismissal of criminal complaints in the manner described above, it appears entirely justified to advocate for action in order to provide additional training to a number of entities in matters of evidence collection and drafting criminal complaints about criminal offences committed and perpetrators.

IV. The legal possibility of applying the principle of the opportunity in criminal prosecution as a key simplified modality of handling criminal matters is, quite justifiably, used by public prosecutors in cases of criminal offences against the environment as well. With regard to these criminal offences, the prevalence of this modality of handling criminal matters, expressed as a percentage, is lower compared to the prevalence of this principle overall in the Republic of Serbia. Both generally and in this group of criminal offences, conditional deferral of prosecution is the key form of the principle of the opportunity applied by public prosecutors in criminal offences against the environment. As is to be expected, given the legally prescribed conditions for its application, there are almost no cases of resolving criminal matters from this group through the other possible form of the principle of the opportunity. In the 161 analysed prosecutorial files,

there was only one identified case of the application of the full opportunity – unconditional dismissal of the criminal complaint pursuant to Art. 284 para. 3. of the CPC).

In this modality, as well as in general, when it comes to the type of obligation imposed on the suspect in cases of conditional deferral of prosecution, the most prevalent is the obligation to pay a certain amount of money to the designated public revenue account, which is then used for humanitarian or other public purposes, and this obligation may be said to be imposed as a rule. This obligation was imposed on the suspect in over 80% of all cases of conditional deferral of prosecution. It is followed by the obligation to rectify the detrimental consequence caused by the commission of the criminal offence or to indemnify the damage caused, which, according to the results obtained, is imposed on the suspect only exceptionally. The same applies to the obligation of performing community service or humanitarian work. No other legally prescribed obligations have been imposed. Likewise, there were no cases of applying the mechanism of conditional deferral of criminal prosecution with two or more obligations simultaneously (cumulatively) imposed on the suspect.

Such prosecutorial practice can, apparently quite justifiably, be called into question. Having in mind the nature of criminal offences against the environment and especially their consequences, it is entirely justified to advocate that in cases where the conditional deferral of criminal prosecution is applied to suspects charged with such criminal offences, they are first offered to rectify the detrimental consequence caused by the commission of the criminal offence or to indemnify the damage caused, and one (or more) other obligations should be offered only after that. This primarily refers to the obligation to pay a certain amount of money into the designated public revenue account, which is used for humanitarian or other public purposes, and the obligation to perform a specific type of community service or humanitarian work. It seems that imposing the obligation to rectify the detrimental consequence caused by the commission of the criminal offence or to indemnify the damage caused as a rule, followed (simultaneously and cumulatively) by imposing one or more additional obligations, primarily the obligation to pay a specific amount of money into the designated public revenue account, used for humanitarian or other public purposes, and the obligation to perform certain community service or humanitarian work, is not only justified from the crime policy perspective, but also the only correct solution when conditional deferral of criminal prosecution for criminal offences against the environment is applied. Only under this condition can the mechanism of conditional deferral of criminal prosecution, as a key form of the principle of the opportunity for this group of criminal offences, serve the goals to be achieved through its application, thus fulfilling the purpose of the desired level of protection of the environment under criminal law through this mechanism, which is currently not the case.

V. As regards the plea bargain as a modality of handling criminal matters in cases of criminal offences against the environment, the research conducted yielded two key findings. First, the prevalence of the plea bargain is not

consistent with the crime policy considerations underlying the codification of this simplified modality of handling criminal matters. The number of cases where the criminal matter at hand was handled through this mechanism is quite small, almost negligible. Second, the criminal sanctions imposed in concluded plea bargains are not consistent with the desired level of (general and special) prevention of this category of criminal offences. This view is substantiated by the fact that most judgments endorsing the plea bargain deliver a suspended sentence, and only sporadically a fine in an amount close to the legally prescribed minimum level or home imprisonment.

VI. The number of indictments for criminal offences against the environment is relatively small and they predominantly concern minor criminal offences of this type. In the analysed three-year period, across the Republic of Serbia, a charging document was filed in only 19.1% of the reported criminal cases/ filed criminal complaints. The number of filed charging documents by years is largely even, which is not the case with the number of charging documents filed in the territories of individual appellate public prosecutors' offices and the eight analysed basic public prosecutors' offices, where in some of the analysed years, in the territories of some basic public prosecutors' offices, no charging documents for criminal offences against the environment were recorded.

