

**REPUBLIKA SRPSKA  
GOVERNMENT**

**E**

**THE LAW  
ON NATURE PROTECTION**

**Banja Luka, December, 2013**

# THE LAW ON NATURE PROTECTION

## I GENERAL PROVISIONS

### Article 1.

This Law regulates the protection and preservation of nature, biological, geological and landscape diversity as part of the environment.

### Article 2

(1) Nature as a resource of general interest for Republika Srpska (hereinafter: RS) shall enjoy special protection in accordance with this Law and special regulations.

(2) Issues in the field of nature protection that are not regulated by this Law, shall be subject to the provisions of the regulations governing the protection of water, air, forests and other components of nature.

### Article 3

This Law shall achieve the following objectives:

a) preserve and enhance biodiversity (genetic, species and ecosystem), geological and landscape diversity,

b) harmonization of human activities, economic and social development plans, programs, planning documents and projects with sustainable use of renewable and non-renewable natural resources and long-term preservation of natural ecosystems and the natural balance,

c) sustainable use and management of natural resources and goods, ensuring their functions while preserving natural values and the balance of natural ecosystems,

d) timely prevention of human activities which may lead to permanent depletion of biological, geological and landscape diversity, as well as disorders with negative consequences in nature,

e) determining and monitoring the condition of nature and

f) improving the state of damaged parts of nature and landscapes.

### Article 4.

The basic principles of nature protection are:

a) principle of a high level of protection of nature – everyone is required to contribute to protecting and promotion of the natural, biological, geological and landscape diversity, preservation of forest generally beneficial functions of nature and natural balance during the conduct of the activity or exercise of activities,

b) principle of sustainable use - use of natural values can be done only to the extent and in a manner that does not threaten the diversity and functioning of natural systems and processes,

c) principle of applying the measures and conditions for nature protection – it is necessary to apply the principles, measures and conditions of nature protection for the use of natural values and protected natural resources, planning and arranging space,

d) principle "polluter pays" - polluter of natural resources and protected natural resources is required to pay a fee for their use and bear the costs of remediation and re-cultivation of such areas,

e) principle of cooperation - the authorities of RS, units of local governments and other organizations and institutions, as well as all legal and natural persons shall act in accordance with the principles, objectives, measures and conditions for protection and permanent preservation of nature in carrying out their tasks and duties and achieve mutual and international cooperation,

f) principle of direct application of international law – RS administrative bodies, units of local governments and other organizations and institutions, as well as all legal and natural persons shall directly apply generally accepted rules of international law and ratified international treaties as an integral part of the legal system in the exercise of their duties and tasks.

#### Article 5

The provisions of this Law shall not apply in the case of combating and preventing imminent danger to life or health of people or property, i.e. rescuing people and property, but only for the duration of the above circumstances.

#### Article 6

The terms used herein shall have the following meanings:

a) alien species are species that were brought to ecosystems in our area due to intentional or unintentional introduction,

b) indigenous species are species that are naturally widespread in the natural ecosystems of our area,

c) biological diversity (biodiversity) is the totality of all living organisms that are integral parts of ecosystems and includes the diversity within species, between species and diversity of ecosystems,

d) genetic diversity is the total number and the total diversity of genes, i.e. genetic information contained in all individual types of plants, animals, mushrooms and micro-organisms,

e) genetic material means any material of plant, animal, microscopic or other origin containing functional units of heredity,

f) geological diversity (geodiversity) is a set of properties that are related to a specific geological environment and geological body,

g) geoheritage are geological, geomorphological, hydrological, pedological, and especially anthropological values,

h) wild species are species in nature that are not under the influence of man and have no consequences caused by cross-breeding, selection and breeding activities,

i) ecological network is a collection of functionally related or spatially close ecologically important areas whose biogeographic representation and representativeness significantly contribute to the preservation of biological diversity, including the ecologically important areas for the European Ecological Network Natura 2000,

j) ecologically important areas for the European Ecological Network Natura 2000 consist of special areas for preservation of habitats and species and special protection areas for the preservation of the habitats of certain species of birds, in accordance with European Union regulations on the protection of habitats and the protection of birds,

k) ecological corridor is an appropriate ecological space for migration of species,

l) ecosystem (biogeocenosis) is a structurally, functionally and dynamically complex and unique ecological system in which the influences of biotope and biocenosis are intertwined (abiogenic and biogenic)

m) endemic species are species that require special attention because of the specific nature of their habitat or the potential impact of their exploitation on their habitat or the potential impact of exploitation on their status as protected species,

n) ex situ preservation is an active measure to protect species, which includes activities on preservation, breeding and reproduction of species in places outside their natural habitats,

o) protection zone is an area around the borders of a protected area, ecologically important area or ecological corridor that can be defined when establishing such areas, in order to prevent and mitigate external influences,

p) invasive species are alien species whose introduction and/or expansion threatens other species and overall biodiversity,

q) introduction is intentional or unintentional introduction of species in a territory and ecosystems in which they have not lived until then,

r) in situ preservation is an active measure of protection that includes protection of population of species in their natural habitat, preservation of natural ecosystems, preservation and recovery of populations in their natural habitats, as well as the preservation of phenomena of occurrence of geological diversity at their source or sites of deposits rocks, ores, minerals, crystals and fossils,

s) extinct species in nature are species that no longer exist in nature or whose individuals can be found in zoos, botanical gardens and other places, which can be bred through ex situ methods for reintroduction purposes,

t) user of a protected area is a legal entity, entrepreneur, natural person or other entity that performs tasks, activities or uses natural resource and/or its resources, benefits and features in a protected natural area,

w) compensation conditions are measures that are determined to ensure general connections of an ecological network,

u) extremely endangered species are species faced with the highest probability of disappearance in nature in the immediate future, which is determined in accordance with internationally accepted criteria,

v) minerals are autochthonous homogenous chemical elements or compounds in the form of crystallized or amorphous matter of a specific structure, form and composition, which are not mineral raw materials,

x) designed nature is a part of nature that man has changed for purpose of education, change of landscape elements, etc., in order to maintain landscape diversity,

y) sustainable use of natural resources is the use of components of biodiversity or geodiversity in the manner and to the extent that does not lead to long-term reduction of biodiversity and geological diversity, while maintaining their potential to meet the needs and aspirations of present and future generations,

z) preservation is a series of measures required to maintain or restore natural habitats and populations of species of wild fauna and flora in a favorable state,

aa) sensitive species are species for which it is believed that they shall become an endangered category in the near future if the causal factors continue,

ab) landscape is a concrete territory, homogeneous by origin and history of the development, with a unique geological basis, single type of relief, climate, uniform combination of soils and the like,

ac) favorable state of wild species is a condition that ensures the future survival of such species, genetic stability of their populations and the exchange of genes between populations,

ad) nature is everything that exists, the whole world in the diversity of its forms,

ae) priority habitat types are natural habitat types in danger of disappearance,

af) natural habitats are terrestrial or aquatic areas determined by geographic, abiotic and biotic features both natural and anthropogenic,

ag) reintroduction is the method of protecting and preserving biodiversity by artificially returning the species to habitats from which they became extinct or the habitats in which the number of their population is drastically reduced,

ah) rare species are species with small populations that are not currently endangered, but could be (species located within restricted geographical areas or those that are rare in a larger area),

ai) speleological objects are pits, caves, sinkholes, estavelles etc. belonging to the underground karst forms most commonly occurring through limestone dissolution,

ak) habitats of species are those habitats where populations of specific species have conditions for survival for a longer period, or a space in which concrete species implement any stage of its life cycle,

al) endangered species are species whose vulnerability is such that they face a very high risk of extinction in nature,

am) fossils are remains, preserved in whole or in part, of plant and animal organisms that lived in the past, including traces of extinct organisms, which serve as material evidence on which it is possible to reliably reconstruct the geological past.

## II PLANNING AND ORGANIZATION OF NATURE PROTECTION

### 1. Nature Protection Strategy of Republika Srpska and the report on the state of nature

#### Article 7

(1) Nature Protection Strategy of Republika Srpska (hereinafter: the Strategy) is the basic document which defines long-term objectives and guidelines for the preservation of nature and natural values, as well as the manner of their implementation in accordance with the overall economic, social and cultural development of RS.

(2) The Strategy, in addition to general strategic objectives, includes:

a) guidelines for the preservation of biological, geological and landscape diversity, preservation of protected natural goods, ecologically important areas, ecological corridors and ecological networks,

b) guidelines for research and monitoring of the state of nature,

c) guidelines for incorporating the nature protection into other sectors,

d) guidelines for legislative and institutional framework,

e) guidelines for education in order to preserve the biological, geological and landscape diversity,

f) guidelines for the inclusion of local people in the process of protection and promotion of protected areas,

e) guidelines for informing the public and public participation in decision-making on nature protection,

f) action plans to implement the guidelines with identification of priorities and possible sources of funding,

g) methods of fulfilling international obligations in nature protection.

(3) The guidelines set out by the Strategy are applied in the development of the zoning plans and the management plans for natural resources.

#### Article 8.

(1) The Strategy is adopted by the National Assembly of Republika Srpska (hereinafter: the National Assembly) at the proposal of the Government of Republika Srpska (hereinafter: the Government) for a period of ten years.

(2) Before submission for approval to the competent authorities referred to in paragraph 1 of this Article, the Strategy shall be subjected to an expert review and defining of the proposal of the Strategy by all relevant stakeholders and competent RS administration authorities, in cooperation with the RS Institute for Protection of Cultural and Natural Heritage (hereinafter: the Institute) and other professional and scientific institutions.

(3) The activities referred to in paragraph 2 of this Article shall be organized and coordinated by the ministry responsible for environmental protection (hereinafter: the Ministry).

(4) The Government adopts the Implementation Plan for the Strategy of Nature Protection.

#### Article 9.

(1) An assembly of a unit of local government adopts local nature protection plan which defines the objectives of nature protection on its territory, in accordance with the Strategy.

(2) The plan for nature protection referred to in paragraph 1 of this Article is adopted for a period of ten years.

#### Article 10.

(1) The Report on the State of Nature in Republika Srpska (hereinafter: the Report), is developed for the purposes of achieving the goals of the Strategy, and for a comprehensive insight into the state of nature protection which is an integral part of the Report on the State of the Environment and it shall be submitted once every two years to the National Assembly in accordance with the regulations on environmental protection.

(2) The report contains:

a) data on the state of geological, biological and landscape diversity, protected natural areas, ecologically important areas, ecological corridors and ecological networks with the vulnerability level analysis, causes for vulnerability and problems in the protection and improvement,

b) data on the impacts of use of natural resources on the geological, biological and landscape diversity in the protected areas and the ecological network,

c) data on the impact of individual projects and activities on nature and its values,

d) assessment of the measures implemented in the preservation of nature, its values and landscape diversity,

g) analysis of the implementation of the Strategy and other documents essential for nature protection,

e) data on conducted professional activities carried out by the Institute,

f) data on the use of financial assets for nature protection,

g) assessment of the needs for development of new documents or amendments to existing documents, and other important data for the protection and preservation of nature.

