# BIODIVERSITY CONSERVATION POLICIES IN SERBIA AND THE EUROPEAN UNION: A COMPARATIVE ANALYSIS OF REGULATORY FRAMEWORKS AND IMPLEMENTATION CHALLENGES[1]

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*Abstract:* In times when the planet is facing increasing ecological challenges, climate change, and the endangerment of certain species, it is essential to pay more attention to biodiversity conservation. This issue needs to be considered both locally and globally. The goal of this paper is to highlight the basic theoretical concepts and characteristics of biodiversity, as well as the importance of regulation in this area. The central part of the paper will be dedicated to analyzing the regulatory framework of Serbia and the National Program for Environmental Protection. In this way, an overview of the legislative state in our country is provided, pointing to the possibility and necessity of progress for biodiversity conservation.

*Keywords:* biodiversity, environmental protection, National Environmental Protection Program of Serbia, legislation

## 1. Introduction

Planet Earth and all life on it are threatened by the impact of climate change and excessive pollution. Today, this issue is one of the most significant, requiring a systemic response within institutions, rather than individual initiatives and actions. It is not only climate change that has affected biodiversity; there are other factors as well, such as the growth of the human population, increased consumption

(Rands et al., 2010), and the lack of awareness that the world is in trouble if the human species is driven solely by economic motives.

Biodiversity, understood as the diversity of genes, species, and ecosystems that make up life on Earth, is much more than a concept related to nature. This category should be viewed as a social and legal phenomenon. In order to preserve biodiversity, it is essential to have organized action aimed at enacting regulations in this field. It has long been known that a regulatory framework is more effective than the gradual spread of awareness about the need to preserve biodiversity. It is necessary that, alongside actions focused on biodiversity education, there are national laws and international conventions that will encourage individuals to adapt their behavior to the current state of the planet.

There are several key moments that represent turning points in the regulation of biodiversity. These moments have raised awareness and alerted the international expert community to take action in order to prevent a natural disaster. The first of these moments was the adoption of the Global Biodiversity Assessment in 1995. After that, the Millennium Ecosystem Assessment was created in 2005. This led to an increase in the activities of countries working together on the common mission of humanity, which is the preservation of biodiversity. In line with this, the first intergovernmental global assessment was created in 2019, carried out by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (Díaz & Malhi, 2022:32).

After the adoption of conventions at the international level, countries began developing national biodiversity strategies and the accompanying action plans, which specify concrete measures for the preservation of plant and animal species and ecosystems. In addition to developed countries, which were the leaders in regulatory efforts in this field, developing countries also recognized the seriousness of the situation. Despite all these efforts, biodiversity continues to decline, which remains one of humanity's greatest concerns. Therefore, both local and global initiatives are necessary at the same time to achieve the desired effect and halt biodiversity loss. Aware of the economic consequences and motivations, policymakers must find a balance and design rules in such a way that they do not disrupt the economic incentives of business entities.

## 2. Biodiversity as a Legal Phenomenon

### 2.1. The Concept of Biodiversity

The concept of biodiversity has not always captured the attention of scientists. Efforts to define this term began to emerge more significantly in the 1980s (Díaz & Malhi, 2022:33). E. O. Wilson was the first to use the term biodiversity in the literature in 1988 (Colwell, 2009:257). The concept of biodiversity as we know it today was first officially used at the United Nations Conference on Environment and Development – the Rio Earth Summit. This summit, held in 1992, resulted in significant legal documents – the Rio Declaration, the United Nations Framework

Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), and the Declaration on the Principles of Forest Management.[2]

The CBD Convention entered into force in 1993. According to Article 2 of the CBD, biological diversity is defined as the variability among living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems, as well as the ecological complexes they are part of. This encompasses diversity within species, between species, and of ecosystems. The convention offers definitions to ensure that policymakers and legal authorities can take appropriate actions. It clarifies the concept of biological resources, stating that they include genetic resources, organisms or parts of them, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity. The term ecosystem is defined as a dynamic, complex system of plant, animal, and microorganism communities, along with their non-living environment, interacting as a functional unit.

One group of authors distinguishes alpha, beta, and gamma biodiversity. Specifically, they view biodiversity as a modification of ecosystems and their components within habitats, between habitats, and at the landscape scale (Heydari, 2020: 27).