The key reason for the high discrepancy between the criminal cases reported and prosecuted (number of criminal complaints filed and number and percentage of charging documents filed) should be sought in the inadequacy of the proposed evidentiary materials substantiating the filed criminal complaints.

The criminal offence of Forest Theft (Art. 275 of the CC) accounts for the largest number and percentage of charging documents filed for these criminal offences. Out of the total of 1145 charging documents filed for criminal offences against the environment, 945 (82.8%) were filed for the this offence. From the aspect of the type of criminal offence for which charging documents were filed, the second, third, fourth and fifth most prevalent (albeit in a several times smaller number and percentage) are the criminal offences of Killing and Wanton Molesting to Animals, Poaching Fish, Devastation of Forests and Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances. As regards other criminal offences, there were no or only a negligible number of charging documents filed.

VII. In 20% of the filed charging documents, criminal proceedings were concluded by discontinuation, judgment rejecting the charges, or acquittal. A comparison of the relevant tables and charts presenting these matters shows that a total of 1145 charging documents were filed across the Republic of Serbia over the analysed three-year period on justified suspicion of committed criminal offence(s) against the environment. Out of the 1145 filed charging documents, 921 suspects were found guilty and criminal sanctions were imposed on them (80%). Similar findings are obtained when figures are observed by years.

Over 80%, more precisely 81.4% of all persons convicted of criminal offences against the environment in the Republic of Serbia in the period 2020–2022 were convicted of Forest Theft from Art. 275 of the CC.

Out of the total number of persons convicted of criminal offences against the environment, the criminal offence of Killing and Wanton Molesting to Animals (Art. 269 of the CC) is the second most prevalent. Across the Republic of Serbia, in the observed period, 64 persons were convicted of this criminal offence (5.5% of all persons convicted of criminal offences against the environment). There are either no or only negligible numbers of persons convicted of other criminal offences.

VIII. With regard to the criminal sanctions prescribed for criminal offences against the environment, two of their characteristics are relevant to this aspect of the analysis. The first concerns the type of criminal sanctions prescribed for these criminal offences, and the second – the range of prescribed penalties of imprisonment for each of the eighteen criminal offences and their forms. An analysis of these two characteristics of criminal sanctions prescribed for criminal offences against the environment reveals that they provide an adequate normative basis allowing the criminal sanctions for perpetrators to be individualized to a degree which serves the purpose of (general and special) prevention to the desired extent. However, as noted above, this is only one aspect. It is also necessary for prescribed criminal sanctions to be adequately imposed. The findings of the research conducted do not give rise to a positive response concerning this aspect of criminal sanctions for the analysed criminal offences. Suspended sentences are predominantly delivered, and the levels of imposed penalties (imprisonment and fine) are close to the minimum prescribed levels; in addition, judicial admonition and community service are only present to a negligible extent. When the fact that the perpetrators of the analysed criminal offences include a significant proportion of those with previous convictions (repeat offenders) is taken into account, the above observation on the discrepancy between the legislator's and judicial penal policies is beyond question.

IX. Suspended sentence is the most common criminal sanction imposed on perpetrators of criminal offences against the environment (52.4% of all criminal sanctions imposed). In none of the cases of suspended sentence did the court impose an obligation on the perpetrator to undertake specific prescribed protection measures within a set time limit, and the penalties determined in the conditional sentences imposed were close to the minimum levels prescribed for the criminal offences concerned.

X. In terms of their proportion in the total number of criminal sanctions imposed, fines are ranked second. In the overall research sample, out of all persons convicted, a fine as the principal penalty was imposed on 18 defendants (10.8% of all criminal sanctions imposed). In addition, this criminal sanction is characterized by two additional features identified in the research. Firstly, none of the 18 imposed fines were determined in daily amounts – all were determined

in particular amounts. Secondly, none of the 18 imposed fines were higher than 100,000 dinars.

XI. Despite the broad range of crime policy considerations in support of codifying and imposing the penalty of community service, its application in case law on criminal offences against the environment, as well as in general, is at a rather inconsequential level. The research findings in this regard indicate that, in this group of criminal offences, as well as criminal offences in general, this type of penalty accounts for only a negligible proportion of all criminal sanctions. Among all criminal sanctions for criminal offences against the environment in the analysed sample, community service was imposed in only two cases. In view of the unquestionable crime policy arguments in favour of this penalty, advocacy to bring this type of penalty to the fore appears to be quite justified. Beside this, the view that priority should be given to imposing this penalty as the secondary one also seems entirely justified. This approach to imposing the penalty of community service corresponds to the nature of criminal offences against the environment and serves the purpose of their prevention, in particular but not limited to special prevention.

