

# SWiPE

**Successful  
Wildlife Crime  
Prosecution  
in Europe.**



**Analysis of the Effectiveness of Tackling  
Wildlife Crime in the Republic of Serbia  
National Report  
Study on Wildlife Crime from  
2016 to 2020**



**TRAFFIC**



**ANALYSIS OF THE EFFECTIVENESS OF TACKLING WILDLIFE CRIME IN THE REPUBLIC OF SERBIA,  
NATIONAL REPORT, STUDY ON WILDLIFE CRIME FROM 2016 TO 2020**

**Publication information**

Published 09/2022 by  
WWF Adria-Serbia  
4a/8 Đure Jakšića Street  
11 000 Belgrade  
Serbia

Through the LIFE SWiPE project (2020–2023)

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The following Report was compiled through the LIFE funded Successful Wildlife Crime Prosecution in Europe LIFE19 GIE/BG/000846 project ("SWiPE"). SWiPE is a consortium of partners including [WWF Bulgaria](#) (lead partner), [State Attorney's Office of the Republic of Croatia, Fauna & Flora International](#) (in [Romania](#)), [Judicial Academy Croatia](#), [WWF Adria in Serbia](#), [WWF Adria](#), [WWF Spain](#), [WWF Hungary](#) & [TRAFFIC](#), [WWF Italy](#), [WWF Poland](#), [WWF Romania](#), [WWF Slovakia](#), and [WWF Ukraine](#) (associated beneficiaries).

The project partners gratefully acknowledge funding support from the European Commission.

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Project webpage: [StopWildlifeCrime.eu](http://StopWildlifeCrime.eu).

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Citation: Analysis of the Effectiveness of Tackling Wildlife crime in the Republic of Serbia, National Report, Study on Wildlife Crime from 2016 to 2020

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## LIST OF ACRONYMS

<b>EU</b>	European Union
<b>CITES</b>	The Convention on International Trade in Endangered Species of Wild Fauna and Flora
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>WLC</b>	Wildlife Crime
<b>AP</b>	Autonomous Province
<b>RS</b>	Republic of Serbia
<b>Off. Gazette</b>	Official Gazette
<b>MoI</b>	Ministry of the Interior
<b>CC</b>	Criminal Code
<b>BPD</b>	Border Police Directorate
<b>CPD</b>	Criminal Police Directorate

# I. Executive summary

The National Report on wildlife crime includes a summary of the legislative and institutional framework for wildlife protection in Serbia, statistical analysis of wildlife crime data collected between 2016 and 2020, and a set of recommendations and measures for the promotion of the wildlife protection system in the Republic of Serbia.

**Wildlife crime** is a set of illegal activities with a direct negative impact on the protection of endangered wildlife and biodiversity conservation in Serbia. The most frequent types of wildlife crime in Serbia are illegal hunting and fishing, killing and abusing animals, illegal trade and trafficking, and methods are: poisoning, illegal capture and possession, stunning.

Hunting and fishing have a long tradition; the first hunting associations in Serbia were established in the 19<sup>th</sup> century. Hunting tourism is generally not developed, although the number of hunting programmes tends to increase. However, apart from hunting regulated by national legislation, there are frequent cases of illegal hunting and fishing that have an extremely negative impact on conservation and protection, primarily of endangered wild animal species.

Animal poisoning, accidentally or intentionally, is another very frequent illegal act. Poisoning usually occurs through throwing out bait treated with various substances in order to poison predators or rodents, and through the careless and unprofessional use of toxic substances in agriculture. In addition to direct intake of the thrown toxic substance into the animal's body, poisoning also occurs by consuming the corpses of previously poisoned animals. The illegal possession and use of toxic substances are difficult to detect and prevent, which increases the frequency of this type of crime.

Illegal capture and possession, illegal trade and trafficking are causes of multiple serious negative consequences. In addition to the direct impact on the reduction of biodiversity and endangering the size of populations that are on the verge of extinction, these illegal acts also cause economic losses as the state loses revenues from legal trade taxes. Members of vulnerable social communities in rural areas are frequently exploited in order to capture wildlife species that are highly valued on the illegal market. Trafficking and illegal trade are frequently directly related to other forms of crime like drug and human trafficking, counterfeiting money, tax evasion and terrorism.

Wildlife crime is frequently considered less significant than other criminal acts. The complexity of the issue and the jurisdiction system reduces the number of successfully detected, processed and sanctioned cases, providing a strong motive for perpetrators who are often inadequately or not at all sanctioned. Low capacities and the lack of knowledge of competent authorities and institutions on this topic is another serious obstacle in combating this type of crime. The chain of competent authorities and institutions from the moment of detection, through processing and sanctioning, is a very complex one, therefore requiring strong and continuous cooperation on the national, regional and international levels. During the first phase of the project, 165 cases were collected and analysed – 110 violations and 55 offences. The most common species that have been the subject of crime were songbirds from the finch family (*Carduelis carduelis*, *Carduelis chloris*, *Carduelis spinus*), which were frequently illegally caught in the wild and kept in captivity. In most cases, the perpetrator is known and the acts are of a national character. Most of the cases are detected by inspection.

The Serbian legislative framework for wildlife protection is relatively good, but there is some room for improvement. The insufficient implementation of these regulations in practice is worrying, and it primarily refers to the lack of capacity of the competent authorities for the detection, investigation and prosecution of acts, lack of specialization of employees and poor technical equipment. In order to improve the situation, it is necessary to provide the professional and continuous training of customs, police, inspectors, prosecutors and judges, establish strong cooperation between all the competent authorities, and improve the information system. It is necessary to improve the participation of civil society organizations in the processes of the preparation, adoption and monitoring of the implementation of regulations in the field of nature and wildlife protection, in order to strengthen capacity and cooperation. It is also important to ensure the independent action and sufficient capacities of all ranger departments.

Finally, it is necessary to raise the awareness of both the authorities and the general public about the importance and consequences of wildlife crime related to nature and society in general.

## II. About the project

### II. 1. Aims and main objectives

Wildlife crime causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe in spite of a regulatory framework consisting of different international conventions and legal instruments. Wildlife crime is not a petty crime. It poses a considerable and increasing threat to the environment and also to economic and social development and security. Such activities are often committed by organized criminal groups and in many cases involving corruption. Due to the scale of the problem, there is an urgent need for enhanced enforcement of laws and effective prosecution to counteract wildlife crime.

#### Project actions

Project activities aim to boost the awareness and capacity of prosecutors and selected law enforcement authorities to provide effective environmental compliance assurance, enhance cross-border knowledge exchange, and increase cooperation between relevant authorities. Overall, SWiPE will help to reduce the illegal killing of Europe's wildlife, support the recovery of threatened European biodiversity, the health of ecosystems, and decrease Europe's involvement in the illegal wildlife trade. With its activities, SWiPE aims to contribute to increasing the number of successfully prosecuted offences.

#### Objectives:

- Compile data on wildlife crime in 11 target countries and transfer our data to already existing, reliable databases on wildlife crime (where these are available) to enable access to information, improve comparison of data across Europe, and contribute to the work of law enforcement officers.
- Increase awareness, knowledge, and capacity of wildlife crime professionals (prosecutors and experts from enforcement agencies) in 11 target countries to improve national and cross-border governance in relation to wildlife crime investigations and prosecutions.
- Inform and drive meaningful changes to relevant national and European level policies to increase the recognition of wildlife crime, its seriousness and immense impact.
- Raise awareness of practitioners as well as the public on wildlife crime.

### II. 2. Definitions

Wildlife crime, including poaching, wildlife trafficking, or illegal poisoning, causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe and beyond.

There are various definitions of "wildlife crime". For example, United Nations Office on Drugs and Crime (UNODC) defines it as "harvesting and trade contrary to national [and international] laws". Wildlife crimes can be categorized differently, for instance, based on the motivations of the crime, the species targeted, and the methods used. National



regulations may use a combination of these categorizations when describing these offences.

The SWiPE project considers the term “wildlife crime” (WLC) as any form of illegal actions directly harming a protected species, which take place within the 11 project countries, covering species (animals and plants) protected under the CITES Convention, the EU Wildlife Trade Regulations and animal species listed in the EU Habitats and Birds Directives. Below is a non-exhaustive list of wildlife crimes and some of the wildlife crime categorizations we use:

- Poaching and illegal killing for sport;
- Predators or pest control and retaliation;
- Illegal catching/capturing, possession, supply and sale, export/import, illegal fishing;
- Illegal collection of eggs;
- Non-selective catching and killing (e.g., poisonous bait, unselective and illegal nets, unselective traps);
- Trapping, harming.

The consortium of partners includes WWF Bulgaria (lead partner), State Attorney’s Office of the Republic of Croatia, Fauna & Flora International (in Romania), Judicial Academy Croatia, WWF Adria in Serbia, WWF Adria, WWF Spain, WWF Hungary & TRAFFIC, WWF Italy, WWF Poland, WWF Romania, WWF Slovakia, and WWF Ukraine (associated beneficiaries).

The project started in September 2020 and will run through to the end of August 2023. SWiPE aims to discourage and ultimately reduce illegally killed European wildlife, supporting the recovery of threatened European biodiversity and the health of ecosystems.

The project addresses national and regional prosecutors, national and regional enforcement officials, as well as professionals from civil society organizations, other wildlife crime experts, staff of national ministries, judges and judicial academies, where relevant.

More information about the project, aims and partners can be found on the website – [stopwildlifecrime.eu](http://stopwildlifecrime.eu)

## III. Methodology

### III.1. Scope of the Report

The Report brings a comprehensive overview of wildlife crime on national level as it provides an assessment of WLC across different species and different types of crime and offenses. This is done through the analysis of WLC data collected and through summarising the information obtained at semi-structured interviews focused on gaps in the processes of WLC detection and prosecution. The interviews were conducted with representatives of law enforcement agencies and other selected institutions/ organizations that play an important role in the fight against wildlife crime.

### III.2. General methodology for data collection

Data collection was focused on gaining information on:

- a) **Gaps in the processes of WLC detection and prosecution:** This process was conducted through semi-structured interviews which were focused on obtaining information on institutional shortcomings, causes of latency, insufficient detection and reporting of WLC. It also covered questions on major obstacles to investigation, reasons for not initiating criminal proceedings, not bringing cases to courts, as well as possible legislative shortcomings and problems with application of law in practice at national and international level. In relation to data the questions were aimed at access to information, data collection and exchange of information, institutional cooperation at national and international level. Interviewees were also asked about what training would be needed in order to improve WLC detection and prosecution processes. The interviews were conducted with 1 or 2 representatives of each interviewed institution.
- b) **Aggregated data** were obtained either from relevant institutions directly or from publicly available sources (websites, yearly reports, etc.). Aggregated data bring a basic information about the number of cases reported or investigated, the number and/ or type of sanctions in the given period.
- c) **Particular WLC cases** – data on WLC cases registered in the period 2016–2020 were obtained from relevant institutions directly or from publicly available databases.

**Scope of data:**

- Type of incident: criminal offences; violations; economic offences; incidents documented by other than law enforcement authority (e.g. by NGO, rangers, hunters).
- Species: species protected under:
  - CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) – all listed animals (incl. terrestrial, marine and freshwater species) and plant species.
  - National law and regulation – animal species.
- Scope of illegal actions: Poaching; Illegal killing for sport; Control of predators/ pests and retaliation; Illegal catching, incl. for pets; Illegal collection of eggs; Trading (all part of the trade chain including transportation, trafficking, sale, possession, consumption; the financing of such activities; laundering of species); Non-selective catching and killing that is potentially (and knowingly) endangering protected species i.e. poisonous bait, unselective and illegal nets, unselective traps; Trapping and/ or harming;
- Types of crimes not included:
  - Harms to the ecosystem in general (i.e. fires and oil spills)
  - Other forms of environmental crime (i.e. illegal waste dumps)
  - Illegal killing of a non-protected species
  - Illegal fishing of a non-protected species, outside the fishing period or without fishing permit
- Timeframe of cases collected: 2016–2020: All relevant cases at any stage of their development during the time frame 2016–2020 (e.g. in case of courts – any available cases, not only those which have been finalized but also those under the process).

### III.3. Methodological notes – specificities of the Republic of Serbia survey – accessibility, completeness and consistency of data

The National Report of the Republic of Serbia was drafted in accordance with the previously defined methodology within the project. Interviews were conducted with all the target groups. Quantitative data used in the statistical analysis was collected by sending requests for information of public importance.

The following institutions have not submitted data to the project team, which has had a significant impact on the results of the analysis:

- Ministry of Environmental Protection – Sector for Supervision and Prevention in Environmental Protection, Republic Environmental Inspectorate.
- Ministry of Agriculture, Forestry and Water Management – Forest Directorate, Department of Forestry and Hunting Inspection.

Additional data was also collected through research of the published official reports and scientific papers.

