

CRIMINAL-LEGAL PROTECTION OF NATURAL VALUES IN THE REPUBLIC OF SERBIA

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ABSTRACT: *Already in 1764, the Italian judge Cesare Becari stated in his work "Debate on Crimes and Punishments" that the purpose of law, justice and prison sentences should be conversion rather than punishment of criminals. Ingenious people move the world - they make it better and more beautiful. Of all living beings, only man can be adorned with ethics.*

The universe is moving towards the future. Today, Europe focuses on energy security, green energy and sustainable development. People learn from nature. The second year of the pandemic, caused by Covid 19 as a planetary evil, is passing. Unfortunately, the wave of pandemics by Covid-19 is spreading, although Serbia has a good national health policy. It is also planned to open a vaccine factory in Zemun.¹

In Serbia, too, the pandemic leaves a trace on all aspects of our lives. In addition, we are aware of many dramatic changes in nature, we are also facing air pollution, especially in the capital, while the largest environmental project will be a new landfill for disposal of municipal waste in Belgrade and new regulations for noise protection are emphasized.

1. CRIMINAL CODE OF THE REPUBLIC OF SERBIA AND ENVIRONMENTAL PROTECTION

According to the Constitution of the Republic of Serbia², everyone has the right to a healthy environment and to timely and complete notification of its condition. Everyone, especially the Republic of Serbia and the Autonomous Province, is responsible for the protection of the environment, while everyone is obliged to protect and improve the environment.³

The Criminal Code of the Republic of Serbia⁴ in Chapter Twenty-three predicts criminal offenses against human health, including the criminal offense of pollution of

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¹ In Serbia, we first isolated the virus, and then started making vaccines. However, the Pasteur Institute does not have the capacity to produce large quantities of vaccines. A vaccine that contains multiple strains of the coronavirus will have much better protection.

² "Official Gazette of the Republic of Serbia", no. 98/2006.

³ See: Art. 74. of the Constitution of the Republic of Serbia

⁴ "Official Gazette of the Republic of Serbia", no. 85/05, 88/05, 107/05, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16, 35/19.

drinking water and food. Whoever pollutes the water used for drinking or food with any harmful substance, shall be punished by imprisonment for a term between six months and five years, and if this act is committed by negligence, the perpetrator shall be punished by a fine or imprisonment for up to three years.⁵

Chapter twenty-four of the Criminal Code of the Republic of Serbia covers criminal offenses against the environment. This includes the crime of "Environmental Pollution". Whoever, in violation of the regulations on protection, preservation and improvement of the environment, pollutes the air, water or land to a greater extent or in a wider area, shall be punished by imprisonment for a term between six months and five years and by a fine. If this act was committed by negligence, the perpetrator will be punished by a fine or imprisonment for up to two years. If this act destroys or damages fauna or flora to a great extent or pollutes the environment to such an extent that it takes a long time or high costs to eliminate it, the perpetrator shall be punished by imprisonment for one to eight years and a fine. If this act, committed by negligence, has caused the destruction or damage of fauna or flora to a great extent or the pollution of the environment to such an extent that it takes a long time or high costs to eliminate it, the perpetrator shall be punished by imprisonment for six months to five years. and a fine. If he pronounces a probation for the acts from para. 1 and 4 of this Article, the court may impose an obligation on the perpetrator to take certain prescribed measures for the protection, preservation and improvement of the environment within a certain period of time.⁶

The next crime is: "Failure to take environmental protection measures". An official or responsible person who does not take the prescribed environmental protection measures, or does not act upon the decision of the competent authority on taking environmental protection measures, shall be punished by a fine or imprisonment for a term not exceeding three years. If this act was committed by negligence, the perpetrator will be punished by a fine or imprisonment for up to one year. If environmental pollution has occurred as a result of these acts, the perpetrator shall be punished for the criminal offense referred to in Article 260 of this Code. If he pronounces a probation for the acts from para. 1 and 2 of this Article, the court may impose an obligation on the perpetrator to take certain prescribed measures for the protection, preservation and improvement of the environment within a certain period of time.⁷