XII. From the aspect of its overall presence in the system of imposed criminal sanctions, as well as the aspect of length of imprisonment pronounced, it appears that imprisonment as the key criminal sanction within the state's response to crime does not serve the purpose of (general and special) prevention of criminal offences against the environment to a desired extent. This observation is substantiated by two key research findings. First, a relatively small proportion of persons convicted of these criminal offences received a sentence of imprisonment – only 12.1% of the total criminal sanctions in the analysed sample. Second, among all sentences of imprisonment, those of up to 6 months account for the largest proportion (33.3%), noting that in 25% of all cases of imprisonment, home imprisonment within the meaning of Art. 45. para. 3. of the CC was ordered. If these indicators are viewed in the context of criminal sanctions prescribed for the analysed criminal offences, primarily in the context of three offences which are, virtually, the only prosecuted criminal offences from this group (Killing and Wanton Molesting to Animals, Forest Theft, and Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances), then it can be observed that the obtained research findings largely substantiate the accuracy of the posed research hypothesis. In other words, we have an inordinately lenient judicial penal policy, as assessed from the aspect of proportion and length of imposed sentences of imprisonment. If the negligible number of cases where the perpetrator concurrently received a sentence of imprisonment and a fine is taken into account as well, the above observation carries additional weight. Having this in mind, it appears entirely justified to argue that such judicial penal policy, assessed from the aspect of imprisonment, does not serve the purpose of prevention of criminal offences against the environment to the desired extent.

XIII. Given the nature of most criminal offences against the environment, courts' practice of imposing the security measure of confiscation of objects in

addition to the penalty is fully justified. The research findings show that one of the 166 persons convicted received the security measure of compulsory psychiatric treatment and confinement in a medical institution, as a stand-alone sanction, for the criminal offence of Killing and Wanton Molesting to Animals (Art. 269, para. 1 of the CC). The security measure of confiscation of objects was imposed, along with the penalty, in 26 cases, mainly in cases of Killing and Wanton Molesting to Animals (10 security measures of confiscation of objects).

XIV. None of the analysed criminal cases involved ordering environmental protection and preservation measures.

XV. Judicial admonition, as the most lenient criminal sanction, is also a part of the judicial penal policy with regard to the analysed criminal offences, which is yet another fact testifying to its leniency. In this context, it is worth highlighting that extenuation of penalties was found in three cases.

XVI. Perpetrators of the analysed criminal offences include a substantial proportion of those with previous convictions (repeat offenders). Out of the total number of those convicted, 37.8% are repeat offenders, and 24.4% have two or more previous convictions. Some of the analysed criminal offences are characterized by an even greater proportion of perpetrators with previous convictions. It is especially noteworthy that the same individuals appear as perpetrators of the same criminal offences in the territories of multiple appellate courts. Thus, for instance, Forest Theft as the most prevalent one among criminal offences against the environment features 51.8% of perpetrators with previous convictions, and 34.1% were convicted of this criminal offence two or more times. This figure, in itself, testifies to the inefficiency of prosecutorial and judicial penal policy with regard to criminal offences against the environment; as such, it does not serve the purpose of (general and special) prevention of this group of criminal offences to the desired extent.

XVII. Criminal proceedings for criminal offences against the environment do not exhibit the desired level of efficiency. This observation is substantiated by the findings of the research conducted. They unambiguously show that in more than 30% of the cases, criminal proceedings from filing the criminal complaint to the final court decision last longer than two years, while in about 15% of the cases they last between three and five years. When another unquestionable fact is taken into consideration – namely, that in 1.9% percent of the analysed cases, criminal proceedings lasted longer than 5 years, this observation further grows in relevance. Moreover, at the level of individual basic courts, significant differences in their efficiency in handling the analysed criminal cases are observable. If these figures are viewed in the context of the type of criminal offences from this group for which criminal proceedings are typically conducted, they become all the more relevant. More specifically, from this aspect, the research conducted reveals that, when it comes to this group of criminal offences overall, criminal proceedings are, as a rule, initiated and conducted for minor criminal offences. For instance, out of all persons indicted of all criminal offences against the environment, over 70% are indicted of three criminal offences (Forest Theft, Poaching Game, and Poaching Fish), noting that, from the aspect of filed

charging documents, the criminal offence of Forest Theft from Art. 275 of the CC is ranked first by a wide margin.

