

# **THE LAW ON NATIONAL PARKS**

## **I - GENERAL PROVISIONS**

### Article 1

This Law regulates the issues of importance for protection, development, improvement, management, financing and sustainable use of national parks in the Republika Srpska (hereinafter: the RS).

### Article 2

(1) National parks are areas of particular natural value and characteristics of ecological, scientific, cultural, historical, educational, health and recreation and tourism significance, which is characterized by the presence of the representative biological, geomorphological, geologic and hydrologic phenomena and processes, habitats and species of particular importance, and the related cultural and historical values.

(2) National parks and natural values, natural resources and man-made values therein, including cultural and historical monuments are the property of RS and as property of common interest, they enjoy special care and protection.

### Article 3

National Parks in the RS are proclaimed by a special law, under the conditions and following the procedure as prescribed by the Law on Nature Protection.

### Article 4

The following acts and regulations shall be issued for the area of a national park:

- a) Spatial plan of national park,
- b) National Park Management Plan (hereinafter referred to as: Management Plan) and
- c) other regulations in accordance with the provisions of this Law and the Law on Nature Protection.

## **II - MANAGEMENT AND PROTECTION OF NATIONAL PARKS**

### Article 5

(1) Activities of protection, development and management of national parks are the activities of common interest.

(2) National Park shall be managed by a Public Institution.

(3) Public Institution referred to in paragraph 2 of this Article shall be established by the RS, in accordance with the law governing the system of public services.

### Article 6

(1) The bodies of the Public Institutions are the Management Board and the Director.

(2) The Management Board and the director shall be appointed and dismissed by the Government of the Republika Srpska, at the proposal of the Ministry in charge of environmental protection, following the implemented procedure of public competition.

(3) Competencies, composition and selection of bodies of Public Institution shall be subject to the law governing the system of public services.

### Article 7

(1) Public Institution shall manage natural, cultural and historical values, land, buildings and other immovable property of the RS, which was assigned to it for the management and use, in accordance with the law that governs the system of public services and planning documents.

(2) Public Institution shall also perform the following tasks:

- a) management, conservation, fostering, improvement of forests and forest land, hunting and fishing fauna, in accordance with this and special laws referred to in Article 3 of this Law,
- b) organization and provision of tourism and hospitality services,
- c) organization of research in the field of protection and development of a national park,
- d) presentation and promotion of a national park and its natural values and cultural and historical resources,
- e) organization of the design, construction and maintenance of the facilities aimed at protection, promotion and presentation of natural and cultural and historical resources of a national park, in accordance with the Spatial Plan of the National Park and the Management Plan, which is adopted in accordance with the Law on Nature Protection and
- f) other tasks specified by the acts of Public Institution.

#### Article 8

(1) In performing the activities of management, protection and development, the Public Institution shall:

- a) give its consent for the performance of scientific research, research activities, movie recording, erection of temporary structures on the surface of a national park and provide other authorizations determined by this Law,
- b) carry out professional activities related to environmental protection in the area of the national park for the needs of keeping the data relevant for planning and development of the area in the national park, making analysis and other documentation within the scope of its activities for the preparation of spatial planning documents for the area of the national park, preparing data for arranging the sites on the construction land, which was transferred to the use and management of the national park and
- c) keep records on protected natural values and cultural resources, species of flora and fauna, performed scientific research projects and research works (geological, hydrological and other) of interest for the protection, development and management of a national park.

(2) The data referred to in paragraph 1, point c) of this Article shall be delivered by the Public Institution to the Ministry in charge of the environmental protection and to the authority in charge of environmental protection and the protection of the cultural and historical resources.

#### Article 9

(1) In accordance with the provisions of this Law and the Law on Nature Protection, the following protection and development measures shall be implemented:

- a) prevention of actions that may undermine the basic characteristics and other properties of a national park,
- b) protection, preservation and improvement of biological and geographical properties of the area, ecosystems and diversity of indigenous flora and fauna, genetic fund and its renewal by re-introducing species of flora and fauna that lived in the area of the national park, and the separation and cultivation of seed stands, as well as other representative, biological, geomorphological, geological, hydrological and landscape features,
- c) preservation of the representative forms of ethnological heritage and other cultural-historical values
- d) scientific and research activity,
- e) cultural and educational activity,
- f) presentation and popularization of the values of the national park,
- g) arranging the area and construction of facilities aimed at preservation, restoration and improvement of natural, cultural and historical values and their presentation, as well as rehabilitation and revitalization of endangered parts of the national park and
- h) establishment and development of tourism, recreational and other development functions in the use of natural, cultural and historical values of the national park within the limits and in a manner that will ensure the protection, preservation and enhancement of these values.

(2) Measures of protection and development of national parks make an integral part of the Management Plans, and other documents that are issued on the basis of this and special laws, which regulate the issues of protection, conservation, enhancement and use of national parks.

(3) Spatial plan of national park shall be prepared and issued in accordance with the provisions of the law governing spatial planning and construction.

(4) Spatial plan of national park referred to in paragraph 3 of this Article may also regulate special zones and regimes of protection in accordance with international standards.