The following state bodies and institutions submitted data:

- Basic Courts: 45 out of 66 basic courts submitted data;
- Misdemeanour Courts: 31 out of 44 misdemeanour courts submitted data;
- Basic Public Prosecutor's Offices: 45 out of 58 basic public prosecutor's offices submitted data;
- Ministry of Environmental Protection, Group for CITES Implementation
- Provincial Secretariat for Urban Planning and Environmental Protection, Provincial Environmental Inspection
- Ministry of Finance, Customs Administration.

The statistical data collected by other organizations or experts was not available.

## IV. General information about the Republic of Serbia

### GENERAL INFO ABOUT THE REPUBLIC OF SERBIA

Official name	The Republic of Serbia
Territory	88 490 km <sup>2</sup>
Geographic position	Central and Southeast Europe, Balkan Peninsula
Bordering states	Hungary, Rumania, Bulgaria, Macedonia, Albania, Montenegro, Bosnia and Herzegovina, Croatia
Wooded area	29.1 %
Population	6 871 547 <sup>1</sup>
Gross domestic product per capita	RSD 797 524 RSD (EUR 6783) <sup>2</sup>

Table 1 – General info about the Republic of Serbia

The Republic of Serbia is characterized by a high genetic, species and ecosystem diversity. In order to preserve this biological diversity and the natural gene pool, the **Rulebook on the proclamation and protection of strictly protected and protected wild species of plants, animals and fungi** (Rulebook) for the territory of the Republic of Serbia was adopted. This Rulebook includes 2633 wild species. The Rulebook also defines the measures for the protection of strictly protected and protected species and their habitats.

The strictly protected and protected wild species, collectively called *protected species*, are determined on the basis of national and international red lists or red books, ratified international treaties, expert findings and/ or scientific knowledge.<sup>3</sup>

**Strictly protected wild species** of plants, animals and fungi are wild species that have disappeared from the territory of the Republic of Serbia or its parts, returned through reintroduction programs, extremely endangered, endangered, relict, locally endemic, steno-endemic, internationally significant and protected wild species and wild species of special importance for the conservation of biodiversity of the Republic of Serbia. The strictly protected wild species are specified in the Rulebook in [Annex I – Strictly Protected Wild Species](#).

**Protected wild species** of plants, animals and fungi are wild species that are not currently endangered in nature to the extent that they are threatened with extinction or with becoming critically endangered, but are vulnerable, endemic, indicator, key or umbrella species, relict, internationally important and protected wild species, as well as species that are not endangered, but due to their appearance, they can be easily replaced with a strictly

<sup>1</sup> Data from the Statistical Office of the Republic of Serbia of 1 January 2021, without data for Kosovo\*

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

<sup>2</sup> <https://publikacije.stat.gov.rs/G2021/HTML/G20211266.html>

<sup>3</sup> Institute for Nature Conservation of Serbia

protected species. The protected wild species are specified in the Rulebook in [Annex II – Protected Wild Species](#).

In the course of drafting the National Report, the collected data related to the **strictly protected wild animal species** listed in Annex I of the Rulebook were analysed, including animal species that are on the CITES list<sup>4</sup>.

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<sup>4</sup> <https://checklist.cites.org/#/en>

## V. Legislation concerning wildlife crime and competences

### V.1. Legislation and provisions on wildlife crime

#### a) General introduction of the country legal framework on wildlife crime

##### STRATEGIC FRAMEWORK

1. National Sustainable Development Strategy 2008–2017
2. National Strategy for the Sustainable use of Natural Resources and Assets (ceased to apply on 27 November 2021)
3. Biodiversity Strategy 2011–2018
4. National Environmental Programme
5. Environmental Programme of the Republic of Serbia 2021–2023

##### LEGISLATIVE FRAMEWORK

1. Constitution of the Republic of Serbia
2. Criminal Code of the Republic of Serbia
3. Sectoral environmental laws
4. Special laws (governing the field of procedural law, customs, trade, hunting)
5. By-laws

**Constitution of the Republic of Serbia** ("Official Gazette of the RS" No. 98/2006), in Article 74, stipulates the following: "*Everyone is entitled to a healthy environment and timely and full information about its condition. Everyone, and in particular the Republic of Serbia and the autonomous province, shall be responsible for environmental protection. Everyone shall keep and improve the environment.*" Environmental protection includes the protection of nature and endangered wildlife.

Apart from the Constitution, this area is governed by the laws and bylaws issued by the competent ministries.

Criminal law is part of public law. It can be divided into criminal material, procedural and executive law. Criminal material law determines the presumptions under which conduct becomes a criminal offence and the legal consequences of its performance. The criminal procedural law stipulates the rules of a criminal procedure. The criminal executive law governs the execution of criminal sanctions and the rights and obligations of convicted persons. In our doctrine, criminal acts, economic offences and violations are considered types of delicts of the so-called criminal law in a broader sense.<sup>5</sup> Criminal law is a set of legal norms whose purpose is to protect the most important values in society. Civil law governs the property relations of citizens and other legal entities. Criminal and civil law are closely related because the commission of criminal acts endangers the property interests of individuals, economic operators, as assets of the Republic of Serbia, and the compensation for damage caused by the commission of criminal acts is realized through civil proceedings. Criminal law is closely related to other branches of public law, namely:

<sup>5</sup> Vuković I. 2021. "Krivično pravo: Opšti deo"

criminal procedure law, executive criminal law, administrative law, constitutional law, misdemeanour law and other branches of law.

**Criminal Code of the Republic of Serbia** (*"Official Gazette of the RS", Nos. 85/2005, 88/2005 – corrigendum, 107/2005 – corrigendum., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, and 35/2019*), in Chapter 24, governs the offences against the environment including the acts against the protected wildlife.

**Sectoral laws in the field of environmental protection are as follows:**

**Law on Nature Protection** (*"Official Gazette of the RS", Nos. 36/2009, 88/2010, 91/2010 – corrigendum, 14/2016, 95/2018 – other law, and 71/2021*) governs the protection and conservation of nature, biological, geological and landscape diversity as a part of the environment. As an asset of general interest for the Republic of Serbia, nature enjoys special protection in accordance with this Law and special laws.

**Law on Environmental Protection** (*"Official Gazette of the RS", Nos. 135/2004, 36/2009, 36/2009 – other law, 72/2009 – other law, 43/2011 – CC decision, 14/2016, 76/2018, 95/2018 – other law, and 95/2018 – other law*) governs the integral system of environmental protection, which ensures the exercise of the human rights to life and development in a healthy environment and a balanced relationship between economic development and the environment in the Republic of Serbia.

**Law on the Protection and Sustainable Use of Fish Stocks** (*"Official Gazette of the RS", Nos. 128/2014 and 95/2018 – other law*) governs the management of fish stocks in fishing waters, which includes the protection and sustainable use of fish stocks as assets of general interest. The management of fish stocks is performed in accordance with the principle of sustainable use, contributing to the preservation of ichthyofauna diversity and the ecological integrity of aquatic ecosystems. Regulations governing nature protection also apply to fishing waters within the boundaries of a protected area of nature, as well as to protected species and movable protected natural documents, unless otherwise provided by this Law.

**Convention on International Trade in Endangered Species of Wild Fauna and Flora** – the CITES Convention was signed in Washington in 1973, and it entered into force in 1975. The aim of the Convention is to ensure that international trade in specimens of wild animals and plants, as well as their parts and derivatives, does not threaten the survival of populations of the subject species in nature. By the Law on the Ratification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (*"Official Gazette of FRY – International Treaties" No.11/2001*), Serbia ratified the CITES Convention that entered into force in 2002.

**Special laws:**

**Law on Trade** (*"Official Gazette of the RS", No. 52/2019*) governs the conditions and manner of trading on the single market of the Republic of Serbia, trade promotion and market protection, and the prohibition and supervision of unfair market competition.

**Law on Game and Hunting** (*"Official Gazette of the RS", Nos. 18/2010 and 95/2018 – other law*) governs the protection, management, hunting, use and promotion of game populations in hunting grounds; the protection, conservation and promotion of wildlife habitats; the protection, regulation and maintenance of hunting grounds, and other issues of importance for game and hunting. Game is a natural resource and property of the Republic of Serbia used under the conditions and in the manner stipulated by this Law.



For the purpose of enforcing legal criminal and misdemeanour proceedings, it is necessary to implement the norms of procedural laws, as follows:

1. Criminal Procedure Code (*"Official Gazette of the RS", Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 – CC decision, and 62/2021 – CC decision*)
2. Misdemeanour Law (*"Official Gazette of the RS", Nos. 65/2013, 13/2016, 98/2016 – CC decision, 91/2019, and 91/2019 – other law*)
3. Customs Law (*"Official Gazette of the RS", Nos. 95/2018, 91/2019 – other law, 144/2020, and 118/2021*)
4. Law on Inspection Supervision (*"Official Gazette of the RS", Nos. 36/2015, 44/2018 – other law, and 95/2018*)
5. Law on Customs Tariffs (*"Official Gazette of the RS", Nos. 62/2005, 61/2007, 5/2009, 95/2018 – other law, and 91/2019*)
6. Veterinary Law (*"Official Gazette of the RS", Nos. 91/2005, 30/2010, 93/2012, and 17/2019 – other law*)

#### By-laws:

1. Rulebook on the proclamation and protection of strictly protected and protected wild species of plants, animals and fungi (*"Official Gazette of the RS", Nos. 5/2010, 47/2011, 32/2016, and 98/2016*)
2. Rulebook on the cross-border movement of and trade in protected species (*"Official Gazette of the RS", Nos. 99/2009 and 6/2014*)
3. Order on measures for the preservation and protection of fish stocks (*"Official Gazette of the RS", Nos. 56/2015 and 94/2018*)
4. Rulebook on determining the amount of compensation for damage caused to fish stocks (*"Official Gazette of the RS", No. 3/2016*)
5. Rulebook on the compensation price list for determining the amount of compensation for damage caused by an illicit act in relation to strictly protected and protected wildlife (*"Official Gazette of the RS" No. 37/2010*)
6. Rulebook on amendments to the Rulebook on declaring game species protected by a close season (*"Official Gazette of the RS", No. 75/2016*)
7. Rulebook on the conditions for keeping, manner of marking and recording of wild animals in captivity (*"Official Gazette of the RS", No. 86/2010*)
8. Decree on the control of the use and trade of wild flora and fauna (*"Official Gazette of the RS", 31/2005, 45/2005, 22/2007, 38/2008, 9/2009, 69/2011, and 95/2018 – other regulation*)
9. Order banning the collection of certain protected species of wild flora and fauna in 2021 (*"Official Gazette of the RS", No. 22/2021*)
10. The Decision on determining goods for export, import or transit prescribed the acquisition of certain documents (*"Official Gazette of the RS", Nos. 4/2020 and 9/2021*) – Annex 3 to this Decision, under G, specifies plant and animal species, their parts, derivatives and products whose import, export and re-export are subject to the issuance of documents by the Ministry responsible for environmental issues.
11. Agreement on the transfer of part of the competence to control the movement of endangered and protected species of wild flora and fauna at border crossings (No. 06-00-00020/2007-01)

By ratifying international treaties and creating legal preconditions for the protection of wild species, the Republic of Serbia has created a platform for combating illegal cross-border trade, the trafficking of protected species, as well as control of the hunting and fishing of strictly protected species, and it is now up to competent bodies and institutions to efficiently implement the relevant laws.

## INSTITUTIONAL FRAMEWORK

The [Ministry of Environmental Protection](#) is in charge of environmental protection. In terms of organizational structure, the Ministry of Environmental Protection is divided into 6 sectors, of which the following two are the most important for wildlife protection: Environmental Protection and Climate Change Sector and Sector for Supervision and Prevention in Environmental Protection.

→ Environmental Protection and Climate Change Sector

The following organizational units are formed within the Biodiversity Department:

1. Section for the Protection and Sustainable Use of Fish Stocks
2. Wildlife Protection and Conservation Section
3. Group for CITES Implementation

The Group for CITES Implementation of the Ministry of Environmental Protection is the administrative body for CITES. According to CITES, all the parties are also obliged to appoint the national supervisory body for CITES and the scientific body for CITES, responsible for the Convention implementation.

The Group for CITES Implementation is responsible for the Convention implementation in Serbia, as well as the issuance of permits for trade in endangered species of wild flora and fauna.

