

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Okoljska kriminaliteta
Course title:	Environmental crime

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Javna uprava 1. stopnja		3	6
Public Administration 1 st degree		3	6

Vrsta predmeta / Course type

Izbirni/elective

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
20	0	0	0	0	130	6

Nosilec predmeta / Lecturer:

izr. Prof. dr. Breda Mulec

Jeziki /

Languages:

Predavanja /

Lectures:

Vaje / Tutorial:

Slovenski/Slovenian, optional angleščina/english

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Za vpis v predmet ni posebnih pogojev. Priporočljiva je osnovna usposobljenost iz upravnega prava in okoljskega prava.

Prerequisites:

There are no specific prerequisites for enrolment in the course. Basic knowledge of administrative law and environmental law is recommended.

Vsebina:

Predmet obravnava ključne vidike okoljske kriminalitete z vidika prava, upravnih politik, kazenskih mehanizmov in evropskih standardov. Tematski sklopi:

1. Uvod v okoljsko kriminaliteto

Content (Syllabus outline):

The course covers key aspects of environmental crime from the perspective of law, administrative policies, criminal mechanisms, and European standards. Topics include:

1. Introduction to environmental crime

- opredelitev, značilnosti in klasifikacija okoljske kriminalitete
- razmerje med okoljsko škodo, prekrški in kaznivimi dejanji

2. Mednarodni in evropski pravni okvir

- Direktiva 2008/99/ES o varstvu okolja prek kazenskega prava
- Aarhuska konvencija
- vloga EU institucij in agencij (Europol, Eurojust)

3. Slovenski pravni okvir

- kazniva dejanja zoper okolje, prostor in naravne dobrine v KZ-1
- prekrški na področju varstva okolja
- pristojnosti in nadzorni mehanizmi (inšpekcije, policija, tožilstvo)

4. Vrste okoljske kriminalitete

- nezakonito ravnanje z odpadki
- onesnaževanje voda, zraka in tal
- nezakonita sečnja, trgovina z lesom
- trgovina z zaščitnimi živalskimi in rastlinskimi vrstami (CITES)
- nezakonito rudarjenje, izkoriščanje naravnih dobrin

5. Okoljska kriminaliteta kot organizirana kriminaliteta

- definition, characteristics and classification

- relationship between environmental damage, misdemeanours and criminal offences

2. International and EU legal framework

- Directive 2008/99/EC on environmental protection through criminal law
- Aarhus Convention
- the role of EU institutions and agencies (Europol, Eurojust)

3. Slovenian legal framework

- criminal offences against the environment, space and natural resources (KZ-1)
- environmental misdemeanours
- competences and supervisory mechanisms (inspectors, police, prosecution)

4. Types of environmental crime

- illegal waste management
- pollution of water, air and soil
- illegal logging and timber trade
- trade in protected animal and plant species (CITES)
- illegal mining and exploitation of natural resources

5. Environmental crime as organised crime

- international criminal networks
- financial flows, corruption, money laundering

- mednarodne kriminalne mreže
- finančne tokove, korupcija, pranje denarja
- gospodarska kriminaliteta povezana z okoljskimi projekti

6. Institucionalni mehanizmi odkrivanja, preprečevanja in pregona

- vloga inšpekcijskih služb, policije, državnega tožilstva
- posebne preiskovalne metode
- administrativne, civilne in kazenske sankcije

7. Okoljska politika in javna uprava

- upravljanje okoljskih tveganj
- javne službe varstva okolja
- vloga lokalne samouprave
- analiza primerov iz prakse

8. Primeri dobre prakse in študije primerov

- odmevni primeri v Sloveniji in EU
- analiza odločitev sodišč, inšpekcijskih postopkov in EU komisije

- economic crime related to environmental projects

6. Institutional mechanisms of detection, prevention and enforcement

- inspectorates, police, prosecution
- special investigative methods
- administrative, civil and criminal sanctions

7. Environmental policy and public administration

- environmental risk management
- public environmental services
- role of local self-government
- case analysis

8. Case studies and best practices

- major cases in Slovenia and the EU
- analysis of court decisions, inspection procedures and actions of the European Commission

Temeljni literatura in viri / Readings:

**Obvezna literatura:**

- Kranjc, V. (ur.). *Kazniva dejanja zoper okolje*. Ljubljana: GV Založba.
- Mulec, B., Okoljski kriminal: ga ni ali ga samo ne zaznamo?, *Pravna praksa (PP)*, št.7/2020, Priloga.
- Evropska komisija: Direktiva 2008/99/ES – varstvo okolja skozi kazensko pravo.
- **Direktiva (EU) 2024/1203 Evropskega parlamenta in Sveta z dne 11. aprila 2024 o kazenskopravnem varstvu okolja in nadomestitvi direktiv 2008/99/ES in 2009/123/ES**
- Izbrana poglavja zakonodaje: KZ-1, ZVO-2.