The criminal offense of "Illegal construction and putting into operation of facilities and installations polluting the environment" is committed by an official or responsible person who, contrary to regulations on protection, preservation and improvement of the environment, allows the construction, putting into operation or use of facilities or plants which to a greater extent or in a wider area, pollutes the environment, and will be punished by imprisonment from six months to five years. If, as a result of this act, animal or plant life has been destroyed to a great extent or the environment has been polluted to such an extent that it takes a long time or high costs to eliminate it, the perpetrator shall be punished by imprisonment for one to eight years. If it pronounces probation for the acts from para. 1 and 2 of this Article, the court may impose an obligation for the

⁵See: Art. 258. of the Criminal Code of the Republic of Serbia

⁶See: Art. 260. of the Criminal Code of the Republic of Serbia

⁷Art. 261. of the Criminal Code of the Republic of Serbia

perpetrator to take certain prescribed measures for the protection, preservation and improvement of the environment within a certain period of time.⁸

The criminal offense of "Damage to facilities and devices for environmental protection" is committed by anyone who damages, destroys, removes or otherwise renders unusable facilities or devices for environmental protection, and shall be punished by imprisonment for a term not exceeding three years. (paragraph 1) If this act was committed by negligence, the perpetrator shall be punished by a fine or imprisonment for a term not exceeding one year. (paragraph 2) If the act referred to in paragraph 1 of this Article has caused air, water or soil pollution to a greater extent or in a wider area, the perpetrator shall be punished by imprisonment for a term between six months and five years (paragraph 3), and if the acts referred to in paragraph 2 of this Article have caused air, water or soil pollution to a greater extent or in a wider area, the perpetrator shall be punished by imprisonment for a term not exceeding three years. (paragraph 4) If due to the act from para. 1 and 3 of this Article, the destruction or damage of fauna or flora to a great extent or the pollution of the environment to the extent that its removal requires a long time or large costs, the perpetrator shall be punished by imprisonment for a term between one and eight years. If due to the act from para. 2 and 4 of this Article, there is destruction or damage of fauna or flora to a great extent or environmental pollution to the extent that its removal requires a long time or high costs, the perpetrator shall be punished by imprisonment for a term between six months and five years. If he pronounces a probation for the acts from para. 1 to 6 of this Article, the court may impose an obligation on the perpetrator to take certain prescribed measures for the protection, preservation and improvement of the environment within a certain period of time.⁹

The criminal offense of "Environmental damage" is committed by anyone who violates regulations, exploits natural resources, builds facilities, performs any work or otherwise causes environmental damage to a greater extent or in a wider area, and will be punished by imprisonment for up to three years. If this act was committed by negligence, the perpetrator will be punished by a fine or imprisonment for up to one year. If it pronounces a probation for the acts from para. 1 and 2 of this Article, the court may impose an obligation on the perpetrator to take certain measures within a certain period of time in order to eliminate the harmful consequences for the environment.¹⁰

The criminal offense of "Destruction, damage, taking abroad and bringing into Serbia a protected natural goods" is committed by anyone who destroys or damages a specially protected natural good and will be punished by imprisonment for a term between six months and five years. If this act was committed by negligence, the perpetrator will be fined or imprisoned for up to six months. Whoever, contrary to the regulations, exports or imports a strictly protected or protected species of plants or animals abroad or imports or brings into Serbia a foreign species of plants or animals protected by international agreements and documents, shall be punished by imprisonment

⁸ See: Art. 262. of the Criminal Code of the Republic of Serbia.

⁹ See: Art. 263. of the Criminal Code of the Republic of Serbia

¹⁰ Art. 264. of the Criminal Code of the Republic of Serbia

for three months to three years and a fine. Attempts to commit an act will be punished, and a strictly protected or protected species of plants or animals will be confiscated.¹¹

The criminal offense of "Introduction of hazardous substances into Serbia and illicit processing, disposal and storage of hazardous substances" is committed by anyone who enters radioactive or other hazardous substances or hazardous waste into Serbia, or who transports, processes, disposes, collects or stores such substances or waste, and will be punished by imprisonment from six months to five years and a fine. Whoever, by abusing his official position or authority, allows or enables these substances or waste to be brought into Serbia or enables such substances or waste to be transported, processed, disposed of, collected or stored, shall be punished by imprisonment for one to eight years and a fine. If, as a result of these acts, animal or plant life is destroyed to a great extent or the environment is polluted to such an extent that it takes a long time or large costs to eliminate it, the perpetrator will be punished by imprisonment for two to ten years and a fine. If it imposes a probation for the mentioned acts, the court may impose an obligation on the perpetrator to take certain prescribed measures for protection against ionizing radiation or other prescribed measures of protection within a certain period of time. Whoever organizes the commission of the act referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between three and ten years and by a fine.¹²

