

THE CONNECTION BETWEEN ENVIRONMENTAL CRIME AND CORRUPTION¹

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ABSTRACT

Environmental crime brings big profits to organized criminal groups. This is especially present in the area of trade in illegal waste. In doing so, the legal sector is often used in order to make a profit in an illegal way. The connection with corrupt activities is particularly pronounced due to the transnational nature of environmental crime. Corrupt public officials and weak institutions and state bodies responsible for various issues in the field of environmental protection additionally contribute to this. As some of the examples of corruption in the field of hazardous waste disposal, corruption in the procedure of licensing waste disposal facilities or granting a permit for transporting hazardous waste can be cited. In addition, in the process of detecting illegally dumped waste, regulators can be offered incentives to ignore illegal dumping.

Criminal acts against the environment cause enormous damage to the environment, thus endangering the life and health of citizens. Therefore, corruption in the field of environmental protection can be considered particularly dangerous. That is why it is necessary to take preventive measures, especially in the field of corruption prevention. This attitude is also expressed in the new Directive on environmental protection through criminal law 2024/1203.

Purpose: The aim of the paper is to point out the emerging forms of corruption in the field of environmental protection, as well as the need for its prevention. Considering that the Republic of Serbia needs to harmonize its legislation with Directive 2024/1203, it is necessary to keep in mind that this does not only imply harmonization of the provisions of criminal procedural and substantive legislation but also other regulations that prevent corruption. Considering that the aforementioned directive emphasizes the importance of whistleblowers in the field of environmental protection, it is necessary to improve their position through national legislation.

Design/Methods/Approach: Apart from the introductory part, which indicates the causes and phenomenology of the environment, the paper analyzes the content of both the Europol and Interpol reports, as well as Directive 2024/1203 on environmental protection through criminal law. However, in that part we focus exclusively on the connection between corruption and environmental crime, with the aim of providing recommendations for its prevention in the aforementioned area.

Findings, Originality/Value: Based on the analysis, we try to give recommendations for harmonizing national legislation but also practices with European standards in the field of combating corruption related to environmental crime.

Keywords: *environmental crime, corruption, prevention, harmonization, improvement.*

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INTRODUCTION

In recent years, environmental crime has brought increasing profits to organized criminal groups. There are several characteristics of environmental crime. According to the authors, these are massiveness, dynamism, constant expansion, and the foreign element (Jovašević, 2006: 102). Environmental crimes are often perceived as victimless crimes. This can be one of the reasons for the lack of an adequate response from the competent institutions. However, the consequences of this type of criminality are very negative for the whole society (Banks et al., 2008: 1; Matić Bošković & Kostić, 2023: 75).

A large number of criminal acts against the environment remain undetected. This not only has negative consequences on people's lives and health but can additionally encourage the commission of such activities (Bodrožić, 2014: 72; Kostić, 2024: 215).

A very long period of time can pass between the commission of a criminal offense against the environment and the moment of its discovery. That is why there is less chance that adequate evidence will be provided for criminal proceedings and prevent the occurrence of further harmful consequences for people's lives and health. For the detection of these criminal acts and the timely provision of evidence, the role of persons who possess certain knowledge and experience in the field of environmental protection is important. Those persons certainly mean whistleblowers, who need to be provided with adequate protection in order to encourage them to inform the competent institutions about illegal activities that they have identified during the performance of a certain duty or work (Kostić, 2024: 217; Kostić, 2022).

Crimes that can be considered environmental crimes are very dangerous in themselves. They cause severe damage to the environment and thus threaten the health and life of citizens. If they are related to corruption, their consequences can be more far-reaching, because such actions can make it impossible or difficult to detect those criminal acts. Transparency, assessing the risk of corruption, and taking preventive measures in the area of environmental protection would be significant from the aspect of preventing environmental crime. It is precisely the need to undertake preventive measures that is cited as one of the significant activities in the field of environmental crime suppression in the Directive on environmental protection through criminal law 2024/1203 (Stojanović & Bodrožić, 2025).³

The aim of the research in this paper is to indicate the connection between environmental crime and corruption and to provide recommendations for improving the approach in combating criminal acts against the environment.

³ Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC. The text of the Directive is available at <https://eur-lex.europa.eu/eli/dir/2024/1203/oj/eng>.



