

## Law on Nature Protection (Official Gazette 66/13)

### I. GENERAL PROVISIONS

#### Article 1

This Law shall regulate the competences of authorities dealing with the issues of environmental protection, general measures of nature conservation, degree of acceptability of activities in nature, types of habitats and ecologically important areas, species and subspecies, protection of wild birds, protection and conservation of biodiversity, forest ecosystems, karst ecosystems, water and water habitats, protection of marine and coastal natural values, establishment of the European ecological network of particularly protected areas - Natura 2000, protection measures for species and subspecies, transboundary movement of protected wild species and subspecies, protection measures for minerals and fossils, protected natural values, compensation of damage, incentive measures, proposing of concessions on protected natural values and protected natural structures, planning and organization, inventorying and monitoring, access to information and public participation, nature protection label, promotion of upbringing and education, rewards and awards for achievements in the field of nature protection, financing of nature protection, inspection oversight, penalty provisions, transitional and final provisions.

#### Article 2

Nature constitutes a fundamental value and one of the most significant resources of the Federation of Bosnia and Herzegovina (hereinafter: the Federation of BiH) and enjoys the protection in accordance with this Law.

The natural values determined under this Law are in the interest of the Federation of BiH and Cantons and hence they enjoy a special protection.

#### Article 3

The objectives of nature protection shall include the conservation and restoration of the existing biological and landscape diversity to a state of natural balance and relations harmonized human activities; assessment of the state and monitoring of the natural values; providing the protection system for natural values for the purpose of permanent conservation of their characteristics on the basis of which they were declared protected; providing for a sustainable use of natural estates without significant harm to nature components and with the least possible disturbance to the balance of components, preventing harmful activities and disturbance in nature as consequences of technological development and performance of business operations; ensuring as favorable as possible conditions of conservation and free development of nature during its use for economic purposes, ensuring the right of citizens to a healthy environment, rest and recreation in open.

#### Article 4

Nature protection shall be based on the following principles:

- Everyone must behave in a manner that contributes to conservation of biological and landscape diversity, protection of natural values and conservation of a universally beneficial role of nature;
- Non-renewable natural resources are to be used in a rational manner and those renewable in a sustainable manner;
- Nature protection principles, measures and conditions shall be applied in the usage of natural resources and spatial development;
- The protection of nature is the right and obligation of every natural and legal person; towards this end they are bound to co-operate in order to avoid and prevent hazardous activities and damage, to eliminate and remedy the consequences of any damage and to restore the natural conditions that existed prior to such damage;

- The public has the right to free access to information about the state of the natural environment, to timely information about any damage caused to nature and the measures taken to remedy it;
- The public has the right to free access to information about the state of the natural environment, to timely information about any damage caused to nature and the measures taken to remedy it and to participate in nature-related decision-making

With a view to protect nature and by way of the institutions of Bosnia and Herzegovina, the Federation of BIH shall participate along with other states and international organizations in the implementation of international treaties in the field of nature protection to which Bosnia and Herzegovina is a member.

#### Article 5

Universally beneficial role of the nature shall be expressed through the maintenance of living as a natural occurrence especially through:

- conservation of natural estates as reserves of substance and energy;
- creation of soil and maintenance of its natural character;
- maintenance of the quality, quantity and availability of water;
- preservation of climate;
- preservation of atmosphere and oxygen production;
- preservation, maintenance and development of plant and animal species and their habitats.

Universally beneficial functions of the nature shall be permanently conserved.

#### Article 6

Nature protection shall be carried out by conservation of biological and landscape diversity and protection of natural values.

Nature protection shall be carried out in particular:

- establishing all elements of the nature and the landscape diversity and the degree to which they are endangered;
- implementing the measures for protection of nature;
- introducing the determined conditions and measures for nature protection in the spatial development documents and sectoral management strategies and plans, along with making a strategic environmental assessment (SEA) and natural estate management in mining, energy, traffic and communications, agriculture, forestry, hunting, fishing, water estates, and other operations;
- determining the conditions and protection measures for all types of birds through the introduction of monitoring and identification of "IBA" area in the paramount interest of establishing protected areas network designated as NATURA 2000;
- drafting a nature performance report, by adopting and implementing strategies, programs, action and rehabilitation plans and management plans;
- monitoring and informing the public of the state of nature and through participation of the public in decision-making concerning the nature protection;
- carrying out the procedure of acceptability assessment in relation to activities in nature and environmental assessment in line with the Environmental Protection of the Federation of BIH and its implementing regulations;
- encouraging and promoting nature protection and raising awareness of the need for nature protection in the upbringing and education process;
- determining natural values and protected natural values;
- establishing the management system of natural values and protected natural values;
- connecting and harmonizing the national nature protection system with the international nature protection system;
- encouraging scientific and expert work in the field of nature protection;
- ensuring the financial means for the implementation of nature protection.