The criminal offense of "Illegal Construction of Nuclear Plants" is committed by anyone who, contrary to regulations, approves or starts the construction of a nuclear power plant, nuclear fuel production plant or spent nuclear waste processing plant, and shall be punished by imprisonment for six months to five years.¹³

The criminal offense of "Violation of the right to information on the state of the environment" is committed by anyone who, contrary to regulations, denies data or gives false information on the state of the environment and phenomena necessary to assess environmental hazards and take measures to protect human life and health, and shall be fined or imprisoned for up to one year.¹⁴

The criminal offense of "Destruction of forests" is committed by anyone who, contrary to the regulations or orders of the competent authorities, cuts forest or deforests, or who damages trees or otherwise destroys forests or fells one or more trees in a park, tree line or other place where felling is not allowed and shall be punished by a fine or imprisonment for a term not exceeding one year. Whoever commits this act in a protected forest, national park or other forest with a special purpose, shall be punished by imprisonment for a term between three months and three years.¹⁵

The criminal offense of "Forest theft" is committed by someone who felled one or more trees in a forest, park or tree line for theft, and the amount of felled wood is more than one cubic meter and will be punished by a fine or imprisonment for up to one year. If this act is committed with the intention of selling felled wood, or if the quantity of felled wood exceeds five cubic meters or if the act was committed in a protected forest,

¹¹ Art. 265. of the Criminal Code of the Republic of Serbia.

¹² Art. 266. of the Criminal Code of the Republic of Serbia

¹³ Art. 267. of the Criminal Code of the Republic of Serbia.

¹⁴ Art. 268. of the Criminal Code of the Republic of Serbia.

¹⁵ Art. 274 of the Criminal Code of the Republic of Serbia

national park or other special purpose forest, the perpetrator shall be punished by a fine or imprisonment of up to three years. Attempts to commit an act will be punished.¹⁶

This chapter of the Criminal Code of the Republic of Serbia also prescribes criminal offenses: "Killing and abuse of animals"¹⁷, "Transmission of infectious diseases in animals and plants"¹⁸, "Unconscientious provision of veterinary care"¹⁹, "Production of harmful drugs for the treatment of animals"²⁰, "Pollution of food and water for feeding or feeding animals"²¹, as well as "Illegal hunting"²² and "Illegal fishing"²³.

It should be noted that animal smuggling is a particularly lucrative business for organized crime. The International Union for Conservation of Nature recently launched the project "Successful Suppression of Criminal Offenses against Wild Species in Europe" and Serbia is one of the eleven European countries involved in this project.

Penal provisions in the basic Environmental Laws in the Republic of Serbia

Penal provisions that protect the values of nature are also located in the group of basic environmental laws in the Republic of Serbia. These are: Law on Environmental Protection²⁴, Law on Strategic Environmental Impact Assessment²⁵, Law on Environmental Impact Assessment²⁶ and Law on Integrated Prevention and Control of Environmental Pollution²⁷.

*Law on Environmental Protection*²⁸ in Chapter IX - "Penal Provisions" prescribes sanctions for numerous economic offenses and misdemeanors. According to Article 116 of the Law, a fine of 1,500,000 to 3,000,000 dinars shall be imposed on a legal entity for an economic offense also if it: uses natural resources or goods, without the consent of the Ministry; does not perform remediation or otherwise remediate the degraded environment; performs remediation or otherwise rehabilitates the degraded environment, without the consent of the Ministry; does not adopt an action plan for the gradual achievement of the limit values for the emission of pollutants into water and does not set deadlines for their gradual achievement; does not act in accordance with the action plan for gradual achievement of limit values for the emission of pollutants into water; collects or places on the market certain species of wild flora and fauna, their developing forms and parts, without the permission of the Ministry, i.e. contrary to the conditions specified in the license; cross-border traffic of specimens of wild flora and fauna (import, export, entering, taking out, re-export) and their developing forms and parts is performed without a permit, i.e. a document issued by the Ministry; does not take all necessary preventive, protective, safety and remedial measures when managing hazardous substances; builds and uses plants, i.e. complexes and performs activities if the

¹⁶ Art. 275. of the Criminal Code of the Republic of Serbia

¹⁷ See: Art. 269. of the Criminal Code of the Republic of Serbia

¹⁸ See: Art. 270. of the Criminal Code of the Republic of Serbia

¹⁹ See: Art. 271. of the Criminal Code of the Republic of Serbia

²⁰ See: Art. 272. of the Criminal Code of the Republic of Serbia

²¹ See: Art. 273. of the Criminal Code of the Republic of Serbia

²² See: Art. 276. of the Criminal Code of the Republic of Serbia

²³ See: Art. 277. of the Criminal Code of the Republic of Serbia.