(3) The report is prepared by the Ministry in cooperation with the Institute and other expert and scientific institutions.

(4) Units of local governments prepare reports on the state of nature in their territory, for a period of two years and submit their reports to the Ministry.

## 2. Entities in nature protection and public participation

### Article 11

Protection and preservation of nature are ensured by the following actors in the framework of their competences:

a) Government,

b) Ministry,

v) Institute,

g) Units of local government,

d) Managers of protected areas,

f) Legal and natural persons who use natural resources and protected areas in the performance of economic and other activities,

e) Universities, professional and scientific organizations and other public institutions,

f) Citizens, groups of citizens, their associations, professional and other organizations.

### Article 12

(1) Activities in the field of nature protection under the competence of RS are carried out by the Ministry.

(2) The activities in the field of nature protection under the competence of units of local governments are carried out by the bodies of units of local government and departments in charge of environmental protection of units of local government.

### Article 13

The Ministry, bodies of units of local government and departments of units of local government in charge of environmental protection are required to do the following, in accordance with this Law, the Strategy and spatial planning documents:

a) take care of preservation of nature, natural values and landscape diversity on their territory,

b) proclaim protected areas under their competences,

c) provide conditions for the protection and preservation of protected natural areas under their competences,

- d) participate in the process of proclamation of protected areas which are proclaimed by the National Assembly or the Government or assemblies of units of local government,
- e) participate in the development of management plans within their competences,
- f) inform the public about the state of nature and natural values in their area and on taking measures of protection and preservation,
- g) provide the necessary assistance to units of local governments in the protection of nature in their area,
- h) perform other duties prescribed by this Law and regulations adopted under this Law.

#### Article 14

(1) Expert activities on protection of nature and natural resources are performed by the Institute, namely:

- a) collection and processing of data on the nature and natural values,
- b) monitoring and assessment of the state of preservation of nature and degree of threat to objects of geological heritage, wildlife and their habitats, habitat types, ecosystems, ecologically important areas, protected areas, ecological corridors, ecological networks and landscape,
- c) preparation of studies of protection, which determine the value of the areas proposed for the protection and management of these areas,
- d) proposing the adoption of documents on the termination of decisions on protection,
- e) making proposals for the preliminary protection of areas,
- f) providing conditions for work on protected natural areas, issuing expert opinions in accordance with this Law,
- g) professional supervision of protected natural areas with provision of a proposal of measures,
- h) providing technical assistance to managers of protected natural areas, units of local government, civic associations, citizen groups and individuals about the protection of nature, landscape and natural resources,
- i) determining the conditions and measures for the protection of nature and natural values in the process of development and implementation of spatial and urban plans, project documentation, planning documents (forestry, hunting, fishing, water management and other) programs and strategies in all activities that affect the nature,
- j) performance of expert activities in the process of development of evaluation of admissibility for works and activities in nature, and preparation and implementation of projects and programs in the protected area,
- k) proposing the scope and content of feasibility studies and environmental impact assessments in the process of reintroduction or introduction of wild species in free nature,
- l) record keeping on the manner and scope of use, and the factors of endangering protected and strictly protected wild species to establish and monitor the status of their populations according to Article 72 of this Law,
- m) participation in the process of public review for proclamation of protected natural resources referred to in Article 15 of this Law,
- n) organization and implementation of educational and promotional activities in nature preservation,
- o) participation in the implementation of ratified international treaties on the protection of nature,

- p) keeping the register of protected natural areas and other data of importance for nature protection under Article 74 of this Law,
  - q) making inventory of individual elements of geological, biological and landscape diversity with statistical analyses and reports on their condition,
  - r) submission of data in accordance with the Article 94 of this Law,
  - s) development of evaluation base for natural heritage in an area of a unit of local government,
  - t) performing other tasks defined by this Law.
- (2) If necessary, expert tasks referred to in paragraph 1 of this Article are performed by other expert and scientific organizations in accordance with this Law.

#### Article 15.

- (1) The Ministry, units of local government and public institutions managing protected natural values are obliged to provide public information regarding the state and protection of nature.
- (2) In the case of a direct threat to nature and human health or jeopardizing and damaging of nature, the public is informed about taking of necessary measures and actions to prevent or mitigate the damage that might arise from such a threat.
- (3) The public participation through public review must be ensured during the drafting of the documents on the protection of natural values, management plan, as well as other legislation to be adopted in accordance with this Law.
- (4) The public review process, which lasts 30 days, is conducted by the Ministry or a unit of local government.
- (5) The Ministry or units of local government are obliged to consider the submitted comments and make assessment of their justification.
- (6) Notice of public review is published in one of the media outlets of RS with information about the place where maps and other documents can be reviewed.

### III GENERAL MEASURES FOR THE PROTECTION OF NATURE

#### Article 16.

- Nature protection is implemented through:
- a) identification and assessment of the state, phenomena and processes in nature,
  - b) establishing and determining protected natural resources and monitoring system for their protection,
  - c) implementation of nature protection measures,
  - d) determining the conditions and measures for the protection of nature and protected natural areas in spatial and urban plans, project documentation, plans and programs for management of natural resources in the mining, energy, transport, water management, agriculture, forestry, hunting, fishing, tourism and other sectors that impact the nature,
  - e) sustainable use of natural resources and protected natural resources and control of their use,
  - f) development of reports on the state of nature, adoption and implementation of strategies, programs, remedial and action plans and management plans,

- g) mitigating the adverse consequences arising from activities in the nature, use of natural resources and natural disasters,
- h) linking and harmonizing the system of nature protection of RS with the international system for protection of nature,
- i) encouraging scientific and professional work in the field of nature protection,
- j) informing the public about the state of nature and through public participation in decision-making on nature protection,
- k) encouraging and promoting nature protection through developing awareness of the need to protect nature in the process of education,
- l) involvement of local communities in monitoring the status, protection and enhancement of nature.

#### Article 17

(1) Planning, development and use of space, natural resources, protected areas and ecological networks is carried out on the basis of spatial and urban planning, planning and design documentation, base documentation and management and exploitation program for natural resources in the mining, energy, transport, water management, agriculture, forestry, hunting, fishing, tourism and other sectors that impact nature, in accordance with the measures and conditions of nature protection.

(2) Use of space, natural resources and protected areas is permitted in accordance with this Law and other laws.

(3) Project owner, i.e. legal person, entrepreneur or natural person who uses natural resources, performs construction and other works, activities and interventions in nature is obliged to comply with the measures and conditions of nature protection set out in the plans, planning documents and programs and in accordance with project documentation, so as to avoid or minimize endangering and damaging nature.

(4) A legal person, entrepreneur or natural person referred to in paragraph 3 of this Article must perform restoration, or re-cultivation in accordance with this Law and other regulations after the cessation of work and activities.

#### Article 18

(1) In the process of development of plans, planning document, programs, projects, works and activities referred to in Article 17 of this Law it is necessary to obtain the expert opinion determining conditions for nature protection which is issued by the Institute.

(2) Expert opinion referred to in paragraph 1 of this Article shall contain:

a) data on the natural values, especially flora and fauna, objects of geological heritage and landscapes within the spatial extent of the document referred to in paragraph 1 of this Article and in its spatial setting,

b) data on the protected natural resources, including natural resources planned for the protection and those in the protection procedure,

c) data on environmentally significant areas and habitat types,

d) data on the established regimes and measures for the protection and use of natural resources and ecologically important areas,

e) assessment of whether the planned works and activities can be carried out from the standpoint of the objectives of nature protection and enacted regulations and documents,

f) requirements, i.e. prohibitions and restrictions under which the planned works and activities can be realized,

g) biological, technical and technological nature protection measures to be applied,

h) legal and technical support documents for the established conditions and measures.

(3) The application for an expert opinion referred to in paragraph 1 of this Article shall be accompanied by:

a) data on the type and the owner of the development of the document referred to in paragraph 1 of this Article and the investor,

b) data on the location and spatial coverage with appropriate mapping and graphic attachments, with a copy of the cadastral plan for projects,

c) brief description of the objectives for which the document is developed, the intended activities for its realization and main expected results, and a preliminary design for the project.

(4) If within a period of two years from the date of delivery of the expert opinion an applicant fails to start works and activities for which such expert opinion is issued, he is required to obtain a new opinion.

(5) The documents referred to in paragraph 1 of this Article shall be rendered by the competent body, after obtaining expert opinion referred to in paragraph 2 of this Article.

## Article 19

(1) If in the process of issuing the conditions of nature protection under Article 18 of this Law it is determined that there is a probability that plans, planning documents, programs, projects, works and activities may have a significant impact on the preservation objectives and the completeness of ecologically significant area, the Ministry, i.e. department of units of local government responsible for environmental protection shall conduct assessment of acceptability.

(2) Assessment of acceptability shall be carried out within the framework of these procedures for plans, planning documents and programs for which the strategic environmental assessment and impact assessment is being carried out in accordance with regulations governing the protection of the environment,.

(3) In a case when on the basis of acceptability assessment it is established that plans, planning documents, programs, projects, works and activities may have a significant impact on the preservation objectives and integrity of ecologically significant areas, the competent authority shall refuse consent.

(4) In a case when on the basis of acceptability assessment it is established that plans, planning documents, programs, projects, works and activities may have a significant impact on the preservation objectives and integrity of ecologically significant areas, the competent authority shall give consent only under the following conditions:

a) if there is no other alternative,

b) in relation to environmentally significant areas in which there is a priority habitat type or a priority species, only if there are imperative reasons of overriding public interest related to the protection of human health and public safety, beneficial effects of primary importance for the environment and if there are other prevalent reasons of public interest, and in relation to all other ecologically important areas only if there are other imperative reasons of public interest, including those of a social or economic nature, which outweigh the interest of preserving these areas,

c) if it is possible to undertake compensatory measures under Article 21 of this Law, necessary to preserve the overall coherence of the ecological network.

(5) The Government adopts a regulation with which it prescribes the procedure, content, deadlines, manner of implementation of acceptability assessment in relation to the objectives of preserving ecologically significant areas as well as a method of informing the public, establishing overriding public interest and compensatory measures.

#### Article 20.

(1) Should the manner or extent of use of natural resources directly threaten the survival of a species, its habitat or natural ecosystem, the minister responsible for environmental protection (hereinafter: the Minister) can issue an order to limit and temporarily or permanently discontinue such use upon prior obtained opinion of the ministry in charge of agriculture, forestry and water management in charge of energy and mining and the Institute.

(2) The owner or user of a natural resource that does not comply with an order under paragraph 1 of this Article shall be liable for damage caused to a species, habitat or natural ecosystem, which was created after the order.

#### Article 21

(1) In order to mitigate adverse effects on nature, that may arise or have arisen due to implementation of plans, planning documents, programs, projects, works or activities in a protected natural area or an area of ecological network, a legal entity, entrepreneur and natural person responsible for the project shall implement compensatory measures in accordance with the decision issued by the Ministry based on the proposal of the Institute.