## Article 7

Provisions of this Law shall not be applied in cases of avoiding an immediate threat to life or human health or property, rescuing people and property.

Provisions of Paragraph 1 of this Article shall be applied only during the said circumstances.

## Article 8

For purposes of this Law:

- the term ***allochthonous species*** means foreign species (non-indigenous) that did not naturally exist in the ecosystem of the area, but came to the territory by intentional or accidental introduction;
- the term ***indigenous species*** means species that is naturally present in ecosystems within the territory;
- the term ***biogeographical region*** means the EU covers nine biogeographical regions each with its own characteristic blend of vegetation, climate and geology. Boundaries of the regions are not fixed but enable the following of trends in conservation of species and habitats in similar conditions throughout Europe without paying attention to state boundaries. The regions are: Alpine, Continental, Mediterranean, Pannonian, Boreal, Atlantic, Black Sea, Steppic and Macaronesian;
- the term ***biodiversity*** means the variability among living organisms from all sources which are integral part of ecosystems, this includes diversity within species, between species and of ecosystems;
- the term ***mountain bike trails*** means the trail for mountain biking (mountain biking trail) is a narrow zone of land properly marked at alpine, forest or mountain area primarily intended for bicycle movement;
- the term ***moorland*** means wetlands with abundance of moss and other plants which gathers there, rotten without oxygen and creates moorland rich in carbon;
- the term ***red list of endangered species/subspecies***, means an official document with the list of endangered wild species/subspecies categorized by the degree to which they are endangered;
- the term ***red book*** means an official document with extensive details of basic characteristics of species, the degree of its endangerment, factors of endangerment and proposed measures for the protection of the species/sub-species;
- the term ***wild species*** of plants, fungi and animals means all species and subspecies whose evolutionary process was not influenced by humans as a consequence of breeding activities;
  
- the term ***near-nature conditions*** means the conditions in ecological system or landscape the development of which was not significantly influenced by humans, with inner processes that are self-regulating and can sustain without a direct human action;
- the term ***ecological corridor*** means an adequate ecological area for all sorts of migrations;
- the term ***ecological network*** means a system of interrelated and geographically close ecologically important areas whose balanced biogeographical distribution considerably contributes to the conservation of natural balance and biodiversity;
- the term ***ecologically acceptable flow*** means a minimum flow that ensures the conservation of natural balance and water related ecosystems;
- the term ***ecosystem*** means a dynamic set of plant, fungi, animal and microorganism communities and their environment which are interconnected as a functional unit;
- the term ***ecologically important area*** is the area which largely contributes to conservation of biodiversity in the Federation of BiH;
- the term ***endemic species*** means a species whose range of distribution is limited to a particular, clearly defined geographic area;

