

**LAW ON**  
**NATURE PROTECTION**

("Official Gazette of RS", no. 36/2009, 88/2010 and 91/2010 – corr. and 14/2016)

**I. BASIC PROVISIONS**

**Subject of the Law**

**Article 1**

This Law shall govern protection and conservation of nature and biological, geological and landscape diversity as part of the environment.

The nature, as an asset of general interest for the Republic of Serbia shall enjoy special protection in accordance with this Law and special laws.

**Objectives of the Law**

**Article 2**

The following objectives shall be achieved by this Law:

- 1) protection, conservation and improvement of biological (genetic, species and ecosystems), geological and landscape diversity;
- 2) harmonization of human activities, economic and social development plans, programmes, bases and projects with a sustainable use of renewable and non-renewable natural resources and long-term conservation of natural ecosystems and natural equilibrium;
- 3) sustainable use and/or management of natural resources and goods, securing their function along with the conservation of natural values and the equilibrium of natural ecosystems;
- 4) timely prevention of human activities and operations that can lead to permanent impoverishment of biological, geological and landscape diversity, as well as disturbances with negative consequences in the nature;
- 5) establishment and monitoring of the nature state;
- 6) improvement of the state of disturbed parts of nature and landscapes.

## **Application of the Law**

### **Article 3**

Provisions of this Law shall not apply in case of suppressing or preventing an immediate threat to human life or health or property, rescuing people and property, and this only in the duration of the said circumstances established by a special legal document by the competent authority.

## **Meaning of Expressions**

### **Article 4**

Certain expressions used in this Law have the following meaning:

1) *activity in the nature* is any temporary or permanent human impact on the nature which can disturb the natural equilibrium, unless that action has the purpose of protecting and conserving the nature;

2) *an allochthonous species* is a species that came into ecosystems on the territory of the Republic of Serbia by intentional or accidental introduction;

3) *an autochthonous species* is a species that is naturally present in ecosystems within the territory of the Republic of Serbia;

4) *biological diversity (biodiversity)* is the total amount of genes, species and ecosystems on the Earth or within a clearly defined area;

5) *a species* is a basic taxonomic category representing a group of reproductively isolated organisms (microorganisms, algae, fungi, lichen, plants and animals), i.e. populations that freely interbreed and produce fertile offspring, and, within the meaning of this Law, it also relates to lower systematic categories, unless stated otherwise.

6) *geological diversity (geodiversity)* is the presence or distribution of diverse geological elements and formations, geological structures and processes, geochronological units, rocks and minerals of different composition and origin and various paleoecosystems changed within an area under the impact of internal and external geodynamical factors during geological time;

7) *a geopark* is a geographical area with clearly established boundaries and covering sufficiently large area, which contains a great number of geological localities of special scientific, aesthetic and educational interest, where geological heritage is protected and promoted through sustainable development and exploitation;

7a) *geoprotection (geoconservation)* is a collection of measures and activities implemented with the aim of protection, conservation, presentation and promotion of geodiversity and geoheritage;

7b) geoheritage objects are rare, geologically representative, pedological and geomorphological formations, events and processes distinguished as special natural values of exceptional scientific, cultural, aesthetic, touristic and other importance;

7c) *movable geoheritage objects (ex situ geoheritage objects)* are individual geological formations and events: samples of rocks, minerals and ores, fossil specimens (museums, exhibitions, workshops, lectures, collections, films etc.);

7d) *immovable geoheritage objects (in situ geoheritage objects)* are part of an area with clearly distinct geological, geomorphological and pedological characteristics: geological profiles and outcrops, formations of surface and underground relief, types of soil (natural surroundings, natural monuments, phenomena and events);

8) *fossil genotype* is the typical species for certain fossil genus that all individuals within that type of genus belong to, and which corresponds to the holotype;

9) *genetic diversity* is the total number and the total diversity of genes, i.e. genetic information contained within each individual species of plants, animals, fungi and microorganisms;

10) a *gene pool* is a total number of genes or the volume of genetic information possessed by all members of a sexually or asexually reproducing organisms population;

11) *genetic material* is any material of plant, animal, microbe or other origin containing functional inheritance units;

12) a *derivative* is any processed part of an animal, plant, fungi, as well as their organic or inorganic product;

13) *wild species* are all species of animals, plants and fungi naturally evolved, including hybrids and all specimens bred in captivity or under artificial conditions, except domesticated breeds whose evolutionary process was influenced by man for his own needs;

14) *mineral druses* are the crystals that emerge as a group of the same or different species located on one base;

15) *registered natural goods* are areas, species and mobile natural documents of importance for protection, for which the protection procedure has still not been initiated or carried out;

16) *(deleted)*

16a) *important ecological areas of the European Union NATURA 2000* are special areas for conservation of habitats and species and areas of special protection for conservation of habitats and certain species of birds, in compliance with the EU regulations on habitat and birds protection;

17) *ecological corridor* is an ecological pathway and/or connection which enables movements of the population units and flow of genes between the protected areas and ecologically important areas from one locality to another and which represents part of the ecological network;

18) *(deleted)*

19) *ecosystem (biocenosis)* is a structurally, functionally and dynamically intricate and unique ecological system within which the impacts of biotopes and

biocenosis (abiogenes and biogenes) permeate each other;

20) *endemic species* is a species whose range of distribution is limited to a particular, clearly defined geographic area;

21) *ex situ* conservation is conservation of components of biological and geological diversity outside their natural habitats;

22) *living community (biocenosis)* is the total number of all populations living together in the same habitat (biotope) that build functional communities;

23) *trap* is a device intended for detaining, catching or killing of animals;

24) *nature protection* is a set of measures and activities focused on prevention of damage to the nature, natural values and the natural equilibrium;

25) *protected species* are wild species protected by international agreements and/or this Law;

26) *protected areas* are the areas that have a distinguished geological, biological, ecosystem and/or landscape diversity and are therefore declared by a protection document to be protected areas of general interest;

26a) *protective zone* is the area outside the borders of protected area, important ecological area and/or ecological corridor which may be defined when such areas are established, in order to prevent, i.e. mitigate external impacts;

27) *protected natural resources* are protected areas, protected wild species and protected movable natural documents;

28) *a zoo* is any permanent institution in which wild animal species are kept to be exhibited to the public for seven or more days per year, with the exception of circuses, pet shops and the institutions which do not exhibit a significant number of animals or animal species to the public;

29) an *invasive allochthonous species* is an allochthonous or other species that endangers biological diversity and ecosystem services by its introduction and/or spreading into nature and in addition can endanger human health and cause material damage;

30) *indicator species* is a species sensitive to changes in environment conditions which can therefore be used to estimate the general situation in the nature and the environment;

31) *introduction* is intentional or accidental entering of a species in the territory and the ecosystems where it did not previously live;

32) *in situ protection* is an active protection measure which includes protection of a species in its natural habitat, conservation of natural ecosystems, conservation and recovery of populations in their natural habitats, as well as conservation of geodiversity at the site of formation or occurrence of rocks, ores, minerals, crystals and fossils;

33) *extinct species* is a species for which there is no doubt that even its last specimen has become extinct;

34) *extinct species in the nature* is the species that no longer exists in nature, but its units can be found in zoos, botanical gardens and other places, and which can be bred by *ex situ* methods, for the needs of reintroduction;

35) *umbrella species* are the species by whose protection we are at the same time protecting a larger number of other species in the same habitat, which are less known or it is difficult to protect them in another way;

36) *key species* are those species whose presence or absence is essential for the rest of the biocenosis (ecosystem);

37) *user of protected area* is a legal entity, entrepreneur, private or other entity who, within a protected natural area, performs activities or operations, i.e. uses the natural asset and/or its resources, benefits and properties;

38) *extremely endangered species* is a species that faces the highest probability of extinction in the nature in the foreseeable future, which is established in accordance with the internationally accepted criteria;

39) *crystal* is any mineral that has regular inner structure and outer shape and is distinguished by geometrically regular, smooth and shiny surfaces and/or flats;

40) *lectotype* is a specimen from the type series which represents a duplicate of the holotype, and has been collected at the same time as the holotype;

41) *local endemite* is a species distributed over a smaller extent of territory not exceeding the size of one biogeographical province;

42) *minerals* are indigenous homogenous chemical elements or compounds in the shape of crystalized or amorphous material of particular structure, form and composition, which are not mineral raw materials;

43) *sustainable use of natural goods and/or resources* is the use of components of biodiversity or geodiversity in the way and at a rate that does not lead to the long-term decline of biodiversity, i.e. geodiversity, thereby maintaining the potential to meet the needs and aspirations of present and future generations;

43a) *appropriate assessment* is the procedure used to assess the likelihood that the implementation of plans, bases, programmes, projects, works and activities, which individually or in combination with other plans, bases, programmes, projects, works and activities, may significantly affect conservation objectives and the integrity of important ecological areas;

44) *nature conservation* is a set of measures and activities performed to protect or renew natural habitats and populations of wild species with the aim to preserve their favourable status, natural ecosystems and landscape diversity;

45) *damaging of nature* is a phenomenon that has occurred due to changing of natural processes to such extent that the natural equilibrium has been disturbed or the natural values have been destroyed. Damaging of nature can be caused by natural and artificial processes, phenomena and disasters (landslides, land slips, earthquakes, floods, fires etc.);

46) *paratype* is a specimen of the species which has been established prior to describing the nominal species;

47) *protected area management plan* is a document by which the subject in charge of the management of the protected area plans measures and activities on protection, conservation, improvement and usage of protected area;

48) *natural resources and goods management plan* make a basis in form of a plan or a programme to manage, run and use natural resources and goods for

economic, social and ecological purposes and/or goals prescribed on the basis of special laws;

49) *cave ornaments* are different forms and phenomena of precipitation of natural calcium carbonate in speleological facilities (stalactites, helictites, stalagmites, pillars, salives, draperies, tubs, etc);

50) *cave sediment* is river material (sand, gravel), clay, crushed stone, rock blocks and tufa precipitated or in some other way deposited within the speleological objects;

51) *favourable state of species* is the state in which the species populations have a long-term perspective of survival as a life-capable part of the natural ecological system, and when the ecological distribution range of a species is not getting reduced nor there is a possibility that it will be reduced in the foreseeable future;

52) *favourable state of natural habitat type* is the state of natural habitat type in which its distribution range is stable or increasing, when a specific structure and functions necessary for long-term conservation are present or will be present in the foreseeable future and when the status of protecting their typical species is favourable. Natural habitat is endangered if it is not in favourable state and/or threatened by disappearance;

53) *mobile protected natural documents* are parts of geological, paleontological and biological heritage with exceptional scientific and educational importance;

54) *population* is a spatially and temporally integrated group of units of the same species which has at its disposal a common set of hereditary factors, inhabits certain area, belongs to certain ecosystem, and within which the units are interconnected primarily by reproduction relationships;

55) *follow-up of the state (monitoring)* is planned, systematic and continual following up of the state in nature, i.e. parts of biological, geological and landscape diversity, as part of a comprehensive system for following up the state of environment elements in space and time;

56) *landscape* is a certain territory whose character represents a specific blending of natural and created values characteristic for the given region;

57) *landscape element* is the smallest relatively homogenous ecological unit of the landscape structure, whether of natural or antropogenous origin;

58) *landscape diversity* is the space structure emerged in the interaction of natural and/or created space elements of certain biological, climate, geological, geomorphological, pedologic, hydrological, cultural and historical and sociological characteristics;

58a) *priority habitat types and priority species* are those types of habitats and species determined as such in the Republic of Serbia, in compliance with generally accepted international legal rules and ratified international agreements;

58b) *transboundary movement and trade* is the import, introduction, or introduction from the sea into the territory of the Republic of Serbia, the export or re-export from the territory of the Republic of Serbia or the transit through the territory of the Republic of Serbia of specimens of wild species, their parts and derivatives;

58c) a *specimen* is any animal, plant or fungus, regardless of being alive or dead,

belonging to a wild species, and any part or derivative thereof;

58d) a *rescue center* is an area or space with capacity for temporary or permanent care of live wild animals which a veterinarian and/or expert has assessed as not capable of surviving on their own in the wild and/or are the object of seizure, confiscation or other measures according to the Law;

59) *nature* represents a unity of geosphere and biosphere, exposed to atmospheric changes and various influences and comprises natural goods and natural values expressed through biological, geological and landscape diversity;

60) *natural values* are parts of nature that deserve special protection, due to their sensitivity, endangerment or rarity, for the preservation of biological, geological and morphological, and landscape diversity, natural processes and ecosystem services or for serving scientific, cultural, educational, health and recreation, and other public interest;

61) *natural equilibrium* is a state of mutually balanced relationships and influences of living creatures among themselves and with their habitat. Natural equilibrium is disturbed when the quantitative or qualitative structure of living communities is disturbed, when a habitat is damaged or destroyed, when the functioning capability of ecological system is destroyed or changed, when interconnection between certain ecological systems is broken or when it causes significant isolation of certain populations;

62) *vulnerable species* is a species that faces a high possibility that it will disappear under natural conditions in the relatively near future;

63) *protection regime* is a set measures and conditions that determine the way and degree of protection, use, organization and development of a protected natural asset;

64) *reintroduction* is a method of protection and conservation of biological diversity by artificially returning the species to its former habitat from which it has disappeared or to habitats in which the numbers of its population have been drastically reduced;

65) *relict species* is the species which in the distant past had an extensive range of distribution, and whose present range (remainder) has been reduced to spatially small parts;

66) *nature rehabilitation* are the measures that are taken in order to stop damaging of the nature, to improve its state and functionality;

67) *fossil syntypes* are all specimens of one series for which there is no holotype;

68) *speleological object* is an underground cavity in the shape of channels, corridors and halls with different dimensions, slopes and appearances emerged in natural processes primarily in limestone and dolomites, but also in other rocks as well;

69) *habitat* is geographically clearly defined area in which specific community of plants, animals, fungi and microorganisms (biocenosis) interacts with abiotic factors (soil, climate, water quantity and quality, etc.), forming one functional whole;

70) *species habitat* is such habitat in which populations of a specific species have conditions to survive in longer period of time, i.e. an area in which specific species realizes any stage of its life cycle;

71) *stenoendemite* is a species whose range of distribution is limited to a very small area, i.e. one locality (a mountain top, ridge, gorge etc.);

71a) *habitat type* is a set or group of habitats very similar in their biotic and abiotic characteristics;

72) *landscape types* are landscape categories whose uniqueness and quality are determined by ecological, structural, physiognomic, historical, socioeconomic and aesthetic features;

73) *endangered species* is the species that faces a high probability of extinction in natural conditions in the foreseeable future, which is established in accordance with generally accepted international criteria;

74) *nature improvement* is a set of measures and activities that are necessary for renewing the natural habitats and populations in order to bring them to a favourable natural state, as well as a set of activities on revitalization and rehabilitation of natural ecosystems and landscapes;

75) *fossils* are remnants, preserved fully or in segments, of plants and animals that had lived in the past, included traces of extinct organisms, and they serve as pieces of material evidence based on which geological past can be reliably reconstructed;

76) *fossil holotype* is a species that has been established and it serves as a calibrator for all other establishments and that one specimen is preserved in the Natural History Museum;

77) *holotype* is the original specimen used to describe and give name to a species;

78) *red book* is a specialized scientific study of endangered wild species organized by endangerment categories and factors;

79) *red list* is a list of endangered wild species organized by endangerment categories.

## **Nature Protection Principles**

### **Article 5**



The basic principles of nature protection shall be:

- 1) the principle of high degree nature protection everyone shall be obliged, taking over his/her duty or performing his/her activities, to contribute to protection and improvement of the nature, biological, geological and landscape diversity, conservation of generally beneficial natural functions and natural equilibrium;
- 2) the principle of sustainable usage usage of natural resources can be carried out only to the degree and in the way that does not endanger the diversity and functioning of the natural systems and processes;
- 3) the principle of application of measures and conditions of nature protection the principles, measures and conditions of nature protection shall be applied in the usage of natural resources and protected natural goods, planning and spatial organisation;
- 4) the principle of integrated protection nature protection shall be an integrated part of the strategy of sustainable development, spatial and urban planning and other plans, programmes and bases;
- 5) the “user pays” principle the user of the natural resource and protected natural asset shall be obliged to pay charges for their usage and bear the costs of space rehabilitation and recultivation;
- 6) the cooperation principle state authorities, autonomous province authorities and the authorities of the local self-government unit, organizations and institutions, as well as other legal and private entities, when carrying out their operations and assignments shall be obliged to act in accordance with the principles, objectives, measures and conditions of protection and permanent conservation of nature and in that way carry out mutual and international cooperation;
- 7) the principle of direct application of international law state authorities, autonomous province authorities and the authorities of the local self-government unit, organizations and institutions, as well as other legal and private entities, when carrying out their operations and assignments shall directly apply the generally accepted rules of the international law and approved international agreements as an integral part of the legal system.

Also, the basic principles of environment protection are applied in the protection of nature, in compliance with law.

### **Subjects of Nature Protection**

#### **Article 6**

The protection and conservation of nature shall be provided for by the following, within their respective competences:

- 1) the Republic of Serbia;

- 2) autonomous province;
- 3) municipality, city and the city of Belgrade (hereinafter referred to as: local self-government unit);
- 4) manager of the protected area;
- 5) legal entities, entrepreneurs and private entities which use natural resources and protected natural goods in carrying out their business and other activities;
- 6) professional and scientific organizations and other public services;
- 7) citizen, groups of citizens, their associations, professional or other organizations.

## **II. NATURE PROTECTION**

### **Nature Protection Measures**

#### **Article 7**

Nature protection shall be carried out in the following ways, in particular:

- 1) establishing and evaluating the state, phenomena and processes in the nature and the landscape;
- 2) establishing and determining protected natural goods and the systems for the monitoring of their protection;
- 3) implementing the measures for protection of nature and landscapes;
- 4) establishing the conditions and measures for nature protection and protected natural goods and landscapes in the spatial and urban plans, project documentation, bases and programmes for managing of natural resources in mining, energy, transportation, water management, agriculture, forestry, hunting, fishing, tourism and other industries that affect the nature;
- 5) by sustainable use of natural resources and protected natural goods and control of their use through establishment of the system for management of natural resources and protected natural goods;
- 6) drafting a nature performance report, by adopting and implementing strategies, programmes, action and rehabilitation plans and management plans;
- 7) alleviating the harmful effects caused by activities in nature, use of natural resources or natural disasters;

- 8) connecting and harmonising the national nature protection system with the international nature protection system;
- 9) encouraging scientific and professional work in the field of nature protection;
- 10) informing the public on the state of nature and through participation of the public in decision-making concerning the nature protection;
- 11) encouraging and promoting nature protection, by developing awareness of the need for nature protection in the upbringing and education process;
- 12) involving the local communities in the follow-up of the nature state, and nature protection and improvement.

## **1. Planning, Regulation and Use of Space, Natural Resources, Protected Areas and Ecological Network**

### **Article 8**

Planning, regulation and use of space, natural resources, protected areas and ecological network shall be implemented on the basis of spatial and urban development plans, planning and design documentation, bases and programmes for the management and use of natural resources and goods in mining, energy, transport, water management, agriculture, forestry, hunting, fisheries, tourism and other activities affecting the nature, in compliance with measures and conditions of nature protection.

Bases, plans and programmes referred to in paragraph 1 of this Article relating to a protected area or whose implementation may have a significant negative impact on the conservation objectives and integrity of an important ecological area shall be adopted with prior consent of the Ministry competent for environmental protection.

Bases, plans and programmes referred to in paragraph 1 of this Article must comply with an act on promulgation of a protected area, a management plan for the protected area and management guidelines for important ecological areas.

Use of space, natural resources and protected areas shall be allowed in the manner prescribed by this and other laws.

Project proponent, i.e. legal entity, entrepreneur and private entity that uses natural resources, performs construction and other works, activities and interventions in nature shall act in compliance with measures for nature protection defined by plans, bases and programmes and in compliance with design-technical documentation, in the manner that shall ensure avoidance or minimization of endangerment and damaging of nature.

Legal entity, entrepreneur and private entity referred to in paragraph 3 of this Article shall carry out rehabilitation, i.e. recultivation upon the completion of their works and activities, in compliance with this Law and other regulations.

