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ESTABLISHING A SPECIAL FUND TO SUPPORT THE IMPLEMENTATION OF ENVIRONMENTAL PROTECTION MEASURES AND THE REMEDIATION OF CONSEQUENCES ARISING FROM THE COMMISSION OF CRIMINAL OFFENSES AGAINST THE ENVIRONMENT**

ABSTRACT: In this paper, the author examines Directive (EU) 2024/1203 on environmental crime, which, inter alia, recommends that Member States establish a special fund that should have a dual function. First, its function would be preventive, since the funds would be used to improve environmental protection measures and prevent the commission of criminal offenses against the environment. The remedial function of this fund would be reflected in the use of fund resources to remediate the consequences caused by the commission of criminal offenses against the environment. In the introduction, the author points out the importance of environmental protection and the malignancy of environmental criminal offenses. The paper then briefly outlines the purpose and standards of the Directive, as well as certain provisions of the Law on Environmental Protection that are relevant to the topic of the paper. The author

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analyzes the expediency of establishing a special fund and the legislative framework in the Republic of Serbia that would enable the implementation of this project. The paper indicates possible ways of financing the fund by analyzing the recommendations from the Directive regarding additional sanctions and measures that can be imposed on offenders and the confiscation of financial (pecuniary) gains obtained by the commission of a criminal offense. Other possible methods of financing the fund are also considered, as well as the criteria for using those resources. The author concludes that the establishment of a special fund for environmental protection and for the remediation of the consequences of criminal offenses against the environment could have significant positive effects, primarily from the preventive perspective, through the implementation of more effective environmental protection measures, which should be the primary goal, but also from the remedial perspective, through the remediation of the consequences caused by the commission of such criminal offenses.

Keywords: Directive (EU) 2024/1203, environment, environmental criminal offenses, special fund.

1. INTRODUCTORY CONSIDERATIONS

Today, humankind is the dominant species on the planet, yet it is destroying its own habitat. Not only do humans fail to show regard for the environment in its most basic form, but they also systematically contribute to the destruction of the natural resources that surround them. The positive aspects of economic development produce certain negative effects that disrupt the natural balance and directly harm the natural surroundings in which people live and work. Thus, the environment, as the natural surroundings, has been most severely affected by the development of so-called dirty technologies within the existing industrial capacities of each state.¹ It appears that, for the sake of profit, it is justified to sacrifice the natural surroundings; however, such conduct disregards one simple fact. Without the environment, humankind cannot survive.

In the countries of the European Union (EU), environmental protection laws appeared around 1970. Doctrine indicates that these laws were primarily administrative in nature and that protection through criminal law was modest. Environmental crime was not defined independently within criminal legislation

¹ Joksić, I. (2012). Krivičnopravna zaštita životne sredine u zakonodavstvu i praksi. *Ekologija i pravo*, (eds. Čavoški, A., Knežević Bojović, A). Belgrade: The Institute of Comparative Law and the Faculty of Law, Union University, 20–21.

because it depended on administrative regulations and was not treated as a priority in practice.²

This type of crime, which is among the most widespread in the world, is accompanied by the continuous discovery of many types of criminal behavior; new forms of illegal activities constantly emerge, and their consequences become more dangerous every day.³ The connection between environmental crime and organized crime and corruption is particularly pronounced, which represents a major problem in many countries.

The necessity of preserving the environment has been recognized internationally, and the awakening of people's environmental awareness is still in its early stages. This process is accompanied by a large number of international instruments that seek to point to the importance of environmental preservation, but also to establish a system of penal liability for perpetrators of environmental criminal offenses. The malignancy of criminal offenses against the environment has finally been recognized, as they multiply their destructive effects in several respects. It is sufficient to mention only a few. Climate change has become part of everyday life, threatening to subject humankind to a new evolutionary test of survival. Pollution of natural resources affects the quality of air and water, flora and fauna, soil, etc., thereby disrupting the ecosystem as a whole. It is rightly pointed out that biodiversity is an important part of the preservation of ecosystems and life on Earth. Biodiversity plays a major role in ensuring clean water, clean air, and fertile soil. At this stage of the world's development, the use of plant and animal species for food, the production of medicines, and the production of energy are the basic means of human survival.⁴