- the term ***ex-situ conservation (outside of nature)*** means conservation of components of biological and geological diversity outside their natural habitats (zoos, aquariums and botanical gardens); it also means conservation of elements of geological heritage outside natural places of discovery, mainly mineral/rock and fossils in museums or private collections and institutions;
- the term ***genetic diversity*** means the total diversity of genes within individual species, populations, subspecies, species and higher taxonomic categories;
- the term ***geological inheritance*** means everything preserved in the structure and texture of rocks and terrains such as geological, geomorphologic, hydro geological occurrences and structures and paleontology findings;
- the term ***geological diversity*** means all types of rocks, minerals, fossils and relief forms and process of their evolution over geological periods;
- the term ***catching*** means hunting, fishing, catching, disturbing, intentional killing or the attempt to do so;
- the term ***IBA areas*** mean international important bird areas;
- the term ***in-situ conservation (in nature)*** means protection of a species in its natural habitat, conservation of natural ecosystems, conservation and recovery of populations in their natural habitats, as well as conservation of geodiversity at the site of formation or occurrence of minerals/rocks and fossils;
- the term ***introduction*** means intentional or accidental entering of a species in the territory and the ecosystems where it did not previously live;
- the term ***export*** means any exportation of values from the customs territory of Bosnia and Herzegovina;
- the term cadaster ***of natural values*** means the register of natural values;
- the term ***cadastre of real estate*** means the register of soil particles, buildings and other structures that are permanently laid on the ground or underground, unless otherwise specified by law;
- the term ***compensation terms*** means measures determined for the purpose of ensuring general connectivity of ecological network.
- the term ***Commission*** means the Commission established in accordance with Article 20 of the Directive on Habitats;
- the term ***nature component*** means any original component of nature (such as plant, animal, mineral, fossil, water, ground etc.);
- the term ***karst*** means specific surface and underground landscape with specific hydrographic network in carbonate rocks;
- the term ***migratory species*** means any species or lower taxon of wild animals, in which a significant proportion of the members of the entire population or any geographically separate part of the population cyclically and predictably crosses one or more national jurisdictional boundaries;
- the term ***international ecologically important area*** means the area determined by the regulation of the Federation of BIH Government according to international standards which provides for the protection under a specific protection regime in line with this Law;
- the term ***monitoring of the state of nature*** means follow up the state of nature or elements of biodiversity and landscape diversity;
- the term ***shaped nature*** is part of nature shaped by humans for the purpose of upbringing, education, shaping of landscape elements or other purposes, which is important for preservation of biological and landscape diversity (such as alleys, botanical gardens, arboretums and the like);
- the term ***restoration of nature*** means a set of expert measures to reinstate the disturbed state of biodiversity and landscape diversity to the degree close to the original state;
- the term ***conservation of nature*** means any procedure carried out with a view to protect and preserve biological and landscape diversity and protect natural values;
- the term ***sustainable use of natural assets*** means the use of natural assets in a way and scope which does not lead to their wreckage but maintains their potential to satisfy needs and aspirations of current and future generations;

- the term **management authority** means a public company or public institution managing the protected natural value;
- the term **damage to nature** means the state of nature where human action changed natural processes in as much as to violate natural balance or destroy natural values, reduce natural resources or damage components of nature;
- the term **plan and program** means the plan or program subject to adoption at state, entity and local level or prepared by an executive authority for adoption in the legislative procedure of the Federation of BiH Parliament or Government, which is regulated by law or implementing regulations including plans and programs relative to their amendments;
- the term **natural assets management plans** means the statutory plans for management and use of natural assets and resources for economic, social and ecological purposes;
- the term **wilderness area** means the land in a natural state; where impacts from human activities are minimal; mainly a large natural area where humans are occasional or non-permanent passers-by;
- the term **natural area** means any area where nature and near-nature conditions are predominant;
- the term **sites of the European Union's importance** (hereinafter: the EU) means the area which contributes to conservation or restoration of „favorable state“ in the region(s) it belongs to for the purpose of conservation of habitats referred to in Annex I or species referred to in Annex II (and/or IV and V) to the Directive on Habitats and which significantly contributes to ecological coherence of Natura 2000 network and/or contributes to conservation of biological diversity within the respective region(s). For animal species ranging over wide areas, sites of the EU importance shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction.
- the term **landscape** is an area of land that contains a mosaic of ecosystems whose character represents a specific blending of natural and created values characteristic for the given region;
- the term **landscape diversity** is a land of structured natural and anthropogenic landscape elements (biological, geological, geomorphologic and cultural values);
- the term **area of distribution** (areal) is a geographically defined area with surface clearly defined and consists of sites of habitats as geographically defined areas;
- the term population is the system of spatially and temporally integrated group of units of the same species which are interconnected by reproduction relationships;
- the term **special protection areas** mean the places of the EU importance, marked as such by the member states in laws, administrative documents and/or contracts, where the protection measures are carried out for the purpose of maintenance and establishment of a „favorable state „of protection for natural habitats and/or population of species that are the subject of the area;
- the term **favorable state** of species or types of habitats means the state which provides for a survival of that type of habitat in a foreseeable future;
- the term **prevailing public interest** means the interest expressed by the Federation of BIH or Cantons for the issues of nature protection;
- the term **specimen** means is any animal or plant, regardless of being alive or dead, belonging to species referred to in Annex Iv or V to the Directive on Habitats, their parts or their derivatives, as well as any product being a part of produced by those types of plants or animals as derives from an accompanying document, packaging, make or label;
- the term **natural estates** means all components of nature used by humans for economic purposes; natural estates may be non-renewable (mineral raw materials) and renewable (biological goods, waters, renewable soil);
- the term **natural balance** is a state of mutually balanced relationships and influences of living creatures among themselves and with their habitat. Natural balance is disturbed when the quantitative or qualitative structure of living communities is disturbed, when a habitat is damaged or destroyed, when the functioning capability of ecological system is destroyed or changed, when interconnection between certain ecological systems is broken or when it causes significant isolation of certain populations;