²⁴ "Official Gazette of the Republic of Serbia", no. 135/04, 36/09, 36/09, 72/09, 43/11, 14/16, 76/18, 95/18.

²⁵ "Official Gazette of the Republic of Serbia", no. 135/04, 88/10.

²⁶ "Official Gazette of the Republic of Serbia", no. 135/04, 36/09.

²⁷ "Official Gazette of the Republic of Serbia", no. 135/04, 25/15.

²⁸ "Official Gazette of the Republic of Serbia", no. 135/04, 36/09, 36/09, 72/09, 43/11, 14/16, 76/18, 95/18.

prescribed emission limit values and levels of pollutants are not met, conditions regarding equipment and devices that reduce or prevent the emission of pollutants or energy, as well as if other measures and actions are not taken to ensure prescribed environmental protection conditions; releases polluting and dangerous substances, waste water or emits energy into the air, water or land in the manner and in quantities, or concentrations or levels above the prescribed; imports hazardous waste; imports, exports or transits waste without the permission of the Ministry; does not take remedial measures at its own expense; does not have insurance for the case of damage caused to third parties due to the accident. For mentioned economic offenses, a fine may be imposed in proportion to the amount of damage, unfulfilled obligation or value of goods or other items that are the subject of economic offense, and up to twenty times the amount of damages, unfulfilled obligations or value of goods or other items that are subject to economic offenses. The responsible person in the legal entity will also be fined from 100,000 to 200,000 dinars for this economic offense.

Article 117 of the Law on Environmental Protection²⁹ stipulates that a fine of 500,000 to 1,000,000 dinars will be imposed on a legal entity for a misdemeanor also if: it produces and /or places on the market vehicles that do not meet the emission requirements for mobile sources of pollution; on the declaration of the raw material, semi-finished product or product does not warn of environmental pollution and damage to human health that the raw material, semi-finished product or product, or their packaging causes or may cause in the environment; does not monitor and follow other impacts on the state of the environment; does not submit monitoring data in the prescribed manner; does not submit data of importance for keeping the register of sources of environmental pollution in the prescribed manner. For this misdemeanor, a fine may be imposed in proportion to the amount of damage caused or unfulfilled obligation, the value of the goods or other items that are the subject of the violation, up to a maximum of twenty times the amount of those values. The responsible person in the legal entity will be fined from 25,000 to 50,000 dinars for the same misdemeanor. A protective measure prohibiting the performance of a certain activity for a period of up to three years may be imposed for that misdemeanor, and for the responsible person to perform a certain activity for a period of up to one year.

According to Article 117a of the Law on Environmental Protection³⁰, an entrepreneur will be fined from 250,000 to 500,000 dinars for a misdemeanor even if: he uses natural resources and goods, without the consent of the Ministry; does not perform remediation or otherwise remediate the degraded environment; performs remediation or otherwise rehabilitates the degraded environment, without the consent of the Ministry; does not adopt an action plan for the gradual achievement of limit values for the emission of pollutants into water and does not set deadlines for the gradual achievement of limit values; does not act in accordance with the action plan for gradual achievement of limit values for the emission of pollutants into water; collects or places on the market certain species of wild flora and fauna, their developing forms and parts, without the permission of the Ministry, i.e. contrary to the conditions specified in the license; cross-border trade of specimens of wild flora and fauna (import, export, entering, taking out, re-export) and

²⁹ "Official Gazette of the Republic of Serbia", no. 135/04, 36/09, 36/09, 72/09, 43/11, 14/16, 76/18, 95/18.