(2) Compensation measures are defined depending on anticipated or caused degradation of nature:

a) establishment of a new site that has the same or similar characteristics as the damaged site,

b) establishment of another site important for preservation of biological and landscape diversity, and protection of the natural resource,

c) cash compensation in the amount of damage caused to the site in case that it is not possible to implement compensatory measures or rehabilitation.

(3) The Minister shall issue a rulebook for determination of compensatory measures referred to in paragraph 1 of this Article.

#### Article 22

(1) If projects or activities are carried out in nature without defined conditions for protection of nature or contrary to conditions for nature protection, which caused damage to nature and protected natural resources, such project or activity, or the user of natural resources shall without delay and at his own expense eliminate the damaging effects of his activities, according to the principles of objective liability.

(2) If the bearer of the activities referred to in paragraph 1 of this Article does not eliminate the harmful effects of his activities, or if damage to nature and protected natural areas cannot be rehabilitated through appropriate measures, the bearer of such activity that caused the damage is liable for damages in the amount of the value of the destroyed resource.

### IV PRESERVATION OF BIODIVERSITY

## Article 23

Preservation of biodiversity is implemented through the measures of protection and improvement of species, their populations, habitats and ecosystems.

### 1. Preservation of habitats, ecological networks and environmentally significant areas

## Article 24

(1) Habitat preservation is done by implementing measures and activities for protection and preservation of nature, sustainable use of natural resources and protected natural resources and preservation of ecologically important areas.

(2) The Minister shall adopt a rulebook that prescribes criteria for endangered, rare and sensitive habitats and habitat types of special importance for the preservation and protection measures for their preservation upon obtaining prior opinion of the Institute.

(3) Map of habitats is published on the website of the Ministry and the Institute.

(4) Collecting data on habitats and constant updates are provided by the Ministry in cooperation with the Institute and other professional and scientific institutions, in accordance with the regulation referred to in Article 94, paragraph 2 of this Law.

## Article 25

(1) Ecological network consists of:

- a) ecologically important areas,
- b) ecological corridors and
- v) protective zone.

(2) The Institute, in cooperation with other expert and scientific institutions, prepares documents for the establishment of an ecological network in the territory of the RS, in accordance with the criteria laid down by the Law, generally accepted rules of international law and ratified international treaties.

(3) Government adopts the regulation which establishes the ecological network, and the manner of its management and financing, which shall identify ecologically significant areas of the European Union, which shall become part of the European Ecological Network NATURA 2000.

## Article 26.

(1) Preservation of ecological network is ensured by the implementation of the prescribed measures in order to preserve the biological and landscape diversity, sustainable use and renewal of natural resources and improvement of protected areas, habitat types and habitats of wild species in accordance with this Law, other regulations, generally accepted rules of international law and ratified international agreements.

(2) Measures to protect the ecological network are related to legal and natural persons using natural resources and carrying out activities and works in accordance with this Law.

(3) The area of an ecological network is subject to the measures, methods and technical and technological solutions in order to preserve ecologically important areas and improve the deteriorated condition of parts of the ecological network.

(4) Monitoring of the state of ecological network is performed by the Institute and other expert and scientific institutions under the authority of the Ministry.

(5) Works, activities and services that can lead to the endangerment and violating of the function of ecological networks and to distortion or permanent damage to the properties and values of certain parts of an ecological network are not allowed.

(6) Notwithstanding paragraph 5 of this Article, the Ministry may permit works, activities and operations in accordance with the Article 19 of this Law.

#### Article 27

(1) Area of ecological network, which is also a protected area is managed by the manager of that protected area.

(2) Management plan or a set of measures for the preservation, restoration and improvement of the status of such areas is adopted for the ecological network area referred to in paragraph 1 of this Article.

(3) Management plan referred to in paragraph 2 of this Article is adopted by the legal entity entrusted with the management of a part of the ecological network.

(4) A more detailed method for the management of the ecological network shall be established by a decision from Article 25, paragraph 3 of this Law.

#### Article 28

(1) Ecologically important areas are:

a) areas with habitat types that are biologically highly diverse or well preserved, areas which include the habitats of threatened or endemic species and other ecosystems which are internationally significant according to international criteria, or which otherwise contribute to the preservation of biological diversity,

b) areas of habitat types, which significantly contribute to the preservation of the natural balance because they are part of an ecological network,

v) areas with endangered and rare habitat types,

g) preserved forests,

d) habitats of species protected under international agreements,

f) migratory routes of animals,

e) ecological corridors,

f) areas that significantly contribute to the genetic connectedness of the populations.

(2) The preservation of ecologically important areas is ensured by enforcement of prescribed measures and conditions of nature protection in order to preserve the biological and landscape diversity and protection of natural values in accordance with the provisions of this Law.

(3) Activities and actions that can cause destruction or another considerable or permanent damage to an ecologically important area are prohibited.

## 2. Preservation of wild species and their habitats and migratory species

## Article 29.

(1) Preservation of wildlife is achieved through implementation of measures and activities to preserve the species themselves, their populations and habitats, ecosystems and corridors that connect them.

(2) Preservation of wild species means the prevention of all acts which cause disruption of the favorable status of populations of wild species, destruction or damage to their habitat, breeding, nest or disruption of their life cycle, and favorable conditions.

(3) Favorable status of wild species is ensured through protection of their habitats and safeguard measures for certain species in accordance with this Law.

(4) Condition of wild species is considered to be favorable when:

a) population dynamics data on species concerned indicate that it shall survive long-term as a viable component of its natural habitats, and

b) there is, and shall probably continue to be, a sufficiently large habitat and natural area of in which the population of species can survive long-term.

(5) In the works and activities in nature and the use of natural resources in habitats of wild species, the measures, methods and technical means that contribute to the preservation of the favorable status of the species must be applied, i.e. such works and activities must be undamaging for wild species and/or their habitats or populations or such works and activities may be limited in a period which coincides with important stages of their life cycle.

(6) Preservation of wild species and their habitats referred to in paragraph 1 of this Article is an integral part of the measures and conditions for nature protection under Article 18 of this Law.

## Article 30

(1) Public roads and other types of roads, telecommunications and power systems, hydro and other facilities whose construction cuts the normal day-night and seasonal migration corridors of wild animals and cause habitat fragmentation or otherwise interfere with their normal life cycle, must be built in a way that reduces negative effects through the application of specific designs and technological solutions on the facilities themselves and their environment during construction and during the period of exploitation.

(2) The Minister, with the approval of the ministry responsible for transport and communication, the ministry responsible for industry, energy and mining and the ministry in charge of agriculture, forestry and water management, shall adopt a rulebook prescribing special technical and technological solutions that enable uninterrupted and safe communication of wild animals (ecological bridges, constructed passages and crossings, tunnels, pipes, ditches, safety and directing objects, fish passes and ladders etc.), as well as measures of protection and the method for maintaining technical and technological solutions.

(3) For facilities referred to in paragraph 1 of this Article, the administrative authority competent for construction issues location requirements, taking into account the special technical and technological solutions referred to in paragraph 2 of this Article.

### 3. Preservation of birds

## Article 31

- (1) Protection of wild birds refers to birds, their eggs, nests and habitats.
- (2) In order to preserve the population of all species of wild birds it is necessary to take all necessary measures, taking into account the ecological, economic and recreational requirements.
- (3) The following measures shall be taken in order to maintain or re-establish a sufficient diversity and size of habitats for all species of birds:
  - a) creation of protected areas,
  - b) maintaining and management in accordance with ecological needs of habitats inside and outside protected areas,
  - v) re-establishment of destroyed habitats and
  - g) creation of biotopes.

#### Article 32

- (1) Species of wild birds which shall be subject to special preservation measures, concerning their habitats in order to ensure their survival and reproduction in their area of distribution are:
  - a) species that are in danger of extinction,
  - b) species vulnerable to specific changes in their habitat,
  - c) species considered rare because of small populations or restricted local distribution,
  - g) other species requiring special attention because of the specific nature of their habitat.
- (2) The following is prohibited in order to establish a general system of protection for all species of wild birds:
  - a) deliberate killing or capturing by any means,
  - b) deliberate destroying, or damaging nests and eggs or removal of nests;
  - v) removing eggs in the wild or keeping these eggs, even when empty,
  - g) deliberate disturbing of these birds particularly during the breeding and mating, if the disturbance would be significant,
  - d) keeping birds that belong to species whose hunting and capture is prohibited.

#### Article 33.

- (1) Poles and technical components of medium and high-voltage power lines must be carried out in accordance with the bylaw referred to in Article 30, paragraph 2 of this Law and so that birds and bats are protected against electric shock and mechanical injury.
- (2) Locations of current generators driven by wind (windmills) are determined so as to avoid important habitats and migration routes of birds and bats.
- (3) Provisions of paragraph 1 of this Article shall not apply to overhead railway wires.
- (4) It is necessary to apply technical and technological measures related to illumination of facilities in the construction of high facilities (wind turbines, poles, towers, bridges and other structures) in the vicinity of ecologically significant areas in order to avoid negative impacts of such facilities.

#### Article 34

In order to define areas for preservation of wild bird species research and activities shall be carried out related to:

- a) making of a list of bird species in danger of extinction or particularly endangered species, taking into account their geographical distribution,
- b) making of a list and description of ecological areas of particular importance to migratory species on their migratory routes and wintering and nesting areas,
- c) making of a list of data on the population levels of migratory species that are listed as ringed,
- d) assessing the impact of methods of taking wild birds at population levels,
- e) development or improvement of ecological methods for preventing the type of damage caused by birds,
- f) determining the role of certain species as indicators of population,
- g) studying the adverse effects caused by chemical pollution on levels of population of bird species.

#### 4. Introduction of alien species and reintroduction of wild species

##### Article 35

(1) Introduction of alien wild species and their hybrids in the free nature is not permitted on the territory of RS.

(2) Notwithstanding paragraph 1 of this Article, the introduction of alien wild species and their hybrids in the free nature is allowed if scientific and technical evidence with a view of nature preservation and sustainable management are provided, i.e. if the introduction does not endanger the natural habitat for indigenous wildlife.

(3) The Ministry shall issue a permit referred to in paragraph 2 of this Article according to the opinion of the ministry responsible for agriculture, forestry and water management and the expert opinion of the Institute.

(4) Ministry issues a permit for the introduction of alien wild species under controlled conditions, after having obtained the opinion of the ministry responsible for agriculture, forestry and water management, the Institute or other authorized scientific and expert organization stating that there is no threat to the indigenous species, in case of accidental or intentional escape of alien species in the free nature of RS.

(5) Breeding, introduction and use of autochthonous organisms and introduced species in biological plant protection shall be done in accordance with the regulations governing plant health, on the basis of the authorization issued by the ministry responsible for agriculture, forestry and water management, with the prior assessment of acceptability that is issued by the Ministry.

(6) Assessment of acceptability referred to in paragraph 5 of this Article shall be made on the basis of an expert opinion of the Institute and the relevant scientific and expert evidence related to the protection of nature.

(7) Introduction and/or expansion of alien wild species endangering other species and overall biodiversity in the territory of RS is declared to be invasive by the Ministry, based on generally accepted international criteria, scientific knowledge and the obligations assumed under international treaties and international documents, based on the proposal of the Institute and other expert and scientific institutions and after having obtained the opinion of the ministry responsible for agriculture, forestry and water management

(8) Decision referred to in paragraph 7 of this Article shall prescribe measures for control and combat of invasive species.