Biodiversity can be viewed through the lens of evolutionary and ecological criteria (Colwell, 2009: 257). The first component of biodiversity refers to the diversity of species in terms of number and characteristics. It is crucial to focus on this component in order to create measures for the preservation of those species that are most different from one another (Vellend et al., 2011: 194). On the other hand, the ecological criterion implies that each organism has its ecological function within the ecosystem, and the evolutionary traits of species are not considered relevant (Dussault, 2019: 310).

It seems that, perhaps, the most important breakdown of biodiversity is into genetic diversity, species diversity, and ecosystem diversity (Heydari, 2020: 27). Genetic diversity refers to the existence and origin of different genes found in living organisms. The emergence and disappearance of certain genes occur under the influence of evolution and the adaptation of species to new living conditions (Ellegren & Galtier, 2016: 1). Species diversity refers to the number of different species that exist (Tuomisto, 2013: 4). Ecosystem diversity is the diversity of distinct biological communities or ecosystems, defined by the mix of species, their physical characteristics, and the ecological processes at play. This represents the highest level of biodiversity.[3]

## 2.2. The Global Legal Framework for Biodiversity Conservation – An Overview of International Conventions

The most significant source of international law is the CBD (Convention on Biological Diversity). This convention was signed on June 5, 1992, in Rio de

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[2] See: https://www.un.org/en/conferences/environment/rio1992, accessed: 5.12.2024.
[3] https://www.oxfordreference.com/display/10.1093/oi/authority.20110803095741564, accessed: 5.12.2024.

Janeiro and entered into force on December 29, 1993. The convention has three main goals. The first goal is the protection and preservation of the variety of life on Earth. The second goal is the responsible and balanced utilization of Earth's biological resources. This means using species, ecosystems, and genetic materials in a way that meets human needs while ensuring that these resources remain available for future generations. It involves practices that minimize environmental impact, conserve ecosystems, and maintain the health of species, allowing for their continued regeneration and survival. Sustainable use seeks to harmonize economic development with the preservation of nature's diversity. The third goal refers to the fair and just distribution of benefits gained from the use of genetic resources. This involves ensuring that all parties involved in the use of biological materials—such as plants, animals, or microorganisms—receive a fair share of the benefits. This includes sharing knowledge, technology, and profits derived from these resources with the communities and countries that provide them. It aims to promote fairness and prevent exploitation, ensuring that those who contribute genetic resources are properly recognized and compensated.

The text of the Convention, in addition to the preamble, contains 42 articles and 3 annexes. The introductory articles present the goals, terms that will be used, measures for the conservation of biodiversity, and sustainable resource use. The following sections outline measures for education and raising awareness in this field, as well as actions to neutralize harmful effects on biodiversity, the importance of information exchange, and technical and scientific cooperation, the role and use of biotechnology, and ways to access funding sources. Finally, there are articles addressing the relationship of this Convention with other international agreements and its protocols. Annex I is dedicated to the issue of monitoring, Annex II contains the rules for arbitration, and Annex III outlines the procedures for implementing conciliation.

In addition to the CBD Convention, two protocols are also of great importance: the Cartagena Protocol and the Nagoya Protocol.

The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is a global treaty designed to ensure the safe management, transportation, and use of living modified organisms created through modern biotechnology. The protocol addresses potential risks these organisms may pose to biodiversity and human health. It was adopted on January 29, 2000, and came into force on September 11, 2003. This protocol is an additional agreement to the CBD Convention.

The Nagoya Protocol is also an additional agreement to the CBD Convention. The Nagoya Protocol was adopted on October 29, 2010, in Nagoya, Japan, and came into effect on October 12, 2014, following the deposit of the fiftieth ratification instrument. Its goal is to ensure the fair and equitable distribution of benefits derived from the use of genetic resources, ultimately supporting the conservation and sustainable use of biodiversity. The aim of this protocol is to provide clearer legal certainty and transparency in this area. It emphasizes that there should be setting more predictable terms for accessing genetic resources and ensuring that benefits are shared when genetic resources are transferred out of the country that provided them.

In Japan, in 2010, the revised Strategic Plan for Biodiversity, including the Aichi Biodiversity Targets, for the 2011-2020 period was adopted. This plan offered a comprehensive framework for biodiversity, not just for biodiversity-related conventions, but also for the entire United Nations system and all other stakeholders involved in biodiversity management and policy development. The parties agreed to adapt this global framework into updated national biodiversity strategies and action plans within two years.

The Aichi Targets are goals that are divided into five groups: A, B, C, D, E.