RESEARCH METHODS

In this paper, we start from the assumption that in practice there is a very common connection between environmental crime and corruption, even in the case of illegal logging, which is often considered the so-called petty crime. In addition, the type of environmental crime, and therefore the phenomenology of corruption associated with it, depends on the geographical characteristics of a particular climate. Therefore, when assessing the risk of corruption in the field of environmental protection, such elements must also be taken into account.

Apart from the introductory part, which indicates the state and challenges in the field of the suppression of environmental crime, the paper analyzes the content of various international documents and reports. Bearing in mind that a new Directive on the protection of the environment through criminal law was adopted in 2024, special attention in this paper is devoted to the analysis of its content, which indicates the connection between corruption and environmental crime, as well as the provisions that prescribe obligations for member states to establish measures through their national legislation that will improve the way of suppressing criminal acts against the environment.

STATE AND CHALLENGES

The increased number of activities to the detriment of the environment caused the imposition of criminal sanctions for serious violations of regulations in the field of environmental protection. However, the mere prescription of criminal offenses in itself does not mean effective criminal protection if sanctions are not applied to the perpetrators. Due to the specificity of the way of committing crimes against the environment and the seriousness of their consequences, the criminal prosecution of the perpetrators is particularly challenging and requires an adequate level of cooperation between the public prosecution and other state authorities and institutions, as well as civil society organizations. However, a special problem is the connection between corruption and environmental crime. This makes it more difficult to detect crimes against the environment but also to prove their existence, while the consequences of such crimes are still present and pose a danger to people's lives and health (Barone & Masciandaro, 2023: 5).

In her research, Batrićević points out that the human right to a healthy environment is often violated by multinational corporations that knowingly do so with severe consequences for the environment, life, and health of people, while at the same time endangering plant and animal species (Batrićević, 2017: 244). Pointing out the problems of environmental crime related to protected animal species, she points to the possibility of connection between criminal structures and state officials during the import and export of protected animal species. In such situations, it is possible to allow or enable the perpetrators to transport these animals without the necessary permit or to allow the falsification of documents with adequate monetary compensation. Corrupt activities that enable the execution of such criminal acts can consist of the conscious and deliberate absence of control by the persons authorized to do so, with prior or subsequent bribery to persons authorized by law to exercise control (Batrićević, 244).

As an example of the connection between environmental crime and corruption, we can cite a case from Brazil in which high-ranking government officials were linked to illegal logging in the Amazon. The estimated damage was around 500 million US dollars (Duri, 2020: 6). The connection between corruption and environmental crime was also noted in Honduras, where politicians, timber companies, mayors, and transporters were involved in the execution of criminal acts against the environment. In connection with these activities, timber auctions were set up, stock valuations were manipulated, and license abuse and document falsification were recorded, as well as police and checkpoint bribery.



Employees of the Honduras Forestry Development Corporation were also linked to corrupt activities in order to facilitate illegal logging (Duri, 6).

The type of environmental crime, and therefore the method of execution, is specific to each geographical area. So, for example, due to illegal fishing, the decline of Ohrid trout and whiting in Lake Ohrid, which is located on the border between North Macedonia and Albania, was recorded. Media reports regarding these activities often linked these activities to corruption. According to some analyses, corruption related to such activities is widespread, as various agreements are often made to allow the authorities to be absent during poaching (Agović, 2025: 15). In Montenegro and Bosnia and Herzegovina, there is illegal damage to forests, which is associated with unauthorized construction or money laundering through construction works. The undertaking of such activities is conditioned by corruption and an insufficient number of employees in the state administration and competent inspectorates (Agović, 10).

International cooperation is very important in the detection of environmental crime and related corrupt activities. Thus, at the request of the Italian judiciary, Eurojust supported the activities in which Slovakia and Hungary participated in order to suppress criminal acts related to the sale of scrap metal. On that occasion, 15 suspects were arrested in Italy and Slovakia for illegal trade in metal waste, money laundering, and issuing false invoices and documents. Those persons created false certificates and invoices, in which the waste was presented as old metal packaging. According to the Guardia di Finanza, over 18,000 tons of scrap metal were illegally sold and processed in legal foundries.⁴

According to the SOCTA report for the year 2025, in the area of environmental crime, the illegal import of hazardous waste without any treatment is increasingly prevalent. Most of the persons engaged in this activity are owners of legal businesses that undertake illegal activities in order to gain additional profit. Operating from the legal sector allows them to establish new trading companies while taking control of the waste management chain. Corruption and issuance of false documents enable such legal entities to carry out illegal activities. Intermediaries who connect waste producers with disposers play an increasingly important role in this chain of illegal trade. They make it possible to obtain false permits and documents while increasing the price of waste, taking part of the commission, or wrongly writing off the waste (EUROPOL, 2025: 65). Illegal wildlife trade is a very common form of environmental crime. According to EUROPOL data, the criminal networks associated with these activities include an increasing number of experts in the field of veterinary medicine, chemistry, and biology, who may also be involved in organized criminal groups engaged in these activities (EUROPOL, 66).