## Article 36.

(1) Reintroduction of wild species in free nature on the territory of RS may be made on the basis of permits issued by the Ministry, with a previously obtained opinion of the ministry responsible for agriculture, forestry and water management.

(2) Along with the application for a permit referred to in paragraph 1 of this Article, it is necessary to submit a reintroduction program developed by the Institute in cooperation with expert and scientific institutions on the basis of surveys that were carried out.

## 5. Preservation of ecosystems, landscapes and genetic diversity

### Article 37

(1) Preserving the ecosystem (forests, high-mountain, karst, meadows, aquatic and wetland, vulnerable agroecosystems and other ecosystems) is achieved by preserving their natural composition, structure, function, integrity and balance through the implementation of appropriate measures and activities for their protection, improvement and sustainable use.

(2) Preservation of biological diversity of forest ecosystems is carried out to strengthen generally beneficial forest functions in accordance with this Law, other laws and regulations governing this area.

(3) Actions and activities that endanger hydrological phenomena or survival and preservation of biodiversity are prohibited in wet and aquatic ecosystems.

(4) Preservation of biological and landscape diversity of habitats within agroecosystems is implemented primarily through preservation and protection of marginal habitats, hedges, borders, individual trees, groups of trees, ponds and meadow belts, and other ecosystems with preserved or partially modified woody, bushy, meadow and wetland vegetation.

(5) Karst ecosystems are habitats of numerous important plant and animal species, which, because of their high specificity and sensitivity, require special protection in accordance with special regulations and this Law.

### Article 38

(1) Landscapes according to their natural and man-made features are classified into landscape types that represent the diversity of natural and cultural heritage.

(2) Protection of landscapes includes the planning and implementation of measures to prevent unwanted changes, disruption or destruction of significant elements of the landscape, diversity, uniqueness and aesthetic values and traditional methods of the use of landscapes.

(3) Planning and development of space, as well as the planning and use of natural resources must ensure preservation of important and characteristic landscapes.

(4) Protection, management and planning of landscapes is based on the identification of landscapes and assessment of their significant and characteristic features.

(5) The Minister shall issue rules that prescribe criteria for the identification of landscapes and the method of assessing their significant and characteristic features.

### Article 39

(1) Taking the genetic material from nature for use must not endanger survival of an ecosystem or populations of wild species of plants, animals and mushrooms in their habitats.

(2) The genetic material that is created from the genetic material of wild species of plants, animals and mushrooms cannot become a property.

(3) Using, conditions and method of collecting genetic material, access to genetic resources and gene bank are regulated by special regulations.

## V PRESERVATION OF GEOMORPHOLOGICAL AND GEOLOGICAL DIVERSITY

### Article 40

(1) Preservation of geomorphological and geological diversity, as well as the entire geological heritage in the planning, arrangement and use of space is implemented through the conditions and protection measures that are an integral part of the planning documents.

(2) Specific measures to protect the geological diversity are realized through protection of geological heritage objects that have outstanding scientific, educational, aesthetic and cultural values, and they are realized in terms of in situ and ex situ protection.

#### 1. Speleological objects

### Article 41

(1) Because of their scientific, aesthetic, educational, cultural and natural values speleological objects shall enjoy special protection.

(2) Speleological objects are entered in the inventory of geological heritage objects referred to in Article 45 of this Law.

### Article 42

In speleological objects and their surroundings it is prohibited to:

a) pollute water bodies and sources, introduce, enter and leave toxic substances, solid waste and dead animals or deposit any type of waste in places and in such a way that they can enter into a speleological object with running water, or free movement,

b) destroy, damage or take parts of the cave ornaments, cave sediments, fossil remains and artifacts,

v) destroy or take specimens of fauna and flora and disturb their habitat requirements,

g) perform construction works which may cause significant adverse and lasting changes of geomorphological and hydrological characteristics.

### Article 43

(1) A discovery of a speleological formation or its part must be reported to the Ministry and the Institute.

(2) The Minister, having obtained prior opinion of the Institute, shall issue a decision establishing measures for safety, protection and management of speleological object or part of it.

#### 2. Minerals and Fossils

## Article 44

(1) In case of finding fossils and minerals that may constitute natural value a finder shall inform the Ministry or the Institute.

(2) If it is assessed that fossils and minerals are a natural asset that should be protected, the Ministry entrusts the Institute to research and establish guidelines for dealing with protective measures against the destruction, damage and theft.

(3) The Institute is obliged to submit to the Ministry a report on the completion of the research with the data on the state of the site, potential threat to the site and the necessary additional studies and additional protective measures.

## Article 45

(1) Inventory of geological heritage objects of Republika Srpska shall be established.

(2) The inventory referred to in paragraph 1 of this Article shall be kept by the Institute.

(3) The Minister shall issue a rulebook that shall regulate the method of establishing of the inventory of geological heritage objects of Republika Srpska and guidelines for inventorying, evaluation and classification of geological heritage objects.

## VI PROTECTED NATURAL RESOURCES

### Article 46

Protected natural resources are:

a) Protected areas:

- 1) strict nature reserve - Category Ia (hereinafter: strict nature reserve)
- 2) special nature reserve (wilderness area) - Category Ib (hereinafter: special nature reserve)
- 3) national park - Category II (hereinafter: a national park)
- 4) natural monument - Category III (hereinafter: a natural monument)
- 5) protected habitat (habitat/species management area) - Category IV (hereinafter: a protected habitat)
- 6) protected landscapes - Category V:
  - protected natural landscapes,
  - protected cultural landscapes,
  - nature park,
- 7) protected area with sustainable use of natural resources - category VI:
  - forest park,
  - designed nature objects (monument of park architecture) (hereinafter: objects of designed nature)

b) Protected species:

- 1) strictly protected wild species,
- 2) protected wild species,

c) protected minerals and fossils.

## 1. Protected areas

### Article 47.

(1) Areas that have a strong geological, biological, ecosystem and landscape diversity and which are important as habitats for birds and other migratory species in accordance with international law may be declared as protected areas of general interest.

(2) Protected areas can be connected with protected areas of neighboring states or entities.

(3) A management plan and measures for protection of a protected area, which is associated with a transboundary protected area in a neighboring state is determined by agreement with the authorities of that country or entity and they are subject to the approval of the Ministry.

### Article 48

(1) Strict nature reserve is an area of unchanged natural characteristics with representative natural ecosystems, intended exclusively to preserve the original nature, genetic resources, ecological balance, monitoring of natural phenomena and processes and for scientific research which do not impair the natural characteristics, values, phenomena and processes.

(2) Economic and other activities are prohibited in a strict reserve.

(3) Visits, conducting research and monitoring of nature are allowed in a strict reserve.

(4) Special nature reserve is an area with an unmodified or slightly modified nature, of particular importance because of the uniqueness, rarity or representativeness, which includes habitat for endangered wild species of plants, animals and mushrooms, without settlements or with rare settlements where man lives in line with the nature, which is intended for preservation of existing natural features, genetic resources, ecological balance, monitoring of natural phenomena and processes, scientific research and education, controlled visits and the preservation of traditional ways of life.

(5) Special nature reserve may be floristic, mycological or for forest and other vegetation, zoological (ornithological, ichthyological etc.), geological, paleontological, hydrogeological, hydrological etc.

(6) In a special nature reserve it is forbidden to perform actions and activities which could impair the properties because of which it was designated as protected natural resource (picking and destroying plants, disturbing, catching and killing of animals, introduction of new biological species, melioration works, various forms of economic and other use, etc.).

(7) Visiting strict and special nature reserves for the purpose of education can be made on the basis of permits issued by the manager of a protected area (hereinafter: the Manager).

(8) Measures to protect strict nature reserves are determined in more detail by an act with which a protected area is declared.

(9) Monitoring of natural phenomena and processes and scientific research shall be conducted on the basis of an expert opinion from the Article 93 of this Law.

### Article 49

(1) National park is an area with a large number of diverse natural ecosystems, prominent features of landscape and cultural heritage in which man lives in line with the nature,

intended for the preservation of existing natural values and resources, overall landscape, geological and biological diversity, as well as meeting the scientific, educational, spiritual, aesthetic, cultural, tourism, health and recreational needs and other activities in accordance with the principles of environmental protection and sustainable development.

(2) In a national park actions and activities that do not threaten the authenticity of nature are permitted, as well as performance of activities that contribute to the educational, health, recreational and tourism needs, continuing of the traditional way of life of local communities in a way that does not threaten the survival of species, natural ecosystems and landscapes, in accordance with the law and the management plan that brings control.

(3) Measures to protect a national park and the manner of its use are regulated by a special law.

#### Article 50

(1) Natural Monument is a smaller, unchanged or partially modified, natural space entity, object or phenomenon, which is physically clear, distinctive and unique, with representative geomorphological, geological, hydrological, botanical and other characteristics, as well as botanical value of the scientific, aesthetic, cultural and educational significance formed by humans.

(2) Natural monument may be: geological (stratigraphic [historic-geological], paleontological, petrological, sedimentological, mineralogical, structural-geological, hydrogeological etc.); geomorphological; speleological [caves, pits and other]; hydrological (all or parts of a watercourse, waterfall, lake, peat, etc.); botanical (rare or significant specimens of plant life, an individual tree or group of trees, alleys, parks, arboretums, botanical gardens, etc.).

(3) All actions and activities that endanger its characteristics and values are prohibited on a monument of nature.

(4) Measures of protection of a monument of nature and the manner of its use are determined in more detail by the decision that proclaims that protected area.

#### Article 51

(1) Protected habitat is an area that includes one or more types of natural habitats important for the preservation of one or more populations of wild species and their communities.

(2) The goal of the protection of habitats:

a) protection of endangered and rare types of habitats, ecosystems and indigenous wildlife,

b) ensuring a favorable status of populations of wild species or native species,

c) facilitating smooth functioning of some of the stages of life of indigenous wild species (spawning, mating, nesting, raising their young, wintering, etc.),

d) protection of critically endangered and vulnerable species,

e) ensuring gene flow between populations of species

f) ensuring migratory routes and resting places,

g) enabling scientific research, population management and education.

(3) actions and activities that endanger or impair one or more types of habitats are prohibited at a protected habitat.

(4) the decision, which is used to proclaim a protected area referred to in paragraph 1 of this Article shall also determine its character, purpose and protection measures in detail.

## Article 52

(1) Protected landscapes are areas with distinctive appearance, with significant natural, biological and ecological, aesthetic, cultural and historical values, which developed over time as a result of the interaction of nature, natural potentials of areas and traditional way of life of local residents.

(2) Protected landscapes are:

- a) protected natural landscapes,
- b) protected cultural landscapes and
- v) nature parks.

(3) Protected natural landscape from paragraph 2, item a) of this Article is an area of significant biological, ecological and aesthetic value, where the traditional way of life of the local population did not significantly distort the nature and natural ecosystems.