³⁰ "Official Gazette of the Republic of Serbia", no. 135/04, 36/09, 36/09, 72/09, 43/11, 14/16, 76/18, 95/18.

their developing forms and parts is performed without a permit, i.e. a document issued by the Ministry; manufactures and /or places on the market vehicles that do not meet the emission requirements for mobile sources of pollution; on the declaration of the raw material, semi-finished product or product does not warn of environmental pollution and damage to human health that the raw material, semi-finished product or product, or their packaging causes or may cause in the environment; does not monitor and follow other impacts on the state of the environment; does not submit monitoring data in the prescribed manner; does not submit data of importance for keeping the register of sources of environmental pollution in the prescribed manner. A protective measure prohibiting the performance of activity for a period of up to three years may be imposed for that misdemeanor.

Article 118 of the Law on Environmental Protection³¹ stipulates that a fine of 5,000 to 50,000 dinars or imprisonment for up to 30 days shall be imposed on a natural person for a misdemeanor if: he/she disturbs, abuses, injures and destroys wild fauna, i.e. destroys its habitats; destroys, tears or otherwise devastates wild flora, i.e. destroys and destroys its habitats; collects or places on the market certain species of wild flora and fauna, their developing forms and parts, without the permission of the Ministry, i.e. contrary to the conditions specified in the license; exports or imports protected species of wild flora and fauna, their developing forms and parts, without the permission of the Ministry.

Article 120 of the Law on Environmental Protection³² stipulates that a fine of 25,000 to 50,000 dinars shall be imposed on a responsible person in an administrative body, i.e. a local self-government unit, or an organization exercising public authority, also if: issuing an approval for the use of a natural resource or goods, without the consent of the Ministry; issues consent to the remediation and remediation project that is made contrary to the prescribed content of remediation and remediation projects, without conducting the prescribed procedure for giving consent to the project, contrary to the prescribed conditions for giving consent to the project, as well as without the prescribed documentation submitted with the request for consent; issues a permit without obtaining the opinion of the organization responsible for nature protection; issues a permit, that is, a document without the prescribed documentation or does not keep a register of issued permits in the prescribed manner; prepare a spatial or urban plan without conditions for providing environmental protection measures; does not inform the public and does not pass an act on the introduction of special measures in cases provided by law; does not declare the state of endangerment of the environment and does not inform the public about the measures taken; does not adopt an action or rehabilitation plan; does not perform monitoring; does not submit monitoring data in the prescribed manner; does not run an environmental information system; does not keep a register of sources of environmental pollution. For this misdemeanor, the responsible person in the administrative body, i.e. the unit of local self-government, i.e. the organization exercising public authority may, in addition to the imposed punishment, be imposed a protective measure prohibiting the performance of certain tasks for up to one year.

³¹ "Official Gazette of the Republic of Serbia", no. 135/04, 36/09, 36/09, 72/09, 43/11, 14/16, 76/18, 95/18.

³² "Official Gazette of the Republic of Serbia", no. 135/04, 36/09, 36/09, 72/09, 43/11, 14/16, 76/18, 95/18.

*The Law on Strategic Environmental Impact Assessment*³³ contains penal provisions which in Article 25 stipulate that a fine of 5,000 to 20,000 dinars will be imposed on a responsible person in the body responsible for the preparation of plans and programs, or the body responsible for environmental protection also if: prepares a plan and program in the field of spatial and urban planning or land use, agriculture, forestry, fisheries, hunting, energy, industry, transport, waste management, water management, telecommunications, tourism, conservation of natural habitats and wild flora and fauna, which establishes a framework for the approval of future development projects determined by regulations governing environmental impact assessment, without a strategic assessment; make a strategic assessment that is not in accordance with the guidelines of the strategic environmental impact assessment of the plan or program of a higher hierarchical level; conducts the strategic impact assessment procedure without the participation of interested bodies and organizations or without the participation of the public; evaluate the strategic impact assessment report without applying the prescribed criteria; based on the assessment of the strategic impact assessment report, does not decide on giving consent within the prescribed deadline; send the plan or program to the further adoption procedure without prior consent for the strategic impact assessment report from the body responsible for environmental protection.