The main duties of the Group for CITES Implementation are as follows:

- Monitoring the implementation of the Convention in Serbia and the laws and bylaws governing cross-border movement, trade and holding in captivity protected species of wild flora and fauna;
- Issuance of permits and certificates for the import, export, bringing in, taking out, re-export, breeding, trade and holding in captivity of the protected species of wild flora and fauna and keeping the stipulated records;
- Cooperation with supervisory and scientific bodies for CITES in Serbia, CITES Secretariat and competent bodies for CITES from other countries in order to control the cross-border movement of and trade in protected wildlife;
- Coordinating the care of seized and confiscated protected species;
- Coordinating the activities of supervisory bodies in order to improve the control of the cross-border movement, trade and possession of protected wild flora and fauna;
- Recording convictions related to violations pertaining to illegal cross-border traffic, trade and possession of protected species;
- Establishing the fulfilment of conditions for performing the activities of zoos and shelters for the protected species of wild animals and proposing measures for their improvement;
- Monitoring the marking of live protected species of wild animals;
- Drafting the one-year and two-year reports for CITES Secretariat;
- Preparation of materials for training supervisory bodies for CITES;
- Preparation of expert bases for drafting regulations in the field of the cross-border movement of and trade in protected species;
- Analysis of the implementation of standards and norms from the scope of work of the Group.

## → Sector for Supervision and Prevention in Environmental Protection

The following organizational units are formed within the Biodiversity Protection Department:

1. Section for Nature Protection
2. Section for Fisheries

The Section for Nature Protection is in charge of the tasks related to inspection supervision in the field of protected natural resources, control of international trade in species on the CITES lists, control of trade in strictly protected and protected species of wild flora and fauna, professional environmental organizations, supervision of tasks delegated to autonomous provinces and local self-government units.

The Section for Fisheries is in charge of the tasks related to inspection supervision in the field of the protection and sustainable use of fish stocks, the use of fishing waters and fishing waters in protected natural resources, restocking fishing waters, methods of fishing (recreational and economic), tools for fishing and close season, fish trade, direct supervision over the execution of inspection tasks delegated to the autonomous province.

→ [Provincial Secretariat for Urban Planning and Environmental Protection](#)

The Provincial Secretariat for Urban Planning and Environmental Protection performs executive, expert and development tasks of the provincial administration and supervises the implementation of environmental regulations. In the areas within its scope of work, it monitors, supervises and assists the work of public enterprises, institutions and public services founded by AP Vojvodina.

- The Sector of Inspection Affairs, Department for the Control of the Protection and Use of Natural Resources and Fish Stocks (Environmental Inspection) performs the environmental inspection supervisions, as well as other entrusted tasks of state administration.

Based on the established facts, the environmental inspectors take all legally stipulated administrative and other measures in order to implement the stipulated environmental protection measures, as well as to initiate proceedings against legal entities, responsible persons in the legal entity, entrepreneurs and natural persons in the field of violations, economic offences and criminal liability.

→ [Ministry of Agriculture, Forestry and Water Management](#)

- Forest Directorate, Department of Forestry and Hunting Inspection

The Department of Forestry and Hunting Inspection directly supervises the implementation, among others, of the Law on Game and Hunting, the Law on Nature Protection and the Law on National Parks pertaining to forests. Apart from the inspection supervision, it also performs administrative supervision and participates in the first and second instance administrative proceedings.

- Veterinary Directorate, Veterinary Border Inspection Department

The Veterinary Border Inspection Department is in charge of veterinary and sanitary control tasks carried out through the supervision, inspection, monitoring, sampling and verification of the implementation of laws and other regulations related to: control of the

import, export and transport of animals, products of animal origin, food of animal origin, by-products of animal origin and accompanying items.

→ [Ministry of Finance – Customs Administration](#)

In accordance with the Law on the Customs Service, customs tasks are performed by the Customs Administration as a state administration body in charge of professional activities related to: customs clearance of goods, customs supervision and other foreign trade tasks, as well as other matters stipulated by law.

Customs officers at border customs offices control the import, export and transit of the protected species listed in the CITES appendices and/ or annexes to the Rulebook on the cross-border movement of and trade in protected species. Customs officers control the import of live foreign species that are not listed in the annexes to the Rulebook. Customs officers check import permits, certificates or other documents accompanying the species and control the data in the customs document provided in the course of import. Customs control includes the inspection and search of means of transport, personal luggage and other goods that persons carry with them or on themselves, in order to prevent the illegal cross-border movement of protected species.

→ [Ministry of the Interior](#)

- Border Police Directorate

The role of the border police in preventing the illegal trade and movement of protected species is determined by the Law on Police and the Law on the Protection of the State Border. The border police secure the state border, control state border crossing, control the border zone and prevent state border violations.

- Criminal Police Directorate

The Criminal Police Directorate is responsible for the status and organization of work on the detection and suppression of all forms of organized crime, as well as other forms of crime, and in this regard, it plans, provides timely information, reporting and the coordination of work of departments, as well as the implementation of operational, technical and tactical measures to investigate and document offences in accordance with the law. The Organized Crime Department is particularly significant.

- Administration for International Operational Police Cooperation

The Department for INTERPOL affairs and/ or the INTERPOL National Central Bureau Belgrade is the MoI contact point for communication between Serbian and foreign police departments through the INTERPOL protected communication channel for the exchange of data of operational police importance. The main areas in which cooperation with foreign police departments is realized are the areas of crime that are most widespread in the Republic of Serbia and abroad, including environmental crime, trafficking and illegal trade.

**IMPORTANT NOTE:** *The Environmental Crime Unit within the Ministry of Interior has been established on March 30, 2022. The scope of work and organisational structure of the Unit were not published officially before launching this Report. Members of this Unit are placed in 27 police departments in Serbia, and environmental crimes are in its jurisdiction.*

## → Ranger Departments in Protected Areas

The ranger department provided by the management authority performs direct supervision in the protected area through the protected area rangers. A ranger controls the implementation of the rules of internal order in the protected area and performs other tasks in accordance with the law and the act of the administrator and has *the status of an officer*.

In protected areas of less than 100 ha, a ranger may simultaneously perform the duties of a fish warden, forest ranger and game warden, if he/ she meets the conditions stipulated by the regulations governing the use of fish stock, forestry and hunting. A ranger is obliged to cooperate with the inspection department and the internal affairs body.

## → Fish Warden Departments

The fishing area user is obliged to organize and provide fishing area keeping. The fish wardens have *the status of officers* and they are obliged to pass the professional examination and obtain a licence. Fishing area keeping within the protected area boundaries is carried out by a ranger who has passed a professional exam and who owns a fish warden licence, and he/ she is the fish warden.

The fish warden department is in charge of: identification and control of commercial and recreational fishing permits, inspection and control of facilities, vessels, vehicles, fishing gear, equipment and catches, taking photographs and recording illegal activities and the persons participating in them, the temporary revocation of fishing permits, means, tools and equipment, catches and other items found on or in the immediate vicinity of fishing waters, if there is a reasonable suspicion that they have been used or are intended to carry out illegal activities.

## → Game Warden Departments

The user of the hunting ground organizes the game warden department to perform the tasks of hunting ground protection and regulation, as well as the breeding and protection of game on the hunting ground, in such a way that the game warden department tasks are performed smoothly and continuously in the entire hunting area. The game warden department performs the tasks of hunting ground protection and regulation, as well as the breeding and protection of game on the hunting ground. The game warden is *an officer* with a corresponding licence. The competencies of the game warden department are as follows: identification and control of hunting permits, weapon certificates, bringing persons without public documents found in the course of illegal activities before the competent authority, control of hunting weapons, items and other means used or intended for illegal activities, vehicles and other means used for game transport or transfer, as well as persons suspected of transporting or transferring caught game, trophies and other parts of game, the temporary seizure of illegally caught or captured game, trophies and other parts of game, dogs, as well as items and other means by which illegal hunting or damage to the hunting ground was committed, and handing over to the competent authority for further action; requiring the establishment of the previous status and/or undertaking measures to prevent and eliminate harmful consequences.

## → Scientific bodies for CITES implementation

The Institute for Nature Conservation of Serbia and the Provincial Institute for Nature Conservation are authorized professional institutions that issue opinions in the procedure of the issuance of permits and other documents (certificates, opinions, notices) for the

cross-border movement, trade and breeding of wildlife, their parts and derivatives, protected in accordance with the law and ratified international treaties.

The Institutes for Nature Conservation monitor protected species, keep registries and databases and provide expert assistance in the course of supervision.

Apart from the Institutes, other scientific bodies are the University of Belgrade Faculty of Biology, the "Siniša Stanković" Biology Research Institute, and the Natural History Museum.

→ Belgrade Zoo and Palić Zoo

These zoos are the registered zoos taking care of live animals found in the course of search and seizure. Apart from zoos, there is the Centre for Injured and Sick Animals in Vršac, which is in charge of the rehabilitation of injured animals and birds. Jagodina Zoo and [The "Zoo Planet" Association for the Protection, Breeding and Study of Animals](#) from Pantelejev also assist with wildlife care.

## PROSECUTOR'S OFFICE

The Public Prosecutor's Office is an independent state body that is legally competent to prosecute perpetrators of offences and other types of crime, and undertake measures to protect constitutionality and legality. The Public Prosecutor's Office has its own hierarchy and consists of the Republic Public Prosecutor's Office, 4 appellate public prosecutor's offices, 25 higher and 58 basic public prosecutor's offices, and 2 public prosecutor's offices with special jurisdiction: War Crimes Prosecutor's Office and Organized Crime Prosecutor's Office. The Republic Public Prosecutor's Office is the highest prosecutor's office in the Republic of Serbia and all other public prosecutor's offices are subordinated to it. The basic authority of the public prosecutors is to prosecute perpetrators of offences stipulated to be prosecuted ex officio.

For this purpose, the public prosecutor manages the pre-investigation procedure, which includes examining the circumstances of the committed acts and investigating in order to determine whether there are grounds for accusation (as a rule, with the help of the police). The public prosecutor brings and represents the prosecution before the competent court, presents evidence in order to determine the criminal liability of the defendants, and may take other actions when stipulated by law. Apart from criminal acts, the public prosecutor is authorized to deal with economic offences, and in cases when it's established there was no elements of criminal acts files the motion for the initiation of misdemeanour proceeding. The basic public prosecutor acts before the basic court, the higher public prosecutor acts before the higher court and the appellate public prosecutor acts before the appellate court. The higher public prosecutor is additionally authorized to supervise and guide the regional public prosecutor's offices, whereas the appellate public prosecutor supervises and guides higher, as well as basic public prosecutor's offices from his/ her own territory. The Organized Crime Prosecutor's Office is in charge of acting in cases concerning offences performed by an organized criminal group or its members.

## COURTS

The judicial power in the Republic of Serbia belongs to the courts of general and special jurisdiction. The general jurisdiction courts are basic (66), higher (26), and appellate courts (4), as well as the Supreme Court of Cassation, as the highest court in the country. The special jurisdiction courts are the misdemeanour courts, the Misdemeanour Appellate Court, commercial courts, the Commercial Appellate Court and the Administrative Court. Basic courts were founded for the territory of a city/town and/or one or more municipalities. The basic court in the first instance, among other things, is in charge of

criminal offences for which the main penalty is a fine or a prison sentence of up to and including 10 years. Higher courts were founded for the territory of one or more basic courts.

The higher court in the first instance, among other things, is in charge of criminal offences for which the main penalty is a prison sentence of over 10 years. In the second instance, this court makes decisions about appeals against decisions of the basic courts in cases provided by the Law on Organization of Courts. The appellate court makes decisions about appeals against decisions of the basic courts in cases when the higher court has no jurisdiction, and appeals against the decisions of higher courts. Misdemeanour courts have jurisdiction over and/ or act in cases related to the territory of a city/ town and one or more municipalities. The misdemeanour court in the first instance deals with violations, if an administrative body is not competent, and decides on appeals against the decision of the administrative bodies in misdemeanour proceedings. The misdemeanour appellate court decides on appeals against decisions of the misdemeanour courts.

**b) Provisions on wildlife crime**

Penalties for environmental offences are stipulated by the Criminal Code. Violations and economic offences are stipulated by the sectoral laws relevant for acts against the environment.

