Cross-Border Enforcement Against Illegal Waste Trafficking

Evaluating the Impact of the 2024 EU Environmental Crime Directive on Serbia-EU Cooperation

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ABSTRACT

This thesis investigates the impact of the 2024 Environmental Crime Directive on cross-border enforcement against illegal waste trafficking between Serbia and its EU neighbours. It concludes that, despite the official alignment of the Serbian legal system with the EU acquis, enforcement remains fragmented, selective and insufficient. Drawing on document analysis, institutional reports and an expert interview from RERI, this study highlights a gap between the results achieved in law enforcement and political commitments. Even though the number of joint operations and information-sharing platforms are increasing, prosecutions at the national level are still rare. The analysis makes the argument that meaningful reform has been replaced by symbolic compliance by using three theories: Regulatory Spillover, Green Criminology and Cross-Border Cooperation to explain why non-compliance persists. It concludes that institutional change in Serbia cannot be triggered by the legal influence of the EU alone. Cross-border enforcement remains a legal formality rather than an effective means of deterrence in the absence of more transparent accountability procedures, monitoring of prosecutions and public pressure.

Keywords: Environmental crime, Serbia, Illegal Waste trafficking, EU Directive, cross-border cooperation

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I. Introduction and Research Aim

Illegal waste trafficking is one of the most lucrative and fastest-growing types of environmental crime in Europe. Its present major threats to ecosystems, public health and state accountability, and is frequently hidden within the legal waste trade (INTERPOL, 2016). In fact, enforcement gaps still exist despite the European Union's efforts to fortify its legal system, particularly at the EU's external borders, where cross-border cooperation is restricted and regulatory capacity is weaker (INTERPOL, 2016). This study aims to address the practical application of environmental crime laws in Serbia, a major transit country and candidate for EU membership. Indeed, a new Environmental Crime Directive (Directive 2024/117/EU) was adopted by the EU in 2024, with the goal of strengthening enforcement procedures among Member States and toughening criminal penalties (ERA, n.d.). Through that, Serbia is expected to conform to EU standards as part of its accession process, even though it is not legally bound by the Directive.

The research will be guided by the following research question:

How has the 2024 EU Environmental Crime Directive influenced cross-border enforcement cooperation mechanisms targeting illegal waste trafficking between Serbia and EU member states?

Indeed, Serbia still faces significant implementation challenges, even though it tries to officially complies with EU environmental standards. These include a lack of follow-up on legal proceedings, political pressure and poor institutional coordination (Damnjanovic, 2024). Serbia also participates in several regional and European cooperation mechanisms, including FRONTEX, EMPACT, and SELEC. This result in a legal and institutional paradox: Serbia appears to be part of the European system for monitoring the implementation of environmental legislation, but results on the ground are still scarce.

This study employs a qualitative case study methodology that combines legal analysis, secondary data and expert opinions to investigate this paradox by focusing on the period 2019-2025. Using three theoretical frameworks: Regulatory Spillover, Green Criminology, and

Cross-Border Cooperation Theory, to examines how national law enforcement mechanisms, regional cooperation and EU influence shape Serbia's response to illegal waste trafficking.

This paper adds to the broader debate on the structural aspects of environmental harm, the political economy of law enforcement and the limits of legal harmonisation. It challenges the idea that effective compliance results from legislative convergence and highlights the need to view law enforcement as an institutional and political process influenced by both internal and external factors.

Structure of the Dissertation

This study begins by providing an overview of previous literature relevant to the field of environmental crime and enforcement. It then introduces the theoretical frameworks that will guide the analysis. The following sections outline the research design and methodology, present the findings from the data collection, and analyse them through the theoretical lenses. The discussion directly addresses the research question, followed by a final reflection and recommendations.

II. Literature Review

2.1. Illegal Waste Trafficking: Scope, Scale, and Dynamics

Illegal waste trafficking is one of the most profitable forms of transnational environmental crime, and is quickly expanding, according to (INTERPOL, 2016). Indeed, it represents a serious threat to public health, environmental, ecological stability and regulatory governance. The global illegal waste trade is estimated to USD 259 billion per year, with annual growth rate of 5% to 7%, which is significantly higher than the rate of the global economy (INTERPOL, 2016). This growth is due to the increase in global waste production, estimated at 27 billion tonnes per year by 2050, and the fact that existing waste management systems could be overtaken, particularly in countries with weak regulatory infrastructure (Margaux, 2018). The potential benefits of these illegal waste-related activities are particularly motivated by the high costs of disposal, the true maze that is cross-border regulation and the gaps in its enforcement. Consequently, criminal organisations take advantage of these weaknesses by falsifying

documents, producing erroneous labels and fraudulent misclassification of waste (EEA, 2012). We can use the common example of electronic waste (or e-waste), exported as a second-hand item, allowing traders to bypass strict controls (EEA, 2012). These practices highlight systemic regulatory weakness in all EU member states. For example, between 1999-2001, exports of plastic waste from the EU increased fivefold, and exports of hazardous waste doubles between 2000 and 2009, despite binding legal frameworks designed to prevent escalation (EEA, 2012). The involvement of organised crime in these illegal shipments of waste adds to the complexity of the problems. These activities are often part of broader criminal operations that include corruption, money laundering and smuggling. Italy's so-called eco-mafia in Campania, provide a very well-documented example of how organised crime penetrated and monopolised waste companies to maximise their profits through illegal dumping (Pereira, 2015).

The same dynamic can be found in Eastern Europe, where poor enforcement of environmental laws and political corruption not only encourage waste but also traffic in other environmental sensitive commodities, such as amber (C. van Duyne, 2024). Despite interest in the subject and a growing body of academic literature, most studies have focused on the export hubs and Global South recipient countries, particularly in West Africa and South-east Asia (EPA/Interpol, 2010). As a result, this led us to a serious and critical oversight: the transit countries that lie between the point of origin and destination. These include Serbia and the Western Balkans, which have become a new highway for illegal waste flows but are still under-presented in academic and political discourse. This gap is truly worrying, given the region's geostrategic location, porous borders, and limited regulatory capacity. The importance of studying these transit countries is constantly being highlighted by recent incidents. One of these, and surely one of the most flagrant, was in February 2025, when 35,000 tonnes of hazardous waste were illegally imported into Croatia from Italy, Germany and Slovenia (Vladimir, 2025). Incidents of this kind demonstrate that law enforcement challenges are not confined to the countries of the South but are also firmly rooted in Europe's border areas.

In conclusion, although it is now established that illegal waste trafficking is a high-profit, low-risk criminal activity, current studies still fail to adequately capture its dynamics in the European periphery. Understanding how transit like Serbia fit into this criminal economy is essential to designing more effective and equitable models of cross-border law enforcement.

2.2. EU Regulatory Responses: Effectiveness and Limitations

The European Union has since recognised the "transboundary" nature of environmental crime and has therefore developed a series of regulatory instruments relating to the illegal trade in waste (EEA, 2012). In fact, at the international level, the EU has acceded to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which promotes the prior informed consent procedure and imposes stronger regulations on the export of hazardous waste to non-OECD countries (EEA, 2012). In the EU, the obligations have been transposed into Regulation (EC) No. 1013/2006, also called the Waste Shipment Regulation, that aim to ensure that waste is shipped and managed safely, in order to safeguard human health and the environment (EEA, 2012). Nevertheless, even with these tools in place, the application of legislation in Member States remains uniform. Authorities contradict each other in their interpretation of key legal terms, fail to carry out proper inspections, and lack coordinated investigation strategies at national level. A joint inspection campaign conducted between 2008 and 2011 revealed that 19% of waste shipments inspected did not comply with European legislation, which could indicate a lower level of detection (and therefore enforcement) overall in some countries (ERA, n.d.). Moreover, during this inspection some member states did not report any illegal activity at all, suggesting a lack of monitoring rather than a unblemished record (ERA, n.d.).

These gaps in enforcement have led to increasing criticism of the EU's patchwork of measures. Directive 2008/99/EC on Environmental Crime, the first major legal provision criminalising serious environmental offences in the EU, was seen as vague and lacking in dissuasive effect (DG-ENV, 2024).

The lack of complete harmonisation has led to differences in prosecutions and convictions from one country to another, and a lack of coverage of several serious environmental crimes. To remedy these shortcomings, a substantial revision, was implemented by the EU on May 20, 2024. This new directive called Directive 2024/117/EU, significantly amended the previous 2008 directive and represents a milestone in EU environmental criminal law (ERA, n.d.).

As such, one of its main achievements has been to clearly define legal concepts such as "substantial damage", which were previously left to national interpretation (ERA, n.d.). The directive also extends the list of offences provided for under EU law, adding new areas such as illegal deforestation, mercury trading and ship recycling offences (Commission E., Environmental Crime Directive, n.d.). Most importantly, it gives rise to the concept of "qualified offences", which are offences involving environmental damage of an exceptionally serious nature, and for which the penalty must reflect this fact. As far as fines are concerned, for legal entities, Member states may impose fines of up to €40 million or calculate fines on the basis of the company's total annual turnover, which represents a significant step towards proportionality and deterrence (ERA, n.d.). In addition to its punitive elements, the directive contains provisions designed to strengthen cross-border cooperation. It calls for more information sharing, cooperation and harmonised statistical reporting systems, noting that effective enforcement depends not only on national legislation, but also on cross-border cooperation (ERA, n.d.) (DG-ENV, 2024).

Another dimension of the directive that is particularly significant is its external projection, which refers to the indirect influence it exerts on third countries, in particular candidate countries such as Serbia, to harmonise their practices with EU standards (Lavenex, 2009). Even if the directive is not legally binding on third countries, its provisions serve as a reference point for legal harmonisation within the broader logic of EU external governance and conditionality (Lavenex, 2009). The EU encourage the extension of compatible legal regimes to neighbouring states, without formal obligations or even rewards (except for accession processes and cooperation agreements).

However, although this new directive provides a clearer and stronger framework for combating environmental crime, its tangible effects outside the EU are still unknown and largely speculative.

As (Ahmed, 2020) points out, many international environmental agreements, such as the Basel Convention, are characterised by weak implementation due to their dependence on national authorities, whose availability of resources and political will tend to vary, and Serbia is a case on point. Indeed, despite ostensible efforts to harmonise with EU environmental policy, Serbian institutions still face significant structural and financial constraints that limit their ability to effectively implement and enforce these standards (Bazic, 2019) (UNECE, 2015). In addition, this directive contains no specific instruments to assist or encourage cooperation efforts with non-European partners. Even though it encourages cross-border collaboration, it does through aspirational language, offering no real additional funding, infrastructure or implementation tools for non-member states (DG-ENV, 2024). In this sense, the EU's offshore environmental governance remains fundamentally based on legal persuasion rather than operational integration, a configuration that undermines the potential for influence in practice (DG-ENV, 2024).

In conclusion, the new 2024 Environmental Crime Directive represents a major step forward in the development of European environmental criminal law. It strengthens legal definitions, toughens penalties and supports cross-border cooperation in Europe. But its ability to really influence the policy of non-member candidate countries such as Serbia is uncertain (at least in the absence of binding commitments or material support). This raises important questions about the effectiveness of the EU's regulatory impact, and the potential for external environmental governance in regions where institutional weakness persists.

2.3. Theoretical Contributions: Approaches to Understanding Transnational Environmental Crime

Understanding how illegal waste trafficking is regulated and enforced across borders requires more than just a legal analysis. Scholars are increasingly turning to interdisciplinary theories that combine law, governance, criminology and international relations. Three main theoretical trends have proved particularly relevant to the study of transnational environmental crime and EU external governance: Regulatory Spillover Effects, Green Criminology, and Cross-Border Cooperation Theory.