### **Conditions for Nature Protection Article 9**

In the development of plans, bases, programmes, projects, works and activities referred to in Article 8 of this Law, nature protection conditions, issued by the competent institute for nature conservation (hereinafter referred to as: Institute), shall be obtained.

The document on nature protection conditions shall contain in particular:

- 1) Data on natural values, especially on plants and animals, geo-heritage objects and landscape within the spatial coverage of the document referred to in paragraph 1 of this Article and in spatial environment;
- 2) Data on protected natural resources, including natural resources planned for protection and in protection procedure;
- 3) Data on an important ecological area;
- 4) Data on the established regimes and measures of protection and use of natural resources and goods and important ecological areas;
- 5) Assessment whether planned works and activities can be implemented from the aspect of nature protection aims and adopted regulations and documents;
- 6) Conditions, i.e. prohibitions and restrictions under which planned works and activities may be implemented as well as the need for an appropriate assessment;
- 7) Biological, technical and technological measures of nature protection which should be applied;
- 8) Legal and expert grounds for the established conditions and measures, i.e. prohibitions and limitations;
- 9) Compensatory measures, if grounds exist, in accordance with this Law.

If, during the procedure for issuing a document on conditions for nature protection, the need for initiating the appropriate assessment procedure is identified, the Institute shall issue an opinion on the need for an appropriate assessment instead of the nature protection conditions.

The application for issuance of nature protection conditions shall be accompanied by the following:

- 1) Data on type and developer of the document referred to in paragraph 1 of this Article and on the investor;
- 2) Data on location and spatial coverage with appropriate mapping and graphic appendices, and for designs with a copy of the cadaster plan;
- 3) Short description of goals for which the document is being developed, intended activities at its implementation and main expected results, and for the design, a preliminary concept as well.

The Institute shall, by virtue of a decision, issue the document on nature protection conditions.

In case that applicant does not start works and activities which were the reason for issuance of the document on nature protection conditions within two years from the delivery of the document, the applicant is obliged to obtain a new document.

A fee shall be paid for the collection and evaluation of information needed for issuance of the document on nature protection conditions.

The amount and manner of calculation and collection of the fee referred to in paragraph 7 of this Article, fee payers and exemption or deduction in the fee payment is determined by the Institute with the consent of the Ministry competent for finances.

A complaint may be lodged for the document on conditions for nature protection to the ministry responsible for environmental protection affairs (hereinafter referred to as: Ministry) within 15 days, in the autonomous province to competent authority responsible for environmental protection affairs of the autonomous province.

The authority competent for passing, i.e. adoption of the document referred to in paragraph 1 of this Article shall obtain an opinion from the Institute on the fulfilment of the nature protection conditions referred to in paragraph 2 of this Article.

## **Appropriate Assessment**

### **Article 10**

An appropriate assessment for the ecological network (hereinafter: appropriate assessment) is a procedure assessing the potential impact of a strategy, plan, basis, programme, project, works or activities on conservation objectives and the integrity of the ecological network.

An appropriate assessment procedure is carried out by the Ministry, the authority competent for environmental protection in the autonomous province and/or an authority competent for environmental protection in a local government unit for strategy, plan, programme, project, works or activities which alone or with another

strategy, plan, programme, project, works or activities may have significant negative impact on the conservation objectives and the integrity of the important ecological area with previously obtained conditions from the Institute.

The appropriate assessment procedure referred to in par. 2 of this Article shall include:

- 1) Previous assessment, and
- 2) Main assessment.

For strategies, plans, bases and programmes for which, in accordance with a special law, strategic impact assessment is performed, and for projects, for which, in compliance with a special law, environmental impact assessment is performed, an appropriate assessment shall be carried out within those processes.

In case of conducting applied geological researches of the mineral and other geological resources and active mining facilities which, at the time of entry into force of this Law, have been approved by the competent authority, the need for carrying out an appropriate assessment procedure shall not be considered.

For works and activities for which the need for an Appropriate Assessment procedure was identified, the competent authority shall implement the procedure in accordance with this Law.

An Appropriate Assessment Study shall be a special document accompanying the Strategic Environmental Impact Assessment Report, i.e. Elaboration of Environmental Impact Assessment Study of the project. For other works and activities referred to in paragraph 6 of this Article, this study shall be attached as a separate document.

When, based on the appropriate assessment, it is found that plans, bases, programmes, projects, works and activities may have significant negative impact on the conservation objectives and the integrity of the important ecological area, competent authority shall reject to give consent.

In cases of doubt, it shall be deemed that plans, bases, programmes, projects, works and activities may have significant negative impact on the conservation objectives and the integrity of the important ecological area.

When based on the appropriate assessment, it has been established that plans, bases, programmes, projects, works and activities may have significant negative impact on the conservation objectives and the integrity of important ecological area, the competent authority shall give consent if:

- 1) There is no other alternative solution;
- 2) With respect to important ecological areas with at least one priority habitat type and/or priority species, only if there are imperative reasons of overriding public interest, relating to human health and public safety, useful effects of primary importance for the environment, and if there are other prevailing

reasons of public interest, with previously obtained opinion from the European Commission. With respect to all other parts of the ecological network, only if there are other imperative reasons of public interest, including interest of social and

economic nature, which prevail in comparison to the interest of conservation of these areas;

3) it is possible to carry out the compensation measures referred to in Article 12 of this Law, necessary for the conservation of overall coherence of the ecological network, before giving consent to plans, bases, programmes, projects, works and activities.

The authority responsible for carrying out the appropriate assessment procedure may establish an expert commission, i.e. authorise an expert to evaluate the appropriate assessment study with previously obtained opinion from the Institute on the fulfillment of nature protection conditions referred to in Article 9 of this Law.

The Government shall closely prescribe the procedure, contents, deadlines, manner of carrying out an appropriate assessment, with consideration of the goals of conservation of the important ecological area, as well as a manner of providing information to the public, establishment of prevailing public interest and compensatory measures.

### **Limitations or Termination of Use Article 11**

If the mode or scope of using the natural resources directly endangers survival of certain species, its habitat or natural ecosystem, the Minister in charge of environment protection activities (hereinafter: the Minister) can issue an order and limit, temporarily or permanently stop the using according to the previously acquired opinion by the Ministry competent for the activities in agriculture, forestry and water management, the Ministry competent for the activities in mining and energy and the Ministry competent for the infrastructure operations.

For the limitations they have been subjected to, under the order referred to in paragraph 1 of this Article, the owners or users of natural resources have the right to compensation proportional to their reduced income.

The amount of compensation shall be established by mutual consent, and in case of dispute, the court of law shall determine the amount of compensation.

The compensation referred to in paragraph 3 of this Article shall be paid from the goods in the budget of the Republic of Serbia.

The owner or user of natural resources which does not act in conformity with the order referred to in paragraph 1 of this Article shall be deemed responsible for the damage to the species, habitat or natural ecosystem, which occurred after the enactment of the order.

## **Alleviation of the Consequences Damaging to the Nature Article 12**

In order to alleviate harmful consequences to nature, which may occur or have occurred due to implementation of plans, bases, programmes, projects, works or activities in the protected area or ecological network area, legal entity, entrepreneur and private entity, i.e. project proponent, shall implement compensatory measures in compliance with the decision issued by the Ministry at the Institute's proposal.

Compensatory measures are ordered depending on the expected or caused damages to the nature, in the following manner:

- 1) by establishing a new locality which has the same or similar properties as the damaged locality;
- 2) by establishing another locality significant for the conservation of biological and landscape diversity, and/or protection of the natural asset;
- 3) by a compensation in money in the value of the caused damage to the locality in case it is not possible to implement compensation or rehabilitation measures.

Criteria, procedure and manner of the establishment of compensatory measures shall be prescribed by the Minister.

When establishing the compensatory measures, advantage is given to the compensation by a new locality which has the same or similar properties as the damaged locality.

The only compensatory measure for important ecological areas of the European Union, NATURA 2000, shall be the establishment of new locality in terms of paragraph 2, point 1) of this Article.

The European Commission shall be informed about the compensatory measures pertaining to important ecological area of the European Union NATURA 2000.

The amount in money toward the compensatory measures, shall be paid on the account designated for paying-in of public revenues to the budget of the Republic of Serbia and is used through the Green Fund of the Republic of Serbia exclusively for financing of nature protection projects.

## **Repairing the Damaging Consequences**

### **Article 13**

If the projects or activities in the nature have been carried out without established conditions for nature protection or contrary to the given conditions for nature protection, which has caused damage to the nature and protected natural goods, the leader of the project or activities and/or the user of natural resources, is obliged to repair the damaging consequences of his acts without delay and at his own expense, according to the principles of objective responsibility.



If the leader of project activities referred to in paragraph 1 of this Article does not repair damaging consequences of such activity of theirs, or if they do not act in compliance with Article 12 of this Law which provides for compensatory measures, the Ministry shall implement such reparation at the expense of leader of the activities, and shall issue a decision stating the obligation for compensation of damages and the amount of the incurred costs.

The assessment of the occurred damage, as well as the manner of repair of damaging consequences, shall be proposed to the Ministry by the Institute.

## **2. Subject of Protection**

### **Protection of Biological Diversity**

#### **Article 14**

The protection of biological diversity shall be accomplished by carrying out measures for protection and improvement of species, their populations, natural habitats and ecosystems.

#### **Protection of Species**

#### **Article 15**

Protection of species shall be accomplished by carrying out measures and activities on the preservation of species themselves, their populations and habitats, ecosystems and the corridors connecting them.

Protection of birds and migratory species shall be established through implementation of measures needed for conservation, maintenance and recovery of enough diversity and extension of their habitats, avoidance of pollution or disturbance of habitat quality and encouragement of research and management.

In order to conserve small biotopes and habitats, measures shall be undertaken which will include creation of protected areas, maintenance and management of habitats within protected areas, recovery of destroyed biotopes and creation of new biotopes.

Habitats of species important for survival of populations within the area referred to in paragraph 1 of this Article are documented by a habitat map developed on the basis of a GIS database on the distribution of certain habitats of species in the Republic of Serbia which are made available on the web page of the Ministry and the Institute for Nature Conservation of Serbia.

Data collection and continuous updating of the GIS database shall be assured by the Institute for Nature Conservation of Serbia in collaboration with other authorized expert and scientific institutions.

A map of habitats of species shall be a constituent part of plans, bases and programmes referred to in Article 8 of this Law.

## **Conservation of Habitat Types**

### **Article 16**

Conservation of habitat types shall be achieved through implementation of measures and activities for the protection and conservation of habitat types in order to prevent or reduce negative impact on the habitat types in accordance with the law and international agreements.

The Minister shall prescribe criteria for distinguishing endangered, rare, and sensitive habitat types and for the protection of priority habitat types, as well as protective measures for their conservation and a list of habitat types.

Habitat types referred to in paragraph 2 of this Article shall be documented by habitat maps developed on the basis of the GIS database on the distribution of certain types of habitats in the Republic of Serbia which shall be available on the web pages of the Ministry and the Institute for Nature Conservation of Serbia.

Data collection and continuous updating of the GIS database shall be assured by institutes and other expert and scientific institutions authorized by the Minister.

A map of habitat types shall be a constituent part of plans, bases and programmes referred to in Article 8 of this Law.

## **Protection of Ecosystems**

### **Article 17**

Protection of ecosystems (forest, alpine, water and wet, sensitive, agricultural and other ecosystems) is accomplished through the conservation of their natural composition, structure, function, integrity and equilibrium by carrying out appropriate measures and activities for their protection, improvement and sustainable use.

### **Protection of Forest, Wet and Water Ecosystems and Habitats within Agroecosystems**

### **Article 18**

Conservation of biological diversity of forest ecosystems shall be carried out with purpose of strengthening the generally beneficial functions of forests, in accordance with the law.

Forest management must be based on the principles of sustainable development and conservation of biological diversity, conservation of natural composition, structure

and function of forest ecosystems, in conformity with the conditions for nature protection that are an integral part of forest bases.

With purpose of enriching the biological and landscape diversity in forest management, the forests shall be treated in such way so as to preserve forest openings (meadows, pastures etc.) and forest outskirts as much as possible.

Within the wet and aquatic ecosystems with the shore, any acts, activities and operations endangering a hydrological phenomenon or survival and conservation of biological diversity are prohibited.

Quantity of water in wet and aquatic ecosystems, outside of protected areas, which is essential for conservation of hydrological phenomenon and survival of biological diversity shall be determined by the ministry responsible for agriculture, forestry and water management, upon the obtainment of the opinion from the Ministry, while in protected areas and ecologic network areas this shall be determined by the Ministry upon the obtainment of the opinion from ministry responsible for agriculture, forestry and water management.

Conservation of biological and landscape diversity of habitats within agroecosystems and other non-autonomous and semiautonomous ecosystems shall be carried out mainly through the conservation and protection of marginal habitats, hedges, borders, individual trees, groups of trees, ponds and meadow belts, as well as other ecosystems with preserved or partially changed woody, bushy, meadow or swamp vegetation.

When joining plots of agricultural land into larger wholes, care must be taken to conserve the present and create new marginal habitats, in order to secure biological and landscape diversity of ecosystems.

### **Use of Biological, Biotechnical and Chemical Agents in the Protection of Ecosystems and Protected Areas**

#### **Article 19**

In order to protect ecosystem, it shall be allowed to use biological, biotechnical and chemical agents in compliance with law.

Biological and biotechnical agents can be used in protected areas with purpose of conserving biological diversity.

Chemical in protected areas may be used in compliance with prescribed protection regimes with the approval given by the ministry responsible for agriculture, forestry and water management, with the consent of the Ministry.

## **Conservation of Genetic Diversity**

### **Article 20**

Genetic material shall be used in compliance with this Law and special regulations.

Collection of genetic material from the nature for use must not endanger the survival of ecosystems or the population of wild plant, animal and fungi species in their habitats.

### **Access to the Sources of Genetic Material**

#### **Article 21**

Genetic material from the nature can be used in compliance with this Law.

No material gain can be achieved on the genetic material created from the genetic material of wild plant, animal and fungi species.

### **Gene Bank**

#### **Article 22**

Gene bank shall be established with purpose of conserving genetical diversity of wild plants, animals and fungi.

Biological material of a supervised or bred population, parts of plants, animals and fungi, seeds, spores, sex cells and other biological materials which are used with purpose of conserving species, i.e. their genetic fund and potential shall be kept in gene banks.

Gene bank referred to in paragraph 1 of this Article can be established by a legal entity or an entrepreneur which meets the requirements concerning the personnel, equipment and space.

The Ministry shall establish whether all the requirements referred to in paragraph 3 of this Article are met, in a permit which is issued in the form of a decision.

The permit referred to in paragraph 4 of this Article shall be issued at the request of legal or private entity.

The decision referred to in paragraph 4 of this Article shall be final, and administrative dispute can be instituted against it.

More detailed requirements referred to in paragraph 3 of this Article, as well as the operating mode of the gene bank, the way of treating the biological material, contents of the application and the documentation which is submitted along with the request for issuance of permit shall be prescribed by the Ministry, with prior consent by the Ministry in charge of agriculture, forestry and water management activities.

## **Protection of Geological Diversity**

### **Article 23**

Protection of geological diversity when using and organizing space shall be accomplished by carrying out measures for the protection of nature, geological and paleontological documents, as well as geo heritage objects in conditions of *in situ* and *ex situ* protection.

### **Geopark**

#### **Article 23a**

A Geopark is a clearly defined area where geoheritage objects and other natural, cultural and historical values important for science, education, culture and economy are protected, presented and promoted with a clearly defined management structure.

A Geopark referred to in paragraph (1) of this Article shall cover a certain number of geoheritage objects of particular importance, in the sense of their scientific value, rarity, aesthetics or educational value, and objects of archaeological, biological, historical or cultural heritage.

A Geopark territory may cover several protected areas with different protection arrangements.

The potential of an area for the establishment of a geopark shall be evaluated in accordance with geotectonic categorisation respecting geological and other characteristics on the basis of criteria prescribed by the Minister.

## **Protection of Speleological Objects**

### **Article 24**

Speleological objects shall be public assets owned by the Republic of Serbia.

Speleological objects, because of their natural and cultural values, shall enjoy protection and are used in accordance with this Law and other regulations.

A cadastre of speleological objects shall be developed for the speleological objects, as a digital geographical information system (hereinafter: cadastre).

## **Protection and Use of Speleological Objects**

### **Article 25**

It shall be prohibited to do the following in the speleological objects and in their vicinity:

- 1) to pollute watercourses and springs, sink, bring in and leave behind poisonous materials, solid waste and dead animals or deposit any kind of waste in such places and in such way that they can enter the speleological object by running water or by free movements;
- 2) to destroy, damage or carry away parts of cave ornaments, cave sediments, fossil remains and artefacts;
- 3) destroy or carry away specimens of fauna and flora and disturb conditions in their habitats;
- 4) carry out construction works which can cause significant unfavourable and permanent changes of geo-morphological and hydrological characteristics.

The Government shall prescribe the mode and conditions for management, use and exploration of speleological objects, as well as development and maintenance of the cadastre referred to in Article 24, paragraph 3 of this Law.

## **Protection of Landscapes**

### **Article 26**

According to their natural and created characteristics, landscapes shall be divided into landscape types which express the diversity of natural and cultural heritage.

Protection of landscapes shall imply planning and implementation of measures which prevent unwanted changes, disturbances or destruction of significant landscape characteristics, their diversity, uniqueness and aesthetical values and enable the traditional way of using the landscape.

Conservation of significant and characteristic features of the landscape must be provided for when planning and organizing space and when planning and using natural resources.

Protection, management and planning of landscapes shall be based on identification of landscapes and assessment of their significant and characteristic marks.

The Minister shall prescribe criteria for identification of landscapes and manner of assessment of their significant and characteristic marks.

### **III. PROTECTED NATURAL GOODS**

#### **Protected Natural Goods**

##### **Article 27**

Protected natural goods shall be: 1) protected landscapes

- strict natural reserve,
- special natural reserve,
- national park,
- natural monument,
- protected habitat,
- landscape of exceptional characteristics,
- natural park;

2) protected species

- strictly protected wild species,
- protected wild species;

3) mobile protected natural documents.

#### **1. Protected Areas**

##### **Article 28**

Areas that have a substantial geological, biological, ecosystem and/or landscape diversity and that are significant as habitats of bird species and other migratory species relevant according to international regulations may be declared as protected areas of general interest.

Protected areas can border protected areas of neighboring countries.

A management plan and measures to protect the protected area bordering a neighboring country's protected area shall be determined through an agreement with competent authorities of that country and based on an approval from the Ministry.

## **Strict and Special Natural Reserves**

### **Article 29**

Strict natural reserve shall be an area of unchanged natural characteristics with representative natural ecosystems, intended exclusively for conservation of the original nature, gene fund, ecologic equilibrium, following natural phenomena and processes, scientific research which does not damage the natural characteristics, values, phenomena and processes.

Special natural reserve shall be an area of unchanged or insignificantly changed nature, of particular importance due to its uniqueness, rareness or representativeness, and which includes a habitat of an endangered wild plant, animal and fungi species, without settlements or with scarce settlements in which humans live in harmony with the nature, intended for conservation of the existing nature characteristics, gene fund, ecological equilibrium, following of natural phenomena and processes, scientific research and education, controlled visits and preservation of traditional way of life.

Special natural reserve can be floristic, mycological, or with forest and other vegetation, zoological (ornitological, ichtiological and other), geological, paleontological, hydrogeological, hydrological and others.

Within the strict and the special natural reserve it shall be prohibited to carry out operations and activities and perform actions which can impair the features due to which they have been declared as protected natural asset (picking and destroying of plants,

disturbing, catching and killing of animals, introducing new biological species, melioration works, various forms of economical and other usage etc.).

Visiting of strict and special natural reserves with education purpose can be carried out on the basis of permit issued by the manager of protected area (hereinafter: the Manager).

Measures for protection of strict and special natural reserve shall be closely determined by the decision on the proclamation of protected area.

The following of natural phenomena and processes and scientific research shall be carried out on the basis of a permit issued by the Ministry and in presence of the Manager.

All economic and other activities shall be prohibited in the strict natural reserve.