Strategic goal A implies addressing the root causes of biodiversity loss by integrating biodiversity considerations into government policies and societal practices. Within this goal, four specific targets are defined. By 2020, people will be aware of the importance of biodiversity and how they can contribute to its conservation and sustainable use. Additionally, biodiversity values will be incorporated into national and local development and poverty reduction strategies, as well as national accounting and reporting systems. Harmful incentives, such as subsidies that negatively impact biodiversity, will be eliminated, reformed, or phased out, while positive incentives for biodiversity conservation will be introduced, in line with the Convention and international obligations, considering national socio-economic conditions. Lastly, governments, businesses, and stakeholders will have implemented plans to ensure sustainable production and consumption, keeping the use of natural resources within safe ecological limits.

Strategic goal B aims to lessen the direct pressures on biodiversity and encourage its sustainable use. Strategic Goal B includes six specific targets. By 2020, the aim is to drastically reduce the loss, degradation, and fragmentation of natural habitats, including forests, with a target of at least a 50% decrease and, where possible, bringing it close to zero. Moreover, all fish, invertebrate populations, and aquatic plants should be managed and harvested sustainably, ensuring that overfishing is avoided, recovery plans are in place for depleted species, and no significant harm is caused to threatened species or vulnerable ecosystems. Fisheries should operate within safe ecological limits. By 2020, agricultural, aquaculture, and forestry practices must be sustainably managed to protect biodiversity. Pollution, particularly from excess nutrients, should be reduced to levels that do not negatively affect ecosystems or biodiversity. Invasive species and their pathways must be identified, controlled, and prioritized, with effective measures to prevent their spread. By 2015, human pressures on coral reefs and other ecosystems affected by climate change or ocean acidification should be minimized to preserve their integrity and function.

Strategic goal C is focused on improving the status of biodiversity by protecting ecosystems, species, and genetic diversity. Strategic goal C includes three sub-goals. By 2020, the objective is to safeguard at least 17% of terrestrial and inland water areas, and 10% of coastal and marine areas, particularly those critical for biodiversity and ecosystem services, through well-managed, ecologically representative, and connected protected areas and other effective conservation measures, integrated into larger landscapes and seascapes. Efforts will ensure that the extinction of known threatened species is prevented, and the

conservation status of species, especially those most at risk, will be improved and maintained. The genetic diversity of cultivated plants, farmed and domesticated animals, their wild relatives, and other species of socio-economic and cultural importance will be preserved, with strategies implemented to prevent genetic erosion and protect their diversity.

Strategic goal D aims to increase the benefits that biodiversity and ecosystem services provide to everyone. This goal also includes three sub-goals. By 2020, ecosystems that provide vital services, such as water-related functions, and support health, livelihoods, and well-being, will be restored and safeguarded, with special consideration given to the needs of women, indigenous and local communities, and vulnerable populations. The resilience of ecosystems and the contribution of biodiversity to carbon storage will be enhanced through conservation and restoration initiatives, including the restoration of at least 15% of degraded ecosystems, which will support climate change mitigation, adaptation, and efforts to combat desertification. By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits will be fully operational and implemented, in accordance with national legislation.

Strategic goal E aims to improve implementation by promoting participatory planning, managing knowledge, and building capacity. The achievement of this goal is planned through four specific targets. By 2015, all Parties should have developed, adopted, and begun implementing an updated, effective, and participatory national biodiversity strategy and action plan. By 2020, the traditional knowledge, innovations, and practices of indigenous and local communities regarding biodiversity conservation and sustainable use, along with their customary use of biological resources, must be respected in line with national laws and international obligations. These practices should be fully integrated into the Convention's implementation, with the active participation of these communities at all relevant levels. Improvements should be made in knowledge, science, and technology related to biodiversity—its value, functioning, status, trends, and the effects of its loss—and this knowledge should be widely shared, transferred, and applied. There should be a substantial increase in the mobilization of financial resources for the successful implementation of the Strategic Plan for Biodiversity 2011-2020, in accordance with the Strategy for Resource Mobilization, based on the resource needs assessments provided by the Parties.

As a framework and legally binding agreement, the CBD sets out broad provisions that necessitate action at the national level to be effectively implemented. A key requirement is the creation of National Biodiversity Strategies and Action Plans (NBSAPs), which must be integrated into relevant sectors and programs. These plans serve as a primary tool for carrying out the Convention's objectives at the national level (Chandra & Idrisova, 2011: 3295).