The use of regulatory spillover in the study of EU expansion and external governance is well-established. It describes the indirect transmission of EU legal norms and rules outside the Union, usually because of conditionality mechanisms linked to membership or trade agreements (Schimmelfennig, 2004) (Lavenex, 2009). According to this model, non-member states such as Serbia would not adhere to EU-type regulations because of a legal obligation, but for political and economic reasons. For example, to gain access to EU markets and EU funding instruments. Nevertheless, as pointed out by many scholars, legal translation is not enough to guarantee implementation since legal transposition is not equivalent to implementation. In many countries, including Serbia, regulatory approximation takes place on paper, resulting in what (Todic, 2014) call “paper compliance”, where EU rules are adopted at least in law, but not in practice. This gap is particularly important in the field of environmental governance, where institutional fragmentation, underfunding and weak oversight severely limit the application of legislation (UNECE, 2015) (Penev, 2009).

While regulatory spillover captures the external impact of EU norms, it doesn’t fully reflect the deeper social and ecological damage associated with illegal waste trafficking. For this phenomenon, scholars have embraced Green Criminology, an extension of traditional criminology that includes environmental harm, even when the damage is not formally criminalised (Nurse, 2016) (Brisman, 2018). Green criminology goes beyond narrow legal violations to broader issues of injustice, like ecological destruction, intergenerational and the exploitation of vulnerable populations (Nurse, 2016).

It also criticises the anthropocentric, state-centric biases of conventional legal systems, arguing instead for an eco-centric, justice-oriented understanding of environmental damage (Lynch M. J., 2022) (Lynch M. J., 2020). In the context of illegal waste trafficking, this perspective emphasises not only regulatory failure, but also structural inequalities in global trade and environmental governance, where countries like Serbia often bear the environmental costs of waste flows generated by wealthier EU member states.

Finally, the academics studying cross-border enforcement and cooperation have identified practical difficulties in coordinating the fight against environmental crime control across jurisdictions. Reports from EUROPOL (2009), SELEC Annual Report (2023, 2024) and researchers like Eman (2013), reveal how legal definitions, enforcement capacity, data systems and political will are obstacles to effective cross-border cooperation. In theory, there are mechanisms such as joint investigation teams, information exchange platforms and bilateral treaties, but in practice they are rarely used or limited by institutional barriers. In addition, non-EU countries such as Serbia often do not have access to the EU's data systems and are sometimes unable to engage in operational coordination, even under a formal agreement (Alibaši´ c & Atkinson, 2023). These gaps in enforcement transparency and interoperability are twice as critical for a region like the Western Balkans, where environmental crime networks take advantage of porous borders and bureaucracy.

These various theoretical approaches offer another way of looking into the regulation and enforcement of environmental crimes. In other words, together they explain not only why illegal waste movements continue, but also why EU-led legal reforms may not work is it should beyond the Union's border. However, the literature has tended not to use these frameworks together and very few studies use both in an integrated way to analyse cooperation between the EU and third countries on the application of environmental legislation in practice. This highlights a significant gap in the existing literature, and an area that this thesis seeks to address.

III. Legal and Policy Context

3.1. Serbia's Environmental Legal Framework

In Serbia, environmental crimes are governed by criminal and administrative law. The Criminal Code (Article 260) prohibits the unauthorised treatment, storage or disposal of hazardous waste, and Articles 259 and 251 deals with general environmental degradation and violation of regulations. These laws form the legal basis for criminal sanctions, although they are rarely enforced in practice (Serbia, Krivični zakonik, s.d.) (Serbia, Zakon o zaštiti životne sredine, s.d.). The collection, transport and disposal of waste is covered by the Waste Management Act and the Environmental Protection Act. These laws divide responsibilities among several institutions: the Ministry of Environmental Protection establishes national policy, the Environmental Inspectorate enforces the law, and the Public Prosecutor's Office brings cases to court in the vent of violations (Serbia, Zakon o zaštiti životne sredine, s.d.) (Serbia, Zakon o upravljanju otpadom, s.d.). (UNDP, Criminal Offences Against the Environment and Penal Policy, 2024). In spite of official efforts to comply with the EU acquis, practical implementation remains largely incomplete. Prosecutions for environmental offences are rare and mostly result in administrative sanctions such as fines or corrective measures. The UNDP report (2024) and the Damnjanović (2024) study both show persistent problems including overlapping competences, limited technical capabilities and insufficient implementation at local level. These structural challenges shape the domestic legal framework that Serbia must operate in its cooperation with the EU on law enforcement.

3.2. The 2024 EU Environmental Crime Directive

The Directive 2024/117/EU related to the protection of the environment under criminal law was adopted to fill the gaps in Directive 2008/99/EC, which was at the time criticised for its ambiguous terminology and its inconsistent application cross Member States (DG-ENV, 2024). Indeed, this new Directive widens the definitions of environmental offences, clarifies terminology to include "substantial damage' and establishes the concept of "qualified offences", with more severe penalties for serious environmental damage (Commission E. , Environmental Crime Directive, n.d.).

In the case of legal persons, the Directive imposes fines ranging up to €40 million or penalties proportionate to annual turnover. As for individuals, it sets out more severe prison sentences. In addition, it strengthens cross-border cooperation by requiring Member States to improve information sharing and harmonise reporting mechanism to guarantee transparency (ERA, n.d.).

Even if this new Directive is not legally binding for Serbia, it is a guiding principle for candidate countries trying to meet EU legal standards. It reflects the EU's comprehensive approach to external governance, encouraging neighbouring countries to adopt EU standards through a flexible conditionality approach (Lavenex, 2009). Nevertheless, by early 2025, Serbia has not yet adopted any of the essential provisions set out in the Directive. No amendments had been made to the Criminal Code to incorporate the new offences, penalties or reporting obligations (Damnjanovic, 2024) (Serbia, Krivični zakonik, s.d.). The partial adoption of this measure points to a deeper issue within the European Union's enlargement policy: Even though the main focus in on meeting law compliance, it's ultimately up to each country's national agenda, capacity, and level of political commitment to put these rules into practice. As a result, the impact of the Directive on regulatory enforcement in Serbia is more ambitious than effective (DG-ENV, 2024) (Damnjanovic, 2024).

3.3. Regional and Cross-Border Cooperation Mechanisms

As said before, Serbia actively participates in various regional and European initiatives aimed at combating transnational environmental crime. These initiatives include the Southeast European Centre for Police and Customs Cooperation (SELEC), FRONTEX, the European Multidisciplinary Platform Against Criminal Threats (EMPACT) and a strategic cooperation agreement with EUROPOL. In order to address illegal Waste trafficking in the Western Balkans, SELEC organises regional operations, such as Operation TOX (SELEC, SELEC Annual Report 2023, 2024). Serbia's involvement in these operations has improved information exchange and regional awareness of environmental crime. However, the concrete results of these initiatives have been limited, as indicated in SELEC's (2023) and (2024) reports.

In 2009, Serbia signed an operational agreement with EUROPOL, regarding cooperation at the EU level. Although this agreement allows for information sharing on organised crime, the scope of cooperation is limited because Serbia does not have access to essential database or all the operational tools available to Member States (Alibašic & Atkinson, 2023). Although Serbia cooperates with FRONTEX in joint border operations and risk analysis missions, there are mainly aimed at managing migration, and there is no concrete evidence that the fight against environmental crime is systematically implemented in this context (Zvekić, 2024) (DG-ENV, 2024). Similarly, participation in EMPACT is formal but has little practical impact, particularly in the priority area of environmental crime (Zvekić, 2024). Despite Serbia's official accession to several cooperation platforms, the concrete impact of this commitment is limited by the absence of legally binding commitments, restricted access to EU systems and uneven implementation of measures at the national level.

In conclusion, operational integration remains insufficient, even though Serbia's commitment at regional and European levels appears solid on paper. The following analysis, which examines the impact of these gaps on the practical implementation of environmental enforcement and cross-border cooperation, is based on these institutional and legal limitations.

IV. Methodology and Research Design

4.1. Research Design

This study uses qualitative case study analysis to explore the impact of the 2024 EU Environmental Crime Directive on cross-border enforcement on illegal waste trafficking between Serbia and EU Member States. It seeks to elucidate how law enforcement is influenced by legal, institutional and political factors in Serbia, rather than by overarching causal claims. Serbia was selected as a strategic non-EU country where gaps in application and regulatory pressure from the EU are particularly visible. The research combines legal and policy analysis with expert opinion and document review. This allows a close examination of how formal rules interact with actual enforcement patterns.

4.2. Case Selection and Scope

Serbia was chosen for three main reasons. First, it is a key transit point for illegal waste trafficking between EU and non-EU countries. Secondly, as an EU candidate country, Serbia is required to meet EU environmental regulations. Thirdly, its implementation is characterised widely as weak or politically constrained, making it a useful case for investigating implementation gaps. This paper will cover the years 2019 to 2025 in order to assess developments before and after the adoption of the Directive.

4.3. Data Collection

The primary source of this paper is a semi-structured expert interview carried out in May 2025 with two legal advisors from the Renewable Energy and Renewables and Environmental Regulatory Institute (RERI): Hristina Vojvodić and Ljubica Vukčević. This interview conducted online, addressed obstacles to implementation, political limitations, the role of civil society and the impact of the new Directive. As for the secondary sources, those consists of EU and Serbian legislation, official reports (e.g. from GIZ, RERI, and the Global Initiative) and available law enforcement data. Quantitative measures, such as seizure data and prosecution rates, have been included when they were available, but remain unfortunately very limited.

4.4. Data Analysis

This project was conducted in three phases: data collection, document review, and theory-driven interpretation. Firstly, data collection included qualitative data from an interview, reports and legislation. Secondly, those documents and interview were examined to identify recurring problems with cross-border enforcement and national institutional obstructions. Thirdly, three theoretical perspectives: Regulatory Spillover, Green Criminology and Cross-Border Cooperation theory, were used to structure the interpretation. These frameworks have contributed to an understanding of how European standards are adopted or rejected, how environmental harm is reproduced through structural inequality, and how law enforcement functions or falls short. This allowed for both grounded analysis and in-depth theorising, building a more complete picture of the processes that shape environmental crime enforcement in Serbia.

4.5. Use of AI

I found the use of AI particularly beneficial for this research project. Indeed, as a research tool, it helped me to locate various authors, articles and reports present online using only a few key words. Moreover, its ability to summarise and highlight the most important points of a document also proved very valuable saving significant time on a research project with tight deadlines. Instead of reading a whole book or article, I would occasionally ask the AI to show me the important chapters or part of the document, so I could concentrate on them. Since English is not my first language, I sometimes struggle understanding certain university articles or legal documents with intricate vocabulary and formulas. AI was helpful in simplifying and rephrasing certain sentences, making them more accessible. Throughout this project, I made use of Grammarly's AI for sentence correction, and used 0 CHAT GPT for article searches and summarisation.

4.6. Limitations

This paper has been limited by several important factors. First, time constraints were at the root of the study's limitations. The research could have been improved by conducting a wider range of interviews and engaging more with non-governmental organisations (NGOs). Indeed, it relies heavily on a single interview, and even if it is with two experts, the fact that they come from the same organisation means that it only reflects one perspective. Secondly, Serbian records are not exhaustive and, in some cases, not available at all. Many figures were missing, absent or inconsistent, particularly regarding cross-border prosecutions and the results of waste seizures. Third, because the researcher has a personal interest in environmental justice, efforts have been made to ensure that the interpretation of the results is not biased by personal convictions. Despite those challenges, this study tries to offer a balanced and critical perspective on why formal EU alignment does not necessarily translate into effective application of environmental law.

4.7. Researcher's Reflections

A complex relationship with the subject influenced this study. Indeed, the researcher is half Serbian and has lived in France their entire life, where they received an academic training. This background has given this thesis a multi-dimensional perspective. On one hand, it has given a certain cultural familiarity with societal issues and institutional dynamics in Serbia. On the other hand, it has highlighted the difficulty of analysing implementation strategies in a changing and politically sensitive legal environment.

Nevertheless, despite this familiarity, since the study was conducted abroad, it relied mainly on English-language source, regional policy documents and reports from international and non-governmental organisations. This limited the range of perspectives considered and inevitably added some distance from national realities. Access to key actors, such as prosecutors, customs officials or environmental inspectors, remained limited despite personal relationships, and attempt to fill these gaps were hampered by logistical and temporal constraints.