- the term **natural values** are parts of nature that deserve special protection, due to their sensitivity, for the preservation of biological and landscape diversity, or for serving scientific, cultural, esthetic, educational, economic and other public interest making an ecological network;
  - the term **reintroduction** means to reintroduce some species or subspecies to the area in which they were exterminated while the ecological system still contains closely equal ecological conditions as before the extermination;
  - the term **risk to nature** means a probability that some action will either directly or indirectly harm the nature;
  - the term **cave ornaments** are different forms of minerals in the underground areas of different forms (stalactites, stalagmites, stalagmites helictites, etc.);
  - the term **speleological facilities** means is an underground cavity longer than 5 meters with the size of entrance is smaller than its depth or length (caves, pits, precipice, orifice etc.);
  - the term speleological **cadaster** means a part of the database of speleological facilities and integral part of the database of protected natural values;
  - the term **habitat** means a natural area on land or in water defined by the area's geographical abiotic and biotic characteristics, regardless of being completely or partly natural;
  - the term **leg hold trap or trap** means an object used for holding or catching of animals by way of jaws that catch a limb(s) of an animal, thus preventing the animal from pulling the limb or limbs out;
  - the term **conservation status of habitat** means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2 to the Directive of Habitats.
- The conservation status of a natural habitat will be taken as 'favorable' when:
- its natural range and areas it covers within that range are stable or increasing, and
  - the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and,
  - the conservation status of its typical species is favorable.
- The conservation status of species and subspecies will be taken as 'favorable' when:
- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
  - the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
  - there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.
- The term conservation **status of species** means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2.
  - the term **species** means populations living in a certain period at a certain site and are capable of genetic exchange;
  - the term **subspecies** means populations of the same species which differ from other populations of the same species by certain genetic or morphological characteristics;
  - the term **taxonomy of organisms** naming and classifying genetically singled biological systems which are mutually completely or partly isolated; naming is done in line with the international rules;
  - the term **trade** means sale and purchase, acquiring for commercial purposes, presentation to the public in order to gain profit, keeping for the purposes of sale, offering for sale or transporting for the purposes of sale, as well as lending and exchanging protected wild species/subspecies;
  - the term **domesticated species** is the species the evolution process of which was influenced by humans in striving to satisfy their needs;
  - the term **animal shelter** means the area intended for a temporary stay or treatment of sick and injured animals, abandoned litter incapable of self-sustaining, animals taken away from

owners on grounds of unlawful keeping in captivity, illicit trade, export, import and other reasons prescribe by law;

- the term **import** means any importing of values to the customs territory of Bosnia and Herzegovina;

- the term **plants growing** means growing of indigenous domesticated or foreign plant types intended for the food production, sale, decoration, industrial or health purposes, scientific-education or scientific-research purposes and conservation of species;

- the term **animal breeding** means breeding (feeding, enabling reproduction, cross-breeding) of indigenous domesticated or foreign types of animals in a site separated from nature for the purpose of food production, hunting, sale, scientific-education or scientific-research purposes and conservation of species;

- the term **endangered species** (indicated by an asterisk (\*) in Annex 2 of the Directive on Habitats) are species of which the Community has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2 of the Directive on Habitats.

- the term **bred animal** means an offspring of animals that were born in captivity;

- The term **wetlands** means areas of marsh, fen and peat land, karst hydrological systems and other waters, whether natural or artificial, permanent or temporary, with water that is static or flowing, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters;

- I. endangered species, except those species whose natural range is marginal in that territory and which are not endangered or vulnerable in the western palearctic region;
- II. vulnerable species, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or;
- III. rare species, i.e. with small populations that are not at present endangered or vulnerable, but are at risk. The species are located within restricted geographical areas or are thinly scattered over a more extensive range);
- IV. endemic species and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status.