Having in mind that only efficient criminal proceedings constitute an instrument for successful fight against crime in general, and thus also against this group of criminal offences, and, as such, correspond to the goals of both general and special prevention, i.e. that the inefficient application of criminal enforcement measures is contrary to the goals of both general and special prevention and, indeed, encourages potential perpetrators and, quite justifiably, causes public dissatisfaction, it is essential to undertake further measures, in particular practical ones, to enhance the efficiency of criminal proceedings for this group of criminal offences in order to reach the efficiency level of relevant comparative criminal procedural legislation and the required standards of trial within a reasonable time. This is all the more relevant because the legislative framework provides an adequate foundation for the desired efficiency level, but its practical application is not appropriate.

From the practical aspect, a measure that should contribute to raising the efficiency of criminal proceedings for criminal offences against the environment, understood in qualitative and quantitative terms, is raising awareness of judicial office holders about the importance of efficient application of criminal law norms as instruments for achieving the desired level of environmental protection through criminal law.

XVIII. The passage of the Law on Liability of Legal Entities for Criminal Offences has provided the prerequisites for initiating and conducting criminal proceedings against legal entities with a view to assessing their criminal liability. Hence, the passage of this law, laying down the possibility of holding legal entities accountable for criminal offences, is welcomed and entirely justified from the aspect of crime policy. An in-depth analysis of the nature of many criminal offences against the environment shows that the implementation of this law can be expected to play a meaningful role precisely in this group of criminal offences, and that its provisions on criminal sanctions which may be imposed on a legal entity, as well as the prescribed legal consequences of conviction of a specific criminal offence, may achieve a significant general prevention effect in particular in this group of criminal offences.

Nevertheless, despite the rationale behind this position, not only liability, but also prosecution of legal entities for any criminal offence from this group are almost entirely missing. The research findings on this matter are contrary to the apparently well-founded public perception, according to which the largest environmental polluters are legal entities. Having all this in mind, the view that legal entities' liability for criminal offences against the environment requires far more attention appears entirely justified, all the more so because interviews with judicial office holders conducted as part of the collection and analysis of the data which comprised the research sample showed that, in addition to the cases considered here, there were criminal proceedings initiated against legal entities for criminal offences from this group, albeit in negligible numbers. Nevertheless,

they last inordinately long, which, overall, does not serve the general prevention purpose of criminal law as the *ultima ratio* of environmental protection.

XIX. As regards the personal characteristics of perpetrators of criminal offences against the environment, the following findings are worth noting:

- As regards perpetrators' sex, they are, as a rule (in 97% of the cases), men.
- Perpetrators of this group of criminal offences are, as a rule, middle-aged.
- As regards educational attainment, perpetrators of this category of criminal offences are, as a rule, individuals with secondary education (53.6% of all perpetrators).
- As regards perpetrators' occupation, they are, as a rule, unemployed and blue-collar workers.
- From the aspect of financial status, perpetrators of criminal offences against the environment are individuals with "low" and "very low" financial status (55.4%), while those with "high" and "very high" financial status account for an almost negligible proportion (5.4%).
- The majority (62.7%) of perpetrators of the analysed criminal offences are married or in a domestic partnership.
- Perpetrators of the analysed group of criminal offences are predominantly (61.4%) individuals without underage children, which is especially the case with the criminal offence of Killing and Wanton Molesting to Animals, where 71.4% of the perpetrators have this characteristic.
- A substantial proportion are individuals with previous convictions (repeat offenders) – 37.8%.
- There are recorded cases of criminal liability for attempted criminal offence of Forest Theft.
- Cases of criminal offences committed in complicity account for a significant proportion.
- Premeditation is, as a rule, the only form of culpability for criminal offences against the environment.