*Table 2 – Crime defined by the law with stipulated penalties and institutions in charge of detection, investigation and processing*

Actions sanctioned	Relevant provision (act, paragraph, article, clause, etc.)	Range of possible sanctions	Authority(ies) responsible for compliance monitoring, detection of abuses and investigation of offenders*
Destruction, damage, taking abroad and bringing into Serbia contrary to the regulations on the protected natural resource	Criminal Code Article 265	<p>Prison sentence of 6 months to 5 years for the destruction or damage of a specially protected natural resource.</p> <p>Prison sentence of up to 6 months or a fine for the destruction or damage of a specially protected natural resource.</p> <p>Prison sentence of 3 months to 3 years, a fine and the confiscation of items – specimens for export and taking abroad of strictly protected or protected plant or animal species or the import and bringing in from abroad of foreign plant or animal species protected by international treaties and documents contrary to regulations. There is also a prescribed penalty for an attempt to perform this act.</p>	<p>Detection: ranger department, institutes for nature conservation</p> <p>Detection and investigation: police, inspection, customs</p> <p>Criminal prosecution and investigation: prosecutor's office</p>



Killing and abusing animals	Criminal Code Article 269 Paragraph 2	Prison sentence of up to 3 years or a fine for killing, torturing or injuring an animal belonging to specially protected animal species.	Detection: ranger department, institutes for nature conservation Detection and investigation: police, inspection Criminal prosecution and investigation: prosecutor's office
Illegal hunting and hunting with illegal means and methods	Criminal Code Article 276 Paragraph 4	Prison sentence of up to 3 years and the security measure of the confiscation of caught game items for illegal hunting and hunting with illegal means and methods	Detection: ranger department Detection and investigation: police, inspection Criminal prosecution and investigation: prosecutor's office
Illegal hunting and fishing with illegal means and methods	Criminal Code Article 277	Prison sentence of up to 6 months or a fine for fishing during close season and in areas where fishing is prohibited.  Prison sentence of up to 3 years and the security measure of the confiscation catch and of items for fishing with illegal means and methods (explosive, electricity, poison, stunning agents, etc.).	Detection: fish warden department, institutes for nature conservation  Detection and investigation: police, inspection  Criminal prosecution and investigation: prosecutor's office
Illegal trade	Criminal Code Article 235	Prison sentence of 3 months to 3 years, and the security measure of the confiscation of items for the illegal sale, purchase or exchange of the protected and strictly protected species, their products and derivatives.	Detection and investigation: police, inspection  Criminal prosecution and investigation: prosecutor's office, inspection

		Prison sentence of 6 months to 5 years, and the security measure of the confiscation illegal goods and of items for the organized network of resellers or intermediaries, or when the material gain exceeds the amount of RSD 450,000 for the illegal sale, purchase or exchange of the protected and strictly protected species, their products and derivatives.	
Trafficking	Criminal Code Article 236	Prison sentence of 6 months to 5 years, a fine and the security measure of the confiscation of items due to the transfer of protected and strictly protected wildlife, their products or derivatives over the customs line (or with the use of force or threat, armed or in a group) avoiding customs supervision measures. Means of transport or other means whose secret or hidden places were used for transfer or that are intended for the commission of this criminal offence shall be confiscated if the owner or user of the vehicle knew or could know and was obliged to know.	Detection and investigation: customs, police, inspection  Criminal prosecution and investigation: prosecutor's office
Counterfeiting	Criminal Code Article 355	Prison sentence of up to 3 years for counterfeiting personal documents about the specimen origins.  Prison sentence of 3 months to 5 years for counterfeiting or attempted counterfeiting of CITES permits.	Detection and investigation: customs, police  Criminal prosecution and investigation: prosecutor's office

<p>1) collection and/ or use of specimens of strictly protected or protected wildlife without a permit, and/or contrary to the stipulated conditions</p> <p>2) keeping, trade or attempt of trade in specimens of strictly protected or protected wildlife contrary to this Law</p> <p>3) cross-border movement or attempted movement, including shipment, transport and transit, of specimens of strictly protected, protected or allochthonous wildlife without a corresponding permit or certificate issued by the Ministry, or using a revoked or expired permit or certificate</p> <p>4) cross-border movement or attempted movement of wildlife contrary to the issued permit or certificate, and/ or the use of a permit or certificate issued for the cross-border movement for any other specimen except the specimen it was issued for</p> <p>5) use of a false or counterfeited permit or certificate for the cross-border movement of specimens of strictly protected, protected or allochthonous wildlife, including the documents on which unauthorized changes were made</p>	<p>Law on Nature Protection Article 125</p>	<p>A fine of RSD 1,500,000 to 3,000,000 for an economic offence by a legal entity and a protective measure of the permanent confiscation of specimens of strictly protected and protected species.</p> <p>A fine of RSD 1,500,000 to 3,000,000 for an economic offence by a legal entity and a protective measure of the permanent confiscation of specimens of strictly protected, protected and allochthonous species listed in revoked permits and certificates, as well as items used or intended for their performance, and/ or those resulting from that performance.</p> <p>It is possible to impose a fine commensurate with the amount of damage caused, the obligation unfulfilled, or the value of goods or other items that are the subject of the economic offence, and up to twenty times the amount of damage caused, the obligation unfulfilled, or the value of goods or other items that are the subject of the economic offense.</p> <p>A fine in the amount of RSD 100,000 to RSD 200,000 for an economic offence shall also be imposed on the responsible person in the legal entity.</p>	<p>Ranger department, institutes for nature conservation (detection)</p> <p>Inspection and customs (detection, investigation, misdemeanour prosecution)</p> <p>Police (detection and investigation)</p>
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<p>6) Avoidance of reporting or false reporting of the cross-border movement of strictly protected, protected or allochthonous wildlife</p>		<p>It is also possible to impose a protective measure of prohibiting the performance of a certain economic activity, and a protective measure of prohibiting the responsible person from performing a certain duty for up to ten years, particularly when it comes to repeating an economic offence.</p> <p>Along with the penalty, the protective measure of the permanent confiscation of specimens of strictly protected, protected and allochthonous species listed in the revoked permits and certificates, as well as items used or intended for their performance, and/ or those resulting from that performance, shall also be imposed.</p> <p>In addition to the penalty, it is possible to impose a protective measure of the confiscation of items used or intended to be used for the commission of an economic offence, and/ or resulting from the commission of an economic offence.</p> <p>A fine in the amount of RSD 250,000 to RSD 500,000 for a violation by an entrepreneur.</p> <p>A fine in the amount of RSD 50,000 to RSD 150,000 or a prison sentence of up to 30 days for a violation by a natural person.</p>	
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<p>1) Endangering strictly protected species of plants, animals, fungi and birds and their habitats</p> <p>2) Collection and use of protected wild species contrary to the stipulated conditions</p> <p>3) Research on protected species without the permission of the competent ministry and/ or failure to submit the research results</p> <p>4) Use of prohibited means of capturing and killing wild animals</p> <p>5) Transfer of living specimens of autochthonous wildlife without the consent of the competent ministry</p> <p>6) Keeping specimens of strictly protected, protected or allochthonous wild animal species or non-marking or marking specimens of strictly protected or protected wildlife contrary to the stipulated conditions</p> <p>7) Keeping specimens of strictly protected and protected wildlife for which the competent ministry has rejected an application for the issuance of a certificate</p> <p>8) Possession of specimens of strictly protected, protected or autochthonous wild animal species without proof of origin</p>	<p>Law on Nature Protection Article 126</p>	<p>A fine in the amount of RSD 500,000 to RSD 2,000,000 for a violation by a legal entity.</p> <p>It is possible to impose a fine commensurate with the amount of damage caused or the obligation unfulfilled, the value of goods or other items that are the subject of an offence, and up to twenty times the amount of those values.</p> <p>A fine in the amount of RSD 25,000 to RSD 150,000 for a responsible person in the company or another legal entity.</p> <p>A fine in the amount of RSD 250,000 to RSD 500,000 for a violation by an entrepreneur.</p> <p>A fine in the amount of RSD 50,000 to RSD 150,000 or a prison sentence of up to 30 days for a violation by a natural person.</p> <p>In addition to the penalty, it is possible to impose a protective measure of the confiscation of items used or intended to be used for the commission of a violation, and/ or resulting from the commission of a violation.</p> <p>Along with the penalty, the protective measure of the permanent confiscation of specimens of strictly protected, protected and allochthonous species listed in the</p>	<p>Ranger department, institutes for nature conservation (detection)</p> <p>Inspection (detection, investigation, misdemeanour prosecution)</p> <p>Police (detection, investigation)</p>
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<p>9) Illegal breeding of strictly protected and protected species</p> <p>10) Treatment of found specimens of strictly protected and protected wild animal species contrary to the Law</p>		<p>revoked permits and certificates, as well as items used or intended for their performance, and/or those resulting from that performance, shall also be imposed.</p> <p>It is also possible to impose a protective measure of prohibiting the performance of a certain activity for up to three years on a legal entity and/or an entrepreneur, and a protective measure of prohibiting the responsible person from performing certain tasks for up to one year.</p>	
<p>Acting contrary to the rulebook on the internal order in the protected area</p> <p>* The Rulebook prescribes, among other things, the types of wild plants and animals whose use, picking, collecting and hunting is limited, as well as the manner and conditions for performing these activities, as well as the conditions for protection during scientific research and educational activities</p>	<p>Law on Nature Protection Article 128</p>	<p>A fine in the amount of RSD 5,000 to RSD 150,000 for a violation by a natural person.</p> <p>A fine of up to RSD 5,000 to a parent, guardian, and/or responsible person in the guardianship body for failing to exercise due supervision over a minor if the minor commits a violation prescribed by this Article or Article 126 paragraph 1 points 11, 15, 21, 22, and 24 of this Law.</p>	<p>Ranger department, institutes for nature conservation (detection)</p> <p>Inspection (detection, investigation, misdemeanour prosecution)</p> <p>Police (detection and investigation)</p>
<p>1) Collection or marketing of certain wild flora and fauna species, as well as their developmental forms and parts, without the permission of the competent ministry, and/or contrary to the conditions specified in the permit</p> <p>2) Cross-border movement of wild flora and fauna specimens (import, export, bringing in, taking out, re-export) and their</p>	<p>Law on Environmental Protection Article 116</p>	<p>A fine in the amount of RSD 1,500,000 to RSD 3,000,000 for an economic offence by a legal entity.</p> <p>It is possible to impose a fine commensurate with the amount of damage caused, the obligation unfulfilled, or the value of the goods or other items that are the subject of the economic offence, and up to twenty times the amount of damage caused, the</p>	<p>Ranger department, institutes for nature conservation (detection)</p> <p>Inspection (detection, investigation, misdemeanour prosecution)</p>

developmental forms and parts carried out without a permit and/or document issued by the competent ministry		obligation unfulfilled, or the value of the goods or other items that are the subject of the economic offence.  A fine of RSD 100,000 to RSD 200,000 shall also be imposed on the responsible person in the legal entity.	Customs (detection, investigation, misdemeanour prosecution)  Police (detection and investigation)
1) Collection or marketing of certain wild flora and fauna species, as well as their developmental forms and parts, without the permission of the competent ministry, and/or contrary to the conditions specified in the permit  2) Cross-border movement of wild flora and fauna specimens (import, export, bringing in, taking out, re-export) and their developmental forms and parts carried out without a permit and/or document issued by the competent ministry	Law on Environmental Protection Article 117a	A fine in the amount of RSD 250,000 to RSD 500,000 for a violation by an entrepreneur.  In addition to the mentioned penalty, it is also possible to impose a protective measure of the confiscation of items used or intended to be used for the commission of a violation, and/or resulting or acquired from the commission of a violation.	Ranger department, institutes for nature conservation (detection)  Inspection (detection, investigation, misdemeanour prosecution)  Customs (detection, investigation, misdemeanour prosecution)  Police (detection, investigation)
1) Harassment, abuse, injury and destruction of wild fauna, and/or demolition of its habitat  2) Collection or marketing of certain wild flora and fauna species, as well as their developmental forms and parts, without the permission of the competent ministry, and/or contrary to the conditions specified in the permit	Law on Environmental Protection Article 118	A fine in the amount of RSD 5,000 to RSD 50,000 or a prison sentence of up to 30 days for a violation by a natural person.  A fine of up to RSD 5,000 to a parent, guardian, and/or responsible person in the guardianship body for failing to exercise due supervision over a minor if the minor commits a violation prescribed by this Article paragraph 1 points 1, 2, and 3.	Ranger department, institutes for nature conservation (detection)  Inspection (detection, investigation, misdemeanour prosecution)

3) Import or export of the protected wild flora and fauna species, as well as their developmental forms and parts, without the permission of the competent ministry		In addition to the mentioned penalty, it is also possible to impose a protective measure of the confiscation of items used or intended to be used for the commission of a violation, and/or resulting or acquired from the commission of a violation.	Customs (detection, investigation, misdemeanour prosecution)  Police (detection, investigation)
1) Fishing during close season 2) Fishing in special habitats 3) Fishing with illegal means and methods	Law on the Protection and Sustainable Use of Fish Stocks Article 59	A fine in the amount of RSD 500,000 to RSD 1,000,000 for a violation by a legal entity. The responsible person in the legal entity shall be fined with RSD 50,000 to RSD 100,000.  A fine in the amount of RSD 250,000 to RSD 500,000 for a violation by an entrepreneur.  The protective measure of the confiscation of items used or intended to be used for the commission of a violation, or resulting from its commission shall also be imposed, and the protective measure of a fishing ban may also be imposed.	Fish warden department, institutes for nature conservation (detection)  Inspection (detection, investigation, misdemeanour prosecution)  Police (detection, investigation)
1) Fishing during close season 2) Fishing in special habitats 3) Fishing with illegal means and methods	Law on the Protection and Sustainable Use of Fish Stocks Article 60	A fine in the amount of RSD 5,000 to RSD 150,000 for a violation by a natural person  The protective measure of the confiscation of items used or intended to be used for the commission of a violation, or resulting from its commission shall also be imposed, and the protective measure of a fishing ban may also be imposed.	Fish warden department, institutes for nature conservation (detection)  Inspection (detection, investigation, misdemeanour prosecution)  Police (detection, investigation)