## **National Park**

### **Article 30**

National park shall be an area with a large number of diverse natural ecosystems of national importance, with distinguished landscape characteristics and



cultural heritage in which man lives in harmony with the nature, intended for conservation of the existing natural values and resources, with overall landscape, geological and biological diversity, as well as for meeting of scientific, educational, spiritual, aesthetical, cultural, touristic and health and recreational needs and other activities in accordance with the principles of nature protection and sustainable development.

Activities and operations that do not disturb the original state of nature shall be allowed in the national park, as well as carrying out activities that have the function within education, health and recreational and touristic needs, continuation of the traditional way of life of local communities, and in the way that does not jeopardize the survival of species of the natural ecosystems and landscapes, in accordance with this Law and the management plan adopted by the Manager.

The activities referred to in paragraph 2 of this Article can be limited with purpose of preserving the original state of nature in the national park.

The forests within the national park shall be managed by the legal entity that manages the national park.

The forests referred to in paragraph 4 of this Article shall not be included in the forest landscape.

The measures for protection of the national park and the mode of its use shall be determined in detail by a special law.

## **Natural Monument**

### **Article 31**

Natural monument shall be a smaller unchanged or partially changed natural spatial entity, object or phenomenon, physically clearly distinguished, recognizable and/or unique, with representative geomorphological, geological, hydrographical, botanical and/or other characteristics, as well as a botanical value of scientific, aesthetic, cultural or educational significance, created by human labour.

Natural monument can be geological (historical and geological-stratigraphical, paleontological, petrological, sedimentological, mineralogical, structural-geological, hydrogeological and others), geo-morphological, speleological (cave, pit and others), hydrological (whole or part of a watercourse, waterfall, lake, moor and others), botanical (rare or significant specimens of herbal life, an individual tree or a group of trees, alleys, parks, arboreta, botanical gardens and others).

Any actions or activities on the natural monument that endanger its characteristics and values shall be prohibited.

Measures for protection of the natural monument and the mode for its use shall be defined in detail by the decision on proclamation of protected area.

## **Protected Habitat**

### **Article 32**

Protected habitat shall be an area which includes one or more types of natural habitats that are significant for conservation of one or more populations of wild species and their communities.

The objective of habitat protection shall be:

- 1) to protect endangered and rare types of habitats, ecosystems and/or autochthonous wild species on the national or international level;
- 2) to provide for favourable state of one or more autochthonous species populations;
- 3) to enable undisturbed development of some of stages in the life of autochthonous wild species (spawning, mating, building nests, raising the offspring, winter hibernation etc.);
- 4) to protect extremely endangered and vulnerable species;
- 5) to enable gene flow among the population species;
- 6) to provide for migratory routes and resting places;
- 7) to enable scientific research, population management and education.

The activities and operations which endanger or damage one or more habitat types shall be prohibited within the protected habitats.

The importance, purpose and protection measures of a protected habitat shall be closely established by the decision on proclamation of protected habitat.

## **Landscape of Exceptional Characteristics**

### **Article 33**

Landscape of exceptional characteristics shall be an area of recognizable appearance with significant natural, biological-ecological, aesthetic and cultural-historical values, which developed in time as a result of interaction between the nature, natural potentials of the area and the traditional way of life of the local population.

Landscape of exceptional characteristics can be a natural landscape of exceptional characteristics and a cultural landscape of exceptional characteristics.

Natural landscape of exceptional characteristics shall be an area of significant biological-ecological and aesthetic value, in which the traditional way of life of the local population has not significantly disturbed the nature and natural ecosystems.

Cultural landscape of exceptional characteristics shall be an area of significant landscape, aesthetic and cultural-historical value, which developed in time as a result of interaction between the nature, natural potentials of the area and the traditional way of life of the local population

The activities and operations which disturb primary natural and created values and landscape character shall be prohibited within the landscape of exceptional characteristics.

Protection measures, the mode for carrying out economic and traditional activities and use of natural and created values within the landscape of exceptional characteristics shall be closely established in the formal decision on proclamation of protected area.

## **Natural Park**

### **Article 34**

Natural park shall be an area of well-conserved natural values with mostly conserved natural ecosystems and picturesque landscapes, intended for conservation of the overall geological, biological and landscape diversity, as well as meeting of scientific, educational, spiritual, aesthetic, cultural, touristic, health-recreational needs and other activities harmonized with the traditional way of life and principles of sustainable development.

Within the natural park, no economic or other activities which disturb its substantial characteristics and values shall be allowed.

Protection measures, the mode for carrying out economic activities and use of natural values within the natural park shall be closely established in the formal decision on proclamation of protected area.

## **Protection Regimes**

### **Article 35**

The following protection regimes shall be established in protected area:

- 1) 1<sup>st</sup> degree,
- 2) 2<sup>nd</sup> degree and/or
- 3) 3<sup>rd</sup> degree

1<sup>st</sup> degree protection regime – strict protection, shall be implemented in protected area or part thereof with original or slightly changed ecosystems of

exceptional scientific and practical importance, which enables processes of natural succession and conservation of habitats and life communities in wilderness conditions.

1<sup>st</sup> degree protection regime shall:

1) Prohibit use of natural resources and construction of facilities;

2) Restrict works and activities to scientific research and monitoring of natural resources, controlled visits for educational, recreational and cultural purposes, as well as implementation of protective, rehabilitation and other necessary measures in case of fire, natural disasters and accidents, occurrence of plant and animal diseases and excessive propagation of pests, with the consent given by the Ministry.

2<sup>nd</sup> degree protection regime – active protection, shall be implemented in protected area or part thereof with partially changed ecosystems of high scientific and practical importance and particularly valuable landscapes and geo heritage objects.

2<sup>nd</sup> degree protection regime can include management interventions in order to restore, revitalize and generally improve protected area, without consequences to primary values of their natural habitats, populations, ecosystems, landscape characteristics and geo heritage objects, and can include traditional activities and restricted use of natural resources in sustainable and strictly controlled manner.

2<sup>nd</sup> degree protection regime shall:

1) Prohibit construction of industrial, metallurgical and mining facilities, asphalt bases, oil refineries, as well as facilities for storage and sale of oil and LPG derivatives, thermal power plants and wind generators, ports and trade centers, airports, service warehouses, storages and cooling plants, holiday houses and other family retreat houses, exploitation of mineral raw materials, peat and river and lake beds material, ploughing of natural lawns, commercial fishing, introduction of invasive allochthonous species, construction of facilities for waste recycling and incineration and formation of waste disposal sites;

2) Restrict regulation and baffling of watercourses, formation of water accumulations, melioration and other hydrotechnical activities, construction of hydro power plants, solar power plants and biogas power plants, touristic accommodation facilities, catering facilities, nautical tourism and touristic infrastructure and regulation of public ski resorts, construction of transport, energy, utility or other infrastructure, residential and economic facilities of agricultural husbandries, traditional use of stone, clay and other materials for local needs, construction of fisheries, facilities for conventional breeding of domestic animals and game, fishing, hunting, collection of fungi, wild plant and animal species, management of forests and forest land, establishment of forest and agricultural monocultures, introduction of species alien for plants and animals in the region where protected area is located, and application of chemicals.

3<sup>rd</sup> degree protection regime – proactive protection, shall be implemented in protected area or part thereof with partially changed and/or changed ecosystems, landscape and geo heritage objects of scientific and practical importance.

3<sup>rd</sup> degree protection regime can include management interventions in

order to restore, revitalize and generally improve protected area, rural development and improvement of rural households, regulation of cultural-historic objects and objects of traditional civil engineering, conservation of traditional activities among local residents, selective and restricted use of natural resources and areas with necessary infrastructural and other construction.

3<sup>rd</sup> degree protection regime shall:

- 1) Prohibit construction of oil refineries and chemical industry, metallurgical and thermal energy facilities, oil tanks, oil derivative and natural gas tanks, introduction of invasive allochthonous species and formation of waste disposal sites;
- 2) Restrict construction of other industrial and energy facilities, asphalt bases, touristic accommodation facilities and public ski resorts, infrastructural facilities, storages for industrial goods and construction material, holiday houses, exploitation and primary processing of mineral raw materials, formation of waste management facilities, construction of settlements and spreading of their construction sites, hunting and fishing, formation of forest and agricultural monocultures, application of chemicals and other works and activities that may have significant adverse effects to natural and other values in protected area.

Protection regimes and borders of parts of protected areas with different protection regimes shall be established by way of a decision on proclamation of protected area based on protection study.

Regime of protective zone of protected area shall prohibit and restrict works and activities for which it has been established (in the procedure prescribed by law and other regulations) that they may have significant adverse effects to biological diversity, geo heritage values and landscape of the protected area.

The Government shall prescribe in detail protection regimes, procedure for their designation and facilities, works and activities that are prohibited or restricted.

In compliance with special law, works and activities restricted by protection regimes referred to in this Article may be prohibited in national parks.

## **2. Strictly Protected and Protected Wild Species**

### **Article 36**

Wild species which are endangered or can become endangered, which have special significance from the genetic, ecological, ecosystem, scientific, health, economic and other aspects, shall be protected as strictly protected wild species or protected wild species.

The following wild species can be declared as strictly protected:

- 1) wild species extinct in the Republic of Serbia and returned through a reintroduction programme;

- 2) extremely endangered wild species;
- 3) endangered wild species;
- 4) relict species;
- 5) local endemite;
- 6) stenoendemite;
- 7) wild species subject to a ratified international agreement;
- 8) a species requiring strict protection for other reasons.

The following wild species can be declared as protected:

- 1) vulnerable wild species;
- 2) endemic species;
- 3) indicator, key and umbrella species;
- 4) relict species;
- 5) wild species subject to a ratified international agreement;
- 6) wild species not endangered, but, due to its appearance, can be easily confused with an endangered wild species;
- 7) wild species of economic importance which can be endangered by uncontrolled exploitation or destruction of the habitat.

Strictly protected and protected wild species within the meaning of this Law shall be determined on the basis of national and international red lists or red books, ratified international agreements, expert findings and/or scientific knowledge.

Red lists and red books of endangered wild species with their localities, strength of populations and level of endangerment are established by the Ministry on the proposal of the Institute.

Wild species protection which is not regulated by this Law shall be governed by special regulations.

### **3. Mobile Protected Natural Documents**

#### **Article 37**

Parts of geological and paleontological heritage, as well as biological documents which have exceptional scientific, educational and cultural importance can be protected as mobile protected natural documents.

Mobile protected natural documents can be the following:

- 1) all specimens of holotypes, syntypes and genotypes of fossils, as well as typical kinds of fossils;
- 2) all individual minerals and/or crystals and mineral druses within the bed;
- 3) all holotypes and syntypes of fossils, typical kinds of fossils of individual minerals and crystals;
- 4) mycological, botanical and zoological collections, as well as individual conserved preparations of organic species, their holotypes and syntypes.

It shall be prohibited to collect and/or destroy mobile natural documents or destroy or damage sites of their occurrence.

#### **Ecological Network**

#### **Article 38**

The ecological network is established as a functionally and spatially connected entity in order to conserve habitat types of particular importance for the protection, renewal and/or improvement of degraded habitats and for the conservation of habitats of wild species of flora and fauna.

The ecological network shall be made up of important ecological areas and ecological corridors.

Important ecological areas are:

- (1) areas of national importance which by their bio-geographic presence and representativeness contribute to the conservation of biological diversity in the Republic of Serbia;
- (2) areas of international importance which by their bio-geographic presence and representativeness contribute to the conservation of habitat types and habitats of species including birds in accordance with ratified international agreements and common rules of international Law.

The ecological network of the Republic of Serbia is established by the Government.

The Act referred to in paragraph (4) of this Article establishes the list of important ecological areas and list of species including birds and their habitats referred to in paragraph (3), point (2) of this Article, ecological corridors, criteria for determining parts of the ecological network, general management guidelines and the manner of financing.

In collaboration with other expert and scientific institutions, the Institute shall prepare documentation for the establishment of the ecological network in accordance with the law, common rules of international law, ratified international agreements and established criteria.

A digital database and map of an important ecological area shall be produced and updated by the Institute in collaboration with expert and scientific institutions on the basis of base maps provided by the Republic Geodetic Authority free of charge.

## **Ecological Network Protection**

### **Article 39**

Protection of the ecological network shall be ensured through the implementation of imposed protective measures for the conservation of habitat types and habitats of species for which separate important ecological areas were determined and through application of appropriate assessment.

Protective measures for the ecological network apply to legal persons, entrepreneurs and natural persons whose activities and operations could affect areas of the ecological network and ecological corridors.

Measures, methods and technical solutions shall be applied in the area of the ecological network with the aim of conserving the habitat and habitats of species.

Monitoring of ecological network status shall be performed by the Institute and/or other professional and scientific organizations, as authorized by the Ministry.

Works, activities and business that may lead to endangerment and disturbance of ecological network functions, disturbance or permanent damaging of characteristics and values of individual parts in ecological network shall be prohibited.

By way of exception to paragraph 5 of this Article, the Ministry may allow for performance of works, activities and business in compliance with Article 10 of this Law.

## **Ecological Network Management**

### **Article 40**

Ecological network area, at the same protected area as well, shall be managed by the protected area Manager.

For managing the important ecological area and ecological corridor which is not placed under the protection as protected area, the Government can designate or establish a legal entity, at the proposal made by the Ministry, or competent authority of autonomous province, or competent authority of local self-government unit at the territory of which part of ecological network is located.

Management plan may be adopted for ecological network area, or a set of measures may be prescribed for conservation, renewal and improvement of these areas status.



The management plan referred to in paragraph 3 of this Article shall be adopted by legal entity entrusted with management of a part of ecological network.

Closer manner of ecological network management shall be determined through the document referred to in Article 14, paragraph 4 of this Law.

## **IV PROCEDURE OF PROCLAMATION OF PROTECTED NATURAL GOODS**

### **Categorization of Protected Areas**

#### **Article 41**

Protected areas, depending on their values and significance, shall be sorted into categories:

- 1) 1<sup>st</sup> category – protected area of international, national, i.e. exceptional significance;
- 2) 2<sup>nd</sup> category – protected area of provincial/regional, i.e. high significance;
- 3) 3<sup>rd</sup> category – protected area of local significance.

The Minister shall prescribe criteria of valuation and procedure for categorization of protected areas.

### **Proclamation of Protected Areas**

#### **Article 41a**

National Park shall be proclaimed by law.

Protected area of 1<sup>st</sup> category shall be proclaimed by the Government at the proposal from the Ministry.

Protected area of 2<sup>nd</sup> category shall be proclaimed by the Government, i.e. competent authority of autonomous province, when protected area is located at the territory of autonomous province. When protected area is proclaimed by the competent authority of autonomous province, and when it includes land, other properties of the Republic of Serbia and goods of general interest, consent shall be obtained from the Ministry with previously obtained opinion from competent ministries, as a part of proclamation procedure.

Protected area of 3<sup>rd</sup> category shall be proclaimed by competent authority from local self-government unit, and if such protected area is located at the territories of two or more local self-government units, competent authorities of those local self-government units shall proclaim protected area in agreed manner. When protected

area includes land and other properties owned by the Republic of Serbia, or autonomous province, and goods of general interest, consent shall be obtained from the Ministry, or authority of autonomous province responsible for environmental protection activities, with previously obtained opinion from competent ministries, i.e. competent authorities of autonomous province, as a part of proclamation procedure.

## **Protection Study**

### **Article 42**

The proposal for the formal decision on proclamation of the protected area has a scientific and/or professional basis – protection study, which shall establish values of the area whose protection is proposed, and the mode for managing the area.

The initiative for proclamation of the protected area can be submitted by the nature protection subjects referred to in Article 6 of this Law.

The protection study shall be drafted by the Institute, which shall inform the local population of the initiative and the study procedure, as well as the owners and users of the area which is the subject of the study and shall cooperate with them.

The protection study shall contain the rationale for the proposal for the protection procedure, description of the natural, created and landscape characteristics of the natural asset with thematic cartographic enclosures, ground values of the natural asset, assessment of the state of environment in the area, the proposed protection regimes, cartographic view containing the borders and protection regimes on the basis of data from the real estate cadaster, data from the cadaster of research and exploitation grounds and areas, mineral resources and groundwaters, description of borders, the concept of protection and improvement, possible perspectives of sustainable development, stakeholder analysis, documentation on harmonization of needs for protection with stakeholders, management mode, assessment of socio-economic effects of protection, development and sustainable use, necessary personnel and technical equipment for the manager, possible proposal by the manager and other elements of importance for proclamation of the protected area.

Resources for drafting the protection study shall be provided from the budget of the Republic of Serbia, budget of the autonomous province, i.e. budget of the local self-government unit.

An area for which a conservation procedure has been initiated shall be deemed protected in accordance with this Law and measures proposed in the protection study referred to in paragraph 1 of this Article shall apply until the adoption of an act on promulgation.

Procedure of protection of a natural area shall be started when the Institute submits the protection study to the competent authority and the Ministry shall inform the public of the procedure of launching the protection of the natural area on the web page of the Ministry.

The Ministry shall inform the public on the procedure of launching the protection of the natural area of category I, II and III on the web page of the Ministry.

## **Public Participation**

### **Article 43**

The proponent of the decision on proclamation of the protected area shall inform the public about the proposal for decision.

The proponent shall provide public insight and shall organize public debate on the proposal for decision on proclamation of the protected area and its professional basis – the protection study with cartographic documentation.

The information referred to in paragraph 1 of this Article shall be published in at least one newspaper distributed in the whole territory of the Republic of Serbia and in the local magazine of the local self-government unit in whose territory the area whose protection is proposed is located, and shall contain information on the time and place of public display and public debate.

Presentation of the decision on proclamation of the protected area and the professional basis referred to in paragraph 2 of this Article for public insight shall last for at least 20 days from the date of issuing the information.

## **Contents of the Decision on Proclamation of the Protected Area**

### **Article 44**

The decision on proclamation of protected area shall contain in particular:

- 1) type, name and position of protected area;
- 2) basic aims of proclamation and values of protected area;
- 3) total coverage of the protected area and coverage of municipality areas, i.e. city territories included in protected area borders, with a list of cadastre municipalities;
- 4) basic ownership structure over the property;
- 5) description and layout of borders of protected area and borders of areas with prescribed protection regimes, as well as protected zone borderlines, in the manner that provides for identification of those borders in the field and in cadastre plan;
- 6) closer aims of protection and sustainable use of protected area expressed in areas with prescribed protection regimes and measures

applied to achieve those aims;

- 7) name, legal/organizational status and head office of the Manager;
- 8) closer contents and manner of management plan adoption;
- 9) closer manner of provision of funds for implementation of decision on proclamation, i.e. management plan within legally determined sources of financing;
- 10) other elements of importance for protected area management

Necessary data referred to in points 3), 4) and 5) of this Article shall be provided for from database of the property cadaster issued by the Republic Geodetic Authority, free of charge, at the Institute's request.

### **Publishing of the Decision on Proclamation**

#### **Article 45**

The decision on proclamation of the protected area referred to in Article 41, paragraphs 1 and 2 of this Law, shall be published in the "Official Gazette of the Republic of Serbia", the decision on proclamation referred to in Article 41, paragraph 3 of this Law in the official journal of the autonomous province, and the decision on the proclamation referred to in Article 41, paragraphs 4 and 5 of this Law in the official journal of the local self-government unit.

The authority that renders the decision on proclamation of the protected area shall deliver the same within 30 days from the enactment day to the following:

- 1) *(deleted)*;
- 2) to the Republic Geodetic Authority, i.e. authority competent for registration;
- 3) to the manager of the protected area;
- 4) to the Institute, with purpose of entering into the register of protected natural goods.

### **Decision on Termination of the Protection**

#### **Article 46**

If an area has lost values for which it had been protected, the Institute shall propose the adoption of the decision on termination of the protection to the authority that has adopted the decision.

Within six months from the reception of the Institute's proposal, the authority referred to in paragraph 1 of this Article shall adopt the decision on termination of the protection and shall submit it to the Institute in order to provide deletion from the register of protected natural goods.

The decision referred to in paragraph 1 of this Article shall be submitted to the Republic Geodetic Authority, i.e. authority responsible for registration in order to provide for deletion of the entry in land register or property cadastre.

Within one month from the day of adoption of the decision on termination of the protection, the Institute shall delete the protected area from the register of protected natural goods.