## 2.3. The Concept of Environmental Protection in Serbian Legislation and the Role of Institutions

The protection of nature is governed by the Nature Protection Law, along with other related legal and subordinate acts that address nature and natural resources,

either directly or indirectly. In line with global goals and developments, our country has adopted laws and subordinate acts in this area. The adoption of the Nature Protection Law, which regulates the conservation of nature, biological, geological, and landscape diversity, has been crucial in this area. In addition to the laws, various subordinate acts also play an important role in shaping the legal framework. As the country aligns its environmental and nature protection laws with those of the European Union, European and global standards are increasingly being integrated. Furthermore, the enhancement and harmonization of nature protection are supported by the implementation of international conventions that our country has signed.

In addition to developing national regulations for environmental management, our country has signed numerous international conventions important for biodiversity conservation. These include: The Regulation on the Ratification of the Revised Text of the International Convention for the Protection of Plants, The Law on the Ratification of the International Convention for the Protection of Birds, The Regulation on the Ratification of the Convention on Wetlands of International Importance, especially Waterfowl Habitats, The Law on the Confirmation of the Convention on Biological Diversity, The Law on the Confirmation of the Convention on Cooperation for the Protection and Sustainable Use of the Danube River, The Law on the Confirmation of the Convention on the Conservation of Migratory Species of Wild Animals, The Law on the Confirmation of the Convention on the Conservation of European Wild Flora and Fauna and Natural Habitats, The Law on the Confirmation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, The Law on the Ratification of the Convention Concerning the Protection of the World Cultural and Natural Heritage, The Law on the Confirmation of the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters.[4]

As for institutional support on this matter, biodiversity conservation falls under the jurisdiction of the Ministry of Environmental Protection. The Ministry performs the following tasks.[5] The Ministry is tasked with responsibility to manage various areas of environmental protection, such as developing and implementing protection systems, overseeing national parks, and conducting inspections. It applies scientific research to environmental issues, ensures public participation and access to environmental information, and is responsible for safeguarding nature, air, water, and the ozone layer.

There are also other competencies of the ministry that are of great importance for environmental protection. The Ministry also tackles climate change, cross-border pollution, and water conservation. It sets environmental standards in spatial planning and construction, manages responses to chemical accidents, noise, and radiation, and regulates chemicals and biocidal products. Additionally, it handles waste management (excluding radioactive waste), enforces international agreements, and approves the transboundary movement of waste and protected species. The Ministry also supports EU-funded and other development aid projects.

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[4] See: https://zzps.rs/medunarodne-konvencije/, accessed: 14.12.2024.
[5] See: https://www.ekologija.gov.rs/organizacija/nadleznost, accessed: 14.12.2024.

The next chapter will present a detailed analysis of the relevant regulations of our country. Also, the National Environmental Protection Program and the Draft of The First Action Plan will be analyzed.

## 3. Legal Framework for Biodiversity Conservation in Serbia

### 3.1. Analysis of Relevant Laws and Regulation

The Republic of Serbia has equally joined the circle of countries that influence the implementation of measures and the protection of biodiversity through their regulations. The beginning of inclusion in the European, but geographically broader level of entities (and countries) that understood the seriousness of the need to determine legal boundaries in the implementation of the protection of basic human rights, for Serbia, is the beginning of this century. The adoption of the Law on Environmental Protection in 2004 (*The Official Gazette of RS, no. 135/2004, 36/2009, 36/2009 – other law, 72/2009 – other law, 43/2011 - decision US, 14/2016, 76/2018, 95/2018 – other law and 95/2018 – other law)*, and its constant improvement with additions and changes, as well as the Law on Nature Protection in 2019 started Serbia's path towards harmonization of regulations, primarily with European legal sources.

What do these two very important pieces of legislation bring?

The focus of the Law on Environmental Protection is defining an integral system of environmental protection. This system includes ensuring the realization of the human right to life and development in a healthy environment. Another task of the Law is to ensure a balanced relationship between economic development and the environment in the country. The environmental protection system itself puts sustainable management, preservation of natural balance, as well as prevention and control of all forms of environmental pollution in the foreground.

The priority of this work is biodiversity and the goal is to present the legal definition of this term. However, biodiversity is part of the environmental system, which consists of '*a set of natural and created values whose complex interrelationships make up the environment, that is, the space and conditions for life*' (Article 3 of the Law). On the other hand, biodiversity, i.e. biological diversity, is defined as '*diversity of organisms within a species, between species and between ecosystems*' (Article 3 of the Law).