(4) Protected cultural landscape from paragraph 2, item b) of this Article is an area of significant landscape, aesthetic, cultural and historical value, which can develop over time as a result of the interaction of nature, natural potentials and traditional way of life of local residents.

(5) Acts and activities that infringe primary natural and created values and character of the landscape are prohibited in protected landscapes.

(6) Measures of protection, methods of performance of traditional economic activities and the use of natural and created values of landscapes of exceptional characteristics are closely determined by the decision which is used to proclaim a protected area.

## Article 53

(1) Nature Park is an area of well-preserved natural values with mostly preserved natural ecosystems and picturesque landscapes, intended for the preservation of the overall geological, biological and landscape diversity, as well as meeting the scientific, educational, spiritual, aesthetic, cultural, tourism, health and recreational needs and other activities coordinated with the traditional way of life and the principles of sustainable development.

(2) Economic and other activities that do not endanger its important characteristics and values are permitted in a nature park.

(3) Measures of protection, and methods of carrying out economic activities and the use of natural assets in a nature park are closely determined by the decision which is used to proclaim a protected area.

## Article 54

(1) Protected area with sustainable use of natural resources is an area intended for the preservation of ecosystems and habitats, and with it the accompanying cultural values and traditional ways of managing natural resources.

(2) Protected areas with sustainable use of natural resources are:

- a) forests and parks
- b) facilities of designed nature.

## Article 55

Forest park is a natural or planted forest of considerable landscape value, intended for rest and recreation, where only those activities and actions related to its maintenance or landscaping are permitted.

#### Article 56

(1) Object of designed nature is an artificially formed space (public garden, botanical garden, arboretum, city park, trees, and other forms of garden and park-design) or an individual tree or group of trees with a high aesthetic, stylistic, artistic, cultural, historical, ecological or scientific value.

(2) Activities and actions that might modify or degrade the values for which an area is protected are not permitted in an object of designed nature or in its immediate vicinity, which forms an integral part of such protected area.

#### Article 57.

(1) Areas where the following regimes of protection are carried out are defined in a protected area:

- a) Ia degree - strict protection (hereinafter: protection degree Ia)
- b) Ib degree - strict protection with the possibility of population management (hereinafter: protection degree Ib)
- v) II degree - active protection (hereinafter: protection of II degree) and
- g) III degree - active protection and possibility of sustainable use (hereinafter: the protection of III degree).

(2) Protection regime degree Ia is carried out on a part of a protected area with original, unmodified or slightly modified ecosystems of exceptional scientific and practical importance which allows only natural succession.

(3) Protection regime degree Ia excludes all forms of utilization of space and activities other than for scientific research, controlled education and intervention activities in incident situations, which are to be carried out according to the expert opinion of the Institute.

(4) Protection regime degree Ib is carried out on a part of a protected area with original, unmodified or slightly modified ecosystems of great scientific and practical importance.

(5) Protection regime degree Ib allows only scientific research, controlled education and activities aimed at maintaining and improving the existing state of the ecosystem (controlled grazing, mowing, dredging, regulation of water regime, etc.).

(6) Protection regime of II degree is carried out on a part of a protected area with partly altered ecosystems of great scientific and practical importance.

(7) Protection regime of II degree allows for management interventions for the restoration, rehabilitation and overall improvement of natural resources without affecting the primary value of natural habitats, populations and ecosystems, and controlled traditional activities that did not alter the primary values of the area.

(8) Protection regime of III degree is carried out on a part of a protected area with partly altered or modified ecosystems of scientific and practical importance.

(9) Protection regime of III degree allows selective and limited use of natural resources, management interventions for the restoration, rehabilitation and overall improvement of the natural resource, sustainable use, development and improvement of rural households, managing buildings of cultural and historical heritage and traditional architecture, preserving traditional

activities of the local population, infrastructure development aligned with the values, potentials and capacities of the protected area designed to develop environmental, rural, health, sports and recreational and other forms of tourism in accordance with sustainable development principles.

(10) Zones of protection are suggested by the Institute in expert planning documents - Study of protection of a protected area (hereinafter: the Study).

(11) The Ministry may, based on the proposal of the Institute, determine the protection zone around the boundaries of a protected area, ecologically important area and ecological corridors that can be defined when establishing these areas, or later, in order to prevent and mitigate external influences.

## 2. Protected species and protected minerals and fossils

### Article 58

(1) Wild species that are endangered or may become endangered, which have special significance from genetic, ecological, ecosystem, scientific, medical, economic and other aspects, are protected as strictly protected wild species or protected wild species.

(2) Following species may be proclaimed to be strictly protected wild species:

- a) species extinct in RS and returned through reintroduction program,
- b) extremely endangered wild species,
- v) endangered wild species,
- g) relict species,
- d) local endemic species,
- f) stenoendemite,
- e) internationally significant and protected wild species.
- f) species which require strict protection for other reasons.

(3) Following species may be proclaimed to be protected wild species:

- a) vulnerable wild species,
- b) endemic species,
- v) indicator, key and an umbrella species,
- g) relict species,
- d) internationally significant and protected wild species,
- f) species that are not endangered but can be easily confused with an endangered species because of their appearance.

(4) Protection of wildlife species that are not regulated by this Law shall be regulated by special regulations.

### Article 59

Minerals and fossils that have an exceptional scientific and educational importance, or are significant because of their rarity, size and design are proclaimed to be protected.

## VII PROCEDURE FOR THE PROCLAMATION OF PROTECTED NATURAL RESOURCES

### 1. Protected areas

## Article 60

- (1) National park is proclaimed by the National Assembly via law.
- (2) According to a proposal of the Ministry, and based on a previously obtained opinion of the competent ministries, the Government adopts a decision proclaiming an area to be a protected:
  - a) strict nature reserve,
  - b) special nature reserve,
  - v) protected habitat,
  - g) protected landscapes.
- (3) An assembly of a local government, with the consent of the Ministry, and after having obtained the opinion of the Institute and the relevant ministries, adopts a decision proclaiming a protected area to be a protected:
  - a) natural monument,
  - b) protected area with sustainable use of natural resources whose entire surface area is within the territory of such local government unit.
- (4) A natural monument and protected area with sustainable use of natural resources whose entire surface is on the territory of two or more units of local government can be declared to be a protected area by assemblies of units of local government in agreement, with the consent of the Ministry, and after having obtained the opinion of the Institute and the relevant ministries.
- (5) As an exception to paragraphs 3 and 4 of this Article, the decision on proclamation of a protected area is adopted by the Government, at the proposal of the Ministry, if competent authorities have not declared that protected area, and if it is determined that it is a protected area of great interest for RS.

## Article 61

- (1) An initiative for proclamation of a protected area can be initiated by the Institute, the RS administration bodies and bodies for nature protection under Article 11 of this Law.
- (2) Decision on proclamation of a protected area (hereinafter referred to as the Decision on Protection) is adopted based on a study, which determines the value of an area proposed for the protection and method of management of an area and it is prepared by competent authority under Article 60 of this Law.
- (3) The Ministry and units of local government engage the Institute, for the Study and, if necessary, may hire expert assistance of domestic and international experts and organizations.
- (4) An authority responsible for proclaiming protected natural areas shall inform those who submitted the initiative for proclamation of a protected area on the start of the procedure for proclamation of a protected area or on the course of the Study.
- (5) During the period between the delivery of the notice referred to in paragraph 4 of this Article and the proclamation of a protected area, or cancellation of the procedure of proclamation, the state of such natural area must not be worsened.

## Article 62

- (1) The Study includes:
  - a) explanation for the proposal for initiation of protection procedure,
  - b) detailed description of the characteristics and values of the area to be protected,

- c) assessment of the state of the area,
- d) proposal of the category and the regime of protection (protection zone),
- e) cartographic presentation in digital or analog form with marked boundaries on the basis of the public property records,
- f) concept of protection, improvement and sustainable development of the area,
- g) method of management,
- h) rights and obligations of the protected area.

(2) Developer of the study should have available forest and water management and hunting planning documents, scientific papers, monographs and other relevant documents required for the Study in analog and digital format.

(3) The RS body competent for geodetic and legal- property affairs shall, at the request of the Institute, submit the requested information from the property cadaster without compensation costs in accordance with the regulations governing fees for the provision of services and use of survey data of property cadaster and land cadaster.

(4) The deadline for the development of the Study for natural monuments and protected habitats is six months, for protected landscapes and protected areas with sustainable use of natural resources it is 18 months, and for national parks, strict nature reserves and special nature reserves the deadline is two years.

(5) The competent authorities for the proclamation of protected natural areas inform the public on the draft of the Decision on Protection and the Study with cartographic documentation in accordance with the Article 15 of this Law.

(6) Funds for the Study development are provided from the budget of Republika Srpska , and the budget of the unit of local government.

(7) The study is made in written and electronic form in four copies and, following the publication of the Decision on Protection, it is delivered and stored at:

- a) the Ministry,
- b) the Institute,
- v) unit of local government,
- g) manager.

## Article 63

Decision on protection includes:

- a) name and category of a protected area,
- b) description of the basic values,
- c) surface of an area under the protection with cadastral and land registry data,
- d) spatial limits of a protected area shown on a topographic map in the scale of 1:25,000 or in other appropriate manner which makes it possible to determine the precise limits of the plot,
- e) prohibitions and restrictions, which are believed to be necessary to meet management objectives,
- f) activities permitted in a protected area,
- g) person who is entrusted with the management of a protected area;
- h) rights and obligations of the manager,
- i) obligation and deadline for adoption of the management plan,

- j) obligation to adopt regulations on internal order and guardian service, if necessary, depending on the category of a protected area,
- k) purpose of protection and management objectives prescribed in this Law,
- l) management rules, necessary measures for management of natural resources and appropriate techniques to be applied in a protected area,
- m) sources of funding for the implementation of protection and development of local communities,
- n) other elements of importance for a protected area.

#### Article 64

(1) The Decision on Protection adopted by the Government shall be published in the "Official Gazette of Republika Srpska", and the decision on measures of protection adopted by the assembly of the unit of local government shall be published in the official gazette of that local government.

(2) The Decision on Protection shall be submitted within 30 days from the date of publication:

- a) to the national body responsible for geodetic and legal-property affairs, for registration in the public property records,
- b) to the Manager of the protected area,
- c) to the Institute, for entry in the register of protected natural goods,
- d) to the local government unit where the protected natural area is situated.

#### Article 65

(1) If a protected area loses value because of which it was protected, the Institute proposes the adoption of a decision on the termination of the Decision on Protection to the authority that adopted the Decision.

(2) The authority referred to in paragraph 1 of this Article shall adopt a document on the termination of protection within six months from the receipt of the proposal of the Institute and provide it to the Institute for deletion from the Register of Protected Natural Areas.

(3) Decision on the termination of the Decision on Protection is submitted to the competent authority of RS for geodetic and legal- property affairs for deletion of registration in the public property records.

(4) The institute deletes the protected are from the Register of Protected Natural Areas within 30 days of the adoption of the decision on the termination of validity of the Decision on Protection of a protected area.