- The term **protected area** is clearly defined geographical area, recognized and intended for long-term nature conservation, universally beneficial functions of the nature and cultural values, which is managed by legal and other effective mechanisms;

- The term **actions in nature** mean any temporary or permanent action of humans in nature that could violate natural balance, if the purpose of the action is not protection and conservation of nature;

- The term **protected natural values** means natural values declared protected by the authority defined by this Law and entered in the register of protected natural values, protected plant and animal species and subspecies and fungi as well as protected minerals and fossils;

- The term **community** means biocenosis or system of populations of different species in certain area and at certain time.

## II. COMPETENCE

### Article 9

The tasks of nature protection within the competence of the Federation of BIH shall be carried out by the Federation Ministry of Environment and Tourism (hereinafter: the Federation Ministry).

The tasks of nature protection within the competence of cantons shall be carried out by the cantonal environmental ministry and cantonal nature protection institute within its competence determined in the charter of foundation and the articles of association (hereinafter: the cantonal ministry and cantonal nature protection institute).

The tasks referred to in Paragraph 2 of this Article shall include the implementation of the BIH Strategy with the action plan for the protection of biological and landscape diversity (hereinafter: the State Strategy) and the Federation on natural protection strategy (hereinafter: the Federation Strategy).

The tasks of nature protection within the competence of municipalities shall be carried out by municipal services established in accordance with the Law on Local Self-Governance Principles.

#### Article 10

In addition to the authorities prescribed by the Law on Environmental Protection (the Official Gazette of FBiH, Vol 33/03 and 38/09), the Inter-Entity Environmental Authority shall also be authorized for:

- a) Coordination of work on the issues of nature protection between relevant administrative bodies;
- b) Flow of scientific and expert information relative to nature protection towards relevant ministries and other ministries;
- c) Agreeing and developing inter-entity cooperation in pursuance of the State strategy implementation;
- d) Coordination and cooperation in the establishment of transboundary and inter-entity protected areas proportionate the number of protected natural values.

#### Article 11

The Environmental Advisory Council established under the Law on Environmental Protection shall have an advisory role in the field of nature protection in accordance with this Law and implementing regulation thereof.

The Environmental Advisory Council shall ensure the representation of members of institutions competent for nature protection proportionate to the number of protected values.

### III. CONSERVATION OF NATURE

#### *General Measures*

#### Article 12

The conservation of nature shall be carried out by conservation of the overall biological and landscape diversity in the manner prescribed by this Law, special regulations and international treaties of which Bosnia and Herzegovina is a member.

The conservation of habitats and wild animal and plant species (biodiversity) shall include a series of measures necessary for conservation and establishment of natural living area (habitats) and populations of species of wild flora, fauna and fungi at the level of favorable state.

The protection of forests, waters and other natural assets and protected areas and areas within the ecological network shall be carried out in line with this Law and special regulations.

#### Article 13

Owners and trustees of natural assets shall allow the environmental administration authorities' representatives (hereinafter: the relevant authorities) or persons they authorized, to tour and inspect the natural assets for the purpose of research, collection of expert data and expert supervision of the implementation of prescribed requirements and measures for nature protection.

The provisions of Paragraph 1 of this Article shall also pertain to protected natural values.



#### Article 14

In order to prevent degradation of nature, in the areas outside settlement and outside all types of roads, dirt roads, developed paths and driving test ranges (test drives, cross drives, off-road drives, sport, competition and promotional rides, and the like), it shall be forbidden to drive, park or organize motor vehicle rides except when rides are needed in performance of official duty, agricultural, forestry or other allowed activities or when it is in line with this Law and other regulations.

#### Article 15

Any change in the intended use of the land in the protected area shall not be allowed when not in conformity with the spatial development documents.

#### Article 16

The spatial plan may expand the construction area on protected natural values only when there is no threat to biological and landscape diversity of the protected area and if all options of rational use of the existing construction area and existing infrastructure corridors are exhausted.

Construction expansion of the area shall be possible after the expert assessment is made by the Federation Institute and relevant cantonal authorities.

#### Article 17

Means for the protection of plants may be used only in justified cases based on expert verifications and results of the verification of the entire state of endangered species, in a nature-friendly manner, in line with the regulations.