#### **Article 47**

*(Deleted)*

### **2. Strictly Protected and Protected Wild Species**

#### **Article 48**

On the basis of an estimate of endangerment for certain wild species, and the obligations arising from ratified international agreements, as well as on the basis of the national and international red lists and/or red books and/or other professional documentation, the Minister shall, by mutual agreement with the Minister competent for agriculture, forestry and water management, and at the proposal of the Institute and/or other authorized scientific or expert organisations, declare the wild species as strictly protected wild species or protected wild species.

The Institute shall take care of the species referred to in paragraph 1 of this Article, as well as holders of such species, protected areas managers, public enterprises for forest management, users of hunting and fishing areas who are obliged to plan and implement measures and activities of monitoring and management of strictly protected and protected wild species populations within the management programmes and plans, in compliance with this and special laws.

The decision referred to in paragraph 1 of this Article shall establish the protection measures for the strictly protected and protected wild plant, animal and fungi species, as well as measures for protecting their habitats.

The decision referred to in paragraph 1 of this Article shall be published in the "Official Gazette of the Republic of Serbia".

### **3. Mobile Protected Natural Documents**

#### **Article 49**

Geological, paleontological and biological documents which are endangered

within the meaning of this Law, shall be, at the proposal by the Natural History Museum, upon the acquired opinion from the Institute, declared as protected natural goods by the Minister, by mutual consent with the minister competent for protection of cultural goods.

The decision referred to in paragraph 1 of this Article shall be published in the “Official Gazette of the Republic of Serbia”.

## **Register of Protected Natural Goods**

### **Article 50**

Protected natural goods shall be registered into the register of protected natural goods.

The register of protected natural goods shall be an electronic database on protected areas, areas under previous protection, protected species and mobile protected natural documents, and shall be maintained as central and provincial ones.

Central register of protected natural goods for the territory of the Republic of Serbia shall be maintained by the Institute for Nature Conservation of Serbia.

Provincial register of protected natural goods for the territory of autonomous province shall be maintained by the Provincial Institute for Nature Conservation, which shall be obligated to submit data on changes in the register to the Institute for Nature Conservation of Serbia within 15 days from the day of change recording, so as to provide for registration in the central register.

The Minister shall prescribe type of data, manner of obtainment, maintenance, protection and use of data from the register of protected natural goods, as well as data from the register which are of public character.

## **V. MANAGEMENT AND USE OF PROTECTED AREA**

### **Protected Area Management Planning**

#### **Article 51**

Protection, management, use and improvement of protected areas shall be carried out on the basis of the decision on proclamation of the protected area and the plan for managing the protected area.

## **Plan for Managing the Protected Area**

### **Article 52**

The Manager shall adopt the management plan for the period of ten years.

For certain protected areas, a decision to declare a protected area may envisage that a management plan be adopted for a shorter period of time (individual trees, alleys, etc.).

The management plan shall establish the mode of carrying out protection, using and managing a protected area, guidelines and priorities for protection and conservation of natural values of the protected area, as well as development guidelines, taking into account the needs of the local population.

Legal entities, entrepreneurs and private entities shall be obliged to perform their activities within the protected area in accordance with the management plan.

Before the expiry of the time period designated by the plan, its implementation and the accomplished results shall be analyzed, and it can be revised if necessary.

The report on the accomplishment of the plan shall be delivered in the manner and according to the procedure prescribed for the drafting of the plan.

### **Contents of the Management Plan**

#### **Article 53**

The management plan shall contain particularly the following:

- 1) layout of the main natural and created values, as well as natural resources;
- 2) assessment of the state of environment in the protected area;
- 3) overview of particular activities, operations and processes which represent the factor of endangerment for the protected area;
- 4) long-term objectives for protection, conservation and improvement and sustainable development;
- 5) analysis and assessment of conditions for the accomplishment of those objectives;
- 6) priority activities and measures for the protection, maintenance, monitoring of the state and improvement of the natural and created values;
- 7) priority tasks for scientific research and educational work;
- 8) planned activities on the sustainable use of natural values, development and spatial organization;
- 9) spatial identification of planned purposes and the regime for land use;
- 10) activities to promote the value of the protected area;
- 11) study (research), programme, planning and project documentation



necessary to carry out the objectives and activities;

12) forms of cooperation and partnership with the local population and other owners and users of the property;

13) activities and measures to implement the plan with the progress rate and entities to implement the management plan and a method to evaluate success of its implementation;

14) financial means and other material prerequisites for performance of the conferred tasks related to protected area management and the mode of securing them.

A management plan for a protected area, which is at the same time an ecological network area in accordance with the Law, shall contain all management elements for this part of the ecological network.

### **Implementation of the Management Plan**

#### **Article 54**

The Government shall give its consent to the plan for managing the national park, according to the previously acquired opinions from the competent ministries.

The Ministry shall give its consent to the plan for managing the protected area which has been declared through the Government decision, according to the previously acquired opinions of the competent ministries.

The authority competent for the activities of environment protection in the autonomous province, and/or local self-government units, upon previously acquired opinion from the Institute, shall give consent to the plan for managing the protected area which has been proclaimed as such by way of a decision of the competent authority of the autonomous province, and/or the competent authority of the local self-government unit.

The management plans referred to in paragraphs 1, 2 and 3 of this Article shall be achieved through the annual management programmes, which shall be subject to consent by the Ministry, the authority competent for the environment protection activities of the autonomous province, and/or the local self-government units.

By 15 December of the current year, the manager shall submit a report on completion of the previous year's annual programme to the competent authority, by 15 November of the current year the manager shall submit the next year's annual management programme to the competent authority, and, no later than 60 days before the expiry of the plan period he shall submit a report on the completion of the management plan referred to in Article 52 of this Law.

The Manager shall be obliged to inform the public on the proposal of the protected area management plan.

Informing the public shall imply a public display of the proposed plan.

The public display shall be organized and implemented by the Manager of the protected area and shall last for 30 days.

### **Spatial Plan of Special Purpose Area**

#### **Article 55**

Organisation, use, spatial planning and building construction in the protected area shall be conducted on the basis of a spatial plan of special purpose area and/or urban planning, in compliance with law.

The plans referred to in paragraph 1 of this Article must be in accordance with the decision on the proclamation of the protected area and plan of the protected area management.

In the procedure of the design of the plans referred to in paragraph 1 of this Article, the competent authority responsible for the design of the plan shall be obliged to obtain the conditions for nature protection, in compliance with Article 9 of this Law.

### **Rulebook on Interior Order and Guarding Service Article 56**

The Manager shall be obliged to provide interior order and guarding of the protected area in accordance with the rulebook on interior order and guarding, which shall be adopted by the Manager with consent of the competent authorities.

The rulebook referred to in paragraph 1 of this Article, for a national park and protected areas for which the decision on protection has been made by the Government, shall be adopted by the Manager with consent of the Ministry.

The rulebook referred to in paragraph 1 of this Article, for the protected areas for which the decision on protection has been made by the competent authority of the autonomous province or local self-government unit, shall be adopted by the Manager with consent of the competent authority of the autonomous province and/or local self-government unit.

The rulebook referred to in paragraph 1 of this Article shall set forth rules for implementation of the prescribed protection regime, in particular: manner of visitors and other users' behaviour in circulation, stay and performance of activities in protected area; manner of doing business when using natural resources and areas for construction of buildings; places, areas and facilities where circulation is prohibited or restricted so as to enable conservation of wild plants and animals and other values, and where performance of certain activities is restricted, as well as duration of such measures; wild plant and animal species use of which, i.e. picking, collection and hunt of which is restricted, as well as manner and conditions for performance of such activities; conditions for protection in performance of scientific research and educational activities; places and conditions for waste disposal; manner of maintenance

of tidiness and cleanliness of protected area; procedure for giving consent and other documents to users by managers; manner and organisation of guarding, guarding of protected area, equipment and means necessary for guarding and maintenance; manner of implementation of preventive measures related to protection against fire, other disasters and accidents.

The decision on proclamation of the protected area shall determine in more detail the contents, way of adoption and publication of the rulebook referred to in paragraph 1 of this Article.

## **Works and Activities in the Protected Area**

### **Article 57**

It shall be prohibited to perform works and activities in the protected area, i.e. implementation of projects which damage, disturb and change characteristics and values for which certain area is protected shall be prohibited.

The Government may, in compliance with law, allow works and activities, i.e. projects in the protected area, especially in the area of energy, transport infrastructure, water management, agriculture, tourism, sport, mining and nature and environmental protection, performance of which has been prohibited by the prescribed protection regimes, if these projects are of general interest and national importance.

For works and activities, i.e. implementation of projects in the protected area, environmental impact assessment shall be implemented in compliance with law, with obligatory obtainment of the document on conditions and measures for nature protection.

For works and activities, i.e. projects for which environmental impact assessment is implemented, which may affect values and characteristics of protected goods, the contractor, i.e. project proponent shall obtain the document on conditions and measures for nature protection from the Institute, in compliance with this Law.

The project proponent shall notify the protected area manager in written form about the planned works and activities, i.e. implementation of project referred to in this Article, and the protected area manager shall familiarise the project proponent with the options for performance of mentioned works and activities, as well as with further procedure.

## **Use and Visiting of Protected Areas**

### **Article 58**

Protected areas may be used and visited in the manner that will not endanger their values and the implementation of protection.

Use and visiting the protected area shall be permitted to everyone under equivalent conditions in compliance with this Law and the decision on protection of stated protected natural good.

Should use and visiting of the protected area cause danger to its conservation, the use and visiting of the protected area can be prohibited or restricted.

### **Liabilities of the User or Owner of the Property**

#### **Article 59**

The owner or the user of the property in the protected area shall be bound to permit access to a particular natural value, for the purpose of satisfying scientific, educational, aesthetic, cultural and recreational needs, in the manner and under the conditions stipulated by the decision on proclamation of the protected area.

### **Priority Purchase Right**

#### **Article 60**

The owner of the property within a protected area intending to sell that property shall be obliged to offer the same first to the authority adopting the decision on protection, that is, the Republic of Serbia, autonomous province or local self-government unit in the territory of which the property is located.

The owner of the property within a protected area shall be obliged to quote the price and terms of sale.

The Republic of Serbia, autonomous province or local self-government unit shall be bound to accept or reject the offer within thirty days from the reception of the offer in writing.

Should the offer not be accepted within the specified time limit, the owner may sell the property under the conditions that are equal or more favourable for him than those contained in the offer.

Should the owner sell the property within the protected area failing to previously act in accordance with paragraphs 1 and 4 of this Article, the Republic of Serbia, autonomous province or local self-government unit shall be entitled to bring the legal action requiring the annulment of the sale contract, within ninety days after the conclusion of the contract has been made known to them, but not later than five years after the conclusion of the sales contract.

The procedure for the annulment of the contract pursuant to paragraph 5 of this Article can also be initiated in case of contract being concluded in the form of a donation or price or terms of sale being fictitious, or actual price lower and terms of contract more favourable for the buyer, in relation to the offer referred to in paragraph 1 of the present Article.

## **Acquisition of Property Right in Protected Areas**

### **Article 61**

The ownership of a property in protected areas may be acquired under the conditions laid down by the present Law and other laws.

Foreign legal or private entities may acquire property right to properties in protected areas, in accordance with law.

## **Expropriation and Restriction of Property Rights**

### **Article 62**

For the purpose of implementation of protection and conservation of protected areas, when there is the interest of the Republic of Serbia, a property may be expropriated or property rights and other actual rights to property may be restricted in the protected area.

The procedure of expropriation of property rights shall be conducted pursuant to special regulation.

## **Compensation for Prohibition or Restriction of Usage Rights**

### **Article 63**

A legal entity, entrepreneur or private entity who, due to restrictions and prohibitions under the present Law or decision on protection adopted, has suffered substantial deterioration of existing conditions for generation of income from activities executed at least five years prior to adoption of the decision on the prohibition, that is, restriction of usage, which cannot be compensated for by an authorised activity within the prescribed framework of protection in the protected area, shall be entitled to get compensation for the restrictions and prohibition imposed on him/her.

The entity referred to in paragraph 1 of this Article to whom damage is being made as a result of application of biological-technical protection and regulation aimed at sustainable use of the protected area, shall be entitled to get compensation for damages.

The compensation referred to in paragraphs 1 and 2 of this Article can be disbursed provided that the Ministry, the competent authority of the autonomous province and/or local self-government unit in cooperation with the manager of the protected area, has ascertained that the legal or private entity or entrepreneur implements prescribed measures and conditions for nature protection.

The amount of the compensation shall be established by mutual consent and in case of dispute the amount of the compensation shall be determined by the court of law.

The compensation referred to in paragraphs 1 and 2 of the present Article shall be paid from the budget of the Republic of Serbia, autonomous province or local self-government unit.

## **Liability for Damage**

### **Article 64**

The Republic of Serbia shall not be liable for any damage caused by wild species, except in cases determined by this Law or other regulations.

A legal entity, entrepreneur or private entity to whom strictly protected or protected wild species may cause economic or any other damage (hereinafter: the damaged party) shall be obliged to duly and at his/her own expense undertake all authorized actions and activities in order to prevent the occurrence of damage.

Under the action or activity in terms of paragraph 1 of this Article the following shall be understood: fencing, safeguarding of goods and chasing out of strictly protected animal species, from the place wherein directly threaten the goods and in the manner not threatening for the survival of the species.

Should circumstances permit, the opinion of the Institute shall be required for the actions and activities referred to in paragraph 3 of this Article.

## **Right to Get Compensation for Damage**

### **Article 65**

The damaged party shall be entitled to get compensation in the amount of actual damage inflicted by strictly protected and protected wild species if she/he has undertaken prescribed works and activities.

The damaged party shall be obliged to notify the Ministry, and/or the competent authority of the autonomous province and/or the manager of the protected area, about the occurrence of the damage without delay, and no later than eight days from the date of the occurrence of damage.

The damaged party and court expert shall establish facts that are important for the establishment of damage occurrence, cause and amount of damages on the spot, and the minutes shall be made.

Actions and activities referred to in Article 64 of this Law, manner of work and acting of court expert on the occasion of determination of damages, amount of compensation and criteria for calculation of damages shall be prescribed by the Minister.

The amount of compensation shall be established by mutual consent between the Ministry and/or the competent authority of the autonomous province and the damaged party, and in case of dispute the court of law shall determine the amount of compensation.

## **Compensation for Damages Caused by Illicit Action**

### **Article 66**

Legal entities, entrepreneurs and private entities shall be obliged to compensate for any damage incurred by violations of this Law.

The amount of compensation for damage shall be established by mutual agreement between the Ministry and/or the competent authority of the autonomous province and the party referred to in paragraph 1 of this Article, and in case of dispute the amount of the compensation shall be determined

by the court of law.

The amount of compensation for damage caused by an illicit action in relation to particular specimens of strictly protected and protected wild species shall be determined on the basis of compensation rates approved by the Minister in agreement with the minister responsible for agriculture, forestry and water management.

Funds raised by compensation for damages referred to in paragraphs 1,2 and 3 of the present Article shall constitute the revenue of the budget of the Republic of Serbia and/or the budget of the autonomous province and shall be used for the conservation and improvement of the protected area.

## **Protected Area Management**

### **Article 67**

Protected areas management shall be the activity of general interest.

Protected area shall be managed by legal entity (hereinafter referred to as: Manager), that fulfills professional, human resource and organizational conditions for the activities of conservation, improvement, promotion of natural and other values and sustainable use of protected area.

By way of exception to paragraph 2 of this Article, the Manager may be an entrepreneur and/or private entity, if protected area has smaller coverage and is mainly privately owned in terms of property.

The Manager shall be designated/appointed by the decision on proclamation. The authority competent for the adoption of the decision on proclamation may establish a public enterprise, public institution or commercial entity for management of one or more protected areas.

Fulfillment of conditions referred to in paragraph 2 of this Article shall be determined by the Ministry, i.e. authority responsible for environmental protection in the autonomous province, i.e. authority responsible for environmental protection in local self-government unit, in the procedure of preparation of proposal decision on proclamation.

The Minister shall prescribe closer conditions referred to in paragraph 2 of this Article.

In order to protect and present natural values of protected area, the Manager, when legal entity, may be granted publically owned properties for use, in compliance with law and regulations that pertain to use of assets owned by the Republic of Serbia and goods of general interest.

## **Liabilities of the Manager**

### **Article 68**

In the management of the protected area, the Manager shall be particularly obliged to:

- 1) guard the protected area and implement the prescribed protection

regimes;

- 2) improve and promote the protected area;
- 3) adopt the management plan and the Rulebook on Interior Order and Guarding, specified by the decision on protection;
- 4) mark the protected area, borders and protection regimes in conformity with a special rulebook on marking;
- 5) provide for free development of natural processes and sustainable use of the protected area;
  - 5a) give consent for scientific research, performance of research activities, film shooting, mounting of temporary buildings on surfaces within the protected area and to give other approvals in compliance with law and rulebook on interior order and guarding service;
- 6) provide for monitoring of implementation of measures and conditions of nature protection;
- 7) monitor the movement and activities of visitors and provide trained guides for tourist visits;
- 8) keep records of natural values and submit the data thereof to the Institute;
- 9) keep records of human activities, operations and processes that represent the factor of endangerment and damage to the protected area and submit the data thereof to the Institute and the Ministry;
  - 9a) keep records of immovable property with data of importance for protected area management;
- 10) prevent all activities and operations non-complying with the decision on protection and representing the factor of endangerment and devastation of the protected area, in cooperation with state and regional inspection and security officers;
- 11) adopt a rulebook on charges;
- 12) perform other activities specified by the law and decision on protection.

If the Manager, performing his/her duties re and 6) of this Article, establishes that offence has been committed or that there is reasonable doubt that criminal act or economic offence has been committed, he/she shall be authorized and obligated to file appropriate report or request for initiation of offence proceedings.

In order to inform, provide assistance and control visitors and collection of charges for use of motor vehicle in protected area, an entrance station may be established on the public road passing through the protected area, provided with appropriate facilities, equipment and staff, based on the spatial, i.e. urban development plan and protected area management plan, with the consent given by the public road manager.



The entrance station may have facilities, assets, equipment and personnel for maintenance of the public road and traffic safety.

When charges are collected at the entrance station, the protected area manager shall organise the collection so as to enable smooth passage of vehicles, with as few blocks as possible, in compliance with traffic-technical conditions, as established by the public road manager in the procedure of consent giving.

Should it be established during the procedure of work supervision by inspection of competent authorities that the manager fails to carry out the responsibilities stipulated by the decision on protection, the management of the protected area shall be assigned to another manager.

The Minister shall prescribe the manner of protected area marking referred to in paragraph 1, point 4) of this Article.

## **Financing of the Protected Area**

### **Article 69**

The funds for financing of the protected area shall be provided from:

- 1) The budget of the Republic of Serbia, autonomous province, i.e. local self-government unit;
- 2) Means of the Green Fund of the Republic of Serbia;
- 3) Charges for the protected area use;
- 4) Revenues from activities and management of the protected area;
- 5) Revenues for the implementation of programs, plans and projects in the field of nature protection;
- 6) Donations, gifts and aids;
- 7) Other sources in compliance with law.

The funds referred to in paragraph 1 of this Article may be used for purposes defined by this and other law.

The budget funds referred to in paragraph 1, point 1) of this Article shall be primarily used for financing of works and other costs pertaining to:

- 1) Guarding, maintenance and presentation of protected areas (establishment, equipping and training of guarding services, marking, maintenance of interior order, media and other public presentation of values, rehabilitation of degraded areas, waste management, information system development, etc.);
- 2) Visitors management (construction of entrance stations, educational and visitors centres, printing of materials intended for visitors, etc.);
- 3) Regulation of ownership-legal relations (purchase or change of land, charges for owners and users of immovable property for deprivation and restriction of utilization rights, the damages or other costs they suffered in relation to protection);
- 4) Monitoring and development of protected area status (monitoring, reintroduction, recultivation, etc.);
- 5) Spatial organization and sustainable use of natural resources (programmes, plans and projects for development of eco-tourism, organic agriculture, etc.).

## **Charges for the Use of the Protected Area**

### **Article 70**

Charges shall be paid to the Manager for use of protected area.