The increasing connection of environmental crime with organized crime and corruption requires a different approach, which implies the application of adequate measures. The need for this is also expressed in international documents that contain recommendations and prescribed obligations for states to establish effective mechanisms for environmental protection and prevention of crimes that threaten it at the national level.

THE CONNECTION BETWEEN ENVIRONMENTAL CRIME AND CORRUPTION IN INTERNATIONAL DOCUMENTS

Corruption in the field of environmental protection has existed for a very long time, and it is conditioned both by problems in sectoral management and by inadequate regulations in certain areas governing the field of environmental protection. In addition, the obstacles in its suppression are also the

⁴ European Union Agency for Criminal Justice Cooperation, Massive metal waste fraud in Italy halted with Eurojust support, 10 March 2021, Press Release, <https://www.eurojust.europa.eu/news/massive-metal-waste-fraud-italy-halted-eurojust-support>.



shortcomings that exist in the judicial system. That is why the need to improve the cooperation of the non-governmental sector, private, and public sector has always been emphasized. In addition, at the national level there is a need to link anti-corruption strategies with other environmental protection strategies (United Nations Office on Drugs and Crime, 2012: 51). This is exactly the attitude expressed in certain international documents.

The goal of adopting the Convention on International Trade in Endangered Species of Wild Fauna and Flora was to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species. However, years after its adoption, the connection between corruption and the illegal trade in specimens of wild animals and plants was recognized. This is emphasized in CITES Resolution 17.6 on the prohibition, prevention, detection, and suppression of corruption, which facilitates activities that are carried out in violation of the mentioned Convention. The document emphasizes the existence of failures in connection with the prevention and suppression of corruption, which reduces the effectiveness of the implementation of the Convention. Therefore, the signatory countries are invited through the Resolution to take measures to prohibit, prevent, detect, and suppress cases of corruption, as well as to ensure that any activity that constitutes corruption, which is related to the administration, implementation, or application of the CITES Convention, is sanctioned. In addition, all CITES administrative authorities are invited to cooperate with national anti-corruption bodies, judicial authorities, and relevant civil society organizations when implementing preventive measures at the national level.⁵

The connection between corruption and environmental crime was also pointed out in the Resolution of the Conference of Member States of the United Nations Convention against Corruption No. 8/12. In the mentioned document, the concern of the signatory countries of the Convention was expressed due to the connection between corruption and criminal acts against the environment. The Resolution highlights the importance of the role of the media, civil society, the academic community, and private sector entities as one of the effective mechanisms for preventing corruption related to crimes against the environment.⁶

In addition, bearing in mind the lucrative motive of perpetrators of criminal acts to the detriment of the environment, the importance of restitution of property acquired through the commission of criminal acts in accordance with the provisions of the United Nations Convention against Corruption (point 3 of the Resolution) is emphasized. In order to combat corruption related to environmental crimes, contracting states should use all relevant legal mechanisms available at national, regional, and international levels. In this context, the Resolution emphasizes the importance of applying financial investigation techniques and special investigative actions, as well as the importance of protecting whistleblowers (point 12).

Within point 28) of the preamble of the Directive on criminal protection of the environment from 2024, the mutual connection between corruption and environmental crime is emphasized. Therefore, during criminal proceedings and trials, one should take into account both the participation of organized criminal groups in the execution of criminal acts to the detriment of the environment, as well as the possibility of corruption, money laundering, cybercrime, etc. In addition, the frequent connection of such forms of criminality with serious crimes against the environment was emphasized, bearing in mind that frequent failure of supervision or untimely or complete absence of taking measures after the supervision by persons performing their public duty can be associated with corruption that enables the commission of criminal acts against the environment. As some of the activities of civil servants

⁵ Conf. 17.6 (Rev.CoP19), Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention, <https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-17-06-R19.pdf>