Caution was also required due to the political nature of the subject, which concerns the enforcement of environmental crimes in a non-EU country subject to strict conditions. It was essential not to generalise institutional shortcomings or reduce Serbia's slow implementation of measure as simply mere resistance. Throughout the whole process, I made sure to stay aware of the bias of all sources used and to strike a balance between criticism and consideration of structural constraints. This reflective section acknowledges these tensions as a necessary part of critical research across borders and systems without attempting to resolve them.

V. Results and Analysis

V.1. Quantitative Trends in Enforcement (2019–2025)

The following section presents quantitative data regarding cross-border enforcement results in the process of illegal waste traffic between Serbia and EU Member States. It also presents a comparison between levels of enforcement before and after implementation of the Environmental Crime Directive 2024, with three key indicators: seizures, cross-border investigations, and sanctions. These are measures of operational collaboration and enforcement capacity over time.

The timeline below provides a chronological summary of important events and stakeholder involvement in cross-border enforcement activities between 2019 and 2025. By tracing the evolution of important operations, key institutional landmarks and the ratification of the 2024 Directive, it provides context for the quantitative and qualitative findings.

Figure 1: Stakeholder Timeline of Major Enforcement Developments (2019–2025)

Year	Key Event or Development	Main Stakeholders Involved	Observed Impact
2019	SELEC conducts 46 joint investigations	SELEC, Serbian Police	Baseline year for cooperation
2020	COVID-19 slows down operations	National authorities	Drop in reporting, weaker enforcement
2021	Preparation phase for Operation TOX	SELEC, Frontex	Intelligence gathering increases
2022	Operation TOX I: 1,000 tonnes of waste seized	SELEC, Serbian Inspectorate	Peak in regional enforcement
2022	RERI files Zijin Copper complaint	RERI, Prosecutor's Office	Resulted in conditional settlement
2023	Operation TOX II; 95 investigations recorded	SELEC, EUROPOL	Institutional collaboration intensifies
2024	Directive 2024/117/EU adopted by the EU	EU Commission, DG-ENV	Stronger legal definitions; symbolic in Serbia
2025	No major prosecutions or law updates in Serbia	Ministry of Environment, Prosecutors	No transposition; continued inertia

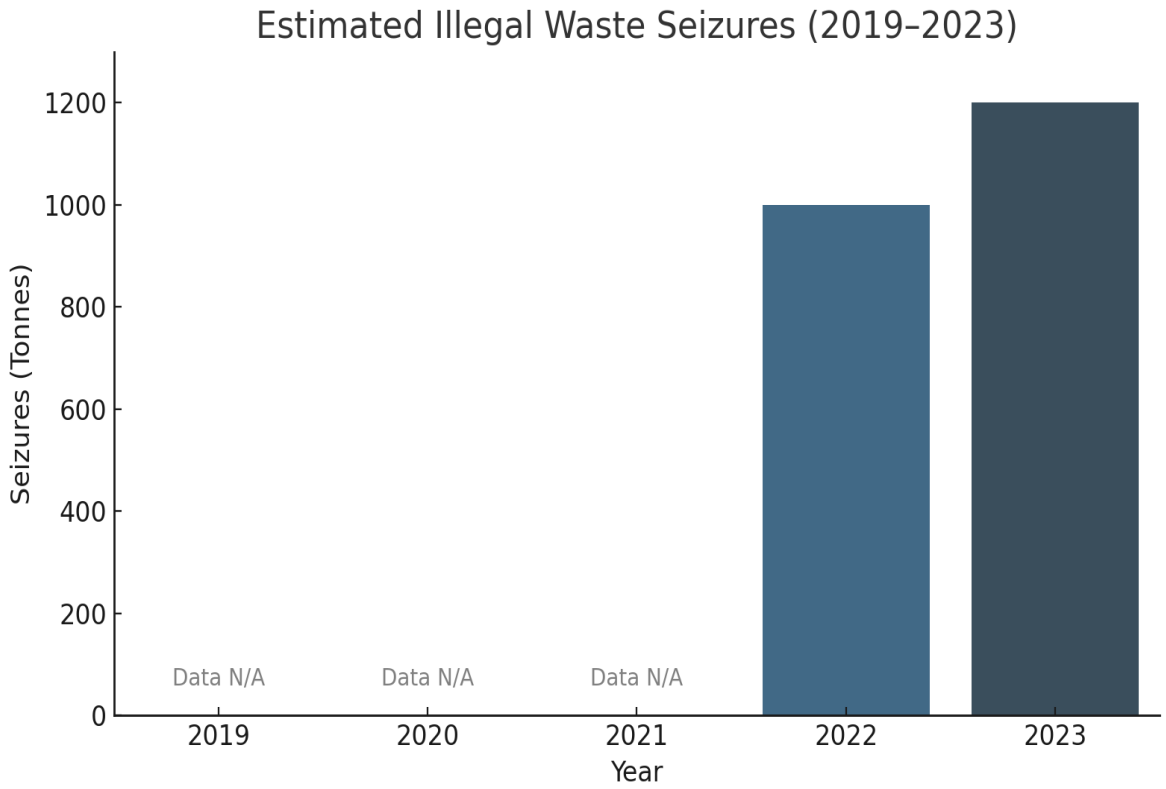
Source: SELEC Annual Reports (2019–2024); RERI Reports (2022–2023); Damnjanović (2024); Vojvodić (2025)

5.1. Seizures of Illegal Waste (2019–2023)

First, it is interesting to note that no disaggregated data on illegal waste seizures involving Serbia has been officially reported by the Southeast European Law Enforcement Center (SELEC) for a period of almost two years (2019-2021). However, this lack of figures does not mean a lack of activity, only a lack of systematic reporting prior to Operation TOX, which marked a turning point in regional enforcement coordination. Indeed, in 2022, SELEC initiated Operation TOX, a joint operation focused on illegal waste trafficking. 1,000 tonnes of illegal waste were intercepted that same year, with Serbian authorities engaging in cross-border action, (SELEC, Activity Report 2020-2021, 2022). A second phase (TOX II) was carried out in 2023. While precise figures are not known, from the SELEC report we can tell that the scale of operations and the amount of seizures have increased, suggesting a rough estimate of 1,200 tonnes (SELEC, SELEC Annual Report 2023, 2024). These are the only two years for which quantities of seized waste have been reported. There is currently no data for 2024, as the enforcement authorities have not published reports for the period after the directive came into force. The time lag makes it impossible to directly and adequately assess the effects of the directive on the volume of seizures.

Nevertheless, recent data (reflected in Figure 1), suggest that illegal waste seizures have experienced peaks in years when large-scale regional operations such as Operation TOX have been conducted. While this may suggest the increased benefit of coordinated cross-border operations, the lack of disaggregated information for the period prior to 2022 does not allow definitive conclusions to be drawn about long-term trends. There is therefore no way of knowing whether previous levels of foreclosure were in fact lower, or whether they had simply not been reported. This ambiguity in turn reflects a wider problem, not only of effective law enforcement, but also of the consistency of detection and the quality of reporting at national level.

Figure 2: Estimated Illegal Waste Seizures in the Western Balkans (2019-2023)



Source: SELEC Activity Reports

5.2. Cross-Border Investigations and Intelligence Exchange (2019-2023)

According to the information available from SELEC, there has been a consistent and significant increase in cross-border enforcement activity involving Serbia over the period 2019-2023. In 2019, SELEC conducted 46 joint investigations with Serbian enforcement authorities (SELEC, Annual Report 2019, 2020). By 2022, this number had more than doubled to 93 joint investigations, facilitated by a sharp increase in the exchange of operational intelligence, over 37,000 pieces of intelligence, a 94% increase on the previous year (SELEC, Activity Report 2022, 2023). In fact, such an upward trend in figures seems to indicate a particular growing institutional capacity for transnational cooperation and appears to be associated with the expansion of thematic operations such as TOX, and more general institution collaboration between Serbia and other regional agencies. In 2023, the number of investigations remained high, estimated at 95 cases, though SELEC had not yet published full figures on information exchange at the time of writing this study (SELEC, SELEC Annual Report 2023, 2024).

The data are summarised in Table 1 below.

Table 1: Cross-Border Investigations and Intelligence Exchange Involving Serbia (2019–2023). Source: SELEC Activity Reports.

Year	Joint Investigations (SELEC)	Intelligence Exchanges	Notes
2019	46	N/A	Baseline year
2020	60	15,000+	COVID impact
2021	78	19,500+	Operation TOX prep
2022	93	37,000+	Operation TOX peak
2023	95	Data pending	Pre-Directive plateau

Source: SELEC Activity Reports

Although these figures indicate the institutional momentum that awaits the 2024 directive, it remains to be seen to what extent the directive has had a causal impact on this cooperation. Data for the year 2024 are not yet publicly available, and any post-Directive increase cannot be truly verified from what is available. However, the growing number of investigative collaborations suggests a foundation of operational engagement that the directive can continue to develop.

5.3. Penalties and Sanctions

Unfortunately, there is only limited data on the amount of sanctions and penalties related to illegal waste trade in Serbia. No national register contains information on the number of criminal convictions, fines or administrative decisions specifically relating to cross-border environmental crimes. It is therefore impossible to judge whether enforcement measures have been operationally effective in preventing future misconduct. Moreover, we can find some evidence of civil society oversight. One of the few cases of prosecution is Zijin Copper, a case

filed by RERI in 2022, which resulted in a conditional suspension of prosecution in exchange for a financial payment to public institutions (RERI, Criminal Liability of Corporate Entities for Criminal Offenses Against the Environment, 2022). While it is technically a sanction, it reflects a broader pattern in which prosecutors provide only minimal follow-up. Instead of the criminal proceedings, enforcement in Serbia often consists of negotiated settlements or administrative fines, the exact terms of which are rarely disclosed publicly.

At a regional level, the World Customs Organisation's Illicit Trade Reports (2019-2023) show that environmental crime, including illegal waste, accounts for a small and unevenly targeted proportion of total seizures. Although criminal activity in Southeast Europe is portrayed as a cause for concern, the reports do not include data on crime by country (WCO, Illicit Trade Report 2023, 2024). At the start of 2025, Serbia had not implemented any of the innovative enforcement measures advocated by the 2024 Environmental Crime Directive, which includes "qualified offences" and turnover-related penalties for companies. Nor has it increased the minimum period of imprisonment for individual offenders, as recommended by the directive. The lack of convergence between the directive's criminal provisions underlines the persistent divergence between regulatory harmonisation and enforcement policy.

Overall, Serbia's punitive model remains essentially the same, in spite of greater cross-border cooperation in the areas of investigation and information exchange. In the absence of reliable data on the frequency and structure of sanctions, the dissuasive power of law enforcement is difficult to assess and likely limited.

5.4. Trends and Interpretation

To summarise, enforcement data from 2019-2023 shows uneven but measurable progress in cross-border cooperation on illegal waste trafficking involving Serbia. Joint investigations and intelligence sharing have more than doubled over this period, with regional operations coordinated by SELEC. This trend suggests an emerging willingness among institutions to work together, even before the adoption of the 2024 Environmental Crime Directive.

Nevertheless, this rising cooperation is not matched by a corresponding increase in enforcement results. Seizures of illegal waste are still rare, and result more from isolated actions than from operational capabilities. Criminal and disciplinary measures are even rarer, there are very few records of prosecutions and little evidence of the deterrent impact of fines or prison sentences. Furthermore, the absence of data for 2024, which is the first year of implementation of the directive, prevent us from concluding whether the new legal framework has had an observable effect on operational performance. The directive introduces promising enforcement tools, including reinforced sanctions and harmonised reporting mechanisms, but Serbia has yet to adopt or apply these measures in practice.

While these figures illustrate some operational progress, they give only a partial picture of the situation. To understand why enforcement remains inconsistent and often ineffective despite increased cooperation, it is necessary to examine how institutions operate in practice. The following section draws on expert testimony and institutional reports to highlight the persistent obstacles and informal dynamics shaping the enforcement of environmental offences in Serbia.