The Manager may prescribe and collect the charges referred to in paragraph 1 of this Article for the following:

- 1) Activities in the area of tourism, catering, trade, services, craftsmanship, industry, mining, energy, water management, civil engineering, transport, telecommunication, use of wild flora and fauna;
- 2) Holiday houses and other non-commercial facilities for rest in nature;
- 3) Motor vehicles in use in the protected area;
- 4) Touristic, recreational, sports and other manifestations and activities, advertisements, commercial film, photo and audio recordings;
- 5) Use of services, regulated fields, facilities and other property of the Manager and name and logo of the protected area;
- 6) Visit to the protected area, parts and facilities thereof.

The obligated entity shall be a user of the protected area, i.e. legal entity, entrepreneur or private entity who, with regard to the charge subject referred to in paragraph 2 of this Article, performs activities or has property and other possessions in the protected area, uses services and property of the Manager, visits the protected area for holiday, sport, recreation and similar needs, and otherwise uses its values and advantages.

The Manager shall prescribe the amount of charges depending on:

- 1) Degree of use of the protected area;
- 2) Degree of damages made to the protected area;
- 3) Degree of increased Manager's obligations in maintenance of tidiness and cleanliness, guarding and other activities related to conservation, improvement, presentation and development of the protected area;
- 4) Advantages and uses provided by the protected area for performance of allowed business and activities.

The Manager may prescribe reduction or relieve from payment for one or more subjects to the charge referred to in paragraph 2 of this Article, primarily for the following:

- 1) Residents and permanently employed, private entities who perform activities or official duties in the protected area, disabled persons and persons with special

needs, children, pensioners, etc.;

- 2) Users whose activities directly contribute to improvement of the status, presentation and promotion of values in the protected area;
- 3) Users who suffered from natural disaster or other reasons which resulted in circumstances which significantly complicate working and business conditions.

The Government shall prescribe joint elements for determination of charges for use of the protected area, especially closer subject, bases, highest amounts and manner of calculation and collection of the charge referred to in paragraph 2, points 1), 2) and 3) of this Article, manner of calculation and collection of the charge for visit to the protected area referred to in paragraph 2, point 6) of this Article, closer criteria for determination of the amount for the charge referred to in paragraph 4 of this Article and closer conditions for reduction or relieve from payment referred to in paragraph 5 of this Article.

The Manager's decision which determines the amount, manner of calculation and payment of charges for use of protected area shall be approved by the Ministry for the National Park and protected area proclaimed on the basis of the Government's decision, while the authority responsible for environmental protection in the autonomous province, i.e. authority responsible for environmental protection in local self-government unit shall adopt the Manager's decision for the protected area proclaimed on the basis of the decision made by the competent authority of autonomous province, i.e. by the competent authority of local self-government unit.

The Manager shall keep the funds collected from charges referred to in paragraph 1 of this Article at the special account and shall use those funds for protection, development and improvement of the protected area, i.e. for the implementation of management programme and plan.

With regard to payment of charges referred to in paragraph 2, points 1) and 2) of this Article, interest for delay in payment, forced collection and everything else that has not been prescribed by this Law, provision of the law that regulates tax procedure and tax administration shall be applied accordingly.

## **VI PROTECTION AND CONSERVATION OF WILD SPECIES**

### **Protection and Conservation of Wild Species**

#### **Article 71**

Prevention of all activities that contribute to disturbance of favourable state of wild species populations, destruction or damage to their habitats, nests, litters or disruption of their life cycle and/or favourable state, shall be deemed as protection and conservation of wild species.

The favourable state of wild species shall be provided by the protection of their habitats and protection measures for particular species in compliance with this Law.

## **Protection of Wild Species Habitats**

### **Article 72**

During the execution of works and activities in nature and use of natural values in the wild species habitats, measures, methods and technical means that contribute to the conservation of favourable state of species and/or do not endanger wild species and/or disturb the habitats of their populations shall be applied, or these works and activities may be restricted in the period overlapping with significant stages of the life cycle of the species.

The conservation of wild species and their habitats referred to in paragraph 1 of this Article shall make an integrated part of the measures and conditions for nature protection referred to in Article 9 of this Law.

### **Strictly Protected Wild Species**

#### **Article 73**

Strictly protected wild species can be protected in the entire territory of the Republic of Serbia, or in individual parts thereof.

If an area is the temporary habitat of a strictly protected wild species and its protection cannot be provided in some other way, the Ministry can, by a special decision, with prior opinion of the ministry responsible for agriculture and forestry, declare that area or the part thereof is temporarily protected as long as the need for protection exists.

### **Measures for Protection of Strictly Protected Wild Species**

#### **Article 74**

It shall be prohibited to use, destroy, and execute other activities that could endanger strictly protected wild plant, animal including birds and fungi species and their habitats.

Pursuant to paragraph 1 of this Article, it shall be prohibited to:

- 1) destroy specimens of plant and fungi species and the development forms thereof by picking, collecting, cutting, or digging and uprooting in all stages of the biological cycle, and to endanger or destroy their habitats;
- 2) keep and trade in strictly protected plant and fungi species growing in the wild and their development forms thereof;
- 3) capture, keep and/or kill strictly protected wild animal species in all stages of the biological cycle, damage or destroy the development forms thereof, eggs, nests and litters, as well as the area of their breeding sites and resting places and to endanger or destroy their habitats;

4) significantly disturb these species, particularly during the period of breeding, rearing, hibernation and migration;

5) cut off migratory routes;

6) hide, keep, breed, trade in, export, transport and offer for sale or exchange or in any other way acquire or publicly expose animal species including all their derivatives and development forms.

The detailed conditions and protection measures for strictly protected wild species and measures for the protection of their habitats shall be specified by the decision referred to in Article 48 of this Law.

### **Permitted Activities with Strictly Protected Wild Species**

#### **Article 75**

Notwithstanding the provisions of Article 74 of this Law, when there is no other satisfactory solution and the exemption is not damaging the survival of populations of strictly protected wild species at a favourable conservation status in their natural habitat, i.e. when there is no other satisfactory solution for wild bird species, the Ministry may allow activities that aim at:

1) research and education, recolonization, (repopulation), reintroduction and breeding operations in *in-situ* and *ex-situ* conditions;

2) prevention of serious damage to crops, livestock, forests, fishponds and water and other forms of property;

3) protection of public health and public safety and in case of birds the air safety as well, or for other reasons of predominant public interest, including reasons of social and economic nature and beneficial consequences of primary importance for the environment;

4) protection of wild plant and animal species and conservation of wild habitats;

5) allowing, under strictly controlled conditions and under limited scope, taking or keeping of certain specimens in limited quantity.

A permit for the situation referred to in paragraph 1 of this Article shall be issued by the Ministry upon previously obtained opinion of the Institute.

An application for the permit referred to in paragraph 2 of this Article shall

contain scientific name of the species, reasons, purpose and aim of the use, i.e. performance of activities, elaboration/study on the manner, place, time, useful or harmful consequences and other proofs and relevant facts of importance for the specific case.

The permit referred to in paragraph 2 of this Article shall be issued by virtue of a decision.

The Ministry shall keep records of the issued permits referred to in paragraph 2 of this Article.

No claims shall be permitted against the decision referred to in paragraph 4, but an administrative dispute may be initiated.

## **Protected Wild Species**

### **Article 76**

Protected wild species can be protected in the entire territory of the Republic of Serbia, or in individual parts thereof.

The management of populations of protected wild species that is not regulated by rules concerning hunting and fisheries shall be implemented on the basis of a permit issued by the Ministry in accordance with law.

Protected wild species of fungi, lichen, plants, animals or their parts, can be collected for the purpose of processing, trading, transboundary trade, as well as cultivation and rearing, on the basis of a permit issued by the Ministry in accordance with law.

The detailed conditions and protection measures for protected wild species and measures for the protection of their habitats shall be specified by the decision referred to in Article 48 of this Law.

Permits referred to in paragraphs 2 and 4 of this Article shall be issued by the Ministry upon previously obtained opinion of the Institute.

Permits referred to in paragraph 2 and 4 of this Article shall be issued in the form of a decision and shall contain: name of the species, purpose and objective of population management, i.e. activities, place of activity performance, validity period of the permit, manner and conditions under which activities can be performed as well as the manner of delivering reports on the activities performed.

No claims shall be permitted against the decision referred to in paragraph 6 of this Article, but an administrative dispute may be initiated.

## **The Way of Use of Protected Wild Species**

### **Article 77**

The use and collecting of protected wild species shall be allowed exclusively in the way that does not endanger favourable status of the population.

The Minister shall prescribe in more detail the conditions and measures for the protection of protected wild species including the following:

- 1) Prohibition of use in terms of time;
- 2) Quantitative and qualitative restrictions in their use;
- 3) Prohibition of use in terms of space aiming at recovery of population to a satisfactory level.

The institute shall register the manner and scope of usage of protected wild species for the purpose of determination and follow-up of population status including wild species whose usage is regulated by the Law on Hunting and the Law on Fishery.

Should it be established that due to usage a protected wild species is endangered, the Minister can prohibit or restrict the use of that species, previously acquiring the opinion of the Institute.

### **Permit to Research Strictly Protected and Protected Wild Species**

#### **Article 78**

For the research of strictly protected and protected wild species that is performed by methods that could endanger the species (such as capturing, collecting, marking, sampling, etc.) the Ministry shall issue a permit for scientific-research and educational purposes, by way of a decision and with previously obtained opinion of the Institute.

Permitted activities referred to in paragraph 1 of this Article shall be performed in the protected area in compliance with the decision on interior order and guarding service.

The research reports referred to in paragraph 1 of this Article shall be submitted to the Ministry, the Institute and the manager of the protected area by the end of the calendar year.

Taking out of specimens of strictly protected and protected wild species referred to in paragraph 1 of this Article for scientific and research purposes shall be carried out on the basis of a permit issued by the Ministry, in accordance with Article 94 of this Law.

No claims shall be permitted against the decision referred to in paragraph 1, but an administrative dispute may be initiated.



## **Prohibited Means for Capturing and Killing of Wild Animals Article 79**

The use of certain means for capturing and killing of wild animals, that endanger or disturb their populations and/or habitats, affect their welfare, and that can cause their local disappearance shall be prohibited.

The prohibited means shall be considered the following in particular:

- 1) Traps;
- 2) Adhesives;
- 3) Chemical means like attractants;
- 4) Live animals used as decoys in hunting of birds and game;
- 5) Crossbows, bows, arrows and/or other weapon with strings, that can fling an arrow or other projectile by pulling the string or some other elastic;
- 6) Bird hunting with nets;
- 7) Lethal or stunning electrical devices;
- 8) Luminous devices;
- 9) Mirrors and other dazzling devices;
- 10) Sound transmitters (tape recorders, cassette recorders, audio recorders and players etc.) that emit sound of calling, crying or responding;
- 11) Devices for illuminating targets;
- 12) Sighting devices for night shooting comprising an electronic image magnifier or image converter;
- 13) Explosives;
- 14) Poisons or anaesthetic baits;
- 15) Automatic weapons;
- 16) Aircrafts;
- 17) Motor-driven vehicles in motion used to hunt animals;
- 18) Other devices specified by other law and ratified international agreements.

Certain means referred to in paragraph 2 of this Article can be used

exceptionally and restrictively for scientific and research purposes, aimed at implementation of reintroduction programme, parenting, monitoring of species, relocation of animals, implementation of protection and conservation programs, and other cases in accordance with special law.

The permit to use the means referred to in paragraph 3 of this Article shall be issued by the Ministry, by virtue of a decision, with the prior opinion of other competent authorities.

No claims shall be permitted against the decision referred to in paragraph 4, but an administrative dispute may be initiated.

### **Measures for Protection of Migratory Species**

#### **Article 80**

Public roads and other traffic routes, telecommunication and electric systems, waterworks and other buildings whose construction cuts off usual corridors for daily and seasonal migration of wild animals, causes habitat fragmentation or in some other way disturbs their normal life cycle, shall be constructed so as to reduce negative impacts with the application of special construction and technical solutions on the buildings and around them, during the periods of both construction and exploitation.

Special technological solutions enabling free and secure communication of wild animals (ecological bridges, passages and viaducts, tunnels, permeable tubes, pitches, secure and orientation objects, fish paths and lifts etc.) as well as protection measures and the methods of maintaining technological solutions shall be prescribed by the Minister with previous consent of the minister in charge of transport, mining and energy, agriculture, forestry and water management.

### **Measures for Protection of Birds and Bats**

#### **Article 81**

Towers and technical components of medium and high voltage ducts shall be so executed as to protect birds and bats against the electric shock and mechanical injury.

Locations of wind powered generators (windmills) shall be so determined as to avoid important habitats and migration routes thereof.

The provision of paragraph 1 of the present Article does not apply to railway overhead contact lines.

In construction of high facilities (wind generators, masts, towers, bridges etc.) in the vicinity of ecologically important areas, it shall be necessary to apply technical-technological measures, implying, first of all, lighting of facilities, to avoid adverse effects of such facilities.

Usage of strong light sources (advertising rotating reflectors, lasers and the like) pointed towards the sky shall not be allowed, unless when used for safety and air traffic control purposes.

## **Introduction of Allochthonous Wild Species into the Wild**

### **Article 82**

Introduction of allochthonous wild species and hybrids thereof into the wild on the territory of the Republic of Serbia shall be prohibited.

By way of exception, the introduction referred to in paragraph 1 of the present Article shall be permitted if scientifically and professionally proven and acceptable from the aspect of nature protection and sustainable management, that is, if such introduction does not endanger populations or natural habitat of autochthonous wild species.

The Ministry shall issue the permit referred to in paragraph 2 of this Article based on the acceptability study, upon previously obtained opinion of the Institute and the nature impact assessment study, with approval of the Ministry in charge of agriculture, forestry and water management.

Introduction of allochthonous wild species in controlled conditions shall be possible based on the permit issued by the Ministry by way of a decision, upon obtaining an opinion from the Institute or other authorized scientific and expert organization, expressing that there is no danger for autochthonous species in case of accidental or intentional escape of specimens into the wild in the Republic of Serbia.

Allochthonous wild species that by introduction and/or spreading endanger other species and overall biodiversity on the territory of the Republic of Serbia shall be declared as invasive by the Ministry, based on acknowledged international criteria, scientific findings and obligations arising from international agreements and international documents, as per proposal of authorized scientific and expert organizations, upon previously obtained opinion of the ministry responsible for agriculture, forestry and water management.

The document referred to in paragraph 5 of this Article shall stipulate actions to control and combat invasive species.

## **Unintentional Introduction of Allochthonous Wild Species**

### **Article 83**

In the event of unintentional introduction of allochthonous wild species and hybrids thereof into the wild on the territory of the Republic of Serbia, or if there is a reasonable doubt that such introduction will occur, the Minister shall stipulate actions to exterminate or prevent further spread of introduced allochthonous wild species and hybrids thereof.

## **Relocation of Live Specimens of Autochthonous Wild Species**

### **Article 84**

Relocation of live specimens of autochthonous wild species into the wild on the territory of the Republic of Serbia can be carried out based on researches and planning documents, in accordance with this and other laws.

The relocation referred to in the preceding paragraph can be carried out provided that research findings show that such action does not in any way endanger the favourable status of the species populations, i.e. welfare of animals, and in case of accidental occurrences (floods, fires, droughts, etc.).

Relocation of live specimens of autochthonous wild species into the wild shall be approved by the Ministry upon obtaining the opinion of the Institute.

## **Reintroduction of Wild Species**

### **Article 85**

Reintroduction of wild species into the wild on the territory of the Republic of Serbia can be carried out based on research, reintroduction programme and permit.

Feasibility Study and Environmental Impact Assessment Study should be done prior to any reintroduction.

Scope and contents of the studies referred to in paragraph 2 of the present Article shall be determined by the Ministry upon the proposal of the Institute.

Reintroduction of wild species can be carried out provided that research findings show that such action contributes to the favourable status of the species.

The permit referred to in paragraph 1 of the present Article shall be issued by the Ministry by way of a decision, upon previously obtained opinion of the Institute and the ministry responsible for agriculture and forestry.

No claims shall be permitted against the decision referred to in paragraph 5, but an administrative dispute may be initiated.

## **Conditions for Keeping and Marking Live Specimens of Wild Animal Species in Captivity**

### **Article 86**

Live specimens of wild animal species may be kept in captivity only if they are provided with living conditions in accordance with the law, well suited for the type, breed, gender, age, physical and biological specificities and ethological needs of the species.

Keeping live specimens of wild animal species in inappropriate conditions shall be prohibited.

Specimens of wild animal species referred to in paragraph 1 of this Article must be marked in the prescribed manner.

The Minister shall prescribe conditions that must be fulfilled by zoos and other facilities and/or spaces for keeping animals in the sense of paragraph 1 of this Article, the conditions for keeping, prohibition or restriction on keeping certain species, training and educational programmes and the manner of marking and recording specimens of wild animal species referred to in paragraph 1 of this Article.

Keeping live specimens of the wild animal species stipulated within a regulation referred to in paragraph 4 of this Article in captivity shall be prohibited, unless:

1) they are kept in suitable facilities within a zoo, rescue center and scientific institutions or other scientific organisations for the purpose of biomedical research or scientific research with the aim of species conservation;

2) they are kept in other facilities, when temporarily held for treatment, recovery and return to the wild and/or, when the objective is the welfare of animals, the specimens are kept under the prescribed conditions, given appropriate veterinary care and represent no danger for the health and safety of people and the environment.

A legal person, entrepreneur or natural person owning live specimens of wild animal species whose keeping is prohibited or restricted in accordance with this Law shall be obliged to report the specimens to the Ministry.

By way of a decision, the Ministry shall prohibit the trade, change in ownership, further reproduction of reported specimens and obtaining new specimens of wild animal species whose keeping is prohibited or restricted in accordance with this Law, to the persons referred to in paragraph 6 of this Article, except in cases to which the exception referred to in paragraph 5 of this Article applies.

Based on the decree referred to in paragraph 7 of this Article, the Ministry shall keep a register of legal persons, entrepreneurs and natural persons referred to in paragraph 6 of this Article.

The decree referred to in paragraph 7 of this Article is final and an administrative dispute may be filed against it.

## **Zoo**

### **Article 86a**

A legal person keeping wild animals within a zoo shall submit to the Ministry an application for a zoo licence.

The zoo licence is issued for a period of five years.

The licence referred to in paragraph 1 of this Article shall be issued provided that all conditions for keeping wild animals in the zoo are met in accordance with a regulation referred to in Article 86, paragraph 4 of this Law.

Six months before the expiry of the time-limit referred to in paragraph 2 of this Article, an application for the renewal of the licence shall be submitted in accordance with this Law.

The following documentation shall be submitted with the application for the licence, containing in particular:

- 1) the species and number of animals;
- 2) a detailed plan of facilities and spaces for keeping animals;
- 3) other evidence and documentation prescribed in accordance with this Law.

The Ministry shall evaluate the fulfilment of conditions for granting a licence on the basis of the submitted application and findings of the relevant inspection.

If a regular or extraordinary inspection determines that a zoo or part thereof does not fulfill the conditions for granting the licence, i.e. the conditions imposed by the licence issued or revised licence, the Ministry shall close:

- 1) to the public the part of the zoo that fails to fulfill conditions, or
- 2) to the public the whole zoo and revoke the licence.

By way of a decision, the Ministry may temporarily permit the operation of a zoo that was established or existed before the entry into force of this law and shall mandatorily prescribe the time limit, of maximum two years, for fulfillment of all conditions for obtaining a permit.

The licence conditions may be changed during the validity of the licence if:

- 1) there is a risk of damage or a damage to human health or the environment has occurred, if the law or other legislative act has been changed;
- 2) conditions related to occupational safety require a revision, i.e. modification of the licence.

The Ministry shall, ex officio, modify the licence conditions, i.e. perform the licence revision referred to in paragraph 9, points 1 and 2.

The Minister shall closely prescribe the content of the application, the documentation to be submitted with the application and the application form for the zoo licence.

## **Origin of Specimens of Strictly Protected and Protected Wild**

### **Species**

#### **Article 87**

Legal persons, entrepreneurs and natural persons keeping specimens of strictly protected and protected wild species shall keep evidence confirming that these are:

- (1) lawfully imported specimens;
- (2) lawfully acquired specimens before the species was protected by the Law;
- (3) specimens originating from breeding in accordance with this Law;
- (4) specimens or their offspring, that were in accordance with this Law reported to the Ministry by 1 June 2011.