<p>1) Endangering the survival of wildlife in nature and its habitats</p> <p>2) Game persecution, abuse, deliberate injury and harassment</p> <p>3) Game capture and keeping in a closed or enclosed space, deliberate destruction of game breeding and resting points, taking game eggs, as well as collecting the eggs of protected bird species</p>	<p>Law on Game and Hunting Article 102</p>	<p>A fine in the amount of RSD 1,500,000 to RSD 3,000,000 for an economic offence by a hunting ground user – legal entity.</p> <p>A fine in the amount of RSD 2,000 to RSD 200,000 for an economic offence and for the responsible person of the hunting ground user – legal entity.</p> <p>Along with a fine, it is possible to impose a protective measure of prohibiting the performance of a certain economic activity, and a protective measure of prohibiting the responsible person from performing a certain duty for up to 10 years.</p> <p>In addition to a fine, it is also possible to impose a protective measure of the confiscation of items used or intended to be used for the commission of an economic offence, and/or resulting from the commission of an economic offence.</p>	<p>Game warden department, institutes for nature conservation (detection)</p> <p>Inspection (detection, investigation, misdemeanour prosecution)</p> <p>Police (investigation, misdemeanour prosecution)</p>
<p>1) Keeping game indoors for more than one month from the date of cessation of natural disasters, and/or injury healing or the implementation of certain breeding measures</p> <p>2) Game poisoning</p>	<p>Law on Game and Hunting Article 104</p>	<p>A fine in the amount of RSD 500,000 to RSD 1,000,000 for a violation by a hunting ground user – legal entity.</p> <p>A fine in the amount of RSD 25,000 to RSD 50,000 for the responsible person of the hunting ground user – legal entity, too.</p>	<p>Game warden department, institutes for nature conservation (detection)</p> <p>Inspection (detection, investigation, misdemeanour prosecution)</p> <p>Police (detection, investigation)</p>

<p>Game capture and keeping in a closed or enclosed space, deliberate destruction of game breeding and resting points, taking game eggs, as well as collecting the eggs of protected bird species</p>	<p>Law on Game and Hunting Article 105</p>	<p>A fine in the amount of RSD 5,000 to RSD 30,000 for a violation by a natural person</p>	<p>Game warden department, institutes for nature conservation (detection)</p> <p>Inspection (detection, investigation, misdemeanour prosecution)</p> <p>Police (detection and investigation)</p>
<p>1) Lack of proper documents accompanying the goods in a stipulated manner</p> <p>2) Failure to keep trade records</p> <p>3) Failure to comply with a temporary measure of market protection in accordance with Article 39 of this Law</p>	<p>Law on Trade Article 68</p>	<p>A fine in the amount of RSD 500,000.00 to RSD 2,000,000.00 for a violation by a legal entity. It is also possible to impose a protective measure of prohibiting the performance of a certain activity lasting from six months to two years, as well as the protective measure of announcing the judgment in public.</p> <p>A fine in the amount of RSD 50,000.00 to RSD 500,000.00 for a violation by an entrepreneur. It is also possible to impose a protective measure of prohibiting the performance of a certain activity lasting from six months to two years.</p> <p>A fine in the amount of RSD 50,000.00 to RSD 150,000.00 for a violation by a natural person, or the responsible person in a legal entity. The protective measure of prohibiting the practice of certain activities from three months to one year may also be imposed on the responsible person in a legal entity. It is</p>	<p>Inspection (detection, investigation, misdemeanour prosecution)</p> <p>Police (detection and investigation)</p>

		<p>also possible to impose a protective measure of prohibiting the performance of a certain activity lasting from six months to two years on a natural person.</p>	
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c) **Potential areas for improving wildlife protection provisions**

- 1) Lack of an additional fine (financial) in addition to the main penalty for the criminal offences stipulated by the Criminal Code.
- 2) The same acts may qualify as offences and violations.
- 3) Low compensation per specimen defined by the **Rulebook on the compensation price list for determining the amount of compensation for damage caused by an illicit act in relation to strictly protected and protected wildlife**. More frequent updates of the Rulebook are required.
- 4) There is no uniform, clearly defined procedure for acting in cases of illicit acts against protected species.
- 5) The game warden department in the hunting ground, in terms of the organization, coordination and control of work, is managed by an officer appointed by the hunting ground user's general act, which makes the game warden department directly dependent on the hunting ground user (hunting organizations), representing a major shortcoming and obstacle in work.
- 6) The Law allows the sale of devices and equipment used in poaching (e.g. electric lures).
- 7) Material funds requested from persons who have committed an offence or violation are not used for the purpose of compensating for the damage caused, and for the protection of wild species and their habitats.
- 8) Full harmonization of the national legislation with the EU legislation is necessary, particularly with regards to the EU Habitats Directive and Birds Directive.
- 9) Ranger departments have an insufficient number of rangers in relation to the area in which they perform their activities (game warden department, fish warden department, protected resource wardens). The ranger departments are also insufficiently trained in working with wildlife (identification, handling, caring), and they also lack technical equipment.
- 10) The Law allows the use of lead shot in aquatic areas.

## V.2. Analysis of the competent public authorities

### a) Administrative authorities

Table 3 – List of competent authorities with a description of competencies and current capacities

Authority	Scope of offences	Description of empowerment	Personnel resources
<i>Administrative authorities</i>			
<b>Ministry of Environmental Protection</b> Environmental Protection and Climate Change Sector Biodiversity Department Group for CITES Implementation	<b>Violations</b>  Law on CITES Ratification  Law on Nature Protection	Issuance of permits for import, export, bringing in and taking out wildlife specimens, their parts and derivatives protected in accordance with CITES.  Issuance of certificate of the lawful acquisition of protected species and certificates for commercial activity in accordance with CITES.  Issuance of a form of notification on the import of specimens of species listed in Appendices III and IV of CITES.  Issuance of permits for the import of living specimens of allochthonous species not provided in Annexes I to IX of the Rulebook on the cross-border movement of and trade in protected species.  Permits for the import, export and re-export of parts and derivatives of species referred to in Annexes VII, VIII, and IX not specified in Annexes I to IV. Certificates for the import and export of specimens of species for which it is not necessary to obtain a special permit.	Total 3 1 group leader and 2 advisors (2020)

<b>Institute for Nature Conservation of Serbia</b> Biodiversity, Environmental Networks and Sustainable Development Department Biodiversity Office	<b>Violations</b>  Law on CITES Ratification  Law on Nature Protection	Issues opinions in the procedures of issuing permits and other documents (certificates, notices, etc.) for the cross-border movement, trade and breeding of wildlife specimens, their parts and derivatives, protected by law and ratified international treaties, as well as for the import of live specimens of allochthonous wildlife that is not protected.  Within the professional tasks, participates in taking over and taking care of individuals of strictly protected and protected wildlife.	N/A
<b>Provincial Institute for Nature Conservation</b>	<b>Violations</b>  Law on CITES Ratification  Law on Nature Protection	Control of the cross-border movement of protected species – issuing opinions at the request of the competent ministry.  Providing expert support for provincial inspection in the course of supervision.  Within the professional tasks, participates in taking over and taking care of individuals of strictly protected and protected wildlife.	Total 3 Expert advisors (2020)
<i>Police departments, guards, inspections, other services</i>			
<b>Ministry of Environmental Protection</b> Sector for Supervision and Preventive Environmental Action Biodiversity Department (Section for Nature Protection and Section for Fisheries)	<b>Violations</b>  Law on CITES Ratification  Law on Nature Protection  Law on the Protection and Sustainable Use of Fish Stocks	<b>Section for Nature Protection</b>  Inspection supervision in the field of protected natural resources, control of international trade in species on CITES lists, control of trade in strictly protected and protected species of wild flora and fauna, and supervision of tasks delegated to autonomous provinces and local self-government units.  <b>Section for Fisheries</b>  Inspection supervision in the field of the protection and sustainable use of fish stocks, the use of fishing waters and fishing waters in the protected natural resources, the restocking of fishing waters, methods of fishing (recreational and economic), tools for fishing and close season, fish trade,	Total: 21  Biodiversity Department – Department Head – 1  Section for Nature Protection – 11 inspectors  Section for Fisheries – 9 inspectors

		and direct supervision over the execution of inspection tasks delegated to autonomous provinces.	(2020)
<b>Provincial Secretariat for Urban Planning and Environmental Protection</b> Sector of Inspection Affairs Department for the Control of the Protection and Use of Natural Resources and Fish Stocks	<b>Violations</b>  Law on CITES Ratification  Law on Nature Protection  Law on the Protection and Sustainable Use of Fish Stocks	Performs inspection supervision in the field of environmental protection on the territory of AP Vojvodina. Inspection takes all legally stipulated administrative and other measures in order to implement the stipulated environmental protection measures, and initiates proceedings against legal entities, responsible persons in the legal entity, entrepreneurs and natural persons in the field of violations, economic offences and criminal liability.	8 inspectors in total
<b>Ministry of Agriculture, Forestry and Water Management</b> Forest Directorate Department of Forestry and Hunting Inspection	<b>Violations</b>  Law on Game and Hunting	The Department of Forestry and Hunting Inspection performs inspection supervision, administrative supervision and participates in first and second instance administrative proceedings.	31 inspectors in total
<b>Ministry of Agriculture, Forestry and Water Management</b> Veterinary Directorate Veterinary Border Inspection Department	<b>Violations</b>  Veterinary Law  Animal Welfare Law	The Veterinary Border Inspection Department is in charge of veterinary and sanitary control tasks carried out through the supervision, inspection, monitoring, sampling and verification of the implementation of laws and other regulations related to: control of the import, export and transport of animals, products of animal origin, food of animal origin, by-products of animal origin and accompanying items.	34 inspectors in total
<b>Ministry of Finance</b> Customs Administration	<b>Violations</b>  Customs Code	Customs officers at border customs offices control the import, export and transit of the protected species listed in the CITES appendices and/or annexes to the Rulebook on the cross-border movement of and trade in protected species. Customs officers control the import of live foreign species that are not listed in the annexes to the Rulebook, check import	N/A

	Law on Customs Tariff	permits, certificates or other documents accompanying the species and control data in the customs document provided in the course of import. Customs control includes the inspection and search of means of transport, personal luggage and other goods that persons carry with them or on themselves, in order to prevent the illegal cross-border movement of protected species.	
<b>Ministry of the Interior</b> Border Police Directorate Criminal Police Directorate Environmental Crime Unit	<b>Violations</b>	<p>The role of the border police in preventing the illegal trade in and movement of protected species is determined by the Law on Police and the Law on the Protection of the State Border. The border police secure the state border, controls state border crossing, controls the border zone and prevents state border violations.</p> <p>The Criminal Police Directorate is responsible for the status and organization of work on the detection and suppression of all forms of organized crime, the prevention and suppression of other forms of crime and in this regard, it plans, provides timely information, reporting and the coordination of work of departments, as well as the implementation of operational, technical and tactical measures to investigate and document offences in accordance with the law</p>	BPD – 21 in total CPD – 18 in total
<b>The Ranger Department in Protected Areas</b>	<b>Violations</b>  Law on Nature Protection	A ranger in charge of the protected area controls the implementation of the rules of internal order in the protected area and performs other tasks in accordance with the law and the act of the management authority and has the status of an officer. in protected areas of less than 100 ha, a ranger may simultaneously perform the duties of fish warden, forest ranger and game warden, if he/she meets the conditions stipulated by the regulations governing the use of fish stock, forestry and hunting. A ranger is obliged to cooperate with the inspection department and the internal affairs body.	N/A



<b>Fish Warden Department</b>	<p><b>Violations</b></p> <p>Law on the Protection and Sustainable Use of Fish Stocks</p>	<p>The fish warden department is in charge of: identification and control of commercial and recreational fishing permits, inspection and control of facilities, vessels, vehicles, fishing gear, equipment and catches, taking photographs and recording illegal activities and the persons participating in them, the temporary revocation of fishing permits, means, tools and equipment, catches and other items found on or in the immediate vicinity of fishing waters, if there is a reasonable suspicion that they have been used or are intended to carry out illegal activities.</p>	N/A
<b>Game Warden Department</b>	<p><b>Violations</b></p> <p>Law on Game and Hunting</p>	<p>Competencies of the game warden department are as follows: identification and control of hunting permits, weapon certificates, bringing persons without public documents found in the course of illegal activities before the competent authority, control of hunting weapons, items and other means used or intended for illegal activities, vehicles and other means used for game transport or transfer, as well as persons suspected of transporting or transferring caught game, trophies and other parts of game, the temporary seizure of illegally caught or captured game, trophies and other parts of game, dogs, as well as items and other means by which illegal hunting or damage to the hunting ground was committed, and handing over to the competent authority for further action; requiring the establishment of the previous status and/or undertaking measures to prevent and eliminate harmful consequences.</p>	N/A

**b) The country's judicial system and procedures for offences related to wildlife conservation**

**PENAL PROCEEDINGS<sup>6</sup>**

Violations and economic offences and envisaged penalties are stipulated by the sectoral laws. Penalties and environmental offences are stipulated by the Criminal Code. The proceedings upon charges are conducted on the basis of the Misdemeanour Law and the Criminal Procedure Code. If the same acts are characterized according to two different laws as both a violation and a criminal offence, the inspection or the police, based on their assessment, shall decide whether to file criminal or misdemeanour charges. The criteria considered in the course of assessment are the gravity of the act, the circumstances under which the act was committed, and whether the perpetrator has previously been convicted. The public prosecutor's offices prosecute the perpetrators of criminal offences ex officio. The public prosecutor may postpone criminal prosecution and/or dismiss the criminal charges against the perpetrator of the criminal offence punishable by a fine or a prison sentence of up to 5 years on the basis of the principle of opportunity, and decide on compensation. The aim of this principle is to increase the efficiency of criminal proceedings and reduce the workload of the courts. The public prosecutor has the discretionary right to postpone the criminal prosecution of a certain person if that person repairs the damage caused by the commission of the misdeed, pays a certain amount of money for charity purposes, performs certain humanitarian or community service, etc. The prosecutor orders the perpetrator to perform some of the aforementioned obligations within a certain period of time, and when that person has fulfilled the imposed obligation, the criminal charge is dismissed, so the criminal prosecution is not postponed, but everything is forgiven. This principle generally applies to persons who have not been convicted prior to the particular case.