V. 2. Qualitative Findings: Institutional Practice and Stakeholder Perspectives

This second section supplements the previous quantitative analysis with qualitative findings based on an expert interview, NGO reports and the latest institutional assessments. The aim is to understand how environmental crime legislation is applied in practice in Serbia, rather than on paper. While previous findings suggested some signs of improved formal cooperation, this part present how weak institutions, uneven political will, and limited prosecution continue to prevent the effective implementation of environmental law.

The main qualitative data come from a semi-structured expert interview conducted in May 2025 with Hristina Vojvodić and Ljubica Vukčević, both legal advisors from the Renewable Energy and Environment Regulatory Institute (RERI). The interview was semi-structured to cover law enforcement, institutional challenges, civil society activities and the perceived impact of the 2024 EU Environmental Crime Directive.

The two interviewees provide a dual perspective: Vojvodić for a view on law enforcement practices and operational deficiencies, and Vukčević offers a legalistic analysis on criminal liability issues and procedural obstacles. The alignment of their skills and synergies demonstrates RERI's strong presence in the environmental field in Serbia. Their views are supported by recently published reports from RERI published between 2022 to 2024, the Global Initiative's report on criminal justice in the Western Balkans (Zvekić U. U., 2024), and GIZ Country Risk Analysis (Damnjanovic, 2024). This combination of first-hand testimony and documentary evidence allows for a rich and nuanced assessment at how institutional and political dynamics shape environmental law enforcement in Serbia.

5.5. Institutional Barriers to Enforcement in Serbia

Even though Serbia has established formal cooperation mechanisms and has registered regional commitments, its capacity to enforce environmental law remains limited in practice. As highlighted by interviewees and recent institutional reports, these frameworks often exist more on paper than in operational reality. Indeed, according to Vojvodić and Vukčević (2025), the most widespread pattern is institutional avoidance: "Inspectors wait years for companies to obtain permits, and then do nothing. It's deliberate inertia". This passive attitude undermines both environmental protection and public confidence in legal processes. One of the most persistent problems, according to Vojvodić (2025), is the disconnect between the inspection services and the prosecuting authorities. "The inspector gave a clear report, but it never made it to the prosecution service. That's standard, she recalls, describing a pattern of institutional inertia. These findings, even when they are unambiguous, often doesn't translate into legal action. In this analysis, the dysfunction is referred to as "legal fragmentation", a term capturing not just to procedural shortcomings, but to deeper structural problems in the organisation and interaction of Serbia's law enforcement agencies.

The legal actions of RERI illustrate this problem. Indeed, we can take as an example the criminal complaint filed by RERI in 2022 against the Chinese mining company Zijin Copper, who was accused of polluting the Mali Pek river in eastern Serbia with heavy metals (RERI, Annual Report 2022, 2023). The pollution was confirmed, but the prosecutor in Bor opposed a full criminal trial. Instead, the prosecutor conditionally suspended the proceedings after the company agreed to pay a fine of 1 million dinars (about €8,500), which was then addressed to a public institution. This result prevented any formal conviction or significant legal consequences and led closure of the case. Vojvodić (2025) calle it a "missed opportunity to show that environmental crime has consequences", highlighting the broader trend of symbolic enforcement without real substantive legal follow-up.

This trend is not isolated. Zvekić (2024) in his policy research report for the Global Initiative Against Transnational Organized Crime show that prosecutors across the region tend to refrain from pursuing politically risky or resource-intensive cases. The report states that "corruption and informal pressures routinely interfere with prosecution strategy, particularly in the environmental sector", which aligns with observations from the interview and supporting documents that point out to a systemic failure in Serbia's enforcement system.

In order to clearly illustrate the complex and interrelated barriers to enforcement, the table below outline not just its key obstacles, but also how they support each other within Serbia's institutional framework:

Table 2: Key Institutional Barriers to Enforcement in Serbia

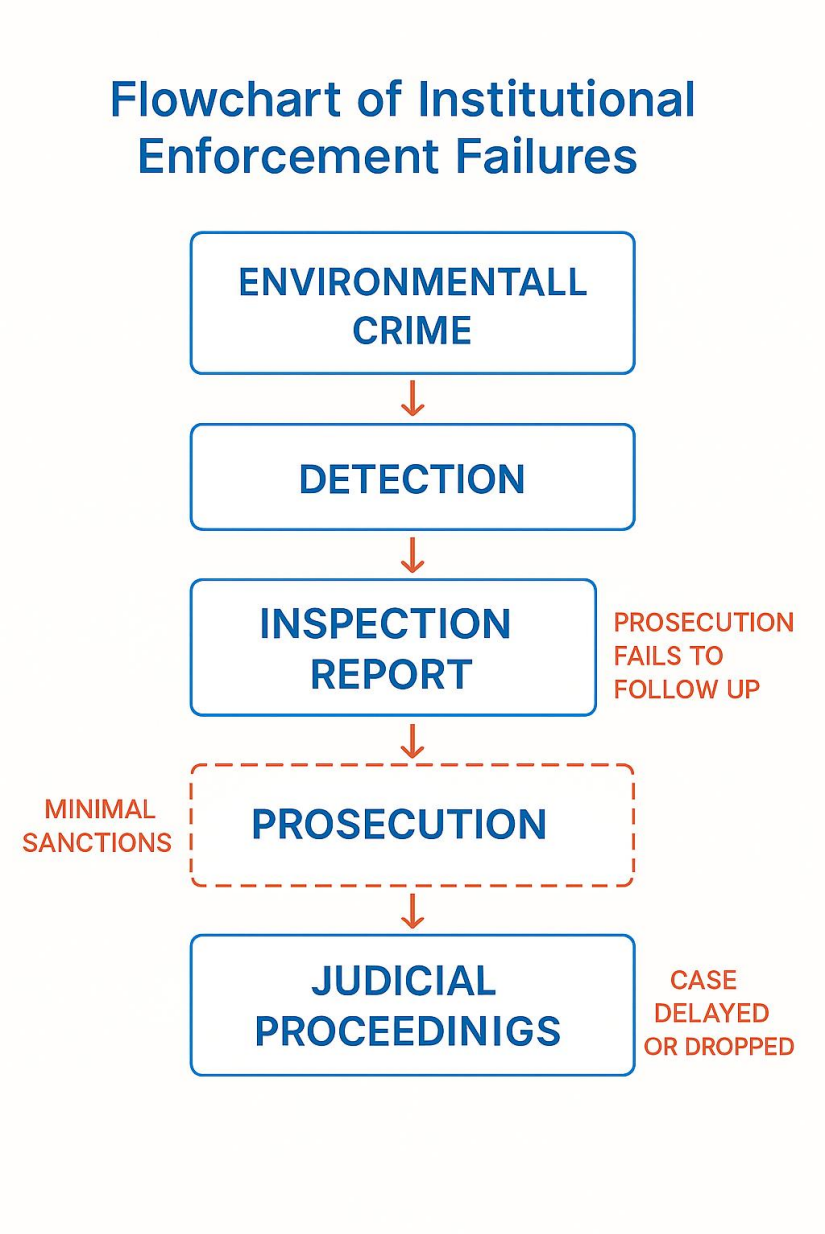
Barriers	Type	Manifestation	Interaction/Explanation
Political pressure	Primary driver	Delayed or dropped investigations	Creates a climate of caution among prosecutors, particularly in cases involving powerful actors (Global Initiative, RERI).
Prosecutorial passivity	Reinforcing mechanism	Refusal to act on inspector reports or NGO complaints	Often a response to political pressure or lack of institutional independence (Interview, RERI reports).
Legal fragmentation	Structural enabler	Poor coordination between administrative and criminal law	Prevents effective case building and allows discretionary decision-making, which weakens enforcement (Vojvodić interview).
Symbolic enforcement	Outcome/symptom	Settlements without sanction; no deterrent effect	Enabled by passivity and fragmentation. Legal tools exist but are not used in a meaningful way (RERI cases, EUCrim).
Lack of Directive transposition	Structural cause	No adoption of qualified offences or new penalties	Reflects deeper governance inertia and reinforces other failures by blocking legal upgrades that would improve enforcement (GIZ 2024, Vojvodić).

Sources: Interview with Vojvodić (2025); RERI Reports (2022); Global Initiative (2024); GIZ (2024).

This table shows that these enforcement gaps are not distinct, but that they are linked and enven reinforce each other. Political pressure and legal fragmentation, for example, encourage the passivity of prosecutors and the superficial application of legislation. The non-transposition of the 2024 Directive is both a symptom and a cause of this broader inertia. Such patterns reflect not just administrative dysfunction, but a political and structural arrangement in which environmental law generally takes second place to economic and strategic imperatives. As described in the GIZ Country Risk Analysis: Serbia, Damnjanovic (2024) notes that environmental law enforcement in Serbia is "marked by low institutional capacity, a lack of coordinated oversight, and weak deterrence mechanisms". Until these obstacles are overcome, the EU's 2024 Environmental Crime Directive will have a largely superficial effect.

The figure below shows a condensed flowchart of Serbia's crime environmental enforcement procedure to demonstrate this reasoning in action. It identifies the frequent failure points where cases are either blocked, deprioritised, or abandoned completely. It also highlights the important institutional stages, from detection to judicial outcome. This visual makes it easier to understand how enforcement breaks down not in a single instance but rather as a result of a number of interconnected institutional flaws that consistently prevent environmental accountability.

Figure 3: Flowchart of Institutional Enforcement Failures in Serbia



Source: Author's elaboration based on Vojvodić and Vukčević (2025); RERI Reports (2022–2024); Global Initiative (2023)

5.6. Perceptions of the 2024 Directive and Symbolic Compliance

Although the renewed legal ambition of the 2024 Environmental Crime Directive is welcome, its impact on the ground is viewed with skepticism by stakeholders. According to Vojvodić (2025), "we've seen no real shift since the Directive came into force. The same actors, the same patterns, there is no sign of it changing anything so far." This is a sentiment that echoes a broader concern: that Serbia's formal commitment to EU regulations conceals an intrinsic resistance to change. The result is a pattern of symbolic compliance, where laws are conceptually recognised but rarely integrated into practice.

This can be observed in the absence of consequential legislative amendments to the Directive. Serbia has failed to transpose certain important aspects of the new framework, including the adoption of "qualified offences" or corporate turnover-based fines, which are essential for ensuring effective proportionality and compliance (Damnjanovic, 2024). As Vojvodić (2025) put it: "Our law hasn't been updated. It's like the Directive didn't happen". A similar point is raised by Stojanović (2025) who, in their assessment of the directive suggest that if the new legal tools are robust in principle, their effective use will depend entirely on national implementation: "Without political will and prosecutorial independence, these tools remain dormant".

Instead of being a real catalyst for systematic change, at this early stage the new directive seems to have cemented what we already know. Authorities reference it rhetorically, but enforcement practices do not change. Even the language of compliance, capacity building or stakeholder engagement often circulate without real operational consequences. As Vojvodić (2025) observed: "We get the workshops, but not the prosecutions". This difference between the ambition of the directive and the enforcement culture in Serbia raises important questions for the next stage of implementation. If the legal reform does not materialise and if the institutional actors are not held to account, the directive could risk becoming just another symbolic framework that is impressive in text but detached from practice.

5.7. Role of Civil Society and Strategic Litigation

In the absence of reliable state enforcement, civil society organisations have more than often taken it upon themselves to exert legal pressure. The strategic litigation is a main tool in which NGOs try to control environmental protection when public authorities are indifferent. Among these, RERI has taken a leading role. As Vojvodić (2025) said, the strategic litigation in Serbia is not a question of establishing the rule of law. It's about "forcing institutions to do their job". Many of RERI's lawsuits are aimed at triggering basic administrative responses, such as environmental inspections or access to information: "The idea is to make enforcement visible, or at least force them to respond,". She also pointed out that the outcomes of litigation are often limited or symbolic.