The permits and certificates issued in accordance with this Law, the regulations adopted based on this Law or in accordance with the Law on the Ratification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora („Official Gazette of FRY – International Agreements“, No. 11/01 - hereinafter: CITES Convention), as well as other substantiated evidence based on which the Ministry can determine the lawful acquisition of specimens, including the results of laboratory and other technical analysis carried out by institutions designated by the Ministry for determining the origin of specimens, shall be deemed proof of origin referred to in paragraph 1 of this Article.

For specimens referred to in paragraph 1, point 4 of this Article which their owners reported by 1 June 2011 without providing substantiated proof of origin, during the process of issuing certificates based on regulations governing transboundary movement and trade in protected species, the statements on origin of specimen shall be taken into consideration as proof of origin.

Based on opinions from authorised scientific or expert organisations, the Ministry shall authorise or reject certificate request applications based on regulations governing transboundary movement and trade in protected species.

Legal persons, entrepreneurs or natural persons owning dead specimens, parts and derivatives of certain animal species protected under the CITES convention shall notify the Ministry of the possession of these specimens in order to obtain the certificate referred to in paragraph 2 of this Article.

When legal persons, entrepreneurs or natural persons inherit a specimen of strictly protected or protected wild species they shall without delay notify the Ministry and obtain the appropriate certificate.

The Minister shall prescribe the conditions and manner of treating the specimens referred to in paragraph 3 of this Article and their offspring, manner of

notification, species that should be notified, conditions and manner of treating dead specimens, parts and derivatives referred to in paragraph 5 of this Article.

### **Registering possession of specimens of strictly protected and protected wild animal species**

#### **Article 88**

A legal person, entrepreneur or natural person keeping a specimen of strictly protected or protected wild species in captivity shall submit an application to the Ministry for a certificate, in accordance with the regulation governing transboundary movement and trade in wild flora and fauna species, except in cases when for the concerned species there is already a valid certificate issued by the ministry or when an exemption has been stipulated.

The certificate referred to in paragraph 1 of this Article shall be issued if the applicant proves that the conditions imposed by this Law and the regulation on transboundary movement and trade in wild flora and fauna species have been met.

The Ministry shall keep a register of specimens of strictly protected and protected wild animal species for which the certificates referred to in paragraph 1 of this Article have been issued.

### **Breeding of strictly protected and protected wild species**

#### **Article 89**

A legal person, entrepreneur or natural person who intends to breed or artificially propagate specimens of strictly protected or protected wild species shall obtain a licence in accordance with this Law.

The Ministry shall prohibit the breeding if, on the basis of an opinion from a scientific or expert organisation, it establishes that breeding or artificial propagation of the strictly protected or protected wild species represents a danger to human health, welfare of animals or the environment.

If, during the validity of the license referred to in paragraph 1 of this Article, an inspection procedure in accordance with this Law determines that breeding or artificial propagation are performed contrary to conditions based on which the license was issued, the Ministry shall revoke the license.

The owner of specimens of strictly protected or protected wild animal species referred to in paragraph 1 of this Article shall ensure that those specimens do not escape into the wild and shall be responsible for damages caused by those animals if they escape.



Breeding places of specimens of strictly protected or protected wild species, in accordance with the CITES convention, can apply for permits for transboundary trade of these specimens for commercial purposes, only if the breeding place was registered with the CITES Secretariat.

### **Trade in strictly protected and protected wild animal species**

#### **Article 90**

A legal person, entrepreneur or natural person engaged in trade in specimens of strictly protected, i.e. protected wild animal species shall keep live animals in accordance with Article 86 of this Law, shall treat specimens in accordance with Article 87 of this Law and shall conduct trade in accordance with regulation governing transboundary movement and trade in specimens of wild species.

The trade referred to in paragraph 1 of this Article shall cover the sale and purchase, acquisition for commercial purposes, presentation to the public for profit, use with the aim of acquiring profit, keeping for sale, offering for sale, requesting for purchase or transport for sale, rent, exchange or any other form of change in ownership.

When performing trade in specimens of strictly protected or protected wild animal species, the seller, i.e. owner shall provide the new owner with the proof of origin in accordance with Article 87 of this Law.

Certificates and other documents issued on the basis of this Law for the purpose of trade in strictly protected or protected wild animal species shall be used only for the specimens to which they relate.

### **Taking care of live specimens of wild animal species**

#### **Article 91**

For the purpose of temporary and/or permanent care of live specimens of wild animal species, the Ministry shall establish rescue centers, zoos or other legal or natural persons.

The Minister, in consent with the minister responsible for veterinary activities, shall stipulate conditions to be met by the rescue centers referred to in paragraph 1 of the present Article.

The rescue center referred to in this Article shall be obliged to obtain an operating licence issued by the Ministry by virtue of a decision.

No claims shall be permitted against the decision referred to in paragraph 3 of this Article, but an administrative dispute may be initiated.

Financial means for the care of specimens of wild animal species shall be provided through:

- 1) the budget of the Republic of Serbia, autonomous province, i.e. local government unit;
- 2) funds of the Green Fund of the Republic of Serbia;
- 3) other sources in accordance with the law.

### **Handling of temporarily kept, temporarily confiscated, permanently confiscated and abandoned specimens of strictly protected, protected and allochthonous wild species**

#### **Article 92**

Specimens of strictly protected, protected and allochthonous wild species that are handled contrary to provisions of this Law shall be confiscated in accordance with this Law and a notice of confiscation containing data on the confiscated specimens shall be issued.

The Ministry shall decide how the temporarily kept, temporarily confiscated, permanently confiscated and abandoned specimens of strictly protected, protected and allochthonous wild species are handled, in accordance with the regulation on transboundary movement and trade in wild flora and fauna species.

The temporarily kept, temporarily confiscated, permanently confiscated and abandoned live specimens are taken for further care by an authorized person from the Ministry, an inspector competent for environmental issues (hereinafter: inspector), an authorized scientific or expert organisation or a zoo, i.e. rescue center determined by the Ministry, if the authority that carried out the confiscation or seizure thereof is not able to transport them to a place of care.

The costs of taxonomic determination of species and/or identifying the species from which a part or derivative originates, of sampling, analysis, unharmed removal, transport, treatment, care, return into the wild and taking care of the confiscated specimens referred to in paragraph 1 of this Article, shall be borne by the legal person, entrepreneur or natural person from whom the specimens were confiscated.

In case transboundary movement is performed contrary to regulations and the consignee was not identified, all costs referred to in paragraph 5 of this Article shall be borne by the sender, carrier or ordering party, i.e. the state if the above persons are not identified.

The total amount of costs shall be determined by the Ministry based on reports on resources spent for the purpose of taking care of the specimens.

Reimbursement of costs is executed on the basis of a final court decision.

Mutual rights and obligations in connection with the provision of care services for confiscated specimens shall be regulated by an agreement concluded between the Ministry and the legal or natural person authorized to take care of the specimens.

The Minister shall prescribe the list of expenditures associated with the care of confiscated specimens of strictly protected, protected and allochthonous wild species.

### **Treatment of found specimens of strictly protected and protected wild animal species**

#### **Article 93**

A person who finds a specimen of a strictly protected or protected wild animal species shall immediately notify the Ministry and the Institute of:

- (1) dead specimens found,
- (2) live specimens that are sick, injured or unable to survive in the wild by themselves.

The Ministry may establish a special team of experts - natural and/or legal persons for cases requiring intervention on living specimens of wild animals in the wilderness or in captivity.

Mutual rights and obligations shall be regulated by an agreement concluded between the Ministry and the persons referred to in paragraph 2 of this Article.

The Ministry or the Institute shall direct the specimens referred to in paragraph 1 point 2 of this Article, for treatment and recovery, to temporary care and after the recovery, if assessed that they are able to survive by themselves, the specimens shall be released back into their natural habitat.

Justifiable expenses for transport, care and treatment of animals shall be borne by the Ministry.

All specimens of strictly protected and protected wild animal species referred to in paragraph 1 of this Article shall be marked in a prescribed manner.

Killed specimens, or specimens that died otherwise, of strictly protected wild species found within the territory of the Republic of Serbia shall be handed over to the closest veterinary organisation, or other institution determined by the Ministry, for determining the cause of death.

Expenses for sample analysis and diagnostics for determining the cause of death of the specimens referred to in paragraph 7 of this Article shall be borne by the Ministry.

Dead specimens referred to in paragraph 1 of this Article shall be handed over to an authorized scientific or expert organisation for taxidermy, conservation and keeping by which they become protected movable natural resources as part of the biological heritage, which also have scientific, educational and cultural importance, when such handling does not pose danger for human health.

The authorised scientific or expert organisation that takes over the dead specimens referred to in paragraph 7 of this Article shall keep a register of those specimens and shall submit data from the register to the Ministry and the Institute.

### **Transboundary movement, trade in and breeding of strictly protected, protected and allochthonous wild species**

#### **Article 94**

Based on the opinion of an authorized scientific or expert organisation, the Ministry shall issue permits and other documents (certificates, opinions, notifications etc.) authorizing the import, export, introduction and re-export of specimens of wild species and their parts and derivatives protected under the Law and ratified international agreements, and the import of live specimens of allochthonous wild species that are not protected.

The permit, i.e. certificate referred to in paragraph 1 of this Article shall be issued provided that:

- (1) the right to use a specimen of wild species of animal, fungi and plant was acquired in accordance with the law;
- (2) the animals or consignment are marked in a prescribed manner;
- (3) during transport, all measures for the welfare of animals have been taken;
- (4) other conditions imposed in accordance with this Law have been fulfilled.

Based on judgements sanctioning offences related to transboundary movement of wild species that are timely delivered to the Ministry by the relevant courts, the Ministry may reject an application for a permit and/or certificate submitted by persons punished for illegal transboundary movement of specimens of strictly protected or protected wild species:

- 1) for economic offence, i.e. infringement in a period of six months to two years from the final court decision; or
- 2) for criminal offence in a period of two to five years from the final court decision.

Transboundary movement of specimens of wild species shall be prohibited in case:

- (1) transboundary movement, including dispatch, transport and transit is performed without a permit or certificate;
- (2) it is performed contrary to the issued permit or certificate, or the permit or certificate is used for a specimen other than the one for which it was issued;
- (3) the permit or certificate used was invalidated or its validity has expired;
- (4) a false or falsified permit or certificate, including a document with unauthorized modifications is used.

The Ministry may declare the issued permits and certificates void or prohibit the issuance of permits and certificates during the year following the day a permit was invalidated.

The Ministry shall declare a permit or certificate void if:

- (1) after issuing the permit or certificate, the export, import or transit cannot be performed in accordance with the conditions stated in the certificate or permit due to unpredicted circumstances;
- (2) it is subsequently established that the decision to issue a permit or certificate was adopted on the basis of inaccurate data, falsified documents or documents with unauthorized modifications.

The Ministry shall not issue a permit or certificate to a person whose permit or certificate was declared void due to circumstances referred to in paragraph 6, point 2 of this Article while having been aware of the data accuracy, during a period of 12 months following the day a permit or certificate has been declared void.

Every consignment of strictly protected, protected and allochthonous wild species must be accompanied by an original permit or certificate.

During import, export, introduction, re-export and transit, live animals must be transported and kept in a manner that is not at all harmful or damaging to their health, nor should they be treated inhumanely, in accordance with special regulations.

The Minister may prohibit or restrict the import of certain allochthonous wild species on the basis of the opinion of an authorized scientific or expert organisation in accordance with imposed conditions and in particular if:

- (1) the import represents a danger for the autochthonous species or the health or safety of people;
- (2) the level of trade may endanger the survival of the population of given wild species in the wild;

- (3) the percentage of specimens of the wild species dying during transport is too high.

In accordance with ratified international agreements and with the aim of protecting the wild species referred to in paragraph 1 of this Article, the Minister shall prescribe:

- (1) conditions under which the import, export, introduction, re-export or transit, trade in and breeding of wild species referred to in paragraph 1 of this Article may be performed;
- (2) the issuance of permits and other documents (certificates, opinions and notifications, etc.);
- (3) lists of wild species, their parts and derivatives subject to permits, i.e. other documents;
- (4) wild species, their parts and derivatives whose import, i.e. export is prohibited, limited or suspended;
- (5) exemptions from issuance of permits and other documents;
- (6) the content, appearance and manner of maintaining the register of permits and other documents issued;
- (7) the manner of marking animals or consignments;
- (8) the manner of handling confiscated specimens;
- (9) the manner of conducting supervision and keeping records;
- (10) preparation of reports, etc.

No claims shall be permitted against the decision referred to in paragraph 1, but an administrative dispute may be initiated.

### **Notification of transboundary movement of strictly protected, protected and allochthonous wild species**

#### **Article 95**

Transboundary movement of specimens of strictly protected or protected wild species, their parts and derivatives and the import or introduction of live specimens of allochthonous wild species must be notified to the customs service in accordance with provisions of this Law and other regulations.

An importer or exporter of specimens as well as a natural person who introduces or re-exports the specimens referred to in paragraph 1 of this Article shall notify the Ministry of the expected time of arrival or dispatch 48 hours before

performing the import or export if this condition is stated in the permit or document referred to in Article 94, paragraph 1 of this Law.

A veterinary medical examination and phytosanitary examination of the consignments referred to in paragraph 1 of this Article, under the competence of the border veterinary and phytosanitary inspection, is performed in accordance with special regulations.

Border crossings where the import, export, introduction, re-export or transit of strictly protected or protected wild species, their parts or derivatives may be performed as well as conditions regarding their equipment and training for performing these activities shall be prescribed by the Minister.

At the border crossings, the Ministry shall make available to the public the information related to conditions and manner of conducting transboundary movement of strictly protected or protected wild species.

If the transboundary movement of specimens of strictly protected, protected or allochthonous wild species is performed contrary to the prescribed conditions, the specimens shall be temporarily kept by the customs authority and confiscated by the relevant inspector in accordance with Article 92 of this Law.

## **Obligations of the Customs Service**

### **Article 96**

The customs authority shall, within the limits of its competences, control the import, introduction, export, re-export and transit of specimens within the meaning of this Law.

The customs authority shall particularly check if valid permits, certificates or other documents issued in line with the regulation referred to in Article 94 of this Law, and/or the prescribed permits of another country issued in line with the CITES Convention, have been submitted with the specimens referred to in Article 95, paragraph 1 of this Law.

The customs authority shall handle the permits and certificates referred to in paragraph 2 of this Article in a manner prescribed within the regulation governing transboundary movement of protected wild species referred to in Article 94 of this Law.

The customs authority shall inform the Ministry in case expertise is required for examining the contents of the consignment being checked.

If the customs control shows that the specimens referred to in Article 94 of this Law are imported, introduced, exported, taken out, re-exported or are in transit in a manner contrary to provisions of this Law, the customs service shall temporarily keep them and immediately inform the Ministry in order to conduct further activities under the responsibility of the Ministry.

The temporarily detained specimens, until a decision from the Ministry is issued, that is by the end of court proceedings, the customs authority:

(1) may keep the specimens or entrust them to the Ministry for safekeeping in the case of parts and derivatives;

(2) entrust the dead or live specimens to the Ministry for the purpose of disposal in accordance with this Law.

The expenses generated during the procedure referred to in paragraph 6 of this Article shall be borne by the person whose specimens were temporarily kept, i.e. temporarily or permanently confiscated.

In case expertise is required for conducting controls referred to in paragraph 4 of this Article, the costs of the control shall be borne by the importer, i.e. exporter on the territory of the Republic of Serbia.

The Government shall determine the amount and manner of paying a tax for the expert control of the contents of the consignment referred to in paragraph 4 of this Article.

## **VII PROTECTION OF MOBILE PROTECTED NATURAL DOCUMENTS**

### **Protection of Mobile Protected Natural Documents**

#### **Article 97**

Protected geological, paleontological and biological documents shall be kept where found, and the finding site shall enjoy protection as a protected natural asset.

If certain protected geological and paleontological documents (fossils, minerals, crystals and others) cannot be protected at the finding site, they shall be given in custody of a legal entity (Natural History Museum, County Museum, museum within a faculty or collection) that shall ensure thereof competent museology protection (inventory, determination, preparation and conversation, constant maintenance and monitoring) and enable utilization thereof for educational, scientific and cultural purposes.

The Minister shall prescribe detailed conditions under which fossils, minerals and crystals can be given to a legal entity for protection and custody.

Botanical and zoological collections shall enjoy protection as protected natural goods. They can be a property of legal entity, entrepreneur or private entity, which shall ensure thereof competent museology protection (inventory, determination, preparation and conversation, constant maintenance and monitoring) and enable utilization thereof for educational, scientific and cultural purposes.



## **Restrictions and Bans**

### **Article 98**

It shall be prohibited to take from nature the geological and paleontological documents (fossils, minerals, crystals, cave ornaments and other) that are declared as protected natural goods or that are situated at geo heritage object and protected finding site.

As an exemption, the Ministry may allow fossils, minerals and crystals that are declared as protected natural goods or that are situated at geo heritage object and protected finding site to be taken from nature, for scientific and specialized research, education, display at exhibitions etc.

### **Handling Geological and Paleontological Material Documents**

#### **Article 99**

The found geological and paleontological documents (fossils, minerals, crystals and others) that may represent protected natural value must be reported by the finder to the Ministry within eight days from the day of finding, and the finder must take measures to protect them against destruction, damage or theft.

The Ministry shall issue a decision on research of the finding site containing geological and paleontological documents, not later than thirty days from the day the finding is reported, by which it shall stipulate the conditions for nature protection.

Unless the Ministry stipulates otherwise, the finder cannot perform actions and activities on the finding site that may result in destruction or damage of finding, except for taking protective measures.

The owner or user of right on land where geological and paleontological documents are found shall allow the research of finding in line with the decision issued by the Ministry.

Research of finding can be performed by a legal entity, entrepreneur or private entity based on the right to research.

The legal entity, entrepreneur or private entity shall provide, within thirty days from the performed research the Ministry with the report on research performed, containing data on state of finding, possible endangerment of the finding and on necessary further research and additional protective measures.

If the finding is a potential geo heritage object, legal entity, entrepreneur or private entity shall provide, within the same period of time, the Institute with the report on research performed, containing data on state of finding, possible endangerment of the finding and on necessary further research and additional protective measures.

## **Trade in Mobile Protected Natural Documents**

### **Article 100**

It shall be prohibited to export any of mobile protected natural documents that are declared as protected natural goods.

As an exemption, the Ministry may permit the import, export, i.e. carrying out of mobile protected natural goods for purposes of scientific research, education or exhibition.

The permit referred to in paragraph 2 of the present Article shall determine the conditions for export of mobile protected natural documents in line with their kind.

## **VIII ORGANISATION OF NATURE PROTECTION**

### **Performance of Nature Protection Administrative Activities**

#### **Article 101**

Nature protection administrative activities shall be performed by the Ministry, the competent authority of autonomous province and competent authority of local self-government unit.

State authorities, autonomous province authorities and authorities of local self-government unit shall, in line with the present Law, the Strategy, nature protection programmes and spatial planning documents:

- 1) take care of conservation of nature, natural values and landscape diversity on their territory;
- 2) declare protected natural goods from their area of competence;
- 3) provide conditions for protection and conservation of protected natural goods from their area of competence;
- 4) participate in the procedure for proclamation of protected area to be declared by the National Assembly or the Government or competent authority of autonomous province or competent authority of local self-government unit;
- 5) take part in preparation of plans for protected area management from their area of competence;
- 6) inform public of status of nature and natural values on their territory and of taking measures for protection and conservation;
- 7) provide necessary assistance to local self-government units in protecting nature on their territory;
- 8) perform other activities as stipulated by the present Law and regulations adopted pursuant hereto.