The devastating impact of a disrupted ecological balance on human health hardly needs to be emphasized. Natural disasters have become a regular occurrence, and all of the above is the consequence of human negligence and arrogance toward the environment. Criminal offenses against the environment are therefore highly destructive in the long term. Given the importance of the environment and its protection, it is justified to establish it as an independent and primary group object of protection. Accordingly, this group of criminal offenses should not be understood as protecting classical legal goods - human life and health (from new forms of attacks on them through endangering the

² Faure, M. (2017). The Revolution in Environmental Criminal Law in Europe. *Virginia Environmental Law Journal*, 35(2), 321–322.

³ Stojanović, Z., Bodrožić, I. (2025). Possibilities and Scope of Environmental Protection Through Criminal Law – the New Environmental Crime Directive. *NBP. Nauka, bezbednost, policija*, 30(1), 2.

⁴ Banić, M. (2021). Krivičnopravna zaštita ugroženih divljih biljnih i životinjskih vrsta i izazovi pravne prakse. *Foreign Legal Life*, 1, 63.

environment), but rather as an independent good, namely the environment, or the human right to a preserved environment.⁵ It should also be noted that the Constitution⁶ provides in Article 74 that everyone has the right to a healthy environment and to timely and complete information about its condition, that everyone, and in particular the Republic of Serbia and the autonomous province, is responsible for the protection of the environment, and that everyone has a duty to preserve and improve the environment.

However, doctrine rightly points out that, in our case law, criminal law in the field of environmental protection is generally applied to perpetrators of less serious criminal offenses. In our legal system, only two offenses have most frequently appeared in case law for a considerable period of time: Timber Theft and Killing and Abuse of Animals. On the other hand, legal persons that significantly contribute to pollution are held liable for economic offenses, while the Law on the Liability of Legal Persons for Criminal Offenses is practically not applied at all.⁷ This is why the fight to preserve the environment is a priority in the further development of humankind. Perhaps it is still not too late, and perhaps there is time to improve the current situation, which is far from encouraging. Directive (EU) 2024/1203 on the protection of the environment through criminal law (hereinafter: the Directive),⁸ adopted on April 11, 2024 and entered into force on May 20 of the same year, is an attempt by the countries of the European Union to upgrade the legal framework of environmental criminal offenses in relation to the previous Directive, from three perspectives: preventive, repressive, and remedial.

⁵ Stojanović, Z. (2025). *Komentar Krivičnog zakonika, trinaesto izmenjeno izdanje*. Belgrade: Službeni glasnik, 895.

⁶ Constitution of the Republic of Serbia, *Official Gazette of the RS*, No. 68/2006 and 115/2021.

⁷ Lukić, N. (2025). Nova direktiva EU o ekološkom kriminalitetu i potreba reforme domaćeg krivičnog zakonodavstva. *Zbornik radova sa međunarodne naučne konferencije „Izazovi međunarodnog krivičnog prava i krivičnog prava – tom 2“* (eds. Škulić, M., Miljuš, I., Škundrić, A). Palić: Udruženje za međunarodno krivično pravo, 326.

⁸ European Union: Council of the European Union, *Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC*, PE/82/2023/REV/1 OJ L, 2024/1203, April 30, 2024.

2. DIRECTIVE (EU) 2024/1203 – SUMMARY OVERVIEW OF THE BASIC PRINCIPLES AND STANDARDS

This Directive is the successor to Directive 2008/99/EC, which was criticized for failing to produce concrete results in practice in suppressing environmental criminal offenses. Although EU countries attempted to harmonize their national legislation with that Directive, numerous problems emerged in its application, and there was no uniform response to environmental criminal offenses. Specifically, the scope of criminal-law protection at Union level was assessed as limited, given that a large part of environmental goods remained outside the sphere of criminal-law protection; the number of successfully investigated criminal offenses and convictions in the field of the environment remained low; the existing provisions were not fully implemented by the Member States of the Union; unclear legal terminology proved inapplicable by national legislators; sanctions were too low to have a deterrent effect, and cross-border cooperation was also insufficient.⁹ The new Directive is an attempt to overcome the identified problems and, compared with the previous one, is characterized by new offenses, that is, an expansion of the scope of definitions of criminal offenses against the environment, setting lower limits for the sanctions to be prescribed, the introduction of qualified forms of criminal offenses, the criminalization of attempts to commit certain criminal offenses, prescribing aggravating and mitigating circumstances, expanding the liability of legal persons, prescribing limitation periods, and certain mechanisms that should aid the fight against environmental crime.¹⁰ In addition to provisions concerning criminal offenses and their sanctioning, the Directive pays special attention to mechanisms that should assist Member States in combating this type of crime, such as the establishment of appropriate databases, the provision of sufficient resources, the implementation of necessary training, and the use of appropriate investigative methods.¹¹ The general impression