A good example of this process can be seen in the notorious case of Zijin Copper, which was mentioned earlier. Although the legal resolution was weak, it only took place because RERI initiated it and pushed the prosecutor's office to act. As Vojvodić (2025) points out, "without our pressure, nothing would have happened at all". Another example of such case is the Linglong Tire factory, mentioned during the interview by Vukčević (2025).

RERI filed a criminal complaint against the company on the basis of unauthorised construction on its site within one of the industrial estates. Although the evidence provided by the construction inspection authority, the prosecutor's office ultimately rejected the complaint on questionable grounds, specifically because Linglong had previously received a permit for another unrelated construction (Vojvodić, 2025). These cases are an example of a general trend where civil society like RERI act as surrogate enforcement agents, not so much to achieve major legal victories, but to at least ensuring minimal government accountability and public visibility over enforcement failures. Unfortunately, RERI experience is not unusual. In his report, (Zvekić U. U., 2024) highlights the tendency of NGOs in the Western Balkans to use the courts as a means of compensating for lack of enforcement in these areas, such as environmental and corruption cases. But these legal efforts do not work to change the system, in most cases. According to his report, courts are "often ignored, delayed, or minimally implemented," especially when cases target powerful actors.

Another issue is that NGOs often have difficulty making their voices heard in environmental matters. In many cases, described in the (RERI, Annual Report 2022, 2023), access to administrative procedures was denied for procedural reasons such as “lack of special interest” or vague restrictions on public participation. In some cases, it was only after repeated appeals or media coverage that these procedural barriers were removed.

Despite these challenges, civil society are the few actors that regularly seek enforcement in practice. (Vojvodić, 2025) claimed that “litigation keeps the conversation going”, they might have a limited impact, but they could put pressure on public institutions, achieve media coverage, and mobilise communities that are affected by pollution or violations of the law. However, she also conceded that it is not realistic to think that NGOs can do the work of law enforcement: “We can’t replace the prosecutor’s office. We’re not meant to be the enforcement mechanism.”

This tension between effectiveness and dependency is essential for understanding the current law enforcement landscape. Strategic litigation can fill the void of public inaction, but they cannot replace the structural reforms that this new directive is supposed to encourage. At best, it highlights the gap between law and law enforcement; at worst, it may become the only visible means of accountability in a system where institutional silence is the norm.

5.8. Cross-Border Cooperation: Formal Participation, Limited Functionality

Serbia’s engagement in regional and EU-sponsored enforcement programmes has been gradually increasing in recent years. Serbian authorities, via institutions such as the SELEC, EMPACT and Frontex, are involved in multiple joint operations, systems of exchange of information and regional cooperation architectures. However, the real impact of this cooperation remains questionable.

According to Vojvodić (2025), Serbia's relations within regional cooperation is often "formal rather than functional". Although Serbian agencies participate in meeting and sign memoranda, their enforcement outcomes are uneven. "There's a lot of talking and reporting," she observed, "but very little follow-up. The flow of information is mostly one-way; Serbia receives more than it gives". This opinion is consistent with the one expressed by Zvekić (2024), where Western Balkan involvement in cross-border cooperation is described as "surface-level alignment with EU expectations, rather than deep operational integration", which suggest that countries like Serbia formally participate in EU-sponsored initiatives without achieving substantial enforcement integration with EU member states.

The EMPACT information sheet by Europol (2023) includes Serbia as a non-EU operational partner with priority actions on environmental crime. However, it does not express Serbia's participation in individual multi-agency investigations, nor does it provide data on Serbia's law enforcement actions. Similarly, in SELEC's activity reports (2022, 2023), Serbia's participation in joint operations such as Operation TOX is mentioned, but there is no indication that it has had any significant judicial repercussions in Serbia.

Moreover, Vojvodić (2025) pointed out that "information gets exchanged, but it often dies in a drawer". She cited several cases where cross-border alerts were issued but not followed up at national level due to obscure jurisdiction or a simple lack of political interest. In other cases, national response has also been lacking after EU partners supported the investigation: "Unless the EU is directly involved or funding the operation, there is rarely a sense of urgency on our side," she said.

It's an illustrative pattern that points to a deeper structural problem: cooperation mechanisms may exist, but what they produce doesn't really enter Serbia's judicial system in a meaningful way. As long as environmental crime is not a priority for national prosecution and inspection bodies, even high-level cooperation with EU bodies will not translate into much at national level.

This lack of consistency is also highlighted by Damnjanović (2024) in the Country Risk Analysis: Serbia, which states that Serbia has "strong external alignment and weak internal follow-through" in terms of transposition and implementation of environmental standards. Moreover, independent and online Serbian media do cover corruption and environmental crime, but they usually only make it a brief part of an article. Vojvodić and Vukčević (2025), these issues are briefly picked up in media coverage on the occasion of specific scandals but rarely evolve into sustained public attention or political accountability. This lack of consistent media demands also facilitate institutional drift, while undermining efforts to increase the effectiveness of law enforcement.

To conclude, these results indicate that Serbia's integration into regional law enforcement is real but largely performative. Although the country officially uses the language of EU cooperation, meetings and structures, its institutions are often unable or unwilling to act on shared intelligence or joint investigation outputs. This raises the question of the real effectiveness of cross-border enforcement.

VI. Discussion

The analysis has explored how cross-border enforcement of illegal waste between Serbia and EU members states has developed in light of the new 2024 Directive. However, instead of a clear positive outcome, the results have largely shown that structural problems and functional non-cooperation are very persistent and do not change significantly. Although the ambitious legal reform of the Directive has been crucial, the study demonstrates the continuing inadequacy of implementation. There is little evidence of a direct post-Directive shift, instead there are persistent problems of fragmented coordination, inconsistent prosecution, and weak institutional engagement. These problems existed even before the Directive and have not changed significantly since its establishment.

This discussion part will now draw insights from three theoretical perspectives: regulatory spillovers, green criminology and cross-border cooperation, to provide a more nuanced response to the structural, political and institutional forces influencing law enforcement in Serbia. The aim is not to account for these failures through a single causal mechanism, but rather to integrate these observed patterns into the overall dynamics of governance. In doing so, it develops the concept of inherent transgression to provide a deeper reading on why legal alignment can fail while appearing successful on paper.

6.1. Institutional Inertia and the Limits of Regulatory Spillover

The regulatory spillover theory highlights the diffusion of EU standards and rules to non-EU countries as a result of political and institutional interactions and suggests that these external pressures can help shape national governance (Lavenex, 2009).

Nevertheless, our findings reveal that, despite the formal harmonisation of Serbia's legislation with EU environmental standards, practical implementation remains limited, inconsistent and largely symbolic. The interview and documentary sources paint a picture of recurring patterns of institutional inertia: Inspections are launched but come to nothing, prosecutors avoid politically sensitive cases, and we see almost no penalties for environmental offences. This is not just a question of capacity, according to Vojvodić and Vukčević (2025) it also reflects a kind of systemic avoidance. Laws are adopted but no enforced. Reports are written but rarely results in prosecution. As Damnjanović (2024) notes, this pattern is rooted in "low institutional capacity, lack of coordinated oversight, and weak deterrence mechanisms."

An example of this type of strategic compliance can be found with the Zijin Copper case (previously presented in the result part). Despite the very apparent violations and proven environmental damages, the refusal to bring appropriate criminal prosecutions reveals that law is being sidelined in favor of political and economic convenience (Vojvodić, 2025).

The key point in this context is not just that enforcement fails, but that it fails systematically, reinforcing the idea that Serbia's alignment with EU environmental legislation is shaped by domestic political expediency rather than the consolidation of the rule of law. It is useful here to refer to Žižek's concept of inherent transgression. In this framework, the authority of a system is not maintained by active adherence to the rules, but rather by its own systemic violations: the informal rules, the accepted irregularities and the ritualised inaction that allows the illusion of order to endure (Butler, 2014).

In the case of Serbia, what appears to be an enforcement failure may in fact function as an unspoken support of the system: transgression is not accidental, it is constitutive. As Žižek argues, "the true exclusivity of the dominant culture is located not in its positive content, but in the unwritten violations that serve to prop up that very order" (Butler, 2014). Serbia's enforcement architecture, then, may not be merely weak, it may depend on selective inaction to maintain its political and economic configurations, while seemly complying with EU demands.

Indeed, this is particularly visible in the government's handling of controversial projects such as Rio Tinto's in the Jadar Valley, as another example of this instrumental alignment (Hodgson, 2025). Although faced with sustained local protest and unresolved legal issues, the state reinstated key permits and openly supported the project, thereby aligning itself with EU demand for lithium while suppressing dissent. The European Parliament also became entangled in the scandal following the screening of a documentary on the mine, leading Serbian officials to accuse European institutions of promoting "foreign propaganda" (Hodgson, 2025).

These patterns highlight the limits of regulation in contexts where political elites opportunistically adopt EU standards to pursue national interests. Legal approximation happened, but enforcement is suspended or diverted when it puts those interests at risk. The system doesn't operate in response to failures; it works through them. In this respect, inherent transgression offers a useful way for understanding what might otherwise seem to be a contradiction or an incoherence: Serbia's failure to enforce environmental regulations is not merely a case of non-compliance, but rather symptoms of a logic that maintains state power while managing external pressures.

6.2. Green Criminology: Environmental Crime as Structural Harm

Green criminology broadens the focus beyond compliance to highlight the links between environmental crime in relation to power and inequality. It also considers who determines what constitutes a crime, who benefits from weak enforcement, and who suffers from it (Lynch M. J., 2019). This type of analysis is particularly useful to explain how illegal waste movements can occur in a country like Serbia, which has adopted EU legal framework and positioned itself in line with EU standards. In practice, enforcement is generally weaker in marginalised areas, where environmental harm is easier to ignore and less politically costly. Green criminology helps to expose how these enforcement gaps are not random, but shows deeper patterns of environmental injustice, where the state implicitly tolerates harm when it affects communities with limited visibility or influence (Lynch M. J., 2019).

Unlike in some contexts where destructive practices are legal but unjust (Brisman, 2018), the environmental harms studied here (e.g. illegal waste trading and pollution) are both illegal and harmful. Nevertheless, these issues are often treated as mere administrative matters, with a relatively low number of prosecutions and minimal penalties. In fact, rural areas in Serbia, especially those on the borders and far from political centres, have become an easy place to dispose of waste due to ineffective control and public invisibility.

As Vojvodić (2025) notes, such activities are often depicted as technical infraction, rather than crimes with systemic impact. This new framing also serves to reduce the sense of urgency to take action, even in the face of clear evidence of a legal violation.

This is similar to Lynch's (2019) concept of structural victimisation, which occurs when harms are normalised when they affect marginalised populations or ecosystems. In Serbia, it is the responsibility of civil society to remain vigilant, since law enforcement bodies are either unable or unprepared to take preventive action. Although there are occasional independent media reports, these are usually reactive and episodic, and do not lead to sustained campaigns or accountability mechanisms. Consequently, many environmental harms end up in a legal grey, where they are legally banned but functionally allowed. This form of ecological injustice doesn't occur because the law fails to prohibit harmful acts, rather, it occurs because those acts are not considered politically significant. According to green criminologists, ecological injustice results in both human communities and natural ecosystems becoming expandable, to the extent that their degradation has minimal impact on policy or enforcement practices. This logic helps to explain why enforcement bodies, although they have the legal tools to intervene, exhibit little interest, especially when the harms take place out of the public eye or in regions of low strategic visibility. As White (2014) notes, ecological damage is often ignored when it happens because it is politically or economically convenient. Serbia, being on the periphery of Europe, can absorb risks that richer states push outwards.

This reflects the type of structural damage-shifting identified by Brisman (2018), in which powerful actors shift environmental risks to less politically visible areas. Through this lens, Serbia's failure to take effective action against the illegal trafficking of waste is not just a case of poor bureaucracy. It reveals deeper issues about which harms we prioritise and which we can afford to overlook. Even with the new 2024 EU Directive, which may establish a stronger legal framework, if political enforcement is selective and institutionally weak, the underlying structural forms of inequality that produce environmental harm will remain unchanged.