→ **MISDEMEANOUR PROCEEDINGS**

The motion for the initiation of misdemeanour proceeding is filed by an authorized body – the police, inspection or public prosecutor, or the injured party – a natural or legal person, who has established a violation of the regulations, whereby the violation of the regulations does not necessarily have to represent direct damage to the property of the natural or legal person filing the complaint. The complaint may be filed verbally, in person or by phone with the competent inspection or police administration, or in writing (with the competent misdemeanour court). The injured party is authorized to file a motion for initiating misdemeanour proceedings at all times, unless the law stipulates that the said bodies are exclusively authorized to initiate misdemeanour proceedings. If the authorized body does not file a motion for initiating the misdemeanour proceeding, the injured party may file such a motion in accordance with the provisions of the Misdemeanour Law. If the motion for initiating the proceedings was submitted by the authorized body before the proceedings were initiated at the request of the injured party, the motion for initiating the proceedings of the competent body will be acted upon. Misdemeanour charges of the injured party filed with the competent authority are considered a motion for initiating misdemeanour proceedings if the authorized body does not initiate the misdemeanour proceedings itself. In that case, the authorized body is obliged to inform the injured party in writing, within eight days from the day of filing the misdemeanour charges, on the manner of handling the misdemeanour charges. When the motion for initiating misdemeanour proceedings is filed by a natural person as an injured party, the motion does not have to include the regulation on the violation to be applied or the unique personal identification number of the person against which the motion is filed. A natural person in the capacity of the injured

<sup>6</sup> Galamboš L., Analysis on the norms and procedures of law enforcement agencies

party can file a motion for initiating misdemeanour proceedings with the competent misdemeanour court and verbally on the record.

When the competent court receives the motion for initiating misdemeanour proceedings, it will examine whether there are conditions for initiating the misdemeanour proceedings and decide on the further course of the proceedings. When the motion contains information that criminal proceedings or proceedings for economic offence have been initiated in connection with the same event, the misdemeanour court will submit the case file to the competent prosecutor's office for further proceedings and inform the applicant thereof accordingly. The court will act in the above manner even when, during the proceedings, the court learns that criminal proceedings or proceedings for economic offences are conducted in connection with the same event. When the court determines that there are no conditions for initiating misdemeanour proceedings, the motion for initiating proceedings will be dismissed by a decision. If the court does not dismiss the motion for initiating misdemeanour proceedings, the court will decide on initiating the misdemeanour proceedings.

#### → CRIMINAL PROCEEDINGS

The criminal charges are filed with the competent public prosecutor in writing, verbally or by other means. If criminal charges were filed with the police, a non-competent public prosecutor or a court, they will receive the charges and immediately submit them to the competent public prosecutor. If the public prosecutor cannot evaluate from the criminal charges whether the allegations of the charges are probable, or if the data in the charges does not provide sufficient grounds to decide whether to conduct an investigation, or if the public prosecutor otherwise learns that a crime was committed, the public prosecutor may collect the necessary information himself/herself, invite citizens or file a motion with public and other bodies and legal entities to provide the necessary information. The prosecutor manages the previous criminal proceedings and conducts evidentiary actions and collects evidence, directly or indirectly through the police and inspections. After completing the evidentiary actions or the investigation, the prosecutor makes a decision and submits the indictment to the competent basic court. The court is authorized to convict and sentence, or acquit the perpetrators of criminal acts.

In 2011, the Ministry of the Environment, Mining and Spatial Planning published the Manual for the Control of the Cross-Border Movement of and Trade in Protected Species. The Case Study Manual – Concealment of Smuggled and Wild Flora and Fauna (2010) and Wildlife and Forest Crime Analytical Manual were also published. In 2020, WWF Adria and the Ministry of Environmental Protection organized a two-day seminar for inspectors, police representatives, prosecutors and judges from the basic courts in order to promote cooperation in the field of wildlife protection, with an emphasis on sturgeon species. The training was organized within the "LIFE for Danube Sturgeons" Project.

#### c) Other actors

The Bird Protection and Study Society of Serbia is a civic association that is, among other things, actively involved in detecting and preventing crime against birds in the territory of the Republic of Serbia. Members of the association work with volunteers on the detection and reporting of crime against birds, they collect and systematize information about wildlife crime, cooperate with other organizations and public institutions dealing with this topic, and participate in drafting policies and plans at the national level.

**d) Collaboration**

There are no response teams for the management of certain wildlife populations such as bear, lynx and wolf.

The Bird Protection and Study Society of Serbia founded the Anti-Poaching Team. This Society has also initiated the establishment of the Anti-Poisoning Working Group with the competent ministry, but the Group has not been formed yet.

**e) Shortcomings at organisational level**

- The lack of administrative capacities in the provincial and republic administration bodies, inspection in particular. Lack of narrowly specialized staff to deal with this topic.
- Lack of continuous training of the police, inspection, ranger departments, prosecutor's office and courts for the implementation of regulations related to wildlife protection and suppression of criminal acts pertaining to them.
- Insufficiently developed cooperation between relevant bodies for the prevention of this type of crime.
- Insufficient involvement of civil society organizations in the processes of the preparation, adoption and monitoring of the implementation of regulations.

# VI. Analysis of infringements related to wildlife conservation

## VI.1. Statistical analysis

### a) Scale and types of recorded WLC offences

For the analysed period from 1 January 2016 to 31 December 2020, information about 165 cases in total was collected, of which 110 were violations (77 defendants) and 55 offences (14 defendants).

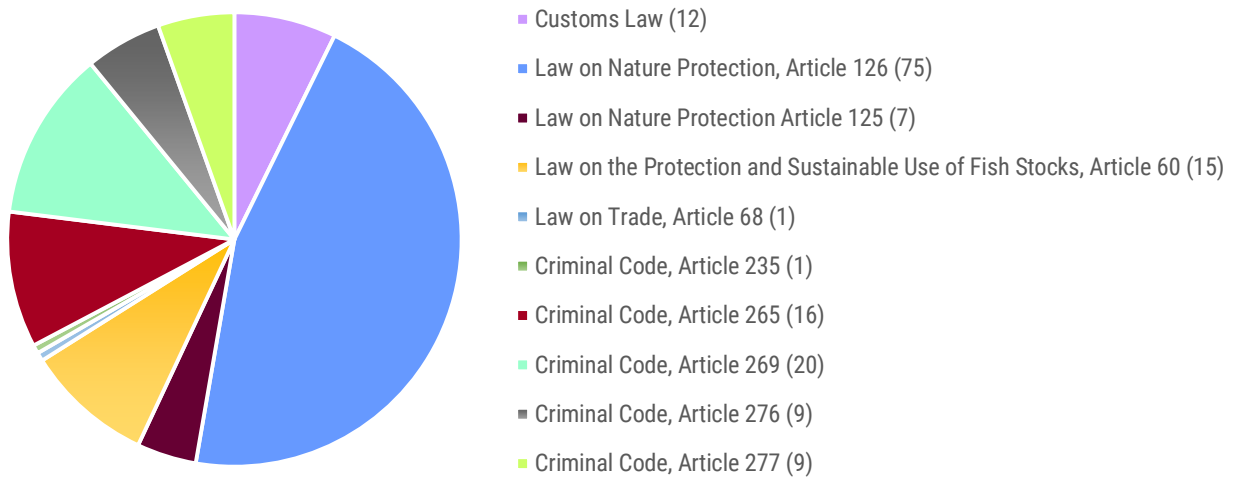


Figure 1 – Analysed crimes relative to the violated law

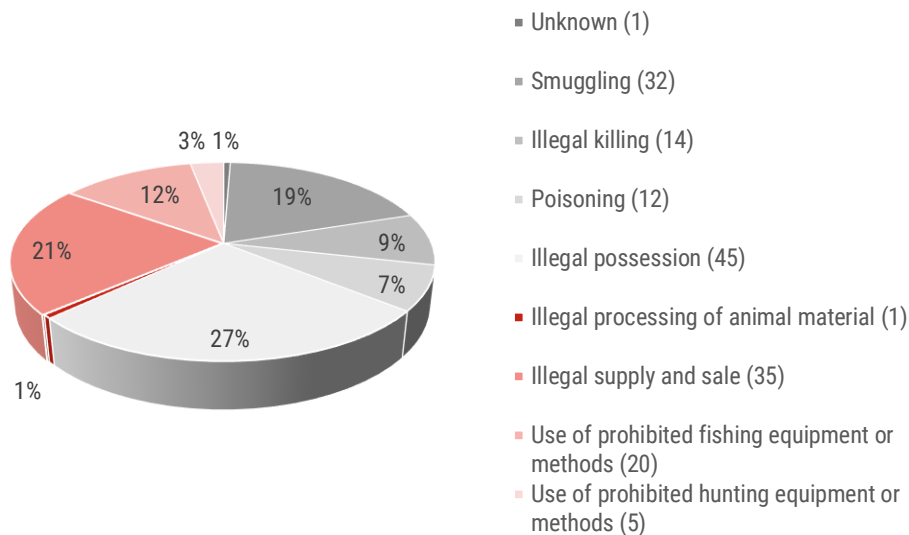


Figure 2 – Analysed crimes relative to the type of act – types of crime are categorized within the SWiPE Project

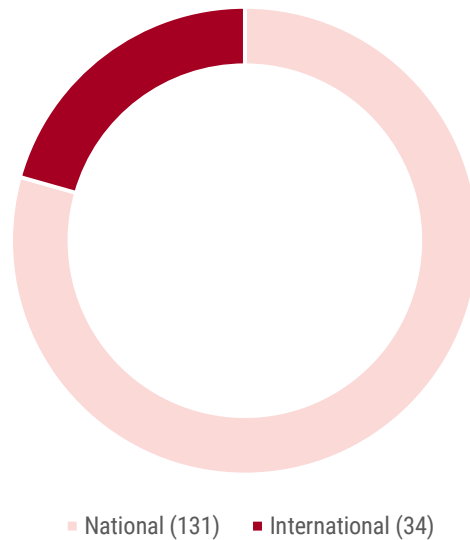
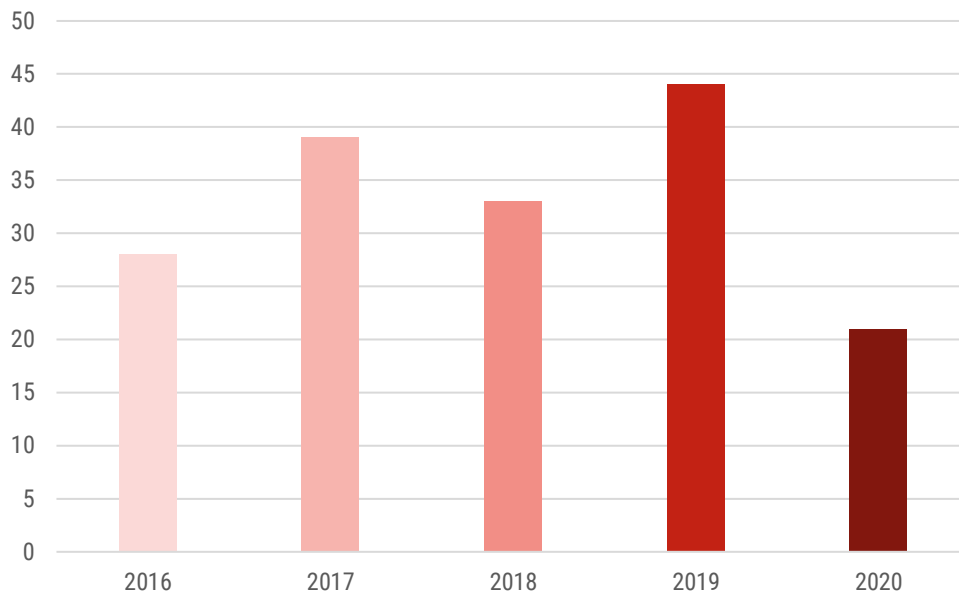


Figure 3 – Analysed crimes relative to their national or international character



Graph 1 – Number of crimes in analysed cases relative to the year when a crime was committed

**b) Results of prosecution, pre-trial proceedings and administrative violations**

The analysis of statistical data showed that the largest number of reported cases of crimes is detected by the inspection and that the perpetrator is known. The accused persons were found guilty in 75% of the misdemeanour proceedings initiated. About 57% of criminal proceedings ended in a conviction. In order to increase efficiency in criminal proceedings and reduce the workload of the courts, the public prosecutor's offices applied the principle of opportunity in 5 cases. The imposed obligations for payment for humanitarian purposes ranged between RSD 20,000 and RSD 400,000. Animals, items and/or equipment were permanently or temporarily seized in 67 cases.