⁹ Marković, I. (2025). Evropska Direktiva o ekološkom kriminalitetu iz 2024. godine i srpsko krivično pravo. *Zbornik radova sa međunarodne naučne konferencije „Izazovi međunarodnog krivičnog prava i krivičnog prava – tom 2“* (eds. Škulić, M., Miljuš, I., Škundrić, A). Palić: Udruženje za međunarodno krivično pravo, 364.

¹⁰ Živanović, N. (2025). O usaglašenosti krivičnog zakonodavstva Republike Srbije sa Direktivom EU 2024/1203 o zaštiti životne sredine - krivična dela nad divljim i zaštićenim životinjama. *Zbornik radova sa međunarodne naučne konferencije „Izazovi međunarodnog krivičnog prava i krivičnog prava – tom 2“* (eds. Škulić, M., Miljuš, I., Škundrić, A). Palić: Udruženje za međunarodno krivično pravo, 452.

¹¹ Vidosavljević, D. (2024). Implikacije nove Direktive o krivičnopravnoj zaštiti životne sredine na srpsko krivično zakonodavstvo. *Zbornik radova of the Faculty of Law in Kragujevac*, 1, 280.

arising from the provisions of the Directive is that stricter criminal sanctions for environmental criminal offenses are recommended, and it may be said that this is a justified approach connected with the application of law in practice, that is, penal policy. Doctrine indicates that one of the indispensable issues concerning penal policy as an instrument for the adequacy of environmental protection is the issue of the adequacy factors of prosecutorial and judicial penal policy as an instrument of environmental protection. This question is well-founded because only an adequate prosecutorial and judicial sentencing policy can ensure the necessary level of environmental protection.¹²

The Directive emphasizes the principle of preventive action, the principle of remedying damage where it is reversible, and compensation for damage by the offender if the damage cannot be remedied and the environment restored to its previous condition. The general principle is that the polluter bears the costs of environmental remediation. The Directive provides for new criminal offenses, which also have qualified forms, and specifies criminal sanctions that should be effective, dissuasive, and proportionate, while for legal persons it introduces the possibility of a fine whose amount is determined according to the total worldwide turnover of companies. The introduction of additional sanctions and measures¹³ is particularly important, such as the obligation to restore the environment, exclusion from access to public funding, and the withdrawal of permits and authorizations. One of the principles of the Directive is also the confiscation of financial gain obtained through the commission of a criminal offense, and the recommendation is that Member States consider the possibility of taking measures that would allow confiscated property, where possible, to be used to finance restoration of the environment or the remediation of any damage caused, or to provide compensation for environmental damage, in accordance with national law.¹⁴

One of the significant recommendations provided by the Directive in recital 59, which is also the subject of this paper, is the establishment of a special fund to support taking measures for environmental protection and the remediation of consequences caused by the commission of criminal offenses against the environment. Before analyzing the potential of such a solution in more detail, it is necessary to consider how the Law on Environmental Protection¹⁵ supports the measures provided for by the Directive in connection with said special fund.

¹² Bejatović, S., Dokić, S. (2024). *Krivična dela protiv životne sredine i kaznena politika (norma, praksa i mere unapređenja)*. Belgrade: Serbian Association for Criminal Law and Practice, 13.

¹³ Recital 31 of the Directive.

¹⁴ Recital 49 of the Directive.

¹⁵ Law on Environmental Protection, *Official Gazette of the RS*, No. 135/2004, 36/2009, 72/2009, 43/2011, 14/2016, 76/2018, 95/2018, 94/2024.