In other words, the issue is not just the inadequacy of the law, but the process that allows environmental destruction to continue whenever it serves short-term political or economic interests. This perspective redefines Serbia not only as a weak enforcement agent, but as part of a larger system where environmental burdens are shifted from the EU's centre to its periphery. Here, green criminology helps us see that trafficking is not only illegal: it is structured, tolerated and rooted in global inequality.

6.3. Cross-Border Cooperation: Institutional Barriers and Practical Limitations

Cross-border cooperation as theorised by Alibašić and Atkinson (2023), perceived institutional collaboration as a means to overcome jurisdicational fragmentation and strengthens efforcement through reciprocity, trust, and shared responsibility. By taking that into account, countries like Serbia should in principle benefit from their involvement in EU-led cooperation frameworks by improving their operational capacity and aligning with implementation standards. Nevertheless, this study suggests that Serbia's cooperation remains highly symbolic. The theory then postulates that institutional commitment fosters mutual responsibility and better coordination. In the case of Serbia, the link is weak. Although the number of join investigations with SELEC has increased from 46 in 2019 to over 90 in 2023 (SELEC, SELEC Annual Report 2023, 2024), there is little evidence that such an approach is prone to domestic prosecution or deterrence in law enforcement.

Instead, as Vojvodić (2025) puts it, cooperation mostly involves "talking and reporting," with minimal follow-up or judicial consequence. What it illustrates it that Serbia fits into a pattern of what the theory would call fragmented cooperation: there is institutional engagement (meetings, intelligence flows) but no operational substance.

As Zvekić (2014) observes, thecountry's participation refkects "surface-level alignment," not full integration. The channels of communication are there, but the willingness or ability to respond to information is often lacking.

This is particularly complicated when it comes to the enforcement of environmental legislation, where cross-border coordination needs to take place quickly. Europol's EMPACT factsheet (2023) includes Serbia as a listed partner, but doesn't give any indication of its role in follow-up investigations. Operation TOX is also mentioned in SELEC reports, but the lack of legal action in Serbia only illustrates the gap between regional action and national implementation. Regarding cross-border cooperation, Serbia derives its legitimacy from its accession to the EU, while contributing little operationally.

Damnjanović (2024) describes this duality as "strong external alignment and weak internal follow-through". It symbolises a system where cooperation is incentivised for appearances, rather than embedded into domestic legal routines. Cross-border structures such as SELEC or EMPACT can provide intelligence, but when that information "dies in a drawer," as Vojvodić (2025) puts it bluntly, the premise of the mutual benefit theory collapses. Instead of building trust and promoting accountability, these frameworks function as performance mechanisms which, while convenient for international reporting, fail to drive enforcement outcomes. This gap between formal participation and actual practice calls into question the optimistic assertion of cross-border cooperation theory. In the absence of political will and institutional responsibility in Serbia, even the most well-designed regional platforms fail to produce substantive change.

6.4. Stakeholder Landscape in Cross-Border Environmental Enforcement

To understand why fight against illegal waste trafficking continues to be ineffective in Serbia, it is necessary to map the roles, powers and responsibilities of the main actors involved. Even though most of the focus is on laws or official cooperation mechanisms, loopholes in implementation mostly come from an uneven and fragmented institutional scene. The efficacy of any directive or agreement depends not only on its adoption, but also on the actors responsible for its implementation and how they interact between them. In Serbia's case, it's still inconsistent because the institutions involved lack authority, resources and political autonomy.

The national agency responsible for developing environmental policy and bringing Serbian legislation into line with the EU acquis is the Ministry of Environmental Protection. That said, it actually doesn't play any operational role in inspection or enforcement. Indeed, it mainly produces strategic documents, often with the help of donors, but these are rarely put into practice (Damnjanovic, 2024) (UNECE, 2015). Then, the Environmental Inspectorate, which monitors and punishes environmental offences, is the body in charge of practical enforcement. Nevertheless, according to reports by GIZ (2024) and RERI (2022), inspectors lack funds and staff, and they often postpone their interventions due to administrative inertia or unclear legal requirements. As for the legal power to initiate criminal proceedings, it lies with the Public Prosecutor's Office. However, it typically refrains from intervening in politically sensitive cases, especially those involving large companies or foreign investors. Both international actors and NGOs have documented this reluctance (Zvekić, 2024). Even when the Inspectorate provides convincing evidence, prosecutors frequently raise procedural issues or dismiss cases without further action (Vojvodić, 2025). The judiciary, for its part, is not very involved. Indeed, environmental cases rarely tried, let alone result in convictions. The UNDP (2024) and RERI (2022) assert that sanctions are generally negotiated and administrative rather than criminal in nature. Civil society organisations, like RERI, have taken on a quasi-enforcement role in this legal vacuum.

Indeed, they bring legal action, demand access to information and sometimes pressure institutions to act through strategic litigation (Vojvodić, 2025). Still, their capacities remain limited. As non-governmental organisations, they are not legally empowered to directly initiate legal proceedings or issue warrant. Their influence depends on their ability to pressure existing institutions.

Serbia's conformity with European standards is supported at regional and global levels by EU organisations such as the Directorate-General for Environment of the European Commission and cooperation platforms such as SELEC, EMPACT and FRONTEX. Nevertheless, their impact is again, still indirect. Even if they provide frameworks for capacity building and information sharing, they are not able to enforce compliance with standards in third world countries (SELEC, SELEC Annual Report 2023, 2024) (Europol, 2023).

The table below summarise the relative power, resources, influence and accountability of each stakeholder involved to show this fragmentation:

Table 3: Stakeholder Power and Accountability Matrix

Stakeholder	Legal Authority	Resources	Influence	Accountability
Ministry of Environment	High (policy)	Moderate	Medium	Low
Environmental Inspectorate	Moderate	Low	Low	Low
Prosecutor's Office	High	Moderate	High (selective)	Very Low
Judiciary	High	Moderate	Passive	Very Low
Civil Society (e.g. RERI)	Low	Low	High (indirect)	High (public)
EU Institutions (DG-ENV, Commission)	High (externally)	High	Medium	Political only
SELEC / EMPACT / FRONTEX	Medium	Moderate	Low	None

Source: Author's elaboration based on data from RERI (2022, 2023), Damnjanović (2024), Vojvodić (2025), Global Initiative (2024), SELEC (2024), Europol (2023), UNDP (2024).

This mapping results in a system where duties are divided and diluted. Indeed, while those who are willing to act, such as civil society, lack enforcement power, those with official authority, such as prosecutors and courts, are subject to political constraints. The Zijin Copper case, for instance, showed that the chain of enforcement breaks down at crucial moments when inspectors took action and RERI filed a lawsuit, but prosecutors chose a conditional suspension over a trial (RERI, Criminal Liability of Corporate Entities for Criminal Offenses Against the Environment, 2022). These trends constitute a coherent architecture of non-enforcement rather than isolated failures. Courts argue that there is insufficient legal foundation; EU actors point to national sovereignty; prosecutors cite administrative barriers; and inspectors cite restricted mandates. In the meantime, civil society uses few resources and show strong opposition in attempting to hold the system accountable (Zvekić, 2024).

To conclude, Serbia's institutional structure demonstrates why exactly legal harmonisation alone is not enough to ensure effective implementation. Since an enforcement chain is only as strong as its weakest link, almost all of the links in Serbia are under stress. Future changes must define the division of responsibilities, strengthen enforcement bodies and hold them accountable for their action (or inaction), if the 2024 Directive on environmental crime is to be successful beyond mere symbolic alignment.

6.5. Public Awareness and Media Coverage

In addition to institutional practices, how and whether environmental crime issues are discussed in public debate also influence how visible these crimes are in Serbia. Indeed, media coverage is essential to compel authorities to take action in societies with weak public accountability system. The extent to which enforcement failures become matters of public concern or political cost is limited in Serbia, where environmental violations often go unnoticed in the media. Civil society has once again played a major role in public awareness efforts.

Organisations such as RERI conduct targeted communication campaigns and regularly engage with the media. As an example, in order to reach a wider audience beyond technical and legal circles, RERI partnered with *Oblakoder* magazine in 2022 to create content on air pollution and urban environmental risks in Belgrade (RERI, Annual Report 2022, 2023). Even though these initiatives have succeeded in generating brief public interest, they almost never result in long-term media attention or widespread mobilisation.

A perfect example to illustrate that point is found in the case of illegal small hydroelectric power plants in protected natural areas (Damnjanovic, 2024). The construction of these facilities proceeded without any incident despite years of protests by local communities. Moreover, there hasn't been much investigative coverage of the topic and national media frequently ignored local resistance initiatives. *The Country Risk Analysis Serbia*, states that private security forces prevented activists from recording these operations, intimidating them and even physically assaulting them (Damnjanovic, 2024). In addition to isolating these cases, the lack of media coverage protects the competent authorities from any pressure to intervene.

The interview conducted for this study also highlighted this disconnect between media coverage and civil activism. RERI staff expressed frustration at working in a context where NGOs bear almost all of the responsibility for gathering evidence and raising public awareness (Vojvodić, 2025). Even if press releases and strategic litigation attract little interest, journalists almost never really look into cases beyond the initial headlines. Both interviewees expressed frustration at having to act as watchdogs in a context where media attention fluctuates and does not encourage long-term accountability.

Furthermore, media coverage is typically event-driven rather than systemic. Structural causes, such as legal loopholes, inaction by law enforcement authorities or political interference, go unchecked, despite the fact that protests, accidents, or court filling may momentarily garner attention. The existence of environmental harm may be reported by the media, but accountability is rarely traced up the institutional chain. Any potential deterrent effect of environmental law is undermined by this inconsistent coverage.

Without ongoing public exposure, enforcement gaps continue to be technical issues hidden within bureaucratic procedures rather than being the subject of political controversy. Public institutions are free to downplay or delay measures without repercussions if there is not media pressure.

In summary, the role of Serbian media in environmental accountability is relatively limited. NGOs continue to fill this gap, but without regular media coverage, their ability to influence public opinion is still limited. Strengthening the connections between media coverage and environmental advocacy is crucial if enforcement is ever to move from being a legal formality to a political and public priority.

6.6. EU Conditionality and Environmental Enforcement in Candidate Countries

Beyond media silence and domestic avoidance, Serbia's environmental enforcement deficiencies must also be examined from the larger perspective of EU political influence, or it's decline. As previously said, official reports and national strategies frequently highlight Serbia's formal alignment with EU standards, even though they have not led to meaningful implementation. One of the main obstacles to Serbia's EU accession process is the gap between, law and implementation, particularly regarding Chapter 27 on Environment, which is one of the 35 chapters that candidate's countries must negotiate during the EU accession process. The process by which the EU aims to transfer its regulations and governance models to candidate nations must be looked more closely, in order to understand this discrepancy.

Indeed, the EU can influence domestic reforms in candidate states through a straightforward mechanism: compliance in exchange for rewards, based on the external incentives model (Schimmelfennig, 2004). However, two essential factors must be present for this model to be effective: the legitimacy of the EU's commitment to encourage compliance with the rules and the cost of adopting and implementing the necessary regulations at national level (Schimmelfennig, 2004).

Both conditions are precarious in Serbia's case. The credibility of long-term benefits has been weakened by declining public support for EU membership and uncertainty surrounding Serbia's accession timetable. But, enforcing environmental laws at national level remains costly, especially when investors have political connections.

Researchers have described this phenomenon as "shallow Europeanisation", in which nations formally adopt EU laws without changing their fundamental institutional practices (Lavenex, 2009). According to Bažić (2019), Serbia's strategy is a strategic game in which national authorities adhere to formal norms in order to appease EU observers, but whose implementation remains selective and subject to political constraints. This is especially visible in the environmental sector, where judicial outcomes are weak, administrative capacities are limited, and prosecutions are hesitant (Zvekić, 2024) (Damnjanovic, 2024). This disparity has been recognised by the European Commission.