**Biological diversity** additionally could be defined as 'the set of diversity of genes, species and ecosystems at the local, national, regional and global level', based on the aforementioned Law on Environmental Protection.

A few years later, since 2009, the Republic of Serbia regulates the nature protection. The Law on Nature Protection was adopted (*published in the The Official Gazette of RS, no. 36/09 of 15 May 2009, 88/10 of 23 November 2010, 91/10 of 3 December 2010 (Corrigendum), 14/16 of 22 February 2016 and 95/18 of 8 December 2018 (other law))*. Among other things, Article 2 of this Law

defines protection, conservation and improvement of biological (genetic, species and ecosystems), geological and landscape diversity, in other words – biodiversity.

According the Article 14 of the Law on Nature Protection, 'the protection of biological diversity shall be accomplished by carrying out measures for protection and improvement of species, their populations, natural habitats and ecosystems'. In addition, the previously mentioned Law defines the way of ecosystem protection, as well as the details about conserving biological diversity. Using the biological, biotechnical and chemical agents would be allowed in compliance with law. That is for example one way of protecting ecosystem. Article 19 of the Law on Nature Protection defines that in order to conserve biological diversity, biological and biotechnical agents can be used in protected areas.

### *Environmental protection measures and conditions*

According to the Environmental Protection Act, measures and conditions can be divided into:

- Preventive measures,
- Conditions of environmental protection,
- Protection measures against dangerous substances, and
- Programs and plans.

When it comes to environmental protection conditions, they are preceded by **preventive measures**.

In addition, **the conditions** themselves can be said that the Law on Environmental Protection precisely determines them. In the first place, they are unquestionably the requirements related to the quality of the environment, as well as the requirements regarding emissions.

Quality requirements for products, processes and services are also defined. However, the defined requirements cannot be realized without an adequate environmental protection management system.

**Protection measures** against hazardous materials include the movement of materials and protection against possible accidents.

**Plans and programs** refer to various types of legal acts that support the implementation of the Law on Environmental Protection, with mandatory IT support.

### *Economic instruments*

Having in mind the Law on Environmental Protection (Part VI), economic instruments refer to the provision of financing for the said protection. There are different types of economic instruments: compensation for the use of natural values, compensation for environmental pollution, funds provided from the national budget or international funds, economic incentive measures.

Monitoring of the implementation of economic instruments is a mandatory element of the implementation of the Law.

Finally, when it comes to ***responsibility for environmental pollution***, the Law on Environmental Protection defines key participants who are responsible for pollution, their obligations, responsibility for possible damage, as well as compensation for it.

## 3.2. National Environmental Protection Program and Draft of the First Action Plan

The 2030 Agenda emphasizes five key elements: people, progress, planet, partnership and peace, which are included within 17 goals and 169 sub-goals of sustainable development and include all three dimensions of sustainable development: economic growth, social inclusion and environmental protection environment. (Serbia and Agenda 2030, November 2022)

By adopting the Strategy of Sustainable Urban Development until 2030, with the Action Plan 2021-2022, the Republic of Serbia transferred the new Urban Agenda of the United Nations to the national level.

Biodiversity represents the totality of genes, species and ecosystems. As ***National Environmental Protection Program*** highlights, the biodiversity introduces the value of a certain territory as the first and the most important step in its preservation, protection and improvement. The most common method of biodiversity assessment is the determination of the number of species per unit of area of the specified territories. The contemporary assessments of the biodiversity of certain territories, as well as the selection of species and habitats for protection must be based on fundamentals research and knowledge of taxonomy, biogeography and ecology. Ecosystem condition is a key indicator of anthropogenic and natural influences process, as well as the effects of climate change, and their monitoring includes long-term monitoring of a set of ecological parameters. (National Environmental Protection Program, part 4.3)

The great biological diversity in the Republic of Serbia implies a conditional biogeographic position, openness of the territory to other regions in environment, as well as the historical processes of florogenesis and faunogenesis in the last few hundred thousand years.

The greatest pressure on biodiversity and geodiversity is exerted by excessive and uncontrolled exploitation of natural resources that have a limited capacity. The negative impacts of various human factors are particularly significant activities in forest ecosystems as well as other sensitive habitats. Problems related to biological diversity in the Republic of Serbia have emerged due to institutional, financial, economic and other shortcomings. Very important fact is that there is no a National Strategy and Action Plan for biodiversity protection, as well as National strategy for sustainable use of natural resources and goods.