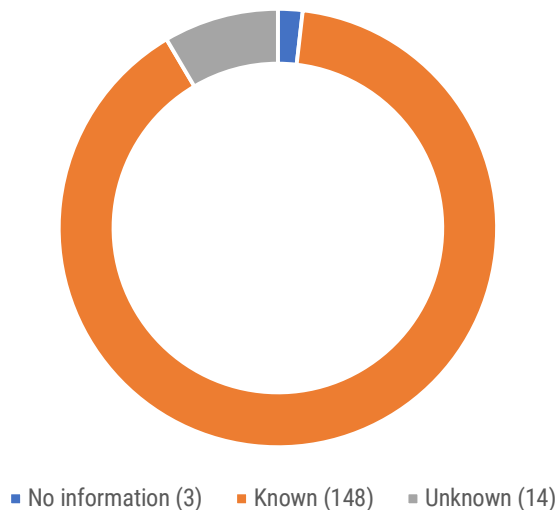


Figure 4 – Analysed crimes relative to whether the perpetrator is known or unknown

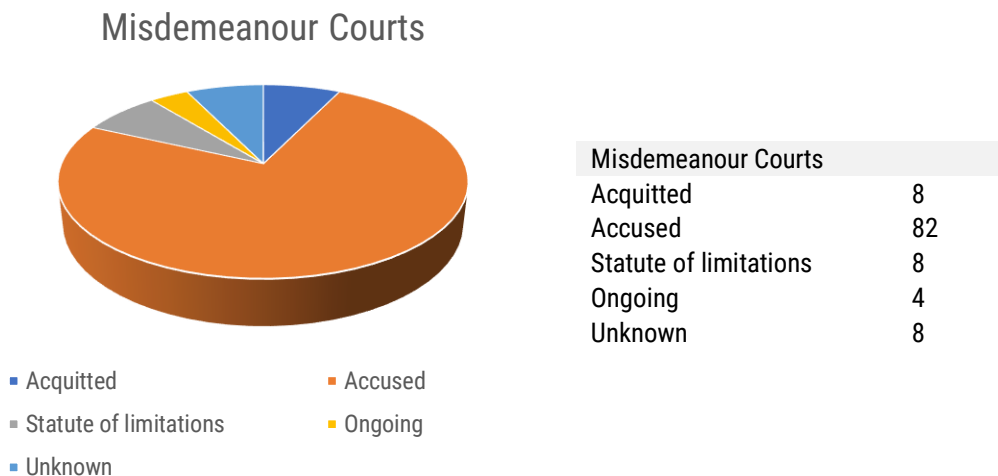


Figure 5 – Analysis of misdemeanour proceedings

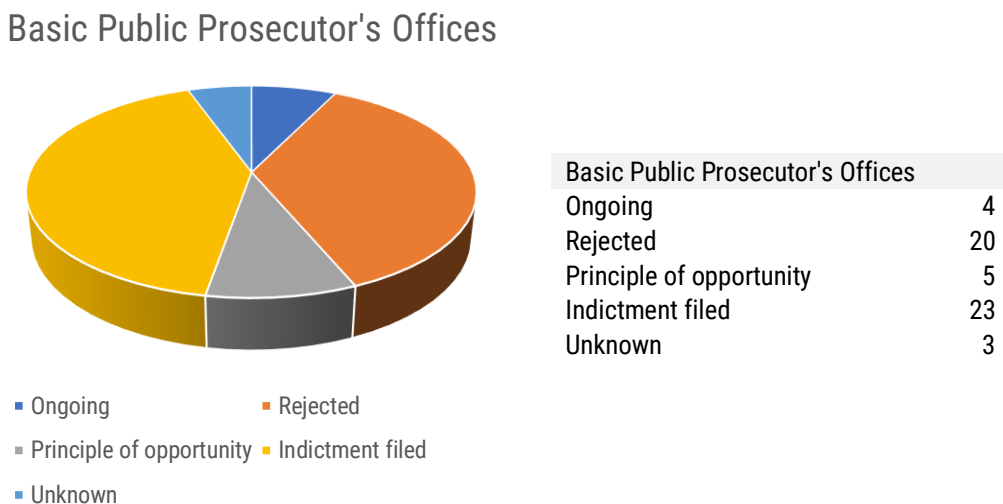
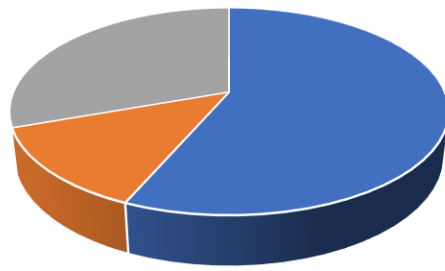


Figure 6 – Analysis of Basic Public Prosecutor's Offices' proceedings

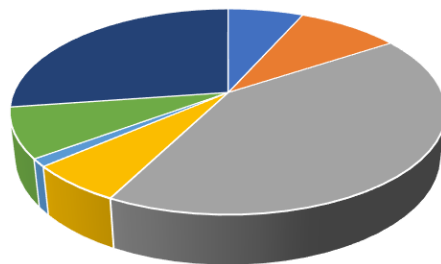
### Basic Courts



■ Accused ■ Acquitted ■ Ongoing

Basic Court	
Accused	13
Acquitted	3
Ongoing	7

Figure 7 – Analysis of criminal proceedings



■ Police ■ Customs ■ Inspection  
 ■ Civil Sector ■ Public enterprises ■ Legal Entities  
 ■ Unknown

Detection	
Police	11
Customs	15
Inspection	69
Civil sector	10
Public enterprises	2
Legal entities	13
Unknown	45

Figure 8 – Crime Detection



Table 4 – List of species that were the subject of the act relative to the laws that were violated

<b>Criminal Code</b> <b>Article 235</b>	<i>Boa constrictor</i>
<b>Criminal Code</b> <b>Article 265</b>	<i>Agapornis fischeri</i>
	<i>Alauda Arvensis</i>
	<i>Amazona albifrons</i>
	<i>Ara severus</i>
	<i>Aratinga Wagleri</i>
	<i>Batoidea</i>
	<i>Carduelis carduelis</i>
	<i>Columba palumbus</i>
	<i>Emys orbicularis</i>
	<i>Falco tinnunculus</i>
	<i>Neopsephotus bourkii</i>
	<i>Perdix perdix</i>
	<i>Psephotus haematonotus</i>
	<i>Psittacula derbiana</i>
	<i>Psittacus erithacus</i>
<i>Pyrrhura molinae</i>	
<i>Pyrrhura picta</i>	
<i>Scleractinica</i>	
<b>Criminal Code</b> <b>Article 269</b>	<i>Anser anser</i>
	<i>Aquila heliaca</i>
	<i>Asio otus</i>
	<i>Buteo buteo</i>
	<i>Canis lupus</i>
	<i>Carduelis carduelis</i>
	<i>Carduelis spinus</i>
	<i>Ciconia ciconia</i>

	<i>Circus aeruginosus</i>
	<i>Falco peregrinus</i>
	<i>Grus grus</i>
	<i>Gyps fulvus</i>
	<i>Haliaeetus albicilla</i>
	<i>Martes foina</i>

<b>Criminal Code</b>  <b>Article 276</b>	<i>Anser albrifons</i>
	<i>Anser anser</i>
	<i>Buteo buteo</i>
	<i>Canis lupus</i>
	<i>Carduelis carduelis</i>
	<i>Coturnix coturnix</i>
	<i>Testudo hermanni</i>
	<i>Turdus merula</i>

<b>Criminal Code</b>  <b>Article 277</b>	<i>Acipenser ruthenus</i>
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<b>Customs Code</b>	<i>Poicephalus senegalus</i>
	<i>Alligator mississippiensis</i>
	<i>Chamaeleo calytratus</i>
	<i>Crocodylus siamensis</i>
	<i>Pavo cristatus</i>
	<i>Platycercus elegans</i>
	<i>Psittacus erithacus</i>
	<i>Pyrrhura molinae</i>
	<i>Pyrrhura rupicola</i>
	<i>Testudo hermanni</i>
	<i>Ursus arctos</i>
	<i>Varanus sp.</i>
<i>Xenochrophis psicator</i>	

<b>Law on Nature Protection</b>  <b>Article 125</b>	<i>Canidae</i>
	<i>Crocodylia</i>
	<i>Elephantidae</i>
	<i>Felidae</i>
	<i>Lynx</i>
	<i>Naja</i>
	<i>Panthera pardus</i>
	<i>Pythonidae</i>
	<i>Pythonidae</i>
	<i>Ursidae</i>

<b>Law on Nature Protection</b>  <b>Article 126</b>	<i>Accipiter nisus</i>
	<i>Acipenser baerii</i>
	<i>Amazona amazonica</i>
	<i>Anser anser</i>
	<i>Anthropoides paradiseus</i>
	<i>Anthropoides virgo</i>
	<i>Apus apus</i>
	<i>Aquila chrysaetos</i>
	<i>Argusianus argus</i>
	<i>Asio otus</i>
	<i>Athena noctua</i>
	<i>Balearica regulorum</i>
	<i>Boa constrictor</i>
	<i>Branta canadensis leucopareia</i>
	<i>Branta ruficollis</i>
	<i>Branta sandvicensis</i>
	<i>Bubo africanus</i>
	<i>Buteo buteo</i>
	<i>Callithrix jacchus</i>

	<i>Canis lupus</i>
	<i>Carduelis cannabina</i>
	<i>Carduelis carduelis</i>
	<i>Carduelis chloris</i>
	<i>Carduelis spinus</i>
	<i>Catreus wallichii</i>
	<i>Chlidonias hybrida</i>
	<i>Chlorocebus aethiops</i>
	<i>Ciconia nigra</i>
	<i>Circus aeruginosus</i>
	<i>Circus cyaneus</i>
	<i>Coracias garrulus</i>
	<i>Crax rubra</i>
	<i>Crossoptilon crossoptilon</i>
	<i>Crovis corax</i>
	<i>Cygnus melancoryphus</i>
	<i>Emberiza citrinella</i>
	<i>Emberiza schoeniclus</i>
	<i>Epicrates maurus</i>
	<i>Eudocimus ruber</i>
	<i>Falco cherrug</i>
	<i>Falco peregrinus</i>
	<i>Falco subbuteo</i>
	<i>Falco tinnunculus</i>
	<i>Felis silvestris</i>
	<i>Fringillidae sp</i>
	<i>Frucifer pardalis</i>
	<i>Goura victoria</i>
	<i>Gracula religiosa</i>
	<i>Grus grus</i>
	<i>Grus japonensis</i>