For the purpose of protecting the biological diversity and natural values, the Federation Minister shall move the relevant administration body to issue a temporary or permanent ban on utilization of certain means for protection of plants or mineral fertilizers in certain areas or in the entire FBiH territory.

#### *Spatial Development and Use of Natural Resources*

#### Article 18

Spatial planning and use of natural resources shall be conducted based on documents of spatial development, management plans, harmonized with the nature protection strategies and requirements and measures for nature protection defined for the purpose of conservation of biological and landscape diversity.

The use of natural resources shall be prohibited in case it causes:

- Long-term damage to soil and loss of natural fertility;
- Long-term damage to surface and ground geomorphologic values;
- Long-term depletion of natural plant and animal world and fungi;
- Long-term reduction of biological and landscape diversity;
- Air pollution;
- Reduced quality of life of the local community.

#### Article 19

All natural values enjoying protection before the effectiveness of the Law shall remain under protection.

A revision of the areas declared protected before the effectiveness of the Law on Nature Protection (FBiH Official Gazette, Vol: 33/03), shall be carried out in order to determine the category of protection and see if further protection is still needed.

In relation to the natural values for which the revision determines that further protection is needed, adequate documents shall be enacted to declare them protected natural values.

The revision shall be conducted by the Federation Institute for Nature Protection (hereinafter: the Federation Institute) and cantonal ministries in charge of nature protection.

#### Article 20

Spatial development documents and management plans for the protection of biological and landscape diversity shall contain measures and requirements of nature protection prescribed under this Law and special regulations.

#### Article 21

Measures and requirements of nature protection referred to in Article 20 shall be prescribed on the basis of:

- Review of protected and registered natural values and ecologically important sites with their characteristics and assessment of the state developed by the Federation Institute and cantonal institutes for nature protection;
- Review of the areas expected to have natural values and a recommendation as to what to do when those values are discovered or to declare them protected;
- Protective measures and development guidelines for protected natural values and ecologically important sites;
- Measures for conservation of biological diversity, especially measures for conservation of types of habitats; habitats of species of interest to the EU, and habitats of species and subspecies of the FBIH Red List;
- Protective measures for specific landscapes in FBIH;
- Cartographic overview, including the map of habitat types prescribed by this Law;
- And other relevant attachments to the spatial development documents.

Owners and trustees shall enact a management plan for natural resources.

In the procedure of drafting management plans for natural resources shall obtain the requirements for nature protection referred to in Paragraph 1 of this Article from the Federation and cantonal ministries.

#### Article 22

In the procedure of drafting the spatial development documents, the Ministry in charge of the area which is the subject of spatial planning, shall determine the requirements of nature protection depending on the type of spatial development document.

Requirements of nature protection referred to in Paragraph 1 of this Article shall be determined and directed to the drafting holder and the drafter of spatial development documents.

Spatial plans that cover protected areas and ecological network areas shall not be enacted without a prior approval of the relevant ministry.

#### Article 23

Management plans for natural resources in protected areas shall be made by owners or trustees with a prior approval of the Ministry which is competent for the area occupied by protected natural resources.

#### Article 24

If the manner or the scope of use of natural resources poses a direct threat to a favorable state of some type of habitat, the relevant Minister may render a decision prohibiting, limiting or suspending the use while the threat is present.

Owners and trustees shall be entitled to compensation in lieu of lost revenue for the limitations imposed on them based on the decision referred to in Paragraph 1 of this Article.

A type of the compensation referred to in Paragraph 2 of this Article shall be mutually agreed upon and in case of a dispute about the amount of compensation; the competent court shall be in charge. The compensation shall be paid from the budgetary funds.

### *Assessment of Acceptability to the Ecological Network and Activities in Nature*

#### Article 25

The acceptability assessment for the ecological network verifies the probability that the implementation of plan, program or activities in the ecological network area, either individually or in combination with other plans, programs or actions shall have a significant impact on the goals of conservation and integrity of the ecological network area in view of its structure and functionality.

The acceptability assessment for the ecological network shall not be made if the plan, program or action is directly associated with the management of ecological network area.

#### Article 26

In the case of a planned activity in nature that is likely, either individually or in combination with other activities, to have a significant effect on an ecologically important area or a protected natural value, its acceptability to the ecological network with respect to the objectives of conservation of the ecological network shall be assessed in conformity with this Law.