Indeed, while Serbia has achieved high level of alignment with the acquis Communautaire in the field of waste management, the Commission noted that "enforcement capacity remains insufficient and uneven" (Damnjanovic, 2024). The same report highlights that legal alignment is not the only solution to the ongoing problems in inspection, sanctioning and inter-institutional coordination that are highlighted in the same report. The lack of political will to implement Chapter 27 is also highlighted in the parallel report of the Coalition 27 Shadow Report, specifically in areas where economic actors are important (Damnjanovic, 2024).

Furthermore, the evolving nature of EU conditionality is itself an important factor in this symbolic compliance. The prospect of accession put strong pressure on Central and Eastern European countries to implement ambitious reforms in the 2000s (Bazic, 2019). In the Western Balkans, this lever is now much less powerful. Credibility has suffered, the EU's influence is increasingly fragmented, and the enlargement process has slowed down (Bazic, 2019).

As a result, candidate countries like Serbia that delay reforms face few consequences, especially in areas such as environmental protection that don't have the same geopolitical urgency as border control or migration (Zvekić, 2024). With this context, Serbia's performative approach, which consists of meeting formal requirements without seeking to make substantive changes, is a logical response to the conditionality framework rather than a departure from it. Although environmental protection laws have been adopted, reports have been submitted and meetings have been held, their implementation is still very limited. According to Bažić (2019) "the form is met, the function is optional."

In conclusion, the Serbian legal system may have been shaped by the EU conditionality framework, but it has failed to break through the deeper institutional and political structures that govern law enforcement. In fact, conditionality should be combined with more rigorous monitoring, clearer benchmarks and significant sanctions for non-compliance if environmental protection is to become more than just an administrative formality. Without such measures, Directive 2024/117/EU risks becoming one of many European standards adopted by Serbia but never actually implemented.

VII. Conclusion

As part of Serbia's cooperation with the EU on illegal waste trafficking, this thesis aimed to study the gap between legal harmonisation and enforcement outcomes. Rather than providing a detailed summary of the chapters, this conclusion offers a final reflection on what this case teaches us in terms of environmental crime, international cooperation and law enforcement. According to this research, enforcement involves more than just having laws in place; it also involves how institutions decide to implement or disregard them.

Although laws exist in Serbia, they are often not enforced due to a combination of inertia, selective action and a lack of accountability. These failures are not random; they follow a recognisable pattern in which situations harmful to the environment become more common and politically sensitive cases lose priority. This study argues that we should reframe enforcement gaps as a structured aspect of the legal and political system rather than as a dysfunction.

It provided insights into how law functions at the EU's periphery, where formal commitments frequently lack operational weight, despite the fact that it only included one interview with two experts, and a small amount of primary data. It draws attention to the need for more research that bridges the fields of critical governance, environmental justice and legal studies, particularly in transitional settings like Serbia. Comparing one country to another, such as Montenegro, North Macedonia, Bosnia and Herzegovina or even Turkey would be a useful way of determining whether comparable patterns of symbolic compliance are emerging in the context of EU environmental conditionality. Such a study would help determine whether Serbia is an isolated case or part of a broader regional trend influenced by common political constraints and administrative legacies. Long-term research could also monitor the implementation of the 2024 Directive after its transposition into national law. This would help determine whether the changes to legislation are producing concrete results in terms of prosecutions and how they fit into broader institutional reforms.

Finally, even though the study focuses on Serbia, its implications aren't limited to that country. It casts doubt on the notion that harmonising laws leads to tangible change and instead points to the underlying social and political factors that influence how enforcement is carried out. More focus should be paid to what happens after harmonisation, to the people affected, to the beneficiaries and to those left behind.

VIII. Recommendations

A few recommendations can be made in light of these conclusions. First, short-term institutional efficiency could be greatly increased by making minor but significant changes. Better coordination between the various law enforcement actors, especially environmental inspection services, police forces, customs officials and prosecutors, is one of the most obvious needs. Reports are often lost between institutions and communication stays limited. To fix this, a joint reporting system or a national working group could be set up to look into suspected offences. The EU should also monitor candidate countries under the guidance of civil society. Local NGOs can play an extremely important role in detecting violations and documenting abuses, as demonstrated by initiatives like those carried out by RERI. National governments are EU organisations should support these initiatives more consistently, both financially and institutionally.

In the future, Serbia will need to update its national criminal legislation to conform to the content of the Directive 2024/117/EU. This means, adding new categories of offences, providing a precise definition of "qualified offences" and ensuring that penalties are reasonable and dissuasive. Otherwise, the Directive will stay a formal requirement with nor real legal force. Following the example of registers used in the fight against corruption, Serbia should establish a public, open and transparent database of environmental crime cases to facilitate law enforcement. This would certainly increase public pressure for follow-up by making it possible for journalists, researchers and civil society to monitor the progress of investigations and prosecutions. As on the EU side, measurable implementation indicators, such as the number of successful prosecutions, penalties imposed and responsiveness of prosecutors, should also be added to the EU's monitoring of progress under Chapter 27. Benchmarks should no longer be met by legal transposition alone.

Now, in the long term, depoliticising the enforcement of environmental legislation in Serbia seems to be the most urgent structural need. This involves guaranteeing the independence of prosecutors handling environmental cases, protecting inspectors from reprisals and integrating environmental responsibility into the legal system. Even if these objectives are ambitious, they are essential to ensure that environmental law become more than just an administrative formality.

IX. References

Ahmed, I. (2020). The basel convention on the control of transboundary. *Washington International Law Journal, 29*, 411-454.

Alibašic, H., & Atkinson, C. (2023). Policy Transfer Framework in the Environmental Governance of Non-EU and EUMemberCountries: AComparative Analysis of Bosnia and Herzegovina and Croatia. *Sustainability, 15*. doi:https://doi.org/10.3390/

Baletic, K. (2024, April 11). Chinese Mining Giant Expands in Serbia Despite Pollution Fears. *Balkan Insight*. Récupéré sur https://balkaninsight.com/2024/04/11/chinese-mining-giant-expands-in-serbia-despite-pollution-fears/

Bazic, J. (2019). RELATIONS OF SERBIA AND EUROPEAN UNION: SOCIO-HISTORICAL DETERMINANTS AND THE CONTEMPORARY POLITICAL ISSUES. *Politeja*, 303-322. Récupéré sur https://www-jstor-org.zorac.aub.aau.dk/stable/26916392?sid=primo&seq=1

Benjamin, B. (2024, June 27). Serbia and EU border agency Frontex sign cooperation deal. *Info Migrants*. Récupéré sur https://www.infomigrants.net/fr/post/58051/serbia-and-eu-border-agency-frontex-sign-cooperation-deal

Brisman, A. &. (2018). Green Criminology and Environmental Crimes and Harms. *Sociology Compass*. doi:DOI: 10.1111/soc4.12650

Bruxelles, P. (2019, November 19). *Border management: EU signs agreement with Serbia on European Border and Coast Guard cooperation*. Récupéré sur PubAffairs Bruxelles: https://www.pubaffairsbruxelles.eu/eu-institution-news/border-management-eu-signs-agreement-with-serbia-on-european-border-and-coast-guard-cooperation/

Butler, R. (2014). *The Zizek dictionary.* Routledge. Récupéré sur https://www-vlebooks-com.zorac.aub.aau.dk/Product/Index/632603?page=0&startBookmarkId=-1

C. van Duyne, P. e. (2024). *Green and Transnational Crime in Europe and Beyond Synergies and Challenges.* Routledge. doi:https://doi-org.zorac.aub.aau.dk/10.4324/9781003530824

Commission. (2021). *Analysis of Cross-border obstacles between EU Member States and Enlargement Countries Final Report.* Directorate-General for Regional and Urban Policy. doi:10.2776/164787

Commission, E. (2025, February 24). *Commission receives first requests from non-OECD countries for inclusion on list of countries eligible to import non-hazardous waste from EU*. Récupéré sur Energy, Climate change, Environment: https://environment.ec.europa.eu/news/first-non-oecd-countries-request-eligibility-import-non-hazardous-eu-waste-2025-02-24_en

Commission, E. (n.d.). *Environmental Crime Directive*. Récupéré sur European Commission: https://environment.ec.europa.eu/law-and-governance/environmental-compliance-assurance/environmental-crime-directive_en

Consulting, G. E. (2021). *FINAL ENVIRONMENTAL REPORT for the Strategic Environmental Assessment for the Cross Border Cooperation Programme between Hungary and Serbia in the Programming Period 2021-2027.* Récupéré sur www.grantseurope.eu

Council, E. (2019). *Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in Republic of Serbia.* Récupéré sur https://data.consilium.europa.eu/doc/document/ST-15579-2018-REV-1/en/pdf

Currie, R. J. (2015). Neil boister, an introduction to transnational criminal law. *Journal of International Criminal Justice*.

Cyril, F. (2024, June 4). EU's OLAF and national customs agencies join forces in Illegal waste crackdown. *Euro News*. Récupéré sur https://www.euronews.com/green/2024/06/04/eus-olaf-and-national-customs-agencies-join-forces-in-illegal-waste-crackdown

Damnjanovic, S. e. (2024). *Country risk analysis: Serbia. Chamber of Commerce and Industry of Serbia (PKS).* Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. Récupéré sur https://responsiblebusinesshub.pks.rs/wp-content/uploads/2024/08/Country-Risk-Analysis-Serbia.pdf

DG-ENV. (2024, May 20). *New Regulation on waste shipments enters into force*. Récupéré sur European Commission: https://environment.ec.europa.eu/news/new-regulation-waste-shipments-enters-force-2024-05-20_en

EEA. (2012). *Movements of waste across the EU's internal and external borders.* European Environment Agency. Récupéré sur https://www.eea.europa.eu/en/analysis/publications/movements-of-waste-eu-2012

Eman, K. e. (2013). Environmental crime and green criminology in South Eastern Europe—practice and research. *Crime Law Soc Change*. doi:DOI 10.1007/s10611-013-9419-0

EPA/Interpol. (2010). *Environmental Crime - 16th International Forensic Science Symposium.* Récupéré sur https://19january2017snapshot.epa.gov/sites/production/files/documents/environmental-crime-16th-international-forensics-science-symposium.pdf

ERA. (n.d.). *Waste-related crimes and offences*. Récupéré sur Academy of European Law: https://www.era-comm.eu/combatting_waste_crime/module_3/module_3_11.html

ERA-Lex. (2008, November 19). *Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives*. (2. p.–3. Official Journal L 312, Éditeur) Récupéré sur European Union law: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0098

EUR-Lex. (2006, 06 14). *Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste*. (1. p.–9. Official Journal L 190, Éditeur) Récupéré sur https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32006R1013

EUROPOL. (2009). *Agreement on Operational and Strategic Co-operation between the Republic of Serbia and the European Police Office.* Belgrade.

Europol. (2023). *EMPACT factsheet 2023: EU's response to serious and organised crime.* European Union Agency for Law Enforcement Cooperation.

EWB. (2024, October 31). Key findings of the 2024 European Commission Report on Serbia. *European Western Balkans*. Récupéré sur https://europeanwesternbalkans.com/2024/10/31/key-findings-of-the-2024-european-commission-report-on-serbia/?utm_source=chatgpt.com

Fagan, A. (2010). The new kids on the block– Building environmental governance in the Western Balkans. *Acta Politica , 45*, 203–228. doi:10.1057/ap.2009.19

Faure, M. G. (2012, May 2). CriminalorAdministrative Law to Protect the Environment? Evidence fromWestern Europe. *Journal of Environmental Law*. doi:10.1093/jel/eqs005

FIAP. (2025, March 14). Serbian actors in the criminal proceeding learn about combating environmental crime. *FIAP*. Récupéré sur https://www.fiap.gob.es/en/noticias/serbian-criminal-prosecution-actors-learn-about-combating-environmental-crime/?utm_source=chatgpt.com

FRONTEX. (2023). *2022 In Brief.*

Geng, Y. e. (2023). The Spillover Effects of Environmental Regulations: A Perspective of Chinese Unregulated Firms' Tax Burden. *China & World Economy, 31*, 84-111. doi: https://doi.org/10.1111/cwe.12465

Hackwill, R. (2018, April 5). Serbia faces up to huge hazardous waste problem to meet EU environment standards. *Euro News*. Récupéré sur https://www.euronews.com/2018/04/05/serbia-faces-up-to-huge-hazardous-waste-problem-to-meet-eu-environment-standards

Hergan, R. (2021, December 12). Position Paper on the Serbia Solid Waste.