**Professional Activities for Nature Protection**  
**Article 102**

Professional activities for nature and natural goods protection shall be performed by competent nature protection organizations and such activities shall particularly refer to the following:

- 1) Collection and processing of data on nature and natural values;
- 2) Monitoring of performance and assessment of conservation of nature and level of endangerment of geo heritage objects, wild species and their habitats, habitat types, ecosystems, ecologically important areas, protected areas, ecological corridors, ecological networks and landscapes;
- 3) Preparation of protection studies determining the values of areas proposed to be protected and methodology for managing such areas;
- 4) *(deleted)*
- 5) Drafting of proposal for termination of area protection;
- 6) Drafting of proposal for prior area protection;
- 7) Providing conditions for works on protected natural goods, issuance of the opinion on plan for managing of protected area;
- 8) Performing competent supervision of protected natural goods with proposed measures;
- 9) Providing professional assistance to managers of protected natural goods, local self-government authorities, associations of citizens, groups of citizens and individuals in protecting nature, landscapes and natural goods;
- 10) Determining the conditions and measures for protection of nature and natural values in drafting and implementing spatial and town plans, designing documents, bases (forestry, hunting, fishing, water management and other), programmes and strategies in all industries that affect the nature;
- 11) Performing professional activities in drafting an appropriate assessment for works and activities in nature, preparation and implementation of projects and programmes on protected area;
- 12) Proposing scope and contents of feasibility studies and environmental impact assessments in the process of reintroduction and inhabitation of wild species into the wild;

13) Maintaining records on method and scope of use, as well as on factors of endangerment of protected and strictly protected wild species to identify and monitor performance of their population;

14) Taking part in the procedure of public insight for proclamation of protected natural goods;

15) Organizing and implementing nature protection educational and promoting activities;

16) Participating in implementation of ratified international agreements on nature protection;

17) Maintaining registers of protected natural goods and other data significant to nature protection;

18) Inventory of individual elements of geological, biological and landscape diversity with statistical analyses and reports on thereof performance;

19) Maintaining nature protection database as a part of a single information system of the Environmental Protection Agency;

20) Informing public of natural values, nature protection, thereof endangerment, factors and consequences of endangerment;

21) Performing of other activities as determined by the present Law.

### ***Nature Protection Organizations***

#### ***Article 103***

Activities for protection of nature and natural goods situated on the territory of the Republic of Serbia shall be performed by the Institute for Nature Conservation of Serbia.

The Institute for Nature Conservation of Serbia shall keep a register of protected natural goods and nature protection information system (databases on protected natural goods, habitats, protected species, ecological network area) for the territory of the Republic of Serbia; it shall also develop medium-term programme of natural goods protection, develop professional bases for the Strategy on Conservation of Nature and Natural Values of the Republic of Serbia and the State of Nature Report.

Activities of nature protection and protection of the natural goods that are partly or wholly located on the territory of AP Vojvodina shall be performed by the Provincial Institute for Nature Conservation.

Nature protection organizations are legal entities.

Nature protection organizations are institutions to whose establishment, organisation and operation public service regulations apply.

The rights, obligations and responsibilities of employees in organisations for nature conservation shall be regulated in accordance with general labour rules while salaries are regulated in accordance with the regulation governing public sector salaries financed from the budget of the Republic of Serbia, the autonomous province and local government units.

In performing activities for protection of nature and natural goods, the nature protection organizations referred to in paragraphs 1 and 2 of the present Article shall establish cooperation through harmonization of programmes for protection of natural goods.

The Provincial Institute for Nature Conservation shall submit the medium-term and annual programme for natural goods protection and the report on their implementation to the Institute for Nature Conservation of Serbia.

#### **Programmes for Protection of Natural Goods Article 104**

Professional activities referred to in Article 102 of the present Law shall be performed on the basis of medium-term and annual programmes for protection of natural goods established by nature protection organizations, in line with the nature protection documents referred to in Article 111 of the present Law.

The medium-term programme for protection of natural goods shall be approved by the Government, and the annual programme for protection of natural goods shall be approved by the Ministry, i.e. by the competent authority of autonomous province.

Nature protection organizations shall submit the report on implementation of medium-term and annual programmes for protection of natural goods to the Ministry, i.e. to the competent authority of autonomous province.

Funds for performing activities of nature protection organization stipulated by the present Law and for operation of nature protection organization shall be provided from the budget of the Republic of Serbia, i.e. from the budget of autonomous province and from other sources of funds in line with the law.

In performing professional activities the nature protection organizations shall establish cooperation with scientific, cultural, educational and other organizations and shall organize activities to raise environmental awareness.

## **IX. NATURE PROTECTION SIGN**

### **Nature Protection Sign**

#### **Article 105**

In order to promote nature protection and in order to identify official person in charge of supervision and application of measures related to nature protection, nature protection sign shall be used.

Minister shall closely prescribe layout of the sign, as well as procedure and requirements for usage thereof.

### **Nature Protection Day**

#### **Article 106**

In order to develop nature protection, Nature Protection Day shall be celebrated every year.

On the occasion of Nature Protection Day, upbringing, educational, recreational, professional and other activities will be organized which will suitably encourage and develop nature protection.

Nature Protection Day shall be celebrated every year, on 11 April.

## **X. FINANCING NATURE PROTECTION**

### **Providing Funds for Nature Protection**

#### **Article 107**

Funds shall be allocated from the budget of the Republic of Serbia for protected areas, measures and activities stipulated in the document on protection, protection of natural values of republic and international importance, as well as for those natural values determined by the Ministry, for financial and other incentive measures prescribed in this Law, for compensation of damage done to protected wild species, for implementation of right on priority purchase, for compensation to owners and users of property rights to which they have been subjected in protected natural goods/resources which are of international and republic importance, as well as for other measures stipulated in this Law.

Funds shall be allocated from the budget of autonomous province and self-government unit for protection of natural resources which had been proclaimed as such by them, for measures and activities stipulated in the document on protection, for financial and other incentive measures prescribed in this Law, as well as for implementation of right on priority purchase and compensation to owners and users of property rights to which they have been subjected in protected those natural areas.

Funds intended for nature protection shall be provided through use of natural

goods/resources and protected areas, if this or special Law has not prescribed otherwise, and from other sources established by Law or bylaws adopted on the basis of this Law.

## **Incentive Measures for Conservation and Protection of Biological and Landscape Diversity**

### **Article 108**

Conservation of endangered wild species, endangered habitat types, protected areas and other protected natural goods ecological network shall be encouraged through financial charges and soft loans intended for protective activities.

Incentive measures referred to in paragraph 1 of this Article are intended for protection and conservation of biological and landscape diversity, particularly for management which accepts and implements measures for conservation of biological and landscape diversity, and which is not harmful for nature, as well as for compensation given to legal entities, entrepreneurs and private entities that suffer certain limitations or damages due to protection of biological and landscape diversity.

Government shall establish financial incentive and charges referred to in paragraphs 1 and 2 of this Article.

## **XI. GUARDING OF PROTECTED AREAS**

### **Guarding Service**

#### **Article 109**

Direct supervision of the protected area shall be performed by the guarding service ensured by the Manager, through protected area guard (hereinafter referred to as: guard).

The guard shall control the implementation of interior order rules in the protected area and shall perform other activities in compliance with law and Manager's decision.

### **Rights and Duties of the Guard**

#### **Article 110**

In performing the guarding activities, the guard shall in particular:

- 1) monitor movement and activities of visitors and other users in the protected area, especially the transport of construction material and construction of buildings, use of mineral raw materials, forests, flora and fauna, including game and fish, use of motor vehicles and vessels, installation of facilities on water, entrance into zones and facilities where visiting is prohibited or restricted, lighting fire in the open space, waste disposal, sport competitions and other

manifestations;

- 2) monitor status of plant and animal species, as well as other values in the protected area;
- 3) provide assistance and cooperate with local authorities;
- 4) provide data, assistance and services to visitors and other persons visiting and sightseeing around the protected area, in scientific research and educational activities;
- 5) cooperate with users of natural resources in the protected area;
- 6) cooperate with holders of real rights on property in the protected area in order to protect nature;
- 7) cooperate with another guarding service, the inspection and the internal affairs authority.

When the guard establishes or reasonably assumes that a visitor, i.e. owner of the protected area has done something contrary to interior order rules or measures of nature protection prescribed in compliance with law, he shall be authorized to:

- 1) establish the identity of a person found in illicit activity, and bring person found without personal documents to the competent authority for interior affairs;
- 2) inspect all types of vehicles, boats and cargo;
- 3) temporary seize objects and assets used for the offence or criminal act and objects generated or acquired in such act, as well as to deliver such objects, without delay, to the protected area Manager for custody;
- 4) require restitution of the previous status, i.e. order measures for prevention and removal of harmful consequences;
- 5) perform any inspection, except for apartments and other premises for which it is necessary to have warrant.

When performing his duty, the guard shall display their official identification cards.

The guard's identification card shall be issued by the protected area Manager on the template prescribed by the Minister.

The guard shall have at least secondary school education, one year of occupational work experience and certificate on passed professional exam, and shall



fulfil prescribed conditions to carry weapons and other conditions defined by the Manager's decision.

The Minister shall prescribe in more detail the conditions, programme and manner of taking the professional exam referred to in paragraph 5 of this Article.

During the service, the guard shall wear official clothes, nature protection mark and mark of the protected area being guarded, and can carry weapons as determined by the Manager, in compliance with law.

The official clothes, i.e. the guard's uniform in national parks and protected areas proclaimed by the Government decision, shall be prescribed by the Minister.

The guard shall have the status of an authorized officer.

The guard may simultaneously act as a fishery guard, forest guard and gamekeeper, if he/she fulfils conditions established by regulations governing the use of fish resources, forestry and hunting only in protected areas of less than 100 ha.

## **XII. NATURE PROTECTION DOCUMENTS**

### **Key Nature Protection Documents**

#### **Article 111**

Key nature protection documents are: Nature Conservation Strategy of the Republic of Serbia (hereinafter: the Strategy), nature conservation programmes of the autonomous province and local government units and state of nature reports.

The Strategy is a basic instrument for the implementation of ratified international agreements in the field of nature protection, establishing long-term objectives and measures for the conservation of biological and geological diversity and the manner of their implementation.

### **Nature Conservation Strategy**

#### **Article 112**

The Strategy shall be adopted by the Government for the period of at least ten years.

The Strategy shall determine a long-term planning framework and policy of integrated nature protection including landscape biodiversity and geo-heritage conservation.

The Strategy shall in particular contain an analysis (assessment) of state, aims, main tasks, measures, activities and instruments for conservation and improvement of biological diversity, landscape and geo-heritage, development of protected areas

network and development of ecological network.

In order to implement the Strategy, action plans shall be developed, which shall be adopted by the Government for the period not longer than five years.

The action plan referred to in paragraph 4 of this Article may be adopted as part of the Strategy.

The Strategy shall be drafted on the basis of reports on the state of nature and contains in particular: principles and general objectives, assessment of the state, special objectives and activities for their implementation as well as possible sources of financing.

A report on the state of nature shall be prepared by the Nature Conservation Institute of Serbia in collaboration with other expert and scientific organisations and other public services.

If necessary, the Strategy may be revised before the expiry of the period for which it has been adopted.

The Strategy shall be published in the "Official Gazette of the Republic of Serbia.

## **Programme on Nature Protection**

### **Article 113**

Autonomous province and local self-government unit, within their competences defined by this and special law, and compliant with the Strategy and its specificities, shall adopt the Programme on Nature Protection for the period of ten years.

Two or more local self-government units may adopt a joint programme referred to in paragraph 1 of this Article.

## **Nature Status Report**

### **Article 114**

Once in five years, the Ministry shall submit the Nature Status Report for the Republic of Serbia, which shall particularly contain the following:

1) data on status of geological, biological and landscape diversity, protected natural areas, ecologically important areas, ecological corridors and ecological network with the analysis of degree of endangerment, endangerment factors and problems in protection and development;

2) data on impacts of utilization of natural values to geological, biological and landscape diversity, to protected natural goods and ecological network;

- 3) data on impact of certain projects and activities to nature and its values;
- 4) assessment of measures implemented with the aim to protect nature, its values and landscape diversity;
- 5) analysis of the Strategy implementation, as well as other documents important for nature protection;
- 6) assessment of implemented professional supervision performed by the Institute;
- 7) data on use of financial resources for nature protection;
- 8) assessment of needs for development of new or amendments of existing documents, as well as other data important for protection and conservation of nature.

Nature Status Report, as well as reports referred to in paragraph 1 of this Article shall be prepared by the Institute, in collaboration with Provincial Institute for Nature Conservation and other professional and scientific institutions.

Autonomous province, i.e. local self-government unit shall prepare nature status reports for their territories.

### **XIII. ACCESS TO INFORMATION AND PUBLIC PARTICIPATION**

#### **Access to Information**

##### **Article 115**

State authorities, autonomous province authorities, local self-government unit authorities, Institute, protected areas managers, as well as authorized and other organizations, shall be obligated to provide public with information referring to nature performance and protection, unless confidentiality of data has been prescribed by special law or special regulations.

Public shall be entitled to access prescribed registers or records which contain information and data in compliance with this Law.

Information which pertains to nature protection shall be submitted to the applicant in compliance with law.

#### **Public Participation in Decision-making Process**

##### **Article 116**

During the development of regulations, i.e. decisions on proclamation of protected natural goods, plans on protected areas management and plans on utilization of natural resources, public participation shall be ensured in compliance with this Law.

## **Upbringing and Education on Nature Protection**

### **Article 117**

Ministry in charge of education shall ensure conditions for development of upbringing and education on nature protection.

Ministry, competent authority of autonomous province, Institute and legal entities

– holders of public empowerments, shall inform public about natural values, nature protection, its endangerment, factors and consequences of endangerment.

## **XIV. SUPERVISION**

### **Supervision over Work and over the Application of Law**

#### **Article 118**

Supervision over application of provisions contained in this Law and regulations adopted on the basis thereof shall be done by the Ministry, unless otherwise has been prescribed by this Law.

Supervision over legality of Institute's work shall be done by the Ministry, i.e. competent authority of autonomous province.

Ministry shall carry out supervision over work of managers of protected natural goods, Institute and holders of public empowerments in performance of entrusted activities.

### **Inspection supervision**

#### **Article 119**

Inspection supervision shall be carried out by the Ministry through environmental inspector within the scope of competences established by this Law.

In performing the inspection supervision over transboundary movement and trade in strictly protected and protected species, and live specimens of wild animals, the relevant inspector shall cooperate with the person authorized for issuing the permits referred to in Article 94 of this Law.

Autonomous province shall be entrusted with performance of inspection supervision over the application of provisions contained in this Law in protected areas located within the territory of the autonomous province.

Local self-government unit shall be entrusted with performance of inspection supervision over the application of provisions of this Law in the protected areas declared by the competent authority of the local self-government unit.

The inspection supervision referred to in paragraph 1 of this Article shall be performed without prior written notice to the inspected subject and without obtaining a written order to perform the inspection.

By way of exception, the inspector may notify the inspected subject of the start of the inspection if he assesses that such notification is necessary for carrying out the inspection.

### **Joint body for surveillance of transboundary movement and trade in wild species**

#### **Article 119a**

In performing the surveillance of transboundary movement and trade in wild species the Ministry shall cooperate with the customs service, the police and the republic public prosecutor's office.

The Ministry shall establish a joint body for planning, monitoring, harmonizing and implementing joint measures and activities for conducting surveillance of transboundary movement and trade in wild species in accordance with regulations governing public administration.

A decision on the establishment of the joint body referred to in paragraph 1 of this Article shall regulate matters of programming and executing training, coordination of surveillance, reporting on the inspection of transboundary movement and trade in wild species and the sanctioning of illegal activities referred to in paragraph 2 of this Article.

### **Rights and Duties of the Inspector**

#### **Article 120**

While performing activities of inspection supervision, inspector shall be entitled and obligated to determine the following:

- 1) utilization and use of protected natural values and other parts of nature;
- 2) implementation of conditions and measures for nature protection, other documents adopted on the basis of this Law and other regulations;
- 3) implementation of compensatory measures;
- 4) implementation of plans on natural goods/resources management in the part which pertains to measures and conditions of nature protection;
- 5) implementation of management plan and protection, conservation, utilization and development programmes pertaining to protected nature and its values;
- 6) implementation of management plan and other acts of protected area;

7) activities which may cause changes and damages in protected area or in other protected natural goods;

8) implementation of direct protection, conservation and utilization of natural goods;

9) implementation of protective measures and conditions of protected natural goods, protected plant and animal species and fungi;

10) wild species in transboundary movement and trade, i.e. whether the transboundary movement of strictly protected, protected and allochthonous wild species of plants, animals and fungi is conducted in accordance with this Law and regulations adopted on the basis of this Law;

11) whether introduction and re-introduction of wild species into the nature is done in compliance with provisions of this Law;

12) providing public with information about nature performance, management plans for protected areas;

13) implementation of other prescribed conditions and measures of biological and landscape diversity established by this Law and regulations adopted on the basis thereof;

14) whether monitoring of nature performance and state of its values is being implemented;

15) whether register on protected natural goods and other prescribed records are being maintained;

16) whether genetic material is used in compliance with this Law and special regulations;

17) whether manager of protected area is performing their duties established by document on protection;

18) whether manager of protected area uses funds for operation and activities related to protection and development of protected area;

19) whether use of fossils, crystal minerals and *bigars* (chemical sediment rock which belongs to the group of sediment rocks) or researches of their deposits are done in compliance with this Law;

20) whether collection and trade of wildlife and fungi, their development forms and parts are done in compliance with prescribed conditions;

21) whether artificial relocation and settlement of populations or part of populations of autochthonous wild species is conducted in accordance with the provisions of this Law;

22) whether keeping, breeding, marking and trade in specimens of wild species is conducted in the prescribed manner;

22a) whether conditions for the operation of a zoo in accordance with this Law and regulations adopted on the basis of this Law are met.

## **Inspector Powers**

### **Article 121**

While performing activities of inspection supervision, inspector shall be empowered to:

1) ban utilization and use of protected natural values and other parts of nature without approval or contrary to the approval;

2) order implementation of conditions and measures for nature protection, other acts adopted on the basis of this Law and other regulations;

3) order implementation of compensation measures;

4) order implementation of plans on natural goods/resources management in the part which pertains to measures and conditions of nature protection;

5) order implementation of management plan and protection, conservation, utilization and development programme pertaining to protection of nature and its values;

6) order implementation of management plan and other acts of protected area and ecological networks;

7) ban activities which may cause changes and damages in protected area, ecological network or other protected natural goods;

7a) prohibit activities, i.e. works in the protected area, which are contrary to the document on protection and rulebook on interior order and guarding service;

8) order implementation of direct protection, conservation and utilization of protected natural values;

9) order the implementation of measures and conditions for the conservation of protected natural resources, protected wild plant and animal species and fungi;

10) control transboundary trade in specimens of strictly protected, protected and allochthonous wild species and prohibit the transboundary movement conducted contrary to the provisions of this Law and regulations adopted on the basis of this Law and/or ratified international agreements;

11) ban introduction of wild species into the nature if such introduction is contrary to provisions of this Law;

12) order to provide public with information about nature performance, plans on protected area management;

13) order implementation of other prescribed conditions and measures for protection of biological and landscape diversity established in this Law and regulations adopted on the basis thereof;

14) order the Manager to monitor nature status and state of its values;

15) order maintenance of registers of protected natural goods and other prescribed records;

16) ban use of genetic material if such use is contrary to provisions of this Law and special regulations;

17) order protected area manager to fulfil obligations established in the document on protection;

18) order protected area manager to use funds for work and performance of activities pertaining to protection and development of protected area;

19) ban the use of fossils, crystal minerals and *bigars* or researches of their deposits if such actions are contrary to this Law;

20) ban the collection and trade in wildlife and fungi and their development forms and parts if collection and trade is performed without permit and contrary to prescribed conditions;

21) ban the artificial relocation and settlement of populations or parts of autochthonous wild species populations without a permit or contrary to prescribed conditions;

22) ban the keeping, breeding and trade in strictly protected, protected and allochthonous wild species that is conducted contrary to provisions of this Law and regulations adopted on the basis of this Law;

23) ban the damaging or destruction of habitats of strictly protected and protected wild species;



23a) control the keeping, breeding and trade in specimens of strictly protected, protected and allochthonous wild species;

24) ban other actions and activities which are contrary to provisions of this Law and regulations adopted on the basis thereof;

25) order the owner or holder of specimens of wild species to allow an inspector, a representative of an authorized scientific or expert organisation or a veterinarian an unimpeded access to a wild species specimen for physical examination and/or collection of samples of blood or other tissue from the specimen for the purpose of analysis;

25a) conduct inspection and verification of the location, premises, facilities, objects, vehicles and other means of transport in legal entities, entrepreneurs, natural and other persons in order to check compliance with provisions of this Law;

26) order the execution of other obligations prescribed by law within a specified time limit.