XX. In order to ensure that criminal law norms are applied as adequately as possible in environmental protection, enhance the efficiency of prosecuting, proving and adjudicating this category of criminal offences and imposing criminal sanctions, and apply other institutes of criminal law in a manner that will serve the purpose of general and special prevention of such offences to the desired extent – in accordance with the purpose of punishment from Art. 42. of the CC, it is necessary to familiarize the entities in charge of application of criminal law norms as instruments of environmental protection with the findings obtained through the research presented in this study.

V. RESEARCH QUESTIONNAIRES

Questionnaire 1.

CRIMINAL OFFENCES AGAINST THE ENVIRONMENT AND CRIMINAL COMPLAINTS FILED[57]

Year	Total filed	Criminal complaints dismissed	%	Conditional deferral of prosecution	%	Indicted	%
2020							
2021							
2022							
Total							

Questionnaire 2.

INDIVIDUAL CRIMINAL OFFENCES AGAINST THE ENVIRONMENT AND CRIMINAL COMPLAINTS FILED (2020)[58]

Criminal offence (Art. of the CC)	Total filed[59]	Criminal complaints dismissed[60]	%	Conditional deferral of prosecution	%	Indicted[61]	%
Art. 260 of the CC							
Art. 261 of the CC							

[57] The figures are presented in the aggregate at the state level and at the level of Appellate Public Prosecutors' Offices.

[58] The figures are presented separately for each Appellate Public Prosecutor's Office and in the aggregate for the Republic of Serbia.

[59] For each criminal offence, specify who filed the criminal complaint (criminal complaint filing entity). Also, for the criminal offence, specify the proposed evidence of its commission and the perpetrator in the criminal complaint filed.

[60] For each criminal offence, specify the reason for dismissal of criminal complaint (Art. 284, para. 1, items 1-3 of the CPC) – only specify the item of Art. 284, para. 1 of the CPC).

[61] For each criminal offence, specify the proposed evidence in the filed charging document.

Art. 262 of the CC							
Art. 263 of the CC							
Art. 264 of the CC							
Art. 265 of the CC							
Art. 266 of the CC							
Art. 267 of the CC							
Art. 268 of the CC							
Art. 269 of the CC							
Art. 270 of the CC							
Art. 271 of the CC							
Art. 271 of the CC							
Art. 273 of the CC							
Art. 274 of the CC							
Art. 275 of the CC							
Art. 276 of the CC							
Art. 277 of the CC							
Total							

Questionnaire 3.

INDIVIDUAL CRIMINAL OFFENCES AGAINST THE ENVIRONMENT AND CRIMINAL COMPLAINTS FILED (2021)[62]

Criminal offence (Art. of the CC)	Total filed[63]	Criminal complaints dismissed[64]	%	Conditional deferral of prosecution	%	Indicted[65]	%
Art. 260 of the CC							
Art. 261 of the CC							
Art. 262 of the CC							
Art. 263 of the CC							
Art. 264 of the CC							
Art. 265 of the CC							
Art. 266 of the CC							
Art. 267 of the CC							
Art. 268 of the CC							
Art. 269 of the CC							
Art. 270 of the CC							
Art. 271 of the CC							
Art. 271 of the CC							
Art. 273 of the CC							
Art. 274 of the CC							
Art. 275 of the CC							
Art. 276 of the CC							
Art. 277 of the CC							

[62] The figures are presented separately for each Appellate Public Prosecutor's Office and in the aggregate for the Republic of Serbia.

[63]For each criminal offence, specify who filed the criminal complaint (criminal complaint filing entity). Also, for the criminal offence, specify the proposed evidence of its commission and the perpetrator in the criminal complaint filed.

[64] For each criminal offence, specify the reason for dismissal of criminal complaint (Art. 284, para. 1, items 1-3 of the CPC) – only specify the point of Art. 284, para. 1 of the CPC).

[65] For each criminal offence, specify the proposed evidence in the filed charging document.

Total							

Questionnaire 4.

INDIVIDUAL CRIMINAL OFFENCES AGAINST THE ENVIRONMENT AND CRIMINAL COMPLAINTS FILED (2022)[66]

Criminal offence (Art. of the CC)	Total filed[67]	Criminal complaints dismissed[68]	%	Conditional deferral of prosecution	%	Indicted[69]	%
Art. 260 of the CC							
Art. 261 of the CC							
Art. 262 of the CC							
Art. 263 of the CC							
Art. 264 of the CC							
Art. 265 of the CC							
Art. 266 of the CC							
Art. 267 of the CC							
Art. 268 of the CC							
Art. 269 of the CC							
Art. 270 of the CC							
Art. 271 of the CC							
Art. 271 of the CC							
Art. 273 of the CC							
Art. 274 of the CC							

[66] The figures are presented separately for each Appellate Public Prosecutor's Office and in the aggregate for the Republic of Serbia.