3. CERTAIN PROVISIONS OF THE LAW ON ENVIRONMENTAL PROTECTION AND THEIR COMPLEMENTARITY WITH THE OBJECTIVES OF THE DIRECTIVE

The Law on Environmental Protection provides in Article 1 that this law regulates the integrated environmental protection system, which ensures the realization of the right to life and development in a healthy environment and a balanced relationship between economic development and the environment in the Republic of Serbia. In Article 2, the Law establishes the environmental protection system, consisting of measures, conditions, and instruments for: 1) sustainable management, preservation of the natural balance, integrity, diversity, and quality of natural values and conditions for the survival of all living beings; 2) prevention, control, reduction, and remediation of all forms of environmental pollution. It is therefore noticeable that the basic objectives proclaimed by this law and the established environmental protection system largely coincide with the objectives of the Directive. The compatibility of the Law and the Directive is also reflected in the legislator's intention to specifically regulate the protection of natural values, such as the protection of soil and land, water, air, forests, the biosphere and biodiversity, the use of flora and fauna, trade in specimens of wild flora and fauna, the management of hazardous substances and waste, protection against noise, vibrations, and radiation, etc.¹⁶ Article 83 regulates the financing of environmental protection and states that the Republic of Serbia, or the autonomous province or local self-government unit, within their respective competences, shall ensure financing and the achievement of the objectives of environmental protection, in accordance with this law.¹⁷ It is important to emphasize Article 89, paragraph 1, of the Law, which provides that the financing of environmental protection is carried out by applying the “user pays,” “polluter pays,” and “responsibility” principles.¹⁸ There is also a certain degree of coexistence between the establishment

¹⁶ See Arts. 21–32 of the Law.

¹⁷ It is also provided that funding for environmental protection may be secured through donations, loans, international assistance, foreign investment designated for environmental protection, and resources from EU, UN, and international organization instruments, programs, and funds.

¹⁸ Paragraph 2 further explains that the funding for financing environmental protection in the Republic of Serbia is secured from the budget of the Republic of Serbia, the budgets of the autonomous province and local self-government units, funding of other states, international organizations, financial institutions and bodies, as well as domestic and foreign legal and natural persons, European Union funds and other international funds, donations, gifts, contributions, aid, etc.

of a special fund, which is the recommendation under the Directive, and the solution provided by the Law concerning the Green Fund of the Republic of Serbia. Namely, this fund is managed by the Ministry and is established as a budgetary fund for the purpose of recording resources intended to finance the preparation, implementation, and development of programs, projects, and other activities in the field of preservation, sustainable use, protection, and improvement of the environment.¹⁹ The resources for financing these activities are provided from three sources: 1) appropriations in the budget of the Republic of Serbia for the current year; 2) donations and loans; and 3) other public revenues.²⁰

The purpose of the Green Fund of the Republic of Serbia is the dedicated use of fund resources for financing the protection and improvement of the environment. As a rule, this is done on the basis of a public call published by the Ministry, although in certain cases it may be done without conducting a public call. Beneficiaries of the funds may be legal and natural persons with their seat or residence in the territory of the Republic of Serbia who meet the conditions for the allocation of resources on the basis of a public call, while the Ministry supervises the implementation of projects and the use of funds. The use of resources from this fund is regulated in detail by Article 90v of the Law, so, for example, these resources may be used for the protection, preservation, and improvement of the quality of air, water, land, and forests, as well as the reduction of the impact of climate change and taking adaptation measures, including protection of the ozone layer; remediation of waste disposal sites, reduction of waste generation, reuse, treatment, i.e., recovery and disposal of waste; financing programs of environmental education and strengthening public awareness of issues concerning environmental preservation and sustainable development, etc. With regard to this fund, it should also be noted that the autonomous province and the local self-government unit open a budgetary fund financed from revenues generated in the territory of the autonomous province and, for local self-government units, pursuant to Articles 85, 85a, and 87 of this law and other sources, in accordance with the law. The purpose of these funds is that the resources of the budgetary fund are used to finance the protection and improvement of the environment, on the basis of an established program for the use of budgetary fund resources adopted by the competent authority of the autonomous province, or the local self-government unit, in accordance with the action and remediation plans referred to in Article 68 of this law, after obtaining the prior consent of the Ministry concerning the purpose for which the resources are to be used.