#### Article 66

(1) Area for which proceedings for proclamation of a protected natural resource have been initiated, and for which the identified data clearly indicate that such area has the property of a protected area, and the area for which, based on the expert opinion of the Institute, it is found that there is danger that it shall be seriously damaged or destroyed if the protection measures for such an area for which preliminary protection is proclaimed are not taken.

(2) Preliminary protection referred to in paragraph 1 of this Article is protection of an area that lasts until the adoption of the Decision on Protection and cannot last longer than two years from the date of adoption of the decision on preliminary protection.

(3) The Government adopts a decision on preliminary protection, based on the proposal of the Ministry and prior opinion of the competent ministries, the Institute and, if necessary, expert organizations, institutes and universities.

(4) The deadline for giving an opinion referred to in paragraph 3 of this Article is 30 days.

(5) A request for initiation of the procedure for proclamation of preliminary protection may be filed by the Institute, RS administration bodies, as well as the subjects for nature protection under Article 11 of this Law.

(6) Decision from the paragraph 3 of this Article defines the area under preliminary protection measures, the conditions and the period of protection which is determined for preliminary protection.

(7) The decision on preliminary protection shall be published in the "Official Gazette of Republika Srpska".

## 2. Protected species

### Article 67

(1) The government adopts a Decree on the Red List, with which it establishes a list of endangered wild species grouped by a category of threat, and the Decree on the Red Book of endangered wild species and habitats, which contains detailed information on the basic characteristics of the species, the degree of endangerment, threatening factors, as well as the proposed measures for the protection of the species, based on the proposal of the Ministry and after obtaining the opinion of the competent ministries and the Institute.

(2) Decree referred to in paragraph 1 of this Article shall be adopted in accordance with international methodology for determining the content and measures for the preservation of species and habitats from the Red Book.

### Article 68

(1) The Government adopts a decree with which it determines wild species, strictly protected wild species or protected wild species, based on the proposal of the Ministry, and after having obtained the opinion of the Institute and the ministries responsible for agriculture, forestry and water management.

(2) The proposal of the Institute referred to in paragraph 1 of this Article shall be based on an assessment of vulnerability of individual species, regulations which define the Red List and the Red Book of protected species of flora and fauna of Republika Srpska, international red lists or red books, obligations from ratified international treaties and other expert documentation.

(3) Species referred to in paragraph 1 of this Article are under the care of the holders of such species, managers of protected areas, public forest enterprises, users of hunting grounds and fishing areas that are required to plan and implement measures and activities in the management of populations of strictly protected and protected wild species within programs and management plans, in accordance with this Law and special laws.

(4) The bylaw referred to in paragraph 1 of this Article determines the protection measures for strictly protected and protected wild species of plants, animals and mushrooms, as well as measures to protect their habitats.

#### Article 69

(1) Strictly protected wild species can be protected in the entire territory of RS or its individual parts.

(2) It is prohibited to use, destroy and undertake other activities that could threaten strictly protected species of plants, mushrooms and animal species and their habitats.

(3) For the purposes of paragraph 1 of this Article it is prohibited to:

a) destroy individual plants and mushrooms and their life forms by picking, collecting, cutting or digging and pulling out roots in all stages of the biological cycle and threaten or to destroy their habitats,

b) keep and trade self-grown strictly protected wild plants and mushrooms and their developing forms,

c) capture, keep and kill strictly protected species of animals in all stages of the biological cycle, damage or destroy their forms of development, eggs, nests and litter, as well as areas of their breeding, resting and to threaten or destroy their habitats etc.,

d) disturb strictly protected species, especially during reproduction, raising of young, migration and hibernation,

e) intersect migratory routes,

f) hide, keep, breed, trade, export, transport, steel or in any way obtain and publicly expose animals, including all their derivatives and their development stages.

#### Article 70

(1) Notwithstanding the provisions of Article 69 of this Law, in the case of legitimate public interest and where the exemption is not detrimental to the survival of populations of strictly protected wild species and favorable preservation status in their natural territory, the Ministry may allow the following actions:

a) research and education, population management, restocking, reintroduction and breeding in in situ and ex situ conditions,

b) prevention of serious damage to crops, livestock, forests, fisheries, water, etc.,

c) protection of public health and public safety or due to other reasons of overriding public interest, including those of social or economic nature and beneficial consequences of primary importance for the environment,

d) collection of specimens for the purpose of breeding, growing their offspring and trade for commercial purposes in registered plantation and farming facilities under the condition that a part of them is returned to natural habitats.

(2) The permission to perform the actions referred to in paragraph 1 of this Article is issued by the Ministry upon prior opinion of the Institute and the ministries responsible for agriculture, forestry and water management.

(3) An application for a permit referred to in paragraph 2 of this Article shall contain the name of the species, the reasons, purpose and objective of the use or performance of activities, study on the method, place, time, useful or harmful consequences and other relevant evidence and facts relevant to the specific case.

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

#### Article 71

(1) Protected wild species can be protected in the entire territory of RS or its individual parts.

(2) Collection and use of protected wild species of mushrooms, lichens, animals, plants and their parts with goal of processing, trade and plantation farming, shall be carried out on the basis of permits issued by the Ministry, with prior expert opinion obtained from the Institute.

(3) If a protected wild species referred to in paragraph 2 of this Article is in forests and forest land owned by RS, with the exception of forests and forest lands in national parks, their use and collection is done in accordance with the regulations governing the field of forestry.

#### Article 72

(1) Use and collection of protected wild species is permitted only in a way that does not endanger favorable preservation status of their population.

(2) The Minister shall prescribe measures and detailed conditions for the protection of protected wild species that include:

a) temporal ban of use,

b) quantitative and qualitative limitations in use,

c) spatial restriction of the use to renew the population to a satisfactory level.

(3) The Institute shall keep a record of the manner and extent of use of protected wild species to determine and monitor the status of populations, and this includes wild species whose use is regulated by the Law on Hunting and the Law on Fisheries.

(4) If it is determined that due to its use a protected wild species is endangered, the Minister may prohibit or limit the use of such species according to the prior opinion of the Institute.

### 3. Protected minerals and fossils

#### Article 73

(1) The Ministry, on the basis of an expert opinion of the Institute, proclaims protected minerals and fossils that are important due to their rarity, size and appearance or educational and scientific importance.

(2) Protection measures for protected minerals and fossils and their use are determined in more detail by the decision proclaiming the protected minerals and fossils.

(3) Decision proclaiming the protected minerals and fossils shall be published in the "Official Gazette of Republika Srpska".

(4) The decision referred to in paragraph 2 of this Article may determine protection of the minerals and fossils at the site where they were found (in situ), or, if they cannot be protected in this way, minerals and fossils may be entrusted to the custody of an authorized expert or scientific institutions (museums, institutes, universities, etc.).

## Article 74

- (1) Protected natural resources are entered in the Register of Protected Natural Resources (hereinafter: the Register).
- (2) The Register is kept by the Institute.
- (3) The entry of protected natural resources and their removal from the Register shall be made on the basis of the Decision on Protection, decision on termination of the Decision on Protection and the decision on preliminary protection adopted in accordance with this Law.
- (4) The Ministry adopts a rulebook that shall regulate the content and manner of keeping of the Register in more detail.
- (5) Data from the Register shall be public.

## VIII MANAGEMENT AND USE OF PROTECTED AREAS

### Article 75

- (1) Management of a protected area is an activity of general interest.
- (2) Protected area is managed by a legal entity (hereinafter referred to as the Manager), which meets the technical, personnel and organizational requirements for conducting works of preservation, improvement, promotion of natural and other values and sustainable use of protected areas.
- (3) The Manager is determined in the Decision on Protection.
- (4) Compliance with the conditions referred to in paragraph 2 of this Article shall be determined by the Ministry, i.e. department of a unit of local government in charge of environmental protection in the process of preparing of the proposal for the Decision on Protection.
- (5) The authority responsible for adoption of the decision on proclamation may, for the purposes of managing one or more protected areas, establish a public company or public institution.
- (6) Management of protected areas, for which the decision on proclamation is adopted by the Government, may be entrusted to a local authority in whose territory such protected area is located, public enterprise, public institution or other legal entity that meets the requirements of paragraph 2 of this Article.
- (7) Management of protected areas, for which the decision on proclamation is adopted by the Assembly of the local government can be entrusted to one or more units of local government in whose territory such protected area is located, who may entrust these tasks to another legal entity which meets the requirements referred to in paragraph 2 of this Article.
- (8) If a protected area, with the exception of national parks, includes forests and forest land owned by RS, the ministry responsible for agriculture, forestry and water management entrusts management operations in accordance with this Law and the Law on Forests.
- (9) The Minister shall adopt a rulebook to regulate the conditions prescribed in paragraph 2 of this Article in detail.

### Article 76

- (1) In the management of a protected area its Manager is required to:
  - a) safeguard protected area and implement prescribed safety measures,

- b) improve and promote protected area
  - c) prepare a management plan in accordance with the Decision on Protection and in accordance with the regulation referred to in Article 77, paragraph 10 of this Law,
  - d) mark the boundaries of the protected area and protection zones,
  - e) ensure the smooth progress of natural processes and sustainable use of the protected area,
  - f) supervise the carrying out of scientific and expert research, give consent to record movies, set up temporary structures on surfaces in the protected area and give other approvals in accordance with this Law and bylaws,
  - g) ensure control over the implementation of the conditions and measures for nature protection,
  - h) monitor the movement and activities of visitors and provide trained guides for tourist visits,
  - i) keep records on natural resources and submit information to the Institute,
  - j) maintain records of human activities, activities and processes that represent a threat and damage protected areas and must inform the Institute and the Ministry about such activities,
  - k) cooperate with the inspection authority for environmental protection and security authorities to prevent all actions and activities that are contrary to the Decision on Protection and represent a threat and devastation of protected areas,
  - l) perform other tasks prescribed by the Law and the Decision on Protection.
- (2) If in the process of supervision it is established that the Manager does not fulfill the obligations established by the decision on protection, management of such area shall be entrusted to another Manager.
- (3) The Minister shall adopt a rulebook prescribing the manner of marking of the protected area referred to in paragraph 1, item g) of this Article.

#### Article 77

- (1) Management plan is adopted for each protected area for a period of ten years.
- (2) For certain protected areas, the Decision on Protection can envisage adoption of the management plan for a shorted period (individual trees, tree lines, etc.).
- (3) Management plan defines the manner of implementation of the protection, use and management of protected areas, guidelines and priorities for the protection and preservation of natural values of protected areas, and development guidelines, taking into account the needs of the local population.
- (4) Legal entities, entrepreneurs and individuals are obliged to perform activities in a protected area in accordance with the management plan.
- (5) Before the end of the period for which the management plan is adopted, its implementation and the results achieved must be analyzed and, if necessary, its audit can be carried out.
- (6) Management plan for protected areas under Article 60, item 1, 2 and 5 of this Law is adopted by the Government based on the proposal of the Ministry.
- (7) Management plan for protected areas under Article 60, item 3 and 4 of this Law is adopted by the units of local governments with the prior consent of the Ministry and the expert opinion of the Institute.
- (8) Management plan shall be adopted within two years of the adoption of the Decision on Protection, and the Manager is responsible for its preparation.