⁶ United Nations Office on Drugs and Crime, Corruption and Economic Crime Branch, Resolution 8/12 Preventing and combating corruption as it relates to crimes that have an impact on the environment, <https://www.unodc.org/corruption/en/cosp/conference/session8-resolutions.html#Res.8-12>.



that can be related to criminal acts of corruption and that facilitate the execution of criminal acts against the environment, they can be issuing illegal licenses or issuing falsified or untrue reports on the state of the environment.⁷

Although it does not regulate in detail the area of whistleblower protection because it is the subject of another directive, the Directive on Criminal Law Protection of the Environment from 2024 emphasizes the importance of the role of whistleblowers who are in contact with a certain legal entity, i.e., organization, during the performance of their work activities, because they are the first to learn about threats or damage to the public interest and the environment.

They should be adequately motivated to report illegal actions in a timely manner in order to prevent the occurrence of greater and more serious consequences for people's lives and health. The role of the whistleblower is particularly important when it comes to discovering the so-called "greenwashing", which means the false presentation of products, services, and business operations of companies as harmless to human life and health (de Freitas Netto et al., 2020: 6).

In this context, member states should take the necessary measures to ensure that all persons who report criminal acts against the environment or otherwise provide evidence or cooperate with competent authorities have adequate support and assistance in the context of criminal proceedings and in accordance with national legislation (Article 14 of the Directive).

The connection between corruption and environmental crime is also recognized in the provision of the Directive according to which member states should ensure that effective and proportionate investigative tools that are available for the investigation and prosecution of perpetrators of crimes that can be considered organized crime or other serious crimes should also be used during the investigation and prosecution of perpetrators of crimes against the environment (Article 13 of the Directive).

As can be concluded in international documents, the connection between environmental crime and corruption is increasingly pointed out. All of them emphasize the importance or foresee the obligation to apply the same measures, such as the application of special investigative techniques, the return of property resulting from the commission of a criminal offense, and the effective protection of whistleblowers, as well as the use of the knowledge and skills of civil society organizations.

Cooperation with civil society organizations in the field of environmental protection and institutions authorized by law to combat environmental crime can be of great importance, bearing in mind not only their professional but also technical capacities (Committee of Lawyers for Human Rights, 2025: 8). In addition, their knowledge and experience can help when conducting an investigation into the possible connection of environmental crime with corruption and organized crime.

CONCLUSION

In recent years, at the international level, there has been an increasing awareness of the connection between corruption and environmental crime. Such activities pose a great danger to the life and health of people. The presence of corruption in connection with environmental crimes makes it difficult to detect and prove those crimes and, therefore, to apply sanctions against their perpetrators. That is why a large number of these crimes remain undetected, regardless of the fact that the national legislation prescribes adequate criminal sanctions for their perpetrators.

⁷ Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC. The text is available at <https://eur-lex.europa.eu/eli/dir/2024/1203/oj/eng>



Bearing in mind the reports of EUROPOL, it seems that organized criminal groups that are engaged in committing criminal acts against the environment are increasingly using the knowledge and assistance of persons who possess special experience related to environmental protection. Therefore, the suppression of these criminal acts requires a new and more comprehensive approach, both at the national and international levels.

Considering the increasing sophistication in committing criminal acts against the environment, it is necessary to apply a series of preventive measures. Some of them are monitoring access to the register of beneficial owners of natural persons by various institutions. In addition, it is necessary to establish cooperation between administrative bodies dealing with environmental protection, police, the public prosecutor's office, and the civil and private sectors, as well as national bodies responsible for combating corruption, with the aim of timely exchange of information.

Strategies for the prevention of corruption at the national level should be linked to strategies in the field of environmental protection, while the risk of corruption should be assessed depending on the sector and geographical characteristics of a certain geographical area.

Taking into account the practice so far, it seems that criminal acts related to the illegal trade in hazardous waste and materials are most often associated with corruption. Therefore, at the national level, the obligation to conduct a financial investigation should be prescribed for those criminal acts.

In connection with crimes against the environment, the mandatory application of special investigative techniques applied to perpetrators of crimes of corruption and organized crime should be prescribed, as they are often associated with them. In addition, all international documents recommend the establishment and effective protection of whistleblowers as one of the measures to prevent corruption related to criminal acts to the detriment of the environment, as well as the existence of adequate cooperation of competent institutions not only at the national but also at the international level.

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