Priporočena literatura:

- Massari, M., Monzini, P. (2013). *Dirty Business: Organized Crime and Waste Management in Italy*.
- White, R. (2011). *Transnational Environmental Crime*.
- Europol in Interpol: letna poročila o okoljskem kriminalu.

Cilji in kompetence:

Študenti bodo:

- razumeli temeljne oblike in vzroke okoljske kriminalitete;
- poznali slovenski, evropski in mednarodni pravni okvir;
- pridobili sposobnost analize konkretnih primerov okoljske kriminalitete;
- razumeli mehanizme nadzora, preiskovanja in sankcioniranja;
- razvili sposobnost prepoznavanja tveganj v okoljskih politikah in upravnih postopkih;
- razvili kritičen odnos do okoljskih vprašanj in trajnostnega upravljanja.

Objectives and competences:

Students will:

- understand fundamental forms and causes of environmental crime
- know the Slovenian, European and international legal framework
- acquire the ability to analyse concrete environmental crime cases
- understand mechanisms of control, investigation and sanctioning
- recognise risks in environmental policies and administrative procedures
- develop critical awareness of environmental issues and sustainable governance

Predvideni študijski rezultati:

Po uspešno opravljenem predmetu bo študent:

1. razložil ključne pojme, pravne vire in institucije na področju okoljske kriminalitete;
2. analiziral konkretne primere kaznivih dejanj in prekrškov zoper okolje;
3. prepoznal in presodil tveganja za korupcijo, organizirano kriminaliteto in zlorabe na področju okoljskih projektov;
4. razumel delovanje institucij pregona in nadzora;
5. samostojno izvajal analize okoljskih tveganj in pravnih posledic;
6. kritično ocenil učinkovitost pravnih in upravnih mehanizmov za zaščito okolja.

Intended learning outcomes:

Upon successful completion of the course, the student will:

- explain key concepts, legal sources and institutions in environmental crime
- analyse concrete cases of environmental offences and misdemeanours
- identify and assess risks of corruption, organised crime and abuse in environmental projects
- understand the functioning of enforcement and supervisory institutions
- independently perform analyses of environmental risks and legal consequences
- critically assess the effectiveness of legal and administrative environmental protection mechanisms

Metode poučevanja in učenja:

- analiza primerov iz prakse (case studies),
- razprave, seminarji
- delo z zakonodajo, dokumenti EU in sodno prakso,

samostojno študijsko delo

Learning and teaching methods:

lectures with presentations

- case study analysis
- discussions
- working with legislation, EU documents and case law
- independent study

Delež (v %) /

Weight (in %) **Assessment:**

Načini ocenjevanja:

Pisni izpit Esej / študija primera	80% 20%	Written exam – 80% • Essay / Case study – 20% Both components must be successfully completed to obtain a positive final grade.
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Reference nosilca / Lecturer's references:

ŽIVLJENJEPIŠ

(izr. prof. dr. BREDA MULEC)

Breda Mulec se je rodila 29. maja 1975 v Mariboru. Diplomirala je na Pravni fakulteti Univerze v Mariboru. Magistrirala je na Fakulteti za politične znanosti, pravo in javno administracijo Univerze v Atenah (2001) in na Pravni fakulteti Univerze v Mariboru (2002). V letih 2001 in 2002 je sodelovala z **Inštitutom za etnične, regionalne in sociološke študije (ECERS)** v Mariboru ter **ISCOMET mednarodno organizacijo**, kjer se je ukvarjala z manjšinsko problematiko v Sloveniji in širom po Evropi. Njena raziskovalna področja so bila etnična in verska vprašanja, človekove pravice, čezmejno sodelovanje, politični, jezikovni, kulturni in etničnimi vidiki evropske integracije ter dileme učinkovitega delovanja institucij EU. Leta 2002 se je za nekaj let zaposlila v **Državnem zboru RS**, kjer je bila sekretarka **Komisije za odnose s Slovenci v zamejstvu in po svetu**.

Sodelovala je tudi pri izvajanju mednarodne dejavnosti v Državnem zboru in pri prvem predsedovanju Slovenije EU na področju kulture.

Osrednji poudarek obeh magistrskih študijev je bil na varstvu manjšin in evropskih integracijah. Tako je npr. magistrski študij na Pravni fakulteti v Mariboru sklenila z magistrsko nalogo na temo Political, Ethnic, Cultural and Linguistic Aspects of the EU Integration.

Doktorirala je na Pravni fakulteti Univerze v Ljubljani iz ekonomske analize prava in evropskih integracij na temo Kohezijska politika EU in problemi njene implementacije s posebnim poudarkom za Republiko Slovenijo ter države Jugovzhodne Evrope. Od novembra 2007 se je kot **vodja sektorja za pravne zadeve in vodenje javnih naročil na Ministrstvu za okolje in prostor** tudi v praksi ukvarjala s področjem evropske kohezijske politike ter izvajanjem večjih investicijskih okoljskih projektov ter javnih služb varstva okolja. Od 2009-2011 je bila zaposlena v **kabinetu ministra, pristojnega za Slovence v zamejstvu in po svetu** akad. dr. Boštjana Žekša, kjer se je ukvarjala s strateškimi projekti, s poudarkom na kroženju možganov, gospodarskim sodelovanjem in kulturno dediščino. Od 18. februarja 2013 do novembra 2018 je vodila **Sektor za investicije in ekonomsko upravljanje na Ministrstvu za okolje in prostor**. Odgovorna je bila za pravna, finančna in ekonomska vprašanja ter kontrole na področjih izvajanja večjih okoljskih investicijskih projektov, sofinanciranih s sredstvi EU.