[67] For each criminal offence, specify who filed the criminal complaint (criminal complaint filing entity). Also, for the criminal offence, specify the proposed evidence of its commission and the perpetrator in the criminal complaint filed.

[68] For each criminal offence, specify the reason for dismissal of criminal complaint (Art. 284, para. 1, items 1-3 of the CPC) – only specify the item of Art. 284, para. 1 of the CPC).

[69] For each criminal offence, specify the proposed evidence in the filed charging document.

Art. 275 of the CC							
Art. 276 of the CC							
Art. 277 of the CC							
Total							

Questionnaire 5.

CRIMINAL OFFENCES AGAINST THE ENVIRONMENT AND TYPE OF IMPOSED OBLIGATION IN CASES OF DEFERRAL OF CRIMINAL PROSECUTION[70]

Year	2020	Total	%	2021	%	2022	%
Deferred criminal prosecution (total)							
Type of obligation imposed							
Payment of a certain amount of money							
Rectifying the detrimental consequence/indemnifying the damage caused							
Performing community service or humanitarian work							
Other obligations							

[70] The data are collected separately for each Appellate Public Prosecutor's Office and in the aggregate for the Republic of Serbia.

Questionnaire 6.

PLEA BARGAIN AND CRIMINAL OFFENCES AGAINST THE ENVIRONMENT

Year	Yes, at the prosecutor's proposal	Yes, at the defence counsel's proposal	No	Criminal offence	Type and level of criminal sanction[71]
2020					
2021					
2022					
Total					

Questionnaire 7.

CRIMINAL SANCTIONS IMPOSED AND EFFICIENCY OF HANDLING CRIMINAL MATTERS

I. DETAILS OF THE COURT
1. Court ……..
2. Case number ……

II. DETAILS OF THE PERPETRATOR

1. Sex
1) male
2) female

3. Perpetrators' age
1) up to 30
2) 31–45
3) 46–60
4) over 60

4. Educational attainment
1) illiterate
2) primary education
3) secondary education
4) tertiary education

[71] In cases where the plea bargain includes the defendant's declaration on the acceptance of the obligation from Article 283, para. 1 of the CPC, specify the type of obligation accepted.

5. Occupation
1) unemployed
2) student
3) blue-collar worker
4) white-collar worker
5) farmer
6) private entrepreneur
7) other

6. Perpetrators' financial status
1) no data
2) very low
3) low
4) medium
5) high
6) very high

7. Perpetrators' marital status
1) single
2) married

8. Perpetrators' underage children
1) none
2) one
3) two or more

9. Previous convictions
1) none
2) yes, one
3) yes, multiple

III. DETAILS OF THE CRIMINAL OFFENCE

1. Legal qualification of the criminal offence (title, article and paragraph of the CC) ……
2. Is there joinder of offences?
1) no
2) yes, two offences
3) yes, three or more offences

3. Phase of commission of offence
1) attempted
2) completed offence

4. Form of culpability

1) premeditation
2) negligence

5. Did the perpetrator have an accomplice?
1) no
2) yes

6. Form of complicity of the convicted person
1) sole perpetrator
2) perpetrator with accomplices
3) co-perpetrator
4) instigator
5) abettor

IV. DETAILS OF CRIMINAL PROCEEDINGS

1. How much time passed from filing the criminal complaint to the final judgment?
1) up to one year
2) up to two years
3) two to three years
4) three to five years
5) over five years

2. Was the perpetrator detained?
1) yes
2) no

3. Did the defendant have a defence counsel?
1) yes
2) no

V. DETAILS OF CRIMINAL SANCTIONS IMPOSED

1. Was the defendant found guilty?
1) yes
2) no

2. What criminal sanction was imposed?
1) imprisonment
2) fine
3) imprisonment and fine
3) suspended sentence
4) judicial admonition
5) community service
6) revocation of driver’s license

7) rehabilitation measure
8) exemption from penalty
9) suspended sentence and fine