¹⁹ Art. 90 of the Law.

²⁰ Art. 90a of the Law.

It follows from the above that the Green Fund of the Republic of Serbia partially fulfills the purpose of the special fund whose establishment is recommended to EU Member States. However, there are also certain differences between these funds, having regard to the method of financing and their substantive function.

4. OBJECTIVES AND EXPEDIENCY OF ESTABLISHING A SPECIAL FUND AND THE LEGISLATIVE FRAMEWORK IN THE REPUBLIC OF SERBIA

In recital 59, the Directive recommends that Member States consider establishing a fund to support measures for preventing criminal offenses against the environment and their devastating consequences. However, when this recommendation is viewed through the prism of the Directive's initial idea concerning the prevention of criminal offenses against the environment and the remediation of their consequences, the conclusion is that such a fund should, in fact, have a dual function.

The first, and certainly the most significant, concerns the use of fund resources for the prevention of environmental criminal offenses. This would include all activities specifically aimed at preventing these criminal offenses from occurring. One of the functions of the Green Fund is also preventive, and it may therefore be said that, in this part, the Green Fund can fully meet the requirements of the Directive regarding the establishment of a special fund and its preventive function.

The second function of this fund would be remedial, because the fund resources would be used to remediate the consequences of environmental criminal offenses. With regard to this function, it is important to note that the Directive insists on the remedial aspect in several places. *Inter alia*, recital 32 refers to the requirement to restore the environment where the damage is reversible and to the requirement to provide compensation where the damage is irreversible or the offender is not capable of carrying out restoration. On the other hand, the remedial aspect of the use of the Green Fund's resources, in terms of remediating damage caused by criminal offenses, is not defined in greater detail in the Law on Environmental Protection, although a purposive interpretation of its provisions could lead to the conclusion that the resources may also be used for that purpose. For example, Article 90v, item 6, mentions the use of funds for the protection and preservation of biodiversity, the care of injured, sick, seized, or confiscated specimens of wild flora and fauna, including active protection measures such as reintroduction, repopulation, and

habitat maintenance, while item 16 specifies that resources may be directed toward financing intervention measures in extraordinary circumstances of environmental pollution, recultivation, and remediation of polluted areas in accordance with Article 66 of this law. In connection with the above, it should be pointed out that the mentioned Article 66 provides for the preparation of a remediation plan adopted when pollution in a certain area exceeds the effects of the measures being taken, that is, when the capacity of the environment is endangered or there is a risk of permanent deterioration of environmental quality or environmental damage. It is adopted by the Government of the Republic of Serbia,²¹ and the same article provides that if the polluter responsible for the pollution is subsequently identified, the authority that bore the costs of environmental remediation shall request reimbursement of those costs. It follows from the above that, in this part as well, the Green Fund, as defined by the Law on Environmental Protection, has certain functions complementary to the objectives of the Directive relating to the establishment of a special fund.

However, the existence of the Green Fund established by the Law on Environmental Protection is not an obstacle to the establishment of the special fund provided for by the Directive, because this fund may be established by a separate act and would, in substance, be linked to the objectives of the Directive relating to the preventive and remedial aspects of environmental criminal offenses. The difference between the Green Fund provided for by the mentioned law and the special fund recommended by the Directive concerns the link to the environmental criminal offenses prescribed by the Directive. The resources of the special fund, *inter alia*, could also be generated through repressive measures against perpetrators of these criminal offenses, which constitutes a difference in relation to the financing of the Green Fund. This will be discussed below.

²¹ The remediation plan is adopted in the following cases: when the level and scope of environmental degradation exceed the remediation capacities of the autonomous province or local self-government unit; when the responsible entity is unknown and environmental pollution causes harmful consequences beyond the borders of the Republic of Serbia; when the responsible entity is outside the jurisdiction of the Republic of Serbia and environmental pollution causes harmful consequences on its territory; when environmental pollution endangers an area of exceptional importance for the Republic of Serbia or causes harmful consequences in such an area; when urgent and intervention measures need to be taken in emergency cases.