However, the National Environmental Protection Program was an attempt to solve the management of protected areas, as well as the protection of biodiversity. Also, the negative impacts of economic activities should be taken into account on the overall state of biodiversity, habitats of natural rarities and endangered species

and landscapes in protected natural assets in the entire Republic of Serbia. (National Environmental Protection Program, part 4.3.3)

The protection of nature and biodiversity can only be demonstrated by:

- Improving the monitoring of biodiversity components, endangered species, ecosystems and protected areas;
- Establishing monitoring of the sustainable use of natural resources (hunting, fishing, forestry);
- By establishing biomonitoring of certain aquatic ecosystem;
- Establishing a national information system and databases in protected areas;
- Identification and mapping of habitats.

The *Action plan* for the implementation of the Green Agenda for the Western Balkans is also binding for the Republic of Serbia. This document contains activities to combat climate change, reduce the emissions of pollutants, transform the energy and transport sectors, and develop a circular economy. Also, one of the focuses is on Area III - Reduction of air, water and soil pollution in the Western Balkans.

The contribution to the realization of this goal is, among other things, interventions aimed at harmonizing with international requirements in the field of air and water protection, establishing a system for air quality monitoring, including the accreditation for air quality monitoring networks, modernizing the infrastructure for water monitoring and building the necessary infrastructure for wastewater treatment.

In addition, it is necessary to highlight that the key documents for achieving the goals of the document *Access to adequate, safe and affordable housing and basic services are the Strategy of Sustainable Urban Development of the Republic of Serbia until 2030 with the Action Plan for the Implementation of the Strategy of Sustainable Urban Development until 2030, for the period 2021-2022. year.*

The Republic of Serbia has an obligation to implement measures in the field of climate change and pollution prevention, energy development, mobility and circular economy, as well as biodiversity development, sustainable agriculture and food production.

Within Area V - Biodiversity, the countries of the Western Balkans will define the framework for biodiversity after 2020 and develop long-term strategies to stop the loss of biodiversity, protect and restore ecosystems and rich biodiversity. (https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/green_agenda_for_the_western_balkans_en.pdf )

## 4. Challenges and Perspectives in the Implementation of Legislation at the European Union Level

At the level of the European Union, there is a Biodiversity Strategy for the period up to 2030. This strategy supports the core ideas of the European Green Deal. It advocates for halting the degradation of nature and ecosystems.

The goal of the Strategy is to address climate change and reduce harmful effects on the climate, as well as protect wildlife and combat illegal trade. The strategy first presents the necessity for action in this area, followed by protecting and restoring nature in the European Union, and a new governance framework. Additionally, the Strategy addresses the issues of investment and the sustainability of such a governance framework, through the analysis of international cooperation, trade policies of member states, and available resources for engagement.

The Nature Restoration Law is a central element and support of the EU Biodiversity Strategy. It outlines obligations that will contribute to the conservation of natural resources and the entire living world. The provisions of the law focus on the protection of marine and terrestrial habitats and species, as well as on controlling climate change. The Law outlines specific biodiversity targets in several ecosystems (Regulation EU 2024/1991):

- Habitats (Wetlands, Forests, Grasslands, etc.): The aim is to restore and improve the biodiversity in these areas on a large scale, enhancing habitats and increasing species populations.

- Forests: Targets include increasing deadwood, supporting diverse-aged forests, improving forest connections, boosting the number of common forest birds, and increasing organic carbon in forest soils.

- Pollinators: By 2030, the goal is to halt the decline of pollinators and promote population growth, with a system for regular monitoring of pollinator trends.

- Agriculture: The goal is to increase the populations of grassland butterflies and farmland birds, improve the soil carbon in croplands, enhance the agricultural land diversity, and restore the peatlands used for farming.

- Rivers: The regulation aims to remove barriers to river flow, aiming to restore 25,000 km of rivers to their natural state by 2030.

- Urban Areas: The regulation seeks to ensure no loss of green spaces and the tree cover in urban areas by 2030, with a steady growth in these areas.

- Marine Environments: The focus is on restoring marine habitats like seagrass and sediment bottoms to help combat climate change, as well as protecting habitats for species like dolphins, sharks, and seabirds.