3. What was the length of the imprisonment penalty imposed?
1) up to six months
2) six to twelve months
3) one to three years
4) three to five years
5) five to eight years
6) eight to ten years
7) home imprisonment

4. In cases where a suspended sentence was delivered, did the court impose an obligation on the perpetrator to undertake specific prescribed environmental protection, preservation and improvement measures within a set time limit?
1) yes
2) no

5. Security measures
1) none imposed
2) imposed in addition to a penalty
3) imposed on a stand-alone basis

6. Was the penalty extenuated?
1) yes
2) no

7. Was the perpetrator exempted from penalty?
1) yes (on what grounds?)[72]
2) no

8. Extenuating circumstances
1) none found
2) degree of culpability
3) degree of endangering or damaging protected goods
4) motives for committing the offence
5) perpetrator's prior life
6) perpetrator's personal and family circumstances
7) perpetrator's behaviour after the commission of the criminal offence
8) attitude towards the victim
9) circumstances under which the offence was committed
10) other circumstances

[72] Specify one of the grounds from Article 58. para. 1–3. of the CC.

9. Aggravating circumstances
1) none found
2) degree of culpability
3) degree of endangering or damaging protected goods
4) motives for committing the offence
5) perpetrator's prior life
6) perpetrator's personal and family circumstances
7) perpetrator's behaviour after the commission of the criminal offence
8) attitude towards the victim
9) circumstances under which the offence was committed
10) recidivism
11) other circumstances

10. Were the means of commission of criminal offence and proceeds of crime confiscated?
1) yes
2) no

Questionnaire 8.

LEGAL ENTITY AS A SUBJECT OF LIABILITY FOR CRIMINAL OFFENCES AGAINST THE ENVIRONMENT

CRIMINAL COMPLAINTS FILED AND PUBLIC PROSECUTORS' DECISIONS[73]

Year	Total criminal complaints filed	Criminal complaints dismissed	%	Indicted	%
2020					
2021					
2022					
Total					

Questionnaire 9.

[73] The data are collected at the level of appellate public prosecutors' offices and in the aggregate for the Republic of Serbia.

CHARGING DOCUMENTS FILED AGAINST LEGAL ENTITIES AND TYPES OF FINAL JUDGMENTS[74]

Year	Total charging documents filed	Convictions	%	Acquittals	%
2020					
2021					
2022					
Total					

Questionnaire 10.

CONVICTIONS AND TYPES OF CRIMINAL SANCTIONS IMPOSED ON LEGAL ENTITIES[75]

Year	Total convictions delivered	Penalty	%	Suspended sentence	%	Security measures	%
2020							
2021							
2022							
Total							

Questionnaire 11.

CONVICTIONS AND TYPES OF PENALTIES IMPOSED ON LEGAL ENTITIES[76]

Year	Total penalties imposed	Fine	%	Termination of the status of legal entity	%
2020					
2021					
2022					
Total					

Questionnaire 12.

[74] The data are collected at the level of appellate public prosecutors' offices and in the aggregate for the Republic of Serbia.
[75] The data are collected only for the analysed criminal cases.
[76] The data are collected only for the analysed criminal cases.

SUSPENDED SENTENCE WITH PROTECTIVE SUPERVISION

Year	**Total suspended sentences**	**Suspended sentences with protective supervision**	**%**
2020			
2021			
2022			
Total			

Questionnaire 13.

TYPE OF OBLIGATION IMPOSED IN SUSPENDED SENTENCE WITH PROTECTIVE SUPERVISION (SSPS)

Year	SSPS	OC[77]	%	Refraining[78]	%	Removing damage[79]	%	WPI[80]	%	Reporting	%
2020											
2021											
2022											
Total											

Questionnaire 14.

CONVICTION AND IMPOSED SECURITY MEASURES

Year	Total	Prohibition on practising certain activities	%	Confiscation of objects	%	Publicizing the judgment	%
2020							
2021							
2022							
Total							

[77] Organising control to prevent further commission of criminal offences (Art. 22, para. 2, item 1 of the LLLECO).
[78] Refraining from business activities if that could be an opportunity or encouragement for repeated commission of criminal offences (Art. 22, para. 2, item 2 of the LLLECO).
[79] Removing or alleviating the damage incurred by the commission of criminal offence (Art. 22, para. 2, item 2 of the LLLECO).
[80] Carrying out work in the public interest (Art. 22, para. 2, item 2 of the LLLECO).