*The Law on Environmental Impact Assessment*³⁴ contains penal provisions that provide for sanctions for economic offenses and misdemeanors. According to Article 40 of the Law, a fine of 150,000 to 3,000,000 dinars will be imposed on a legal entity - project holder for an economic offense if: it starts the project without the consent of the competent authority for the impact assessment study; does not meet the conditions or does not implement the measures from the decision on giving consent to the impact assessment study; does not obtain the consent of the competent authority for the study of the existing situation. The responsible person in the legal entity - the project holder, will be fined from 30,000 to 200,000 dinars for this economic crime. For the mentioned economic offense referred to in Article 40 of this Law, in addition to the prescribed fine, a legal entity may be imposed a measure prohibiting the performance of a certain activity, and the responsible person is banned from performing a certain duty for up to five years.³⁵ The same law prescribes the liability for misdemeanors of the project holder, as well as the liability for misdemeanors of the responsible person in the competent authority. In accordance with Article 42 of the Law, a fine of 30,000 to 1,000,000 dinars will be imposed on a legal entity - the project holder also if it: does not submit a request for deciding on the need for impact assessment; or does not submit a request for consent to an impact assessment study. The responsible person in the legal entity - the project holder, will be fined from 10,000 to 50,000 dinars for that misdemeanor. According to Article 43 of the Law, a fine of 10,000 to 50,000 dinars will be imposed on the responsible person in the competent authority for a misdemeanor also if: he/she does not make a decision on the need to prepare an impact assessment study, a decision on the scope and content of the impact assessment study and a decision on giving consent to the

³³ "Official Gazette of the Republic of Serbia", no. 135/04, 88/10.

³⁴ "Official Gazette of the Republic of Serbia", no. 135/04, 36/09.

³⁵ See: Art. 41. of the Law on Environmental Impact Assessment, "Official Gazette of the Republic of Serbia", no. 135/04, 36/09.

impact assessment study contrary to the provisions of this Law; does not make available the documentation on the conducted impact assessment procedure; does not conduct the cross-border notification procedure; does not keep the prescribed records.

*The Law on Integrated Prevention and Control of Environmental Pollution*³⁶ in the chapter "Penal Provisions" prescribes economic offenses (Article 29 of the Law), misdemeanors (Article 30 of the Law), fines for the responsible person in the competent authority (Article 31 of the Law) and protective measures (Article 32 of the Law).

A fine of 150,000 to 3,000,000 dinars will be imposed on an operator - legal entity for an economic offense if: it starts operating the plant and performing its activities without a permit; does not act in accordance with the conditions specified in the permit; does not submit the results of monitoring to the competent authority; does not notify the competent authority of any change in operation, i.e. operation of the facility or accident; does not submit to the competent authority an annual report on the performance of activities for which the permit has been issued; does not inform the competent authority about the planned change of operator; does not perform all measures determined by the competent authority after the expiration of the license; does not repair the consequences of pollution in the shortest possible time and at its own expense. For this economic crime, the responsible person in the legal entity - the operator will be fined from 30,000 to 200,000 dinars. A foreign legal entity - operator - will be fined from 150,000 to 3,000,000 dinars for the same economic crime if it has a representative office on the territory of the Republic of Serbia. The responsible person in the foreign legal entity - the operator will be fined from 30,000 to 200,000 dinars for that economic offense.³⁷ For an economic offense referred to in Article 29 of this Law, in addition to the prescribed fine, a legal person may be banned from performing a certain economic activity, and a responsible person may be banned from performing a certain duty for up to ten years.³⁸

A fine of 30,000 to 1,000,000 dinars shall be imposed on a legal entity - operator for a misdemeanor if: it fails to submit to the competent authority the data necessary for the issuance, amendment or termination of the license; preventing the inspection from inspecting the documentation kept in connection with the issuance of the permit, not providing access to the samples and monitoring places specified in the permit and preventing them from obtaining information on compliance with the conditions in the permit; during the validity of the license and for at least five years after the termination of the license does not keep all documentation related to the issuance of the license, monitoring and inspection supervision over the performance of activities; does not act upon the decision of the inspector. The responsible person in the legal entity - the operator will be fined from 5,000 to 20,000 dinars for this misdemeanor. The operator, as a natural person, will also be fined from 5,000 to 20,000 dinars for that misdemeanor.³⁹

A fine of 5,000 to 20,000 dinars shall be imposed on the responsible person in the competent authority for a misdemeanor if: he/she makes a decision on issuing a permit contrary to the prescribed procedure; issues a permit that does not contain the prescribed

³⁶ "Official Gazette of the Republic of Serbia", no. 135/04, 25/15.