5. FINANCING THE SPECIAL FUND

– POSSIBLE SOLUTIONS ARISING FROM THE DIRECTIVE

The financing of the special fund may be realized in several ways. The first concerns fines as the dominant sanctions for legal persons that commit environmental criminal offenses, but also as a possible sanction for natural persons.

Regarding sanctions for criminal offenses, the Directive clearly identifies three elements that they must satisfy: they must be effective, dissuasive, and proportionate. It is recommended that the highest amounts of fines provided for in the Directive be applied in cases involving the most serious forms of criminal offenses. With regard to legal persons, recital 33 of the Directive specifies that the gravity of the offense, as well as the individual, financial, and other circumstances of legal persons, must be taken into account in order to ensure that the sanction imposed satisfies the three elements mentioned above. Fines should be determined either as a percentage of the worldwide turnover of the legal person or in fixed amounts. It is left to the states, in the case of the criterion relating to the percentage of worldwide turnover, to decide whether that turnover will be calculated on the basis of the business year preceding the year in which the criminal offense was committed or on the basis of the business year preceding the decision imposing the fine. In the case of fines set in fixed amounts, Member States should regularly review the levels of fines, taking into account inflation rates and other fluctuations in monetary values, in accordance with the procedures established in their national law. With regard to natural persons, Article 5, paragraph 3, point (b), provides that fines should be proportionate to the gravity of the conduct and to the individual, financial, and other circumstances of the natural person, and should, where appropriate, be determined by taking into account the gravity and duration of the damage caused to the environment and the financial benefits generated from the offense.

From the above regulation of fines as sanctions for environmental criminal offenses, it is clear that the Directive recommends stricter punishment. The fines imposed may be used, in full or in part, as a source of revenue for financing the special fund. Namely, legal and natural persons who are perpetrators of criminal offenses may be required to pay the fine into the account of the special fund.

The same solution may also be applied to the additional sanctions and measures provided for by the Directive. The principal additional sanction is the obligation to pay compensation for damage caused to the environment if the damage is irreversible or the offender is not capable of restoring it. The above applies to natural persons (Article 6, paragraph 3, point (a)) and legal persons (Article 7, paragraph 2, point (a)).

Finally, Article 10 provides that Member States should take the necessary measures to enable the tracing, identification, freezing, and confiscation of instrumentalities and proceeds derived from criminal offenses. Recital 49 of the Directive elaborates on this issue in detail and provides that, where offenders have made financial gains, such gains should be confiscated. It is recommended that Member States consider taking measures allowing confiscated property, where possible, to be used to finance restoration of the environment or the remediation of any damage caused, or to provide compensation for environmental damage, in accordance with national law.

Accordingly, it may be concluded that the financing of the special fund whose establishment the Directive recommends to Member States can largely be realized in three ways: through imposed fines, through the additional sanction of compensation for damage, and through the confiscation of property and pecuniary gain obtained through the commission of a criminal offense. Perpetrators of environmental criminal offenses should be required to pay the fine, the compensation for damage expressed as a monetary amount, and the financial gain derived from the commission of the criminal offense into the fund's account. In cases involving the confiscation of property deriving from the criminal offense, the same purpose would be achieved through the sale of that property and the payment of the proceeds into the fund's account in a separate procedure. Of course, the state may and should provide that resources for this fund are allocated from the budget, while also enabling the fund to be financed in other ways (donations, etc.).

6. CONCLUSION

The establishment of the special fund recommended by the Directive would reflect the Republic of Serbia's aspiration to implement the key elements of the Directive into its legal system and thereby demonstrate its commitment to adopting European standards in the field of environmental protection. Regardless of the fact that Serbia is not a member of the European Union, the application of the Directive in our legislation can only have positive consequences. As stated above, the resources for the operation of the special fund may be secured in several ways: through the instruments provided for by the Directive, by financing the fund from the budget of the Republic of Serbia, and in other ways. All monetary resources from the special fund would have to be used for the preventive and remedial aspects of environmental criminal offenses. Solving the problem of environmental protection must primarily take place through the evolution of people's awareness of the need to preserve the environment and of the consequences of contrary conduct. This is why the