(9) Until the management plan is adopted, protection and management of the area is carried out on the basis of the program for the implementation of management measures issued by the Manager with the prior opinion of the Institute and the Ministry.

(10) The Minister adopts a rulebook which prescribes the content, method of identification and implementation of measures of management of protected areas in more detail.

#### Article 78

(1) Physical planning documents establish protected areas for areas of special purpose in accordance with the regulation that regulates the field of physical planning and construction.

(2) For special purpose areas of importance for RS and protected areas of importance for RS, it is required to adopt a zoning plan for special purpose area of RS.

(3) For areas of special purpose of a unit of local government, i.e. protected areas of units of local governments it is required to adopt a zoning plan for a special purpose area of a unit of local government.

(4) The organization, use, spatial planning and construction of buildings in a protected area shall be made on the basis of spatial planning documents from items 2 and 3 of this Article.

#### Article 79

(1) The Manager is obliged to ensure internal order and safeguarding of a protected area in accordance with the regulation on internal order and guardian service.

(2) For a national park the regulation referred to in paragraph 1 of this Article is adopted by the Minister, with prior opinion of the Institute.

(3) For protected areas, for which the Decision on Protection is adopted by the Government, the Manager adopts the regulation referred to in paragraph 1 of this Article with the consent of the Ministry and upon prior opinion of the Institute.

(4) For protected areas for which the Decision on Protection is adopted by the assembly of the local government, the Manager adopts the rulebook referred to in paragraph 1 of this Article, with the consent of the unit of local government and upon prior opinion of the Institute.

(5) Rulebook referred to in paragraph 1 of this Article defines the rules for the implementation of the prescribed protection regime:

a) how visitors, owners and users of real estate, must behave in moving, staying and performance of works in a protected area,

b) sites, areas and facilities where movement is restricted or prohibited and performance of certain operations is limited and the duration of these measures,

c) species of wild plants and animals and other natural and cultural values who must not be destroyed, damaged or disturbed,

d) species of wild plants and animals whose use, i.e. picking, collecting and hunting is limited, and the manner and conditions of performing these actions,

e) manner of cooperation with natural and legal persons using or being interested in using natural resources and space on various grounds,

f) requirements for protection when carrying out scientific research and educational activities,

g) conditions for waste disposal and waste disposal sites,

h) maintenance of order and cleanliness of protected areas,

i) method and organization of security services, safeguarding of protected natural assets, including equipment and resources necessary for the safeguarding and maintenance.

(6) Decision on protection determines the content, method for adoption and proclamation of decisions referred to in paragraph 1 of this Article.

#### Article 80

(1) Nature protection emblem is used in order to promote protection of nature and identify an official in the course of supervision and taking of measures to protect nature.

(2) The Minister shall issue a rulebook which prescribes appearance of the emblem, the procedure and conditions for its use in more detail.

#### Article 81

(1) Works and activities, and carrying out projects which damage, disrupt and change properties and values for which the area is protected are prohibited in a protected area.

(2) Procedure of assessment of environmental impact, in accordance with the Law on Environmental Protection must be carried out for works and activities, and executing of projects in a protected area.

(3) For works and activities, or projects for which no environmental impact assessment is needed, but that require obtaining of the appropriate permits, as well as for works, activities, and implementation of projects for which, according to a special regulation it is not necessary to get a building permit, other permit or approval, but which may have an impact on the value and characteristics of the protected resource, the contractor or the project owner are obliged to obtain an expert opinion from the Institute on the conditions and measures for nature protection, in accordance with this Law.

(4) For the planned works and activities, or carrying out of a project from this Article, project owner shall be obliged to report in writing to the Manager of the protected area, who is required to introduce him with the possibilities for carrying of such activities, as well as further procedure.

#### Article 82

(1) It is prohibited to use plant protection products in accordance with the Law on Plant Protection Products in protected areas.

(2) Notwithstanding the paragraph 1 of this Article, the use of pesticides may be allowed, in accordance with the regulations governing the use of plant protection products but only in the case of quarantine or suppression of regulated non-quarantine harmful organisms or other harmful organisms, based on the approval of the ministry responsible for agriculture, forestry and water management, and with the consent of the Ministry.

#### Article 83

(1) If a land or other property that is located in a protected area cannot be exploited or their exploitation is limited the owner of such land or property is entitled to compensation in the amount of decreased revenue at the expense of entity in favor of which such limitation is established.

(2) The right of ownership of land or other property located in a protected area may be revoked or restricted only in accordance with the Law on Expropriation.

#### Article 84

(1) Owner of a portion of a protected area shall be obliged to allow access to that part of an area for scientific, educational, aesthetic and cultural needs of society.

(2) The activities referred to in paragraph 1 of this Article shall be implemented in accordance with this Law and the conditions prescribed by the decision on protection.

#### Article 85

(1) RS is not liable for damage caused by wild species, except in cases specified by this Law and other regulations.

(2) A legal or natural person to whom strictly protected and protected wild species may cause material or other damages (hereinafter referred to as the injured party) is required to adequately and at its own cost undertake all permitted actions and activities in order to prevent the occurrence of such damage .

(3) The action or activity in terms of paragraph 1 of this Article refers to the fencing, storage of goods and scaring away strictly protected animal species, from places where they are a direct threat to resources in a way that does not threaten the survival of such species.

(4) Compensation for damage caused by strictly protected and protected species is provided in the manner prescribed by the Law on Hunting.

#### Article 86

(1) Legal or natural persons are obliged to compensate damage caused by violation of this Law.

(2) The amount of compensation is determined on the basis of an assessment of the authorized expert, and in case of a dispute over the amount of compensation it is determined by court.

(3) The funds collected from compensation for damages from items 1 and 2 of this Article are revenues for the budget of Republika Srpska and they are used for the preservation and improvement of the protected area.

#### Article 87

(1) Financing of protected natural resource is provided from the following sources:

- a) budget of RS,
- b) unit of local government budget,
- v) Fund for Environmental Protection and Energy Efficiency of Republika Srpska ,
- g) own revenues,
- d) resources allocated for the implementation of programs, plans and projects in the field of nature protection,
- f) donations, gifts and grants,
- e) other sources in accordance with the Law.

(2) Incomes from item g), paragraph 1 of this Article are revenues generated from services that the Manager provides to visitors of a protected natural resource (tourism, catering, sales, etc.).

#### Article 88

(1) The funds referred to in Article 87, paragraph 1, items a) and b) are used to preserve and improve nature protection as well as for recovery of damages resulting in nature from the damage done by an unknown person, when the cause of damages is unknown and in cases where urgent intervention is needed to protect nature.

(2) The funds referred to in Article 87, paragraph 1, item c) shall be used to finance the protection and preservation of biodiversity and geological diversity, encourage the sustainable use of protected areas and other activities in accordance with the regulations of the Fund and financing of environmental protection of Republika Srpska .

(3) Revenues from Article 87, paragraph 1, item g) are used for the preservation and improvement of protected natural resource.

(4) Annual report on the spending of funds from Article 87 of this Law shall be submitted by the Manager of a protected area to the Ministry or unit of local government, depending on the source of funding.

### IX CONDITIONS FOR CARRYING OUT CROSS-BORDER TRADE OF WILD SPECIES

#### Article 89

(1) The Ministry shall issue a decision on the fulfillment of the conditions, with the prior approval of the ministry responsible for agriculture, forestry and water management for the import, export, entry, exit or transit and breeding of endangered and protected plant and animal wildlife, their parts and derivatives protected under the law, ratified international treaties and generally accepted rules of international law in accordance with special regulations,.

(2) The decision referred to in paragraph 1 of this Article shall be issued when the following conditions are met:

a) right to dispose of specimens of a species of wild animals, mushrooms and plants was acquired in accordance with the law,

b) animal or shipment have been marked in the prescribed manner,

c) necessary measures for the welfare of animals during transport have been taken.

(3) The decision referred to in paragraph 1 of this Article shall be issued for species whose one or both parents belongs to wild species.

(4) In accordance with the ratified international treaties and generally accepted rules of international law, and with goal of protecting species referred to in paragraph 1 of this Article, the Minister shall issue a rulebook which prescribes the following in detail:

a) conditions under which import, export, entry, exit, transit and breeding of species referred to in paragraph 1 of this Article is carried out,

b) procedure for issuing the decision on fulfillment of conditions and other documents (certificates, certificates, opinions)

c) lists of protected species, their parts and derivatives which are subject to the issuance of the decision on fulfillment of conditions,

d) content, form and manner of keeping the register of issued decisions,

- e) method of marking of animals and shipments,
- f) method of conducting supervision and record keeping and
- g) preparing reports etc.

(5) In the case of imports, exports, entry, exit and transit, live animals must be transported and stored in a manner that shall not injure or harm their health, and they cannot be treated inhumanely, in accordance with the regulations governing the protection and welfare of animals.

#### Article 90

(1) Import, export, entry, exit and transit of protected wild species, their parts and derivatives must be reported to the customs authority, in accordance with special regulations.

(2) Animal health and phytosanitary inspection and control of consignments referred to in paragraph 1 of this Article which are under the competence of the border veterinary and phytosanitary inspection is carried out in accordance with special regulations.

### X MONITORING AND INFORMATION SYSTEM FOR NATURE PROTECTION

#### Article 91

(1) Research of strictly protected and protected wild species, protected areas, caves, minerals and fossils and other biodiversity research is done on the basis of an expert opinion of the Institute, specifying the requirements for research, at the request of a legal or natural person.

(2) For research that is done in the protected area, the contractor shall obtain the approval of the Manager.

(3) The application referred to in paragraph 1 of this Article shall contain data on:

- a) contractor,
- b) location,
- c) method,
- d) time in which procedure, action or research shall be performed,
- e) equipment, tools, machines and other means to be used.

(4) The expert opinion referred to in paragraph 1 of this Article shall contain nature protection measures and other conditions which the contractor for procedures, operations or research must adhere to, the time limit in which the implementation of the project activities or research is allowed, and the obligation to file a report.

(5) Reports on investigations referred to in paragraph 1 of this Article shall be submitted to the Institute and the Manager.

(6) Removal of wild species or their parts and derivatives referred to in paragraph 1 of this Article for scientific research purposes is done on the basis of a decision issued by the Ministry, in accordance with Article 89 of this Law.

#### Article 92

(1) The information system is established for nature protection and monitoring (hereinafter: the Information System).

(2) The Minister shall issue a rulebook which prescribes in more detail management of the Information System, issues of monitoring, collecting, recording and analyzing data, facts

and other relevant information about the state and use of nature and the measures taken by the administration, institutions, companies and other organizations.

(3) The Institute shall monitor the situation, and collect, process and compile data on the state of nature, produce reports and update data for the Information System for nature protection.

(4) The data referred to in paragraph 3 of this Article shall be submitted to the Ministry by the Institute by 31<sup>st</sup> of January of the current year for the previous year, and its data are an integral part of a single spatial-information system of Republika Srpska, which is established and maintained by the Ministry in accordance with special regulations.