³⁷ See: Art. 29. of the Law on Integrated Prevention and Control of Environmental Pollution, "Official Gazette of the Republic of Serbia", no. 135/04, 25/15.

³⁸ See: Art. 32. of the Law on Integrated Prevention and Control of Environmental Pollution

³⁹ See: Art. 30. of the Law on Integrated Prevention and Control of Environmental Pollution, "Official Gazette of the Republic of Serbia", no. 135/04, 25/15.

conditions; does not make revision of the license; does not make a decision on termination of the license in accordance with the prescribed conditions; does not inform other bodies, organizations and the public in the prescribed manner; does not keep a register of issued permits and disables access to the register.⁴⁰

Within the general purpose of criminal sanctions - suppression of acts that violate or endanger values protected by criminal law - the purpose of punishment in the field of protection of natural values is also: 1) preventing the perpetrator from committing crimes and influencing him not to commit crimes in the future; 2) influencing others not to commit crimes; 3) expressing social condemnation for a criminal offense, strengthening morals and strengthening the obligation to respect the law; 4) achieving fairness and proportionality between the committed act and the gravity of the criminal sanction. The purpose of prescribing, imposing and applying misdemeanor sanctions is that citizens respect the legal system and that in the future no misdemeanors are committed for which a natural person, entrepreneur, legal entity and responsible person in a legal entity can be held liable. When it comes to penal legislation, it is necessary to point out the importance of cross-border cooperation in nature protection, because we are often witnesses of organized crime at the international level.

2. CONCLUSION

In 2021, forest fires and deforestation threatened a large number of plant and animal species around the world. It is becoming increasingly difficult to believe that the world will be able to stop global warming. The International Conference on Climate Change, organized under the auspices of the United Nations, is being held in Glasgow from October 31st to November 12th, for leaders and representatives of all countries of the world. Work will be concentrated to reach a joint agreement on the way how to further slow down climate change.

What will happen if humanity continues to stimulate economic growth regardless of the climate, social and environmental consequences? Why do companies need to expand the fight against emissions? Rising of pollution, melting ice in Greenland, heat with drought and fires, activated volcanoes, earthquakes, as well as the huge epidemic of Covid 19 around the world, require caution. New strains are constantly appearing. It is known that there are several vaccine manufacturers, and in September 2021, India received a license to use its new vaccine ZyCoV-D - this is the first DNA vaccine for human use. In Serbia, a test was created at the Pasteur Institute, which, in addition to determining the level of antibodies to Covid-19, can also show how much a person is protected from the disease. The question arises to what extent the future is determined by the present.

At the beginning of August this year, the International Panel on Climate Change was established, as a body of the United Nations for the scientific assessment of climate change. Three working groups were established, the first of which compiled report signed by 234 scientists and 524 external associates from around the world. The coordinator was the Chinese scientist Panmao Zhai. It is necessary to look at the real situation, because the truth is always exciting, so speak it then.

⁴⁰ See: Art. 31. of the Law on Integrated Prevention and Control of Environmental Pollution

However, I have recently read that the highest degree of wisdom that a person can possess cannot be measured by random events. But each of them gives us guidelines how to continue our struggle to preserve the values of nature.

REFERENCES

- Massie R. Catherine the Great, 2011, Serbian edition „Laguna“, 2013, p. 441.
- Gaya Herrington, Update to limits to growth: Comparing the World3 model with empirical data, “Journal of Industrial Ecology“, 25(7), November 2020.
- Criminal Code of the Republic of Serbia, “Official Gazzette of the Republic of Serbia”, no. 85/05, 88/05, 107/05, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16, 35/19.
- Constitution of the Republic of Serbia, “Official Gazzette of the Republic of Serbia”, no. 98/2006.
- Law on Integrated Prevention and Control of Environmental Pollution, “Official Gazzette of the Republic of Serbia”, no. 135/04, 25/15.
- Law on Environmental Impact Assessment, “Official Gazzette of the Republic of Serbia”, no. 135/04, 36/09.
- Law on Strategic Environmental Impact Assessment, “Official Gazzette of the Republic of Serbia”, no. 135/04, 88/10.
- Law on Environmental Protection, “Official Gazzette of the Republic of Serbia”, no. 135/04, 36/09, 36/09, 72/09, 43/11, 14/16, 76/18, 95/18.