#### Article 10

(1) In the area of a national park, only those economic, tourism and hospitality and scientific research activities can be carried out for which it has been determined, in the process of obtaining the permits, that they do not pose a threat to the authenticity and the natural balance of flora and fauna, natural habitats and hydrographical, geomorphological, geological, cultural and landscape values of the area.

(2) Construction of facilities and performing of the works for the purpose of performing the activities referred to in paragraph 1 of this Article may be made only if they are in accordance with the Spatial Plan and Management Plan of the national park and on the basis of construction permits issued by the competent administrative authority, in accordance with the law.

#### Article 11

(1) In the area of the national park it shall be prohibited:

- a) to cut or destroy trees, shrubs and other vegetation, except for carrying out clearcutting,
- b) to import allochthonous species of plants, animals and fungi, which live free in nature, and hunt wild animals, except for the sanitary and rearing cull in the zones defined by the special regulations,
- c) to carry out uncontrolled collection of healing and aromatic plants, mushrooms, forest and other fruits in the entire area of the national park,
- d) to construct structures, or perform other operations that contaminate the soil and air, deteriorate water quality, change the quantity thereof, the spatial and temporal schedule, except the facilities for water supply to the zones defined in the Spatial Plan of the national park,
- e) to build energy plants and perform other works, except for the needs of the national park,
- f) to build nuclear facilities,
- g) to dispose of waste,
- h) to exploit mineral raw materials,
- i) to build highways and regional roads, except when this is provided in the Spatial Plan of the national park,
- j) to destroy the border signs, warning and information signs, billboards, tourist signs and messages that indicate the importance and role of the park and
- k) to carry out activities and take other actions that destroy the nature and threaten the characteristics of a national park.

(2) Exceptionally, construction of energy plants may be allowed, if they are of interest to the RS, with the prior approval of the Government.

(3) In addition to the measures referred to in paragraph 1 of this Article, special measures of prohibitions and restrictions in national parks shall be regulated by a special law on proclamation of national park, referred to in Article 3 of this Law.

#### Article 12

Legal and natural persons performing activities in the area of national parks shall ensure the protection and development of resources of national parks and shall be obliged to adhere to and implement measures for the protection and development of the national park prescribed by this Law and regulations adopted thereunder.

### Article 13

- (1) At the proposal of the Director, the Management Board of the Public Institution of a national park shall adopt the annual program of protection and operation of the national park.
- (2) The annual program of protection and operation of the national park is a short-term planning document, for planning and regulating the issues of protection and conservation of flora and fauna (especially hunting and fishing) and vegetation of forests and water, as well as planning of forest and agricultural land in the national park, including the cost analysis for the implementation of protection activities, including operational and other costs.
- (3) The Ministry in charge of environmental protection shall approve the annual management program.

### Article 14

- (1) The Minister in charge of environmental protection shall issue a Rulebook on internal order in a national park, upon obtaining the opinion of the authority in charge of protection of cultural, historical and natural heritage.
- (2) The Rulebook referred to in paragraph 1 of this Article shall regulate issues of importance for the protection, improvement and sustainable use of resources of a national park, and in particular the manner and conditions of stay and movement of visitors in a national park, the manner and the conditions of hunting and fishing fauna, pastures, healing plants and mushrooms, forest fruits, recreation and other public areas in the park, conditions of movement and parking of vehicles, conditions and manner of placing advertising, informative and other designations of the national park users, protection measures when carrying out scientific research and performing research works, performance of tourism, hospitality and other activities, rules for maintaining hygiene in the national park, specific prohibitions and restrictions in implementation of the protection regime, maintenance of road communications, setting of hiking signposts and other conditions for ensuring the regime of protection and development in a national park, in accordance with this Law.

### Article 15

- (1) If the land or other immovable property that is located in the area and within the national parks may not be exploited or their utilization is limited, the holder of the right of use or dispose of such property shall be entitled to compensation in the amount of net revenue at the expense of entities in the favour of which such restriction has been established.
- (2) The right of ownership over the land or other immovable property, which is located in the area and within the national parks may be expropriated only in accordance with the provisions of the Law on Expropriation.

## III - FINANCING NATIONAL PARKS

### Article 16

- (1) Funds for financing national parks shall be provided from:
  - a) the RS budget and
  - b) own revenues.
- (2) Funds for financing the protection and development of national parks may also be provided:
  - a) from the budgets of local governments on whose territory the national park is located,
  - b) by pooling of funds of companies, institutions and other legal and natural persons,
  - c) by financing special projects,
  - d) from donations, loans and facilities and
  - e) from other sources in accordance with the law.
- (3) Revenues referred to in paragraph 1, point b) of this Article may be generated from:
  - a) fee for the stay (tickets)

- b) fee for performing activities or providing services in the national park (tourism, hospitality, retail and other)
- c) fee for parking, camping and similar
- d) fee for use of specially decorated field (sports fields, hunting sites and similar),
- e) fee for use of the land for organizing performances, events and similar, and
- f) other charges.