The EU countries are expected to submit national restoration plans to the Commission within two years of the Regulation coming into force (i.e., by mid-2026), demonstrating how they will achieve the set targets. They will also be required to monitor their progress and report regularly. The European Environment Agency will prepare regular technical reports on progress toward the targets. The Commission, in turn, will report to the European Parliament and the Council on the implementation of the Nature Restoration Law.

At present, the EU lacks a unified framework to guide the implementation of biodiversity commitments at the national, European or international levels. To address this issue, the Commission plans to create a new governance framework

for biodiversity in Europe. This will help outline the commitments and provide a clear plan for their execution. The strategy advocates for the establishment of a new framework for biodiversity governance and its regulation.

As part of the new framework, the Commission will implement a system for monitoring and evaluation. This will include setting clear indicators, conducting regular progress assessments, and taking corrective measures when needed. This is expected to lead to an increase in awareness and accountability among the stakeholders. The new governance framework will guarantee joint responsibility and collective ownership among all key actors in fulfilling the EU's biodiversity obligations. It will promote the strengthening of administrative capacities, transparency, stakeholder engagement, and participatory management across different levels.

## 5. Conclusion

The European Parliament, the Council of the European Union, and the European Commission play a key role in developing and implementing strategies, regulations, and action plans related to biodiversity conservation. The importance of successful implementation of the EU biodiversity legislation is reflected in achieving one of the Union's core objectives, which is environmental protection. Differences in legal traditions and systems among member states can make alignment with the EU legislation more challenging. Each member state has different procedures and capacities for implementation. Therefore, key EU institutions must advocate for and act towards creating clear and precise rules to facilitate the implementation of the regulatory framework by member states. Political factors or disagreements between national authorities and the EU institutions can slow down the implementation. Sometimes there are institutional issues, such as insufficient coordination between different levels of government within a particular country. Many member states face problems related to the administrative capacities needed for the proper implementation of legislation. This includes a lack of trained personnel and resources at the national level. The economy of different member states can impact their ability to implement legislation, especially when significant investments in infrastructure or changes in industrial practices are required. The issues with monitoring and enforcement of legislation, including the lack of effective mechanisms for penalties and exemptions, can lead to misalignment between the national biodiversity conservation strategies and the EU-level strategy.

In order to achieve visible results from these policies and actions, it is necessary to develop better mechanisms for the cooperation between the EU and its member states. This includes strengthening dialogue and joint platforms for exchanging experiences. Increasing administrative capacities in the member states through training, technical assistance, and financial support for environmental and ecosystem conservation projects is also essential. The EU could invest in developing better capacities for implementing biodiversity legislation at the national level. In this way, more flexible approaches to implementing legislation could be created, allowing for adaptation to the specificities of individual member

states, while preserving the fundamental principles and objectives of the EU legislation. The use of digital tools and platforms to improve monitoring and reporting on the implementation of legislation can contribute to faster and more efficient application. And perhaps most importantly, it is essential to raise public awareness and involve all relevant stakeholders (national authorities, civil society, private sector) in the process of implementing legislation to increase transparency and support. Examples of successful implementation of the EU legislation and national programs in certain member states can serve as models for other countries. However, it is crucial to conduct a detailed analysis of the challenges in implementing specific legislative acts, such as regulations on environmental protection, ecosystems, flora, and fauna. This approach provides a thorough analysis of the problems and opportunities in each country and allows for a balanced view of how the past, present, and future can shape progress in this area.

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# POLITIKE OČUVANJA BIODIVERZITETA U SRBIJI I EVROPSKOJ UNIJI: KOMPARATIVNA ANALIZA REGULATORNIH OKVIRA I IZAZOVA U IMPLEMENTACIJI

*Apstrakt:* U vremenu kada se planeta suočava sa sve većim ekološkim izazovima, klimatskim promenama i ugrožavanjem određenih vrsta, neophodno je posvetiti veću pažnju očuvanju biodiverziteta. Ovo pitanje potrebno je razmatrati kako na lokalnom, tako i na globalnom nivou. Cilj ovog rada je da istakne osnovne teorijske pojmove i karakteristike biodiverziteta, kao i značaj regulative u ovoj oblasti. Centralni deo rada biće posvećen analizi regulatornog okvira Srbije i Nacionalnog programa zaštite životne sredine. Na taj način, pruža se pregled zakonodavnog stanja u našoj zemlji, ukazujući na mogućnosti i potrebu za napretkom u oblasti očuvanja biodiverziteta.

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