Od novembra 2018 do marca 2019 je vodila **Službo za mednarodno sodelovanje na Ministrstvu za javno upravo**. V času službovanja na MJU je za skoraj leto dni prevzela tudi **vođenje službe za stike z javnostmi**.

Od 16.3.2020 do 31.5.2022 je bila **vodja kabineta ministra zaposlena na Ministrstvu za kulturo.**

V času predsedovanja Slovenije Svetu EU je bila uradna govorka ministrstva za kulturo.

Trenutno je zaposlena na Uradu za razvoj in kakovost izobraževanja na Ministrstvu za šolstvo.

Dr. Mulec sodeluje pri pedagoškem delu v okviru predmetov Pravo javnih služb, Okoljsko in urbano pravo, Uslužbeno pravo in Upravno poslovanje na **Fakulteti državnih in evropskih študij** Nove Univerze v Ljubljani ter pri predmetu Socialni dialog in reševanje konfliktov na **Evropski pravni fakulteti**.

Kot gostujoča predavateljica je predavala večkrat tudi v tujini (Španija, Latvija, Češka, Severna Makedonija, Madžarska, Francija, Gruzija) in sicer v angleškem, španskem in hrvaškem jeziku.

Dr. Mulec je avtorica številnih strokovnih člankov in dveh znanstvenih monografij. V prostem času piše tudi literaturo, med drugim tudi otroške pravljice.

Poznavanje tujih jezikov: angleški, španski, italijanski, francoski, srbski, hrvaški in nemški jezik.

Njena bibliografija je dostopna na:

http://www.sicris.si/public/jqm/search_basic.aspx?lang=slv&opdescr=search&opt=2&subopt=1&code1=cmn&code2=auto&search_term=breda+mulec.

CURICULUM VITAE (Associate Professor MULEC BREDA, PH. D)

Breda Mulec, PH.D was born on 29 May 1975 in Maribor. She graduated from the Faculty of Law at the University of Maribor. She received her Masters Degree from the Faculty of Political Science, Law and Public Administration at the University of Athens (2001) and the Faculty of Law at the University of Maribor (2002). Breda Mulec earned a PhD in law from Ljubljana University. Her thesis is titled, »Economic Analysis of law with Emphasis on EU Cohesion policy and its Implementation Problems, with particular Emphasis on the Republic of Slovenia and the Countries of South Eastern Europe.« The main focus of the postgraduated studies was the protection of minorities and European integration.

In 2001 and 2002 she worked at the **Institute for Ethnic, Regional and Sociological Studies (ECERS)** in Maribor and **ISCOMET** organization, where she was involved in minority issues and projects regarding interregional cooperation in Slovenia and throughout Europe.

Her research areas were ethnic and religious issues, cross-border cooperation, political, linguistic, cultural and ethnic aspects of European integration and the dilemmas of the effective functioning of the EU institutions. Afterwards, she was working a few years for the **National Assembly**.

Since November 2007, as a Head of the department for Legal Affairs and the public procurement at the **Ministry of Environment and Spatial Planning** she was dealing in practice with the EU Cohesion Policy. From 2009-2013 she worked in the **Minister Office responsible for Slovenians Abroad** akad. dr. Boštjan Žekš, where she worked on strategic projects, with an emphasis on the brain talent circulation and economic cooperation. From 18 February 2013 – november 2018, she was employed at **Ministry of Environment and Spatial planning** as a Head of the Department of the environmental investments. She was dealing with legal, financial and economic issues and control over the major environmental investment projects co-financed by EU funds.

From November 2018 to March 2019, she headed the International Cooperation Service at the **Ministry of Public Administration**. During her service at the MPA, she was for almost a year also

responsible for the public relations of the Ministry. She was the Head of the Minister's Cabinet at the **Ministry of Culture** (15.3.2020-31.5.2022). During Slovenian Presidency of the EU Council (1.7.2021-31.12.2021) she was also spokesperson for the ministry.

Currently she is employed at the **Ministry of Education**.

Dr . Mulec also teaches at the **Graduate School of Government and European Studies in Kranj** and **European law school in Ljubljana**. She is author of several articles and the books on the topics of public administration. However, her bibliography can be found at http://www.sicris.si/public/jqm/search_basic.aspx?lang=slv&opdescr=search&opt=2&subopt=1&code1=cmn&code2=auto&search_term=breda+mulec.

She also writes children's literature, historical fiction novels and comedies. She speaks fluently several languages, English, Spanish, Italian, French, German, Serbian, Croatian.