(4) The amount and method of collection of fees referred to in paragraph 1 of this Article shall be prescribed by the Public Institution through a special regulation, with the prior consent of the Ministry in charge of environmental protection and with the opinion of the Ministry of Finance.

#### IV - INSPECTION SERVICE

##### Article 17

- (1) Within the framework of the Public Institutions an inspection service shall be organized in the national park in order to ensure the internal order.
- (2) Inspection Service shall be composed of supervisors of the national park.
- (3) Inspection Service shall control the implementation of the Rulebook on internal order, install and maintain the prescribed signs in the national park, perform custodian services for monuments, forests, hunting grounds and fishing areas of the national park and perform other duties in accordance with the law.

##### Article 18

- (1) Should a supervisor of a national park, in the course of the service, determine that a person has committed an action contrary to the rules of internal order or violated security regime or in the case of committing an action which has characteristics of an offense or crime, or in case of a doubt, he/she shall have the authority and duty to:
  - a) perform the identity check of person in the national park,
  - b) examine all types of vehicles and cargo,
  - c) temporarily seize items that were used for committing of an offense of crime or items that were acquired by committing of such act, as well as to immediately hand over all the items to the competent service of the national park,
  - d) to retain a person without identity documents, found in committing any offense or crime, notify and refer to the authority of internal affairs and
  - e) issue an offense order, in accordance with the Law on Misdemeanours.
- (2) In exercising the service, the supervisor of national park shall be obliged to show the supervisor's ID.
- (3) The supervisor's ID shall be issued by the Director of the Public Institution.

##### Article 19

The Minister in charge of environmental protection shall prescribe the conditions, manner of use and design of uniforms, ID, and official weapons of professional services, with the prior consent of the Ministry in charge of internal affairs.

#### V –CONTROL

##### Article 20

Control of the implementation of the provisions of this Law and regulations adopted under this Law shall be performed by the Ministry in charge of environmental protection.

##### Article 21

Inspection supervision over the implementation of the provisions of this Law or the regulations adopted for its implementation shall be performed by an inspection in charge of environmental

protection, forestry, water management, education inspection, market and sanitary inspection, in accordance with the law.

## VI - PENAL PROVISIONS

### Article 22

- (1) A fine of 3,000 to 5,000 KM shall be imposed on the responsible person of the legal entity who violates the provisions of Article 9 of this Law.
- (2) A fine in the amount from 5,000 KM to 15.000 KM shall be imposed on a legal entity if:
  - a) it fails to comply with the prescribed measures for the protection of national parks,
  - b) if it takes actions or build facilities in the national parks in contravention of the provisions of this Law and
  - c) if, in the use of resources in national parks it fails to comply with the provisions of Articles 14 and 15 of this Law.
- (3) A fine in the amount from 10,000 KM to 20.000 KM shall be imposed on a legal entity that violates the provisions of Article 11 of this Law.
- (4) For the offense referred to in paragraph 1 of this Article, the responsible person of the legal entity shall be fined from 500 KM to 10,000 KM.
- (5) A fine in the amount of 100 KM to 500 KM shall be imposed on natural person on the spot, and an entrepreneur with a fine of 200 KM to 1,000 KM if they take actions in the national park contrary to the provisions of Articles 7 and 14 of this Law.

### Article 23

If legal or natural person fails to act in accordance with paragraph 1 of this Article, thus causing damage to the national park, it will be held liable in accordance with the regulations governing liability for damages.

## VII - FINAL PROVISIONS

### Article 24

The status, organization and financing of the memorial complexes within the existing national parks shall be regulated in accordance with the regulations governing protection of natural and cultural-historical heritage.

### Article 25

- (1) The provisions of this Law shall apply to the national parks on the territory and in the ownership of the RS, and it shall not be applied for other protected areas.
- (2) The issues not regulated by this Law shall be subject to the relevant provisions of the regulations governing the protection of nature, spatial planning, protection of environment and cultural assets.

### Article 26

- (1) The Government shall, within 60 days from the date of entry into force of this Law, issue an act on changing the organizational form of the existing national parks into Public Institutions.
- (2) Public Institutions shall take over the employees, rights, obligations and assets of the existing public companies, which managed the National Park "Sutjeska", with the seat in Tjentište and National Park "Kozara", with the seat in Prijedor.

### Article 27

- (1) Not later than two years from the date of entry into force of this Law, the National Assembly shall issue a special Spatial Plan for each area of the existing national parks, in accordance with the Spatial Plan of the Republika Srpska.

(2) Not later than two years from the date of entry into force of this Law, the National Assembly shall issue special laws to regulate the existing national parks.

#### Article 28

On the date of the entry into force of this Law, the Law on National Parks (Official Gazette of the Republika Srpska, no. 21/96 and 74/05), shall cease to have effect, with the exception of Article 19 which shall cease to have effect following the adoption of special laws referred to in Article 27, paragraph 2 of this Law.

#### Article 29

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of the Republika Srpska.

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Banja Luka

President of National Assembly

**Igor Radojicic, M.Sc.**