## XI MONITORING

### Article 93

Administrative monitoring over the implementation of the provisions of this Law and regulations made based on it is performed by the Ministry.

### Article 94

Inspection over the implementation of the provisions of this Law and other regulations adopted based on it is carried out by the inspectors of the RS Administration for Inspection and units of local government (hereinafter: inspectors).

### Article 95

- (1) When performing the inspection supervision, an inspector is authorized to:
- a) prohibit the use of protected natural values and other parts of nature without authorization or contrary to the authorization,
  - b) order implementation of conditions and measures for nature protection, other decisions issued under this Law and other regulations,
  - c) order implementation of compensatory measures,
  - d) order the implementation of the management plan for natural resources in the part related to the measures and conditions for nature protection,
  - e) order implementation of the management plan and program of protection, preservation, use and improvement of protected nature and its values,
  - f) order implementation of the management plan and other documents for a protected area,
  - g) prohibit actions that could cause modifications or damage to protected areas and other protected natural areas,
  - h) order the enforcement of immediate protection, preservation and use of protected areas,
  - i) order implementation of measures and conditions for protection of protected natural areas, protected plant and animal species and mushrooms,
  - j) prohibit export, import, transit and breeding of endangered and protected plant and animal wildlife, their parts and derivatives if that is contrary to this Law and regulations based on this Law and ratified international treaties,

k) prohibit the introduction of wild species in nature if it is contrary to the provisions of this Law,

l) order to inform the public on the state of nature and management plan of protected areas,

m) order implementation of other prescribed conditions and measures for protection of biological and landscape diversity established by this Law and regulations adopted under this Law,

n) order implementation of monitoring of the state of nature and its values,

o) order the keeping of registers of protected natural areas and other prescribed records,

p) prohibit use of genetic material contrary to the provisions of this Law and special regulations,

q) order the Manager of a protected area to fulfill the obligations established by the Decision on Protection,

r) order the Manager of a protected area to use the means of work for the operation and performance of the protection and promotion of a protected area,

s) prohibit use of fossils and minerals and exploration of their sites if it is in conflict with this Law,

t) prohibit collection and marketing of wild species of plants, animals and mushrooms, their life forms and parts if such collection and marketing is done without permission and contrary to prescribed conditions,

u) prohibit damaging or destroying habitats of protected wild species,

v) prohibit other actions and activities that are contrary to the provisions of this Law and regulations adopted based on it.

(2) In order to prevent irreparable damage to protected natural, biological and landscape diversity, reduce damages resulting from performance of unauthorized activities, actions or activities, or in order to take urgent protective measures or for the purpose of removing an immediate threat to life, health or property, an inspector may, in the course of supervision issue a verbal decision, in accordance with the regulations governing the inspection.

## XII PENALTY PROVISIONS

### Article 96

(1) A fine ranging from BAM 4,000 to BAM 20,000 shall be imposed on a legal entity if it:

a) uses space, natural resources and protected areas contrary to the measures and the condition for the protection of nature and project-technical documentation (Article 17, paragraph 3)

b) fails to perform restoration, or re-cultivation (Article 17, paragraph 4)

c) fails to without delay and at its own expense eliminate the harmful effects that occurred in nature and protected natural resources resulting from projects and activities carried out without the determined conditions to protect nature or contrary to given conditions (Article 22)

g) collects protected wild mushrooms, lichen, plants, animals and their parts without a license (Article 71, paragraph 2),

d) imports, exports, enter, exit, transits and breeds endangered and protected plant and animal wildlife, their parts and derivatives contrary to Article 89, paragraph 1 of this Law.

(2) For the offenses referred to in paragraph 1 of this Article, the responsible person within a legal entity shall be fined from BAM 2,000 to BAM 4,000.

(3) For the offenses referred to in paragraph 1 of this Article, in addition to a prescribed fine, a protective measure of prohibition on certain economic activities may be imposed to a legal entity, and a protective measure of prohibition of performing certain duties for a period of not less than 30 days or more than six months may be imposed to a responsible person.

(4) For the offenses referred to in paragraph 1 of this Article, in addition to a fine, a protective measure of confiscation of objects which were used or intended for committing of the offense, or which are produced by such violation may be imposed.

#### Article 97

(1) A fine ranging from BAM 2,000 to BAM 15,000 shall be imposed on a legal entity if it:

a) performs planned projects and activities in nature that are not covered by an assessment of environmental impact, which alone or with other projects or activities may have an impact on an ecologically important area or protected natural area, without conducting assessment of acceptability (Article 19, paragraph 1) ,

b) performs actions or activities that could lead to disruption or destruction of ecologically important areas (Article 26, paragraph 5)

c) fails to take protective measures under Article 30 of this Law,

d) introduces non-native species and their hybrids in free nature and is acting contrary to the measures to control and combat invasive species (Article 35)

e) performs reintroduction of wild species without permission of the Ministry (Article 36)

f) performs actions and activities that endanger hydrological phenomena or survival and preservation of biological diversity (Article 37, paragraph 3)

g) takes genetic material from nature contrary to Article 39, paragraph 1 of this Law,

h) performs or undertakes actions and activities which could impair the properties of protected areas (Article 48 to 57);

i) takes actions which can endanger strictly protected species of plants, animals, mushrooms and their habitats (Article 69)

j) fails to obtain a permit under Article 70 of this Law,

k) collects and uses protected wild species contrary to prescribed conditions (Article 72)

l) performs activities in a protected area contrary to the management plan (Article 77, paragraph 4)

m) fails to report in writing its planned operations and activities, and implementation of projects to the Manager (Article 81, paragraph 4)

n) fails to undertake all permitted actions and activities in order to prevent the occurrence of damage in an appropriate way and at its own expense (Article 85, paragraph 2)

o) carries out research on protected species without the expert opinion of the Institute or fails to submit the results of studies (Article 91).

(2) For the offenses referred to in paragraph 1 of this Article, a responsible person within a legal entity shall be fined from BAM 1,000 to BAM 2,000.

(3) For the actions referred to in Article 96, paragraph 1, items d) and f) of this Law, as well as for the actions referred to in paragraph 1 of this Article, an entrepreneur shall be fined from BAM 2,000 to BAM 10,000.

(4) For the actions referred to in Article 96, paragraph 1, items d) and e) of this Law, as well as for the actions referred to in paragraph 1 items b), d), e), f), g), h), i), j), k), l), m), n) and o) of this Article a fine of BAM 200 KM to BAM 1,000 shall be imposed on a natural person.

(5) For the offenses referred to in items 1, 3 and 4 of this Article, in addition to the fine, a protective measure of confiscation of objects which were used or intended for committing the offense, or which are produced by such violation may be imposed.

#### Article 98

A fine of BAM 40 to BAM 500 shall be imposed on a natural person if such a person fails to comply with orders from guards of a protected area or disrupts guards in the exercise of their powers (Article 79, paragraph 5).

### XIII TRANSITIONAL AND FINAL PROVISIONS

#### Article 99

(1) Within two years from the date of entry into force of this Law the Government shall adopt the following:

- a) regulation prescribing the procedure, content, deadlines, method of implementation of assessment of acceptability under Article 19, paragraph 5,
- b) regulations establishing ecological network, as well as the method of its management and funding under Article 25, paragraph 3 of this Law,
- c) regulation on the Red List referred to in Article 67, paragraph 1 of this Law,
- d) regulation on the Red Book referred to in Article 67, paragraph 1 of this Law and
- e) regulation determining the wild species that are strictly protected wild species or protected wild species referred to in Article 68, paragraph 1 of this Law.

(2) Within two years from the date of entry into force of this Law the Minister shall adopt the following:

- a) rulebook determining the compensatory measures referred to in Article 21, paragraph 3 of this Law,
- b) rulebook which prescribes the criteria for determination of endangered, rare and sensitive habitats and habitat types of special preservation importance from Article 24, paragraph 2 of this Law,
- c) rulebook which prescribes special technical and technological solutions referred to in Article 30, paragraph 2 of this Law,
- d) rulebook which prescribes the criteria for the identification of landscapes and a way of assessing their significant and characteristic features from Article 38, paragraph 5 of this Law,
- e) rulebook which prescribes in detail the method of establishing of an inventory of objects of geological heritage in RS from Article 45, paragraph 3 of this Law,
- f) rulebook which details the content and manner of keeping of the register of protected natural resources referred to in Article 74, paragraph 4 of this Law,
- g) rulebook which prescribes detailed requirements from Article 75, paragraph 6 of this Law,
- h) rulebook which prescribes the method of marking of a protected area referred to in Article 76, paragraph 3 of this Law,

i) rulebook which prescribes in detail the content, method of identifying and implementing measures for management of protected areas referred to in Article 77, paragraph 10 of this Law,

j) rulebook which prescribes in detail the appearance of the sign, the procedure and conditions for its use from Article 80, paragraph 2 of this Law,

k) rulebook which prescribes in detail requirements for carrying out imports, exports, entry, exit or transit and breeding of wild species referred to in Article 89, paragraph 4 of this Law,

l) rulebook which prescribes in detail the Information System referred to in Article 92, paragraph 2 of this Law.

#### Article 100

(1) Natural resources protected before the entry into force of this Law shall remain under protection and Managers, owners and users of these protected natural resources have the rights and obligations prescribed by this Law.

(2) Ecologically important areas of the European Union under Article 25 of this Law are parts of the European Ecological Network NATURA 2000.

(3) International ecologically important areas referred to in paragraph 2 of this Article shall be determined by the date of accession of Bosnia and Herzegovina to the European Union.

#### Article 101

(1) Legal entities that manage forests, wildlife and waters shall harmonize the forest, hunting, fishing and water management plans with the provisions of this Law at the renewal or the first revision.

(2) Legal entities that manage protected areas shall be obliged to harmonize protected area management plans with the provisions of this Law within two years from the date of entry into force of this Law.

(3) Owners of poles and technical components, which greatly threaten birds and bats, constructed before the entry into force of this Law must implement protective measures against electric shock in accordance with Article 33 of this Law within five years from the date of entry into force of this Law.

(4) Managers of protected areas are obliged to harmonize management with the provisions of this Law within one year from the date of entry into force of this Law.

#### Article 102

Procedures initiated under the provisions of the Law on Nature Protection ("Official Gazette of Republika Srpska", Nos. 50/02, 34/08 and 59/08) before the entry into force of this Law shall be completed pursuant to the provisions of that Law.

#### Article 103

Until the adoption of the bylaws referred to in Article 99 of this Law, the bylaws adopted pursuant to the Law on Nature Protection ("Official Gazette of Republika Srpska ", Nos. 50/02, 34/08 and 59/08) shall be applied, unless they are inconsistent with this Law.

Article 104

With the entry into force of this Law, the Law on Nature Protection ("Official Gazette of Republika Srpska", Nos. 50/02, 34/08 and 59/08) shall cease to be in force.

Article 105

This Law shall come into force eight days after its publication in the "Official Gazette of Republika Srpska".

Number:  
Date:

PRESIDENT OF THE  
NATIONAL ASSEMBLY

Mr Igor Radojičić