	<i>Grus vipio</i>
	<i>Haliaeetus albicilla</i>
	<i>Himantopus himantopus</i>
	<i>Hirudo verbana</i>
	<i>Iguana iguana</i>
	<i>Lemur catta</i>
	<i>Lophophorus impejanus</i>
	<i>Lophura edwardsi</i>
	<i>Lutra lutra</i>
	<i>Macaca mulatta</i>
	<i>Meleagris ocellata</i>
	<i>Mergus merganser</i>
	<i>Merops apiaster</i>
	<i>Morelia spilota</i>
	<i>Mustela eversmanii</i>
	<i>Nasua nasua</i>
	<i>Numenius arquata</i>
	<i>Nyctea scandiaca</i>
	<i>Oriolus oriolus</i>
	<i>Otus scops</i>
	<i>Paleosuchus trigonatus</i>
	<i>Panthera onca</i>
	<i>Paridae sp.</i>
	<i>Phoenicurus sp.</i>
	<i>Polyplectron bicalcaratum</i>
	<i>Psittacus erithacus</i>
	<i>Pteroglossus aracari</i>
	<i>Pyrrhula pyrrhula</i>
	<i>Python bivittatus</i>
	<i>Python regius</i>
	<i>Ramphastos vitellinus</i>

	<i>Rhea americana</i>
	<i>Serinus serinus</i>
	<i>Spermophilus citellus</i>
	<i>Strix aluco</i>
	<i>Syrnaticus ellioti</i>
	<i>Tachybaptus ruficollis</i>
	<i>Tauraco livingstonii</i>
	<i>Testudo hermanni</i>
	<i>Tetrao urogallus</i>
	<i>Tragopan satyra</i>
	<i>Turdus merula</i>
	<i>Turdus philomelos</i>
	<i>Turdus pilaris</i>
	<i>Tyto alba</i>
	<i>Upupa epops</i>
	<i>Ursus arctos</i>
	<i>Ursus arctos x Ursus maritimus</i>
	<i>Vanellus vanellus</i>
	<i>Xenochrophis psicator</i>

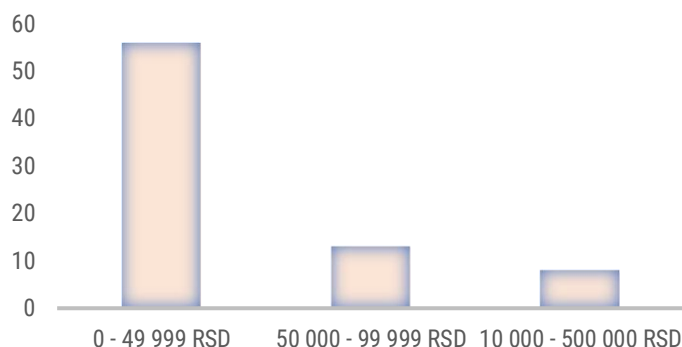
<b>Law on the Protection and Sustainable Use of Fish Stocks</b>	<i>Acipenser ruthenus</i>
<b>Article 60</b>	

<b>Law on Trade</b>	<i>Carduelis carduelis</i>
<b>Article 68</b>	<i>Lynx lynx</i>

### c) Sanctions

#### Violations

Fines were imposed for 77 out of 110 violations collected and analysed. The average fine for violations is RSD 45,372, and the range is from RSD 588 to RSD 500,000.



Graph 2 – Number of violations relative to the imposed fine

#### Offences

Unsuspended prison sentences, ranging from 3 to 10 months, were imposed for 5 offences. The average unsuspended prison sentence imposed is 5 months. All acts pertained to violations of Article 265 of the Criminal Code.

Suspended sentences, ranging from 3 to 12 months, were imposed for 8 offences. The average of the suspended sentences imposed is 7.6 months. A total of 6 offences pertained to violations of Article 265 of the Criminal Code, 1 offence to violation of Article 276 of CC, and 1 offence to a violation of Article 277 of CC.

### d) Accessibility, completeness and consistency of data

The Project Team collected the data used for statistical analysis by sending requests for access to information of public importance. The results of the analysis are significantly impacted by the lack of data from the Ministry of Environmental Protection – Sector for Supervision and Prevention in Environmental Protection, the Republic Environmental Inspectorate, and the Ministry of Agriculture, Forestry and Water Management – Forest Directorate, Department of Forestry and Hunting Inspection. Part of the data was indirectly collected from other competent authorities and institutions. The quality of the collected data varies significantly and it is also noted that information on the same cases differs in the documents of different competent authorities. The data is not consistent and does not provide a solid basis for trend projection.

## VI.2. Analysis of sample cases

### a) Example of good practice

#### ILLEGAL TRADE IN STRICTLY PROTECTED SPECIES

By the decision of the Misdemeanour Court in Novi Sad, the defendant was found liable, because as a natural person, he sold a specimen of the strictly protected species of common kestrel (*Falco tinnunculus*) via an internet ad, thus committing a violation referred to in Article 126, paragraph 5 in conjunction with paragraph 1, point 11) of the Law on Nature Protection, and he was sentenced to an RSD 50,000.00 fine. The Provincial Secretariat for

Urban Planning and Environmental Protection, Sector of Inspection Affairs, Department for the Control of the Protection and Use of Natural Resources and Fish Stocks in Novi Sad filed a motion for initiating misdemeanour proceedings against the defendant on suspicion of having committed a misdemeanour. The illegal trade was reported to the inspection by the Bird Protection and Study Society of Serbia.

The previously described case is an example of successful cooperation between the civil sector and competent institutions. In order to detect and prosecute as many criminal acts against wildlife as possible, strong and continuous cooperation is needed, primarily of the competent and responsible state bodies, but also the civil sector and citizens who can contribute to the more successful sanctioning of crimes against wildlife.

#### b) Example of more challenging cases

#### MILD PENAL POLICY

Based on the analysed data collected within the project, it was concluded that the penal policy in Serbia is mild in terms of sanctioning wildlife crime, which we can show using the previously described case. Article 126, paragraph 5 of the Law on Nature Protection prescribes a fine of RSD 50,000.00 to RSD 150,000.00 or a prison sentence of 30 days for a natural person for the mentioned violation committed. The defendant was sentenced to an RSD 50,000.00 fine, the lowest possible amount stipulated by the law.

#### MISDEMEANOUR PROSECUTION STATUTE OF LIMITATIONS

Several cases of long-term proceedings, resulting in the prosecution statute of limitations, were noticed during the statistical analysis. An example is the misdemeanour proceedings against a legal entity for keeping a live specimen of a Burmese python (*Python bivittatus*) in a terrarium in a circus, suspended pursuant to Article 248, paragraph 1, point 6 of the Misdemeanour Law. The statute of limitations for conducting misdemeanour proceedings has come into effect because more than two years have passed since the commission of the violation. The costs of the misdemeanour proceedings were borne by the court conducting the misdemeanour proceedings (pursuant to Article 141, paragraph 2 of the Misdemeanour Law).

## VI.3. Effectiveness and problems at different stages of the fight against wildlife offences

#### Detection

It is assumed that a much smaller number of wildlife crimes are detected and prosecuted in Serbia compared to the number that actually happens. There are several reasons for this situation, and the most important are as follows: lack of capacity (administrative and technical) of the competent state authorities and institutions, acts most often occur in remote rural areas with low population numbers, citizens' awareness of the frequency and consequences is low, and cooperation between competent authorities/ institutions, civil society, experts and the population is underdeveloped and underutilized. The Bird Protection and Study Society of Serbia issued a publication called "*Handbook on conduct in the field in the course of detecting cases of the illegal killing, poisoning, capturing, keeping and trade in wild birds*" describing in detail how to behave, what to do and who to contact in case of the detection of these types of crimes.



## Investigation

Wildlife crime frequently takes place in remote areas, resulting in untimely crime detection and the destruction of evidence necessary for further prosecution. It is difficult for bodies in charge of detection and investigation (the police, customs and inspection) to collect evidence, due to the large workload and lack of administrative and technical capacities. During the interviews with different stakeholders, it was concluded that there is also a lack of expertise and knowledge on this kind of crime, and the need for continuous training sessions of the bodies responsible for conducting investigations and gathering evidence.

## Prosecution

The public prosecutor's office decides whether an act is an offence or a violation. In a large number of cases, there is a lack of evidence or the evidence obtained is inadequate, resulting in the dismissal of the indictment, so a majority of cases doesn't reach court.

The prosecutors frequently apply the principle of opportunity. There are no specialized prosecutor's offices or courts dealing with crimes against nature and wildlife. The penal policy is mild, suspended sentences are usually imposed for offences, as a warning measure, and fines for the same violations clearly vary between regions or the misdemeanour courts imposing them. It was noticed that numerous cases have been dismissed because of the statute of limitations. Continuous professional training of prosecutors and judges is needed, along with raising awareness of the importance and consequences of wildlife crime.

## VII. Conclusions and recommendations

The analysis of the wildlife protection system in Serbia has identified certain shortcomings, especially in terms of the implementation of laws in practice. The lack of training and capacity of the competent bodies represents one of the main obstacles to the implementation of the regulations. Serbia does not have specialized prosecutor's offices and courts to deal with this environmental crime. Several training sessions were organized for the representatives of the police, customs, prosecutor's office, judiciary and inspection, and the aim was to strengthen their capacities for the fight against wildlife crime, though it is necessary to provide continuous training sessions in this field. The number of reported cases is low, a large number of charges are dismissed, and the penal policy is mild, which has a negative impact on the suppression of crimes against protected wildlife in the future. Awareness of the general public about the significance and consequences of wildlife crimes remains low. The cooperation and coordination of competent bodies are not systematically regulated and clearly defined. An efficient information exchange system that would enable a timely reaction and promote the cooperation of these bodies has not been established. There is no centralized database and data on acts committed is neither systematized nor transparent. This issue is particularly important, as, for the decision-makers, it is a base for the possible change and promotion of policies in this field. Inclusion of the civil society organization in the processes of policy creation and implementation is insufficient, and their potential and expertise are not used to the extent possible to improve and strengthen the systems and administrative capacities that are evidently insufficient.

### RECOMMENDATIONS FOR THE PROMOTION OF THE WILDLIFE PROTECTION SYSTEM

- **STRATEGIC AND LEGISLATIVE FRAMEWORK**
  1. Promote the strategic framework through the revision and adoption of the Sustainable Development Strategy (2008–2017) and the Biodiversity Strategy of the Republic of Serbia (2011–2018).
  2. Amend the Rulebook on the proclamation and protection of strictly protected and protected wild species of plants, animals and fungi to fully transpose the provisions of the Habitats Directive and the Birds Directive on hunting.
  3. Tighten the penal policy in the Criminal Code, and in addition to the stipulated main penalty, make sure to introduce a fine as an ancillary penalty.
  4. Amend the Rulebook on the compensation price list for determining the amount of compensation for damage caused by an illicit act in relation to strictly protected and protected wildlife ("Official Gazette of the RS" No. 37/2010) in terms of increasing the amount of compensation for damage per specimen of the strictly protected and protected wildlife.
  5. Adopt action plans for lynx (*Lynx lynx*), wolf (*Canis lupus*) and bear (*Ursus arctos*) population management. Form the response teams for these species.
  6. Draft and adopt a new action plan for sturgeon species.
  7. Promote the participation of civil society organizations in the processes of the preparation, adoption and monitoring of the implementation of regulations in the field of nature and wildlife protection, in accordance with the national legislation.
  8. Ban the use of lead shot in aquatic areas.

- **INSTITUTIONAL FRAMEWORK AND COOPERATION**

- Promote and strengthen the administrative and technical capacities of the competent authorities for the implementation of regulations in this area.
- Develop and adopt the Protocol on the conduct and cooperation of the competent authorities and professional organizations during the process of the detection, investigation and prosecution of wildlife crime.
- Strengthen the coordination of relevant bodies and organizations on national, regional and international levels. Establish a working group to combat illegal wildlife killing, poisoning and trade at the national level, to include civil society organizations dealing with this topic. This will also promote cooperation between the competent institutions, as well as cooperation with the civil sector.
- Promote the administrative, technical and financial capacities of institutes for nature conservation.
- Ensure the independent operation of the game warden department. The proposal is to form an independent body/organization to employ and manage the game warden department with the obligatory collection of fees to hunting ground management authorities.
- Promote annual plans for inspection supervision and their implementation, particularly in the protected areas.
- Increase the number of rangers in relation to the area in which they perform their activities (game warden department, fish warden department, protected resources wardens), and provide them with continuous training sessions and appropriate technical equipment for their work.
- Increase the number and capacities of the shelters for care of seized and injured wildlife.

- **EDUCATION AND THE EXCHANGE OF INFORMATION**

- Introduction of an efficient information exchange system that would enable the timely reaction of the authorities.
- The establishment and regular updating of a centralized database on offences and violations committed.
- Drafting guidelines and expert materials, along with organizing the continuous training sessions for representatives of the police, customs, inspection, prosecutor's offices and judiciary. Expert materials and guidelines should also be included in the programmes for taking the professional exam for the protected area wardens and the game warden department.
- The specialization of forensic experts who would provide the professional collection of evidence to be used in proceedings.
- The education of competent bodies through the sharing of experiences and practices with the countries from the region and Europe.
- Conducting campaigns aimed at raising awareness and the inclusion of the public in the suppression of protected wildlife crime, primarily in the area of detection and reporting.

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