preventive aspect is crucial. However, remediation of the consequences of criminal offenses against the environment, where feasible, is also an equally valid basis for using fund resources and represents an important factor in restoring ecological balance. It is encouraging that the Law on Environmental Protection provides for the existence of the Green Fund; however, previous experience with its functioning and results has not been positive. The question arises whether Serbia, in the event of the implementation of the Directive into our legal system, needs two bodies, the Green Fund and the special fund provided for by the Directive, which have essentially the same or very similar functions. The author considers that this is not necessary, and that the more acceptable solution is to align the statutory regulation of the Green Fund with the guidelines provided by the Directive concerning the purpose, objective, and possible financing of the special fund. In this way, the substantive principles of the Directive indicated above would be implemented into the existing Green Fund, and its operation at full capacity would be enabled. Another possible solution, which may also have its justification, is to establish the mentioned fund as a fund with separate legal personality, whose operational objectives and purpose would be expressly linked to environmental criminal offenses through the literal application of the provisions of the Directive.

BIBLIOGRAPHY

- Banić, M. (2021). Krivičnopravna zaštita ugroženih divljih biljnih i životinjskih vrsta i izazovi pravne prakse. *Foreign Legal Life*, 1.
- Bejatović, S., Dokić, S. (2024). *Krivična dela protiv životne sredine i kaznena politika (norma, praksa i mere unapređenja)*. Belgrade: Serbian Association for Criminal Law and Practice.
- Vidosavljević, D. (2024). Implikacije nove Direktive o krivičnopravnoj zaštiti životne sredine na srpsko krivično zakonodavstvo. *Zbornik radova of the Faculty of Law in Kragujevac*, 1.
- Živanović, N. (2025). O usaglašenosti krivičnog zakonodavstva Republike Srbije sa Direktivom EU 2024/1203 o zaštiti životne sredine - krivična dela nad divljim i zaštićenim životinjama. *Zbornik radova sa međunarodne naučne konferencije „Izazovi međunarodnog krivičnog prava i krivičnog prava – tom 2“*, eds. Škulić, M., Miljuš, I., Škundrić, A. Palić: Udruženje za međunarodno krivično pravo.
- Joksić, I. (2012). Krivičnopravna zaštita životne sredine u zakonodavstvu i praksi. *Ekologija i pravo*, (eds. Čavoški, A., Knežević Bojović, A). Belgrade: The Institute of Comparative Law and the Faculty of Law, Union University.
- Lukić, N. (2025). Nova direktiva EU o ekološkom kriminalitetu i potreba reforme domaćeg krivičnog zakonodavstva. *Zbornik radova sa međunarodne naučne konferencije „Izazovi međunarodnog krivičnog prava i krivičnog prava – tom*

- 2“, eds. Škulić, M., Miljuš, I., Škundrić, A. Palić: Udruženje za međunarodno krivično pravo.
- Marković, I. (2025). Evropska Direktiva o ekološkom kriminalitetu iz 2024. godine i srpsko krivično pravo. *Zbornik radova sa međunarodne naučne konferencije „Izazovi međunarodnog krivičnog prava i krivičnog prava – tom 2“*, eds. Škulić, M., Miljuš, I., Škundrić, A. Palić: Udruženje za međunarodno krivično pravo.
- Faure, M. (2017). The Revolution in Environmental Criminal Law in Europe. *Virginia Environmental Law Journal*, 35(2).
- Stojanović, Z. (2025). *Komentar Krivičnog zakonika, trinaesto izmenjeno izdanje*. Belgrade: Službeni glasnik.
- Stojanović, Z., Bodrožić, I. (2025). Possibilities and Scope of Environmental Protection Through Criminal Law – the New Environmental Crime Directive. *NBP. Nauka, bezbednost, policija*, 30(1).

Legal Sources

- Constitution of the Republic of Serbia, *Official Gazette of the RS*, No. 68/2006 and 115/2021.
- European Union: *Council of the European Union, Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC*, PE/82/2023/REV/1 OJ L, 2024/1203, April 30, 2024.
- Law on Environmental Protection, *Official Gazette of the RS*, No. 135/2004, 36/2009, 72/2009, 43/2011, 14/2016, 76/2018, 95/2018, 94/2024.