Hodgson, R. (2025, February 6). Serbian lithium mine European Parliament film screening. *Euro News*. Récupéré sur https://www.euronews.com/green/2025/02/06/serbian-lithium-mine-european-parliament-film-screening-fuels-dispute?utm_source=chatgpt.com

INTERPOL, U. (2016). *Strategic Report: Environment, Peace and Security – A Convergence of Threats.* UNEP & INTERPOL. Récupéré sur https://www.interpol.int/Search-

Page?search=Strategic+Report%3A+Environment%2C+Peace+and+Security+%E2%80%93+A+Convergence+of+Threats

Interreg, I. (2014). *Interreg IP Cross-border Cooperation Programme - Strategic Environmental Impact Study.* Zagreb.

Ivanovic, S. (2024). Environmental Protection Strategy - Green Agenda for the Republic of Serbia. Geneva: Ministry of Environmental Protection, Head of Department for Strategic Planning .

Ivkovic, S. K. (2023). *Exploring Contemporary Police Challenges: A Global Perspective.* Routledge. doi:10.4324/9781003136965

Jovasevic, D. (2012). Forms of International Crimes. (F. o. Law, Éd.) *Collection of Papers*, 91-112.

Lappe-Osthege, T. (2024). The Ripple Effects of Compliance: Reconfiguring EU Policy Effectiveness in Transboundary Environmental Governance. *JCMS: Journal of Common Market Studies*, 653–670. doi:https://doi.org/10.1111/jcms.13519.

Lavenex, S. &. (2009). EU rules beyond EU borders: theorizing external governance in European politics. *Journal of European Public Policy*, 791-812. doi:10.1080/13501760903087696

Layne, W. (2020). Environmental Crime in Transnational Context: Global Issues in Green Criminology. By Toine Spapens, Rob White, & Wim Huisman. *Journal of Strategic Security, 13*(4), 160-163. Récupéré sur https://www-jstor-org.zorac.aub.aau.dk/stable/26965525

Lynch, M. J. (2019). Green Criminology and Environmental Crime: Criminology That Matters in the Age of Global Ecological Collapse. *Journal of White Collar and Corporate Crime, 1*, 50-61. doi:DOI: 10.1177/2631309X19876930

Lynch, M. J. (2022). Green Criminology: Capitalism, Green Crime and Justice, and Environmental Destruction. *Annual Review of Criminology*. doi:https://doi.org/10.1146/annurev-criminol-030920-114647

Margaux, M. S. (2018). Illicit waste trafficking and loopholes in the european and italian legislation. *European Journal on Criminal Policy and Research*(26), 105-133. doi:https://doi.org/10.1007/s10610-018-9405-2

Martini, M. (2012). *Environmental crime and corruption.* Transparency International.

Müller, M. e. (2025, March 10). The EU's Raw Materials Diplomacy: Serbia as a Test Case. *Stiftung Wissenschaft und Politik (SWP)*. doi:doi:10.18449/2025C10

Murphy, B. L. (2007). *Introduction to Environmental Forensics.* (E. S. Technology, Éd.) Récupéré sur https://ebookcentral.proquest.com/lib/aalborguniv-ebooks/detail.action?docID=294214.

News, B. G. (2018, January 31). Illegal toxic waste dump found in Novi Sad. *Balkan Green Energy News*. Récupéré sur https://balkangreenenergynews.com/illegal-toxic-waste-dump-found-novi-sad/

Nurse, A. (2016). *An introduction to green criminology and environmental justice.* (S. P. Ltd, Éd.) doi:https://doi.org/10.4135/9781473971899

Papa, F. (2014). A Clientelistic Perspective of Managing Municipal Solid Waste. University of Palermo. Récupéré sur https://tesidottorato.depositolegale.it/bitstream/20.500.14242/175636/1/PhD%20thesis%20Federico%20Papa.pdf

Penev, S. a. (2009, September). Regulatory Reform in Five Western Balkan Countries: Evidence and Perspectives. *Economic Annals, LIV*(182).

Pereira, R. (2015). *Environmental Criminal Liability and Enforcement in European and International Law.* BRILL. Récupéré sur https://ebookcentral.proquest.com/lib/aalborguniv-ebooks/detail.action?docID=4003966

RERI. (2021, Januray 22). *RERI filed a criminal complaint against ZIJIN and the responsible director for environmental pollution*. Récupéré sur RERI: https://reri.org.rs/en/reri-filed-criminal-complaint-against-zijin-and-the-responsible-director-for-environmental-pollution/?utm_source=chatgpt.com

RERI. (2022). *Criminal Liability of Corporate Entities for Criminal Offenses Against the Environment.*

RERI. (2023). *Annual Report 2022.* Récupéré sur https://reri.org.rs/wp-content/uploads/2024/01/RERI-Annual-Report-2022.pdf

Risse, T. (2017). *Domestic Politics and Norm Diffusion in International Relations.* Routledge .

Samardzic, S. (2015). *Evolution of the Relations between Serbia.* doi:10.7366/020909611201509

Schimmelfennig, F. &. (2004). Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe. *Journal of European Public Policy*. doi:https://doi.org/10.1080/1350176042000248089

SEE. (2024, September). Waste management requirements in Serbia, energy and industrial construction projects. *Serbia Energy*. Récupéré sur https://serbia-energy.eu/serbia-see-energy-recent-waste-management-requirements/

SELEC. (2020). *Annual Report 2019.*

SELEC. (2022). *Activity Report 2020-2021.*

SELEC. (2023). *Activity Report 2022.*

SELEC. (2024). *SELEC Annual Report 2023.*

Serbia, N. A. (s.d.). *Krivični zakonik*. Récupéré sur Službeni glasnik RS: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2005/85/6/reg

Serbia, N. A. (s.d.). *Zakon o upravljanju otpadom*. Récupéré sur Službeni glasnik RS: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2009/36/14/reg

Serbia, N. A. (s.d.). *Zakon o zaštiti životne sredine*. Récupéré sur Službeni glasnik RS: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2004/135/8/reg

Stankovic Lukic, J. e. (2024). *Key Changes in Serbia's New Environmental Assessment Laws.* JPM Partners. Récupéré sur https://www.jpm.law/key-changes-in-serbias-new-environmental-assessment-laws/?utm_source=chatgpt.com

Stojanović, Z. &. (2025). Possibilities and Scope of Environmental Protection Through Criminal Law – the New Environmental Crime Directive. *NPB, 30*, 1-19. doi:10.5937/nabepo30-55088

Todic, D. (2014, January- June). Harmonization of Legislation of the Republic of Serbia with EU Law: Open Issues and Dilemmas. *The Review of International Affairs, LXV*(1153-1154).

Turnock, D. (2002). Cross-border Cooperation: A Major Element in Regional Policy in East Central Europe. *Scottish Geographical Journal*. doi:10.1080/00369220218737134

UNDP. (2022). *EU for Green Agenda in Serbia: Get Started, Take Action, Scale-up.*

UNDP. (2024). *Criminal Offences Against the Environment and Penal Policy.* Serbian Association for Criminal Law Theory and Practice, Belgrade. Récupéré sur https://www.undp.org/serbia/publications/criminal-offences-against-environment-and-penal-policy

UNECE. (2015). *Environmental Performance Reviews Series No. 42.*

Vladimir, S. (2025, February 19). *Criminals illegally imported hazardous waste from three EU states, burying it in Croatia.* Récupéré sur Balkan Green Energy News: https://balkangreenenergynews.com/criminals-illegally-imported-hazardous-waste-from-three-eu-states-burying-it-in-croatia/

Vojvodić, H. &. (2025, May). Cross-border Enforcement Against Illegal Waste Trafficking. (S. Eva, Intervieweur)

Wahl, T. (2024). *Prevention of Environmental Crime and the 2024 EU Directive.* Max Planck Institute for the Study of Crime, Security and Law. Récupéré sur https://pure.mpg.de/rest/items/item_3624381/component/file_3624384/content

WCO. (2020). *Illicit Trade Report 2019.*

WCO. (2022). *Illicit Trade Report 2021.*

WCO. (2023). *Illicit Trade Report 2022.*

WCO. (2024). *Illicit Trade Report 2023.*

White, R. (2014). *Environmental harm: An eco-justice perspective.* Policy Press. doi:https://doi.org/10.1332/policypress/9781447300403.001.0001

Yi Liu, F. K. (2017). Dumping, waste management and ecological security: Evidence from England. *Journal of Cleaner Production, 167*, 1425-1437. doi:https://doi.org/10.1016/j.jclepro.2016.12.097

Ž., K. J. (2024). The Challenges Related to Whistleblowing in Environmental Crime Prevention. *NBP, 29*, 2015-226. doi:10.5937/nabepo29-51656

Zvekić, U. U. (2024). *Integrity and independence of criminal justice institutions in the Western Balkans: Police and prosecution.* Global Initiative Against Transnational Organized Crime. Récupéré sur https://www.researchgate.net/publication/391147978

X. Appendix

Interview Extracts from Hristina Vojvodić and Ljubica Vukčević (RERI)

The following extracts are from an interview conducted on 6 May 2025 with Hristina Vojvodić and Ljubica Vukčević, both Senior Legal Advisors at the Renewables and Environmental Regulatory Institute (RERI). The interview was carried out online and forms part of the empirical material for this research. The selected excerpts illustrate key issues concerning the enforcement of environmental crime legislation in Serbia, the role of civil society organisations, and barriers to effective prosecution.

On legal barriers to participation:

"In Serbia, civil society organisations are not recognised as injured parties in criminal proceedings. We can submit criminal complaints, but we have no formal rights to monitor investigations or propose evidence."

On institutional cooperation failures:

"Inspectors often avoid going out to conduct surveillance. Even when they find violations, they rarely file criminal complaints. Prosecutors tend to target individuals rather than companies, and judges lack understanding of environmental crime."

On political pressure and corporate impunity:

"In smaller towns like Bor or Zrenjanin, local prosecutors and judges are under pressure not to act against powerful multinational companies."

On the failure of cross-border cooperation:

"We are not aware of any effective cross-border environmental crime prosecutions. There is no official mechanism or initiative we've seen."

On the need for legislative reform:

"Our Criminal Code does not criminalise pollution with harmful effects on human health—only on air, water, or soil. This is a major gap that must be harmonised with the new EU Directive."

On the role of RERI and civil society:

"We may not influence court decisions, but our pressure ensures companies and institutions know they are being watched. We use all legal remedies available and escalate to international mechanisms when needed."

On the failure to convict companies:

"Since the Law on Criminal Liability of Legal Entities came into force in 2008, not a single company has been convicted for environmental crimes in Serbia."

On the strategic use of commercial offences:

"If a company is convicted in a commercial offence procedure, it cannot be prosecuted criminally for the same act. This is used to shield companies from harsher penalties."

On lack of judicial knowledge:

"We have judges who do not understand environmental law. Even when expert witnesses link pollution to human health impacts, courts dismiss this as irrelevant."

On the role of prosecutors:

"We had a prosecutor tell us: 'You gave me excellent evidence, but the company obtained a permit for another site, so I will dismiss the complaint.' This shows the absurdity of the system."

On civil society persistence:

"In some cases, we were allowed to participate informally because we insisted. But this depends entirely on the goodwill of individual prosecutors, which is not sustainable."

On international advocacy:

"We are trying to use all international mechanisms available, including UN reporting. In Serbia, the government sides with polluters, so we need outside pressure."