In order to prevent unrecoverable damage to protected natural good, biological and landscape diversity, reduce damage occurred due to illicit work, action or activity, i.e. take urgent protection measures or avoid immediate danger to human life and health or property, during the supervision, the inspector may issue an oral decision as well.

Statement on decision issued orally shall be entered into the minutes, noting that written decision will be issued within 8 days.

It shall be allowed to file an appeal against the inspector's decision referred to in paragraphs 1 and 2.

Inspector's decision referred to in paragraph 1, points 1), 7), 10), 11), 16), 19), 20), 21), 22), 23), 23a) and 24), 25), 25a) and 26) of this Article shall be final and an administrative dispute may be conducted against it.

### **Providing Information to Other Competent Authorities**

#### **Article 122**

If during an inspection, the inspector finds that beside this Law, other laws and regulations governing issues relevant for nature protection or protection of certain part thereof have been violated too, he shall, besides taking actions he is empowered to, be obliged to inform other competent authority.

Other competent inspection body shall inform the inspector about the measures undertaken.

In cases when inspector finds the violations of law falling under the competence of other inspections too, the inspector shall inform the Minister thereof without delay in order to enable joint supervision and appropriate measures to be undertaken.

## **Seizure of Objects and Protected Natural Goods**

### **Article 123**

While performing inspection supervision, the inspector shall have right and duty to temporarily confiscate:

1) objects, goods or devices whose use is prohibited or which were created, or used for illicit actions;

1a) specimens of strictly protected, protected and/or allochthonous wild species during their transboundary movement, trade and/or possession within the territory of the Republic of Serbia if contrary to this Law, regulations adopted on the basis of this Law and ratified international agreements, order their keeping but prohibit their use and request that the Ministry be urgently informed about possible changes concerning the specimens, and issue certificates on the confiscated specimens;

2) mobile protected natural documents or protected wild species and order their keeping.

The confiscated mobile protected natural documents and specimens of wild species referred to in paragraph 1 of this Article shall be treated in a manner appropriate in terms of their conservation and protection and upon suggestion from an authorized scientific or expert organisation for live specimens.

An appeal may be filed to the Minister against the inspector's decision referred to in paragraph 1 of this Article.

Protected wild species obtained in illegal action, which are perishable or which cannot be appropriately taken care of or if their keeping incurs substantial costs, shall be sold, and a decision on the selling, the manner and conditions of the sale shall be made by the Minister.

The acquired funds shall be kept at a public Ministry account until the court proceedings has ended.

## **XV. COMPETENCE OVER SETTLEMENT OF APPEALS**

### **Article 124**

Appeal filed against inspector's decision shall be settled by the Minister. Appeal is to be filed within 15 days upon receipt of the decision. Appeal to the decision shall not delay its execution.

First-degree appeal filed against decision issued by competent authority of autonomous province within performance of entrusted activities shall be decided upon by the Minister.

First-degree appeal filed against decision issued by competent authority of local

self-government unit within performance of entrusted activities shall be decided upon by the Minister.

## **XVI. PENALTY PROVISIONS**

### **Economic Offences**

#### **Article 125**

A legal entity shall be charged with an economic offence and assessed a fine of 1,500,000 to 3,000,000 RSD if they:

1) use an area, natural resources and protected areas in a manner that causes permanent degradation of biological, geological, hydrological, pedologic and landscape diversity (Article 8, paragraph 2);

2) fail to act in compliance with measures for nature protection established in plans, programmes, bases and project-technical documentation (Article 8, paragraph 3);

3) fail to carry out rehabilitation, i.e. recultivation (Article 8, paragraph 4);

4) without any delay and at their own expense do not eliminate the harmful effects on nature and protected natural goods arising from projects and activities executed without established nature protection conditions or contrary to given conditions (Article 13, paragraph 1);

5) perform or attempt to collect and/or use specimens of strictly protected or protected wild species without a permit, i.e. contrary to the prescribed conditions (Articles 75, 76 and 77);

5a) keep, trade or attempt to trade in specimens of strictly protected or protected wild species contrary to Articles 86a, 90 and 94 of this Law;

6) perform or attempt to perform transboundary movement, including dispatch, transport and transit of specimens of strictly protected, protected or allochthonous wild species without the appropriate permit or certificate issued by the Ministry, or use a permit or certificate that has been declared void or whose validity period has expired (Article 94, par. 4, points 1 and 3);

6a) perform or attempt to perform transboundary movement of wild species contrary to the issued permit or certificate, i.e. use a permit or certificate issued for the transboundary movement of a specimen other than the one for which it was issued (Article 94, par. 4, point 2);

6b) use a false, falsified permit or certificate for transboundary movement of strictly protected, protected or allochthonous wild species, including a document with unauthorized modifications (Article 94, par. 4, point 4);

7) fail to notify or they make a false report on the transboundary movement of

strictly protected, protected or allochthonous wild species in accordance with Article 95 of this Law.

For the economic offence referred to in paragraph 1 of this Article, a fine proportionate to a damage incurred, an unexecuted obligation or the value of goods or other commodity which is subject of economic offence, may be pronounced, the maximum amount of which shall not exceed twentyfold amount of the damage incurred, unexecuted obligation or the value of goods or other commodity which is subject of economic offence.

For the economic offence referred to in paragraph 1 of this Article, a fine ranging from 100,000 and 200,000 RSD shall be imposed on the accountable officer of the legal entity.

For an economic offence referred to in paragraph 1 of this Article, and particularly in case of a repeated economic offence, in addition to the fine imposed upon a commercial company or other legal entity, they may be prohibited from performing certain economic activities as a protective measure, whereas the accountable officer may be prohibited from performing certain duties during a period of up to ten years.

In case of the economic offence referred to in paragraph 1, points 5, 5a, 6, 6a, 6b and 7 of this Article, the penalty shall mandatorily be accompanied by a protective action of permanent confiscation of the specimens of strictly protected, protected and allochthonous species stated in invalidated permits and certificates as well as of objects used or intended for commitment of the offence, i.e. developed through that offence.

For the economic offence referred to in paragraph 1 of this Article, the penalty may be accompanied by a protective action of confiscation of objects which were used or intended for commitment of economic offence, i.e. which were created through commitment of economic offence.

## **Infringements**

### **Article 126**

A legal entity shall be charged with an infringement and assessed a fine of 500,000 to 2,000,000 RSD if they:

1) perform the planned projects and activities in nature, which themselves or combined with other projects or activities may affect an ecologically important area or a protected natural good, without consent (Article 10, paragraph 3);

2) perform actions, activities and operations which threaten a hydrological phenomenon or the maintenance and preservation of biological diversity (Article 18, paragraph 4);

3) *(deleted)*;

- 4) use chemical substances, without obtaining consent from the Ministry (Article 19, paragraph 3);
- 5) take genetic material from nature, contrary to Article 20, paragraph 2 of this Law;
- 6) perform or undertake activities and operations which may disturb characteristics of a protected area (Articles 29 to 35);
- 7) performs actions and/or activities which may lead to disturbance or destruction of ecologically important area (Article 39, paragraph 5);
- 8) perform an activity in protected area contrary to management plan (Article 52, paragraph 4);
- 9) perform works and activities, i.e. project implementation in the protected area without or contrary to the document on conditions and measures of nature protection, or fail to inform the Manager thereof (Article 57, paragraphs 3, 4 and 5);
- 10) do not undertake all permitted measures and activities to prevent a damage, in an appropriate manner and at their own expense (Article 64, paragraph 2);
- 11) undertake actions which may endanger strictly protected species of plants, animals, fungi and their habitats (Article 74);
- 12) fail to obtain the permit referred to in Article 75 of this Law;
- 13) collect and use protected wild species contrary to prescribed conditions (Article 77);
- 14) perform researches on protected species without the Ministry's consent or fail to submit results of such researches (Article 78);
- 15) use prohibited means to catch and kill wild animals contrary to Article 79 of this Law;
- 16) fail to undertake protective measures referred to in Article 81 of this Law;
- 17) introduce allochthonous wild species and their hybrids into the wild contrary to Article 82 of this Law;
- 18) perform relocation of live specimens of autochthonous wild species without the Ministry's consent (Article 84);
- 19) perform reintroduction of wild species without the Ministry's consent (Article 85);

20) keep specimens of strictly protected, protected or allochthonous wild animal species or either fail to mark or mark the specimens of strictly protected or protected wild species contrary to prescribed conditions (Art. 86, 86a);

20a) keep specimens of strictly protected or protected wild species for which the Ministry has rejected the certificate request application (Article 88);

21) possess specimens of strictly protected, protected or allochthonous wild species contrary to Article 87 of this Law;

22) breed wild species contrary to Article 89 of this Law;

23) perform activities of lodging without permit issued by the Ministry (Article 91);

24) handle found specimens of strictly protected and protected wild animal species contrary to Article 93 of this Law;

25) take geological and paleontological documents from nature, which have been proclaimed protected natural goods or are located in the object of geo heritage, protected site or deposit of mineral feedstock contrary to Article 98 of this Law;

26) perform researches in deposit sites of geological and paleontological documents contrary to Article 99 of this Law;

27) export movable protected natural documents contrary to Article 100 of this Law;

27a) fail to act in accordance with the inspector's decision referred to in Article 121 of this Law.

For the infringement referred to in paragraph 1 of this Article, a fine proportionate to a damage incurred, an unexecuted obligation or the value of goods or other commodity which is subject of the infringement, may be pronounced, the maximum amount of which shall not exceed twentyfold amount of the damage incurred, unexecuted obligation or the value of goods or other commodity which is subject of the infringement.

For the infringement referred to in paragraph 1 of this Article, accountable officer of the enterprise or other legal entity shall be assessed a fine of 25,000 to 150,000 RSD.

For the actions referred to in Article 125, paragraph 1, points 5), 5a), 6), 6a) and 7), as well as for actions referred to in paragraph 1 of this Article, an entrepreneur shall be charged with the infringement and assessed a fine of 250,000 to 500,000 RSD.

For the actions referred to in Article 125, paragraph 1, points 5), 5a), 6), 6a), 6b) and 7), as well as for actions referred to in paragraph 1 of this Article, a private entity shall be charged with the infringement and assessed a fine of 50,000 to 150,000 RSD or punished by imprisonment of up to 30 days.

For the infringement referred to in paragraph 1 of this Article, the penalty may be accompanied by a protective action of confiscation of objects which were used or intended for the infringement, i.e. which were created through the infringement.

For the infringement referred to in paragraphs 5 and 6 of this Article, together with the sanction, it is mandatory to impose a protective measure of permanent confiscation of specimens of strictly protected, protected and allochthonous species stated in invalidated permits and certificates, as well as of objects used for or intended for the infringement, i.e. created through the infringement.

For the infringement referred to in paragraph 1 of this Article, besides the fine imposed upon the legal person, i.e. entrepreneur may be prohibited from performing certain activity for up to 3 years, whereas the accountable officer may be prohibited from performing certain duties during a period of up to one year, as a protective measure.

**Infringement Committed by an Accountable Officer of State  
Administration Body, Holder of Public Empowerments, i.e.  
Authorized Legal Entity**

**Article 127**

An accountable officer of state administration body, territorial autonomy authority, local self-government unit authority and holder of public empowerments shall be charged with the infringement and assessed a fine of 25,000 to 150,000 RSD if they:

1) fail to obtain nature protection conditions in the procedure of plans and programmes adoption (Article 9, paragraphs 1 and 2);

2) fail to determine quantity of water in wet and water ecosystems which is essential for conservation of hydrological phenomenon and maintenance of biological diversity (Article 18, paragraph 5);

3) fail to monitor state of ecologically important areas, ecological corridors and whole ecological network (Article 39, paragraph 4);

4) fail to keep a register of protected natural goods (Article 50);

5) fail to submit management plans and reports on their implementation and fail to ensure information to public (Article 54);

6) fail to obtain nature protection conditions in the development of plan (Article 55, paragraph 3);

7) fail to adopt the Rulebook on Internal Order and Guarding Service (Article 56);

8) fail to manage a protected area in the prescribed manner (Article 68);

9) fail to use funds acquired on the basis of charges imposed for utilization of natural area for protection and development of protected area and if such funds are not kept in special account (Article 70, paragraph 8);

10) fail to perform professional tasks within the scope of their activity referred to in Article 102, paragraph 1, points 8, 13, 16 and 19 of this Law;

11) fail to obtain the competent authority's consent for the medium-term, i.e. annual conservation programme for natural goods (Article 104, paragraph 2).

#### **Article 128**

Fine ranging between 5,000 and 150,000 RSD shall be pronounced to private entity if such entity has not acted as instructed by the protected area guard or if such entity disrupts the guard in performance of his duties, or otherwise acts contrary to interior order rules (Article 56, paragraph 4).

#### **Article 129**

Fine of 5,000 RSD shall be pronounced for the offence to a parent, tutor or responsible person in tutorial institution, if due to failure to apply duly supervision over a juvenile, such juvenile has committed offence referred to in Article 126, paragraph 1, points 11), 15), 21), 22) and 24) and Article 128 of this Law.

### **XVII. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 130**

Protected goods protected until this Law enters into force shall remain under protection, while managers, owners and users of such goods have rights and duties prescribed in this Law.

Ecological network shall be established and shall become part of the European Ecological Network Natura 2000 till the day when Republic of Serbia accesses to the European Union.

#### **Article 131**

Legal entities that manage forests, game and water shall harmonize forest, hunting, fishing and water management bases with provision of this Law on the occasion of their renewal or first revision.

Legal entities, entrepreneurs and private entities that manage protected area shall harmonize protected area management plans to provisions of this Law within two years from the day when this Law enters into force.

Owners of towers and technical components constructed before this Law



entered into force, which greatly endanger birds and bats, shall undertake measures of protection against electric shock in compliance with Article 81 of this Law, within five years from the day when this Law enters into force.

Legal entities, entrepreneurs and private entities that perform trading activities in terms of this Law, shall harmonize their business activities with provisions of this Law within thirty days from the day when this Law enters into force.

Legal entities, entrepreneurs and private entities that own or on any other base keep protected wildlife, for which according to this Law it is necessary to obtain permit, shall apply to the Ministry within three months from the day when this Law enters into force.

Protected areas managers shall harmonize protected area management with provisions of this Law within one year from the day when this Law enters into force.

### **Article 132**

Institute shall harmonize its operation, business and general regulations with provisions of this Law within two years from the day when this Law enters into force.

Public enterprise “National Park of Djerdap”, public enterprise “National Park of Sar planina”, public enterprise “National Park of Kopaonik”, public enterprise “National Park of Tara” and public enterprise “National Park of Fruska gora” shall harmonize their operation, business and general regulations with provisions of this Law within two years from the day when this Law enters into force.

### **Article 133**

Government, i.e. competent authority of Autonomous Province of Vojvodina shall establish organizations referred to in Article 103 of this Law within six months from the day when this Law enters into force.

For the performance of activities referred to in Article 103 of this Law, funds, rights and duties for the operation of the Provincial Institute for Nature Conservation shall represent part of funds, rights and duties of the so far Institutes for Nature Protection of Serbia which are located at the territory of Autonomous Province of Vojvodina.

Allocation of funds, rights and duties originating from the time of so far operation of Institute for Nature Conservation of Serbia shall be determined through share balance of the so far Institute for Nature Conservation of Serbia.

Organizations referred to in paragraph 1 of this Article shall take over funds, rights and duties of Institutes referred to in paragraph 2 of this Article, as well as employees of those Institutes, on the first day of their operation.

Institute for Nature Conservation of Serbia cannot alienate property, perform status changes or employ new staff from the day when this Law enters into force till the establishment of Institutes referred to in paragraph 1 of Article.

## **Article 134**

Bylaws for implementation of this Law shall be adopted within one year from the day when this Law enters into force.

Until the day when regulations established in this Law enter into force, regulation adopted on the basis of Law on Environmental Protection (“Official Gazette of RS”, no. 66/91, 83/92, 53/93-other law, 67/93-other law, 48/94-other law, 53/95 and 135/04) shall remain in force.

On the day when this Law enters into force, provisions which regulate nature protection, contained in the Law on Environmental Protection (“Official Gazette of RS”, no. 66/91, 83/92, 53/93-other law, 67/93-other law, 48/94-other law, 53/95 and 135/04) and Law on National Parks (“Official Gazette of RS”, no. 39/93) shall cease to be valid, except for provisions referred to in Articles 6 and 7 and description of national park areas, until the adoption of special laws.

Procedures started according to provisions of the Law on Environmental Protection (“Official Gazette of RS”, no. 66/91, 83/92, 53/93-other law, 67/93-other law, 48/94-other law, 53/95 and 135/04) shall be finalized according to provisions of this Law.

## **Article 135**

This Law shall enter into force on the eighth day upon publication thereof in the “Official Gazette of the Republic of Serbia”.

### ***Independent Articles of the Law on Amendments of the Law on Nature Protection***

*(“Official Gazette of RS”, no. 88/2010)*

## **Article 55**

Important ecological areas of the European Union NATURA 2000 shall be identified and shall become a part of the European ecological network NATURA 2000 on the day of the Republic of Serbia accession to the European Union.

## **Article 56**

Legal entities, entrepreneurs and private entities who are owners or otherwise keepers of protected wild animals, for which permit is required compliant with this Law, shall report to the Ministry about keeping of those animals so as to enable recording thereof, within six months from the enactment of this Law.

Keepers of wild animals shall harmonize the conditions for keeping and acceptance of wild animals with the prescribed conditions within one year from the enactment of bylaw that regulates conditions for keeping, i.e. conditions for acceptance of animals.

## **Article 57**

Provisions contained in the Law on Public Enterprises and Performance of the Activities of General Interest (“Official Gazette of RS”, no. 25/00, 25/02, 107/05, 108/05 – correction and 123/07-other laws) shall be applied to the function of public enterprises established for the management of national parks until the adoption of special laws.

## **Article 58**

Bylaws for the implementation of this Law shall be adopted within one year from the enactment of this Law.

The decision referred to in Article 4, paragraph 6 of this Law shall be adopted by the Government within two years from the enactment of this Law.

## **Article 59**

This Law shall enter into force on the eighth day from publication thereof in the “Official Gazette of the Republic of Serbia”, while provisions referred to in Article 4, paragraph 5, point 2), which pertain to the opinion of the European Commission and Article 5, paragraph 3 of this Law shall start to be applied on the day of the Republic of Serbia accession to the European Union.

### ***Independent Articles of the Law on Amendments of the Law on Nature Protection***

*(“Official Gazette of RS”, no. 14/2016)*

## **Article 45**

A legal person, entrepreneur or natural person owning live specimens of wild animals whose keeping is prohibited or restricted shall notify the Ministry thereof no later than 90 days from the day of entry into force of this Law.

## **Article 46**

A legal person keeping wild animals within an existing zoo who has failed to notify the Ministry of the zoo until the day of entry into force of this Law shall submit a permit request application for the operation of the zoo to the Ministry within 90 days from the day of entry into force of this Law.

With the application referred to in paragraph 1 of this Article they shall also submit:

1. the Establishment Act;

2. an excerpt from the appropriate register;
3. evidence and documents concerning the zoo, the conditions for keeping animals, the species and numbers of animals, the equipment, working tools and other resources at their disposal.

Upon the expiry of the time-limit referred to in paragraph 1 of this Article, the Ministry shall, within the period of maximum 90 days, notify the applicant of the conditions for issuing the license in accordance with this Law.

The legal person referred to in paragraph 1 of this Article shall within 6 months from the receipt of the notification referred to in paragraph 3 of this Article submit to the Ministry a programme of measures and a schedule of adaptation of the zoo's operation to the prescribed conditions for the period until 31 December 2017.

#### **Article 47**

Legal persons, entrepreneurs and natural persons owning dead specimens, parts and derivatives of animal species strictly protected under the CITES convention shall provide notification of ownership thereof to the Ministry no later than 180 days after the day of entry into force of this Law.

#### **Article 48**

Bylaws for the implementation of this Law shall be adopted within a year of the day of entry into force of this Law.

#### **Article 49**

This Law shall enter into force on the eighth day following its publication in the Official Gazette of the Republic of Serbia.