In the case of activity which, according to the Law on Environmental Protection is subject to mandatory environmental impact assessment, the main assessment of acceptability to the ecological network with respect to the objectives of conservation of that ecological network shall be made within the environmental impact assessment.

The assessment of acceptability to the ecological network with respect to the objectives of conservation and integrity of ecological network shall be mandatorily made for plans and programs that are likely to have significant impact on the ecological network.

The assessment of acceptability to the ecological network with respect to the objectives of conservation and integrity of ecological network in relation to plans and programs, for which the special regulation prescribed the mandatory strategy assessment, shall be made within the mandatory procedure of strategy assessment of plans and programs.

The contents, the deadline and the method of assessment of an acceptability of plans, programs and actions with respect to the objectives of conservation and integrity of the network area, the method of determining the prevailing public interest and compensation conditions, the method of public information, as well as the contents of the certificate of action acceptability, the decisions that prescribe the implementation of the main assessment of the action or opinion on the obligation to make a main assessment of the activity shall be prescribed by the Minister in a form of a Rulebook.

The procedure of acceptability assessment to the ecological network area shall consist of: preliminary acceptability assessment (hereinafter: the preliminary assessment), main acceptability assessment with an evaluation of other adequate options (hereinafter: the main assessment), determination of prevailing public interest and compensation conditions.

#### Article 27

When the main assessment is made in the procedure of environmental impact assessment in line with the Law on Environmental Protection, the main assessment shall not be made separately in the procedure prescribed by this Law. In that case, the environmental impact assessment shall contain all the data required for the main acceptability assessment to the ecological network in line with the Rulebook referred to in Article 26(5) of this Law.

## Article 28

If the acceptability assessment to the ecological network finds that the planned activity will have harmful effects on the network and in the lack of other appropriate solutions, the activity can still be carried out in line with imperative reasons of prevailing public interest.

An interested party may file an application with the Federation Ministry for the procedure of establishing the prevailing public interest and compensation conditions.

If the existence of the prevailing public interest referred to in Paragraph 1 of this Article is established, the Federation Ministry shall render a decision allowing the planned activity. The decision shall determine the compensation conditions for the maintenance of general coherence of the ecological network.

If the compensation conditions referred to in Paragraph 3 of this Article pertain to international ecologically important site, the Federation Ministry shall inform the European Commission on the compensation conditions.

If the existence of prevailing public interest is not established, the Federation Ministry shall issue the Decision refusing the request to carry out the action.

Exceptionally, if the ecological network contains a type of habitats and/or species listed in the List of threatened and significant habitats and species, the prevailing public interest for which the action will be approved may pertain only to the protection of human health and public safety or the establishment of significantly favorable state of primary importance to the environment, or other imperative reasons of the prevailing public interest, the decision granting a permit for execution of the planned activity shall be rendered by the FBiH Government, after previously consulting public opinion. The Decision shall determine the compensation conditions for the purpose of maintaining the ecological network coherence. If it is established that other imperative reasons of the prevailing public interest are existent, while the planned action will have harmful effects on international ecologically important site, the FBiH Government may grant the request only with obtaining a prior opinion of the European Commission.

Exceptionally, when the environmental impact assessment is made in line with the Law on Environmental Protection, the decision concerning the prevailing public interest and compensation conditions shall not be issued in line with this Law; instead, the opinions shall be issued which will be binding in the procedure of environmental impact assessment.

The list referred to in Paragraph 6 of this Article shall be rendered by the Federation Minister.

## Article 29

If the protective measures for nature protection are not contained in the documents of spatial development, construction works and other works and activities in the protected area, and activities that require the environmental impact assessment or the acceptability assessment in line with Law or special regulations, and the activities in the area covering two or more cantons which require the urban development approval, the Federation Ministry or relevant cantonal ministry shall determine the mandatory environmental impact assessment for the planned activity.

The relevant ministries referred to in Paragraph 1 of this Article shall complete the procedure within the deadline specified under the FBiH Law on Environmental Protection.

A construction permit shall be issued and other works allowed if the relevant ministries of spatial development are satisfied that the project design or other documents are developed in line with the requirements and nature protection measures.

The relevant ministries shall issue an approval within 30 days.

The relevant ministries referred to in Paragraph 1 of this Article shall not issue an approval for the use of a construction if the technical inspection commission finds that the construction is not built in line with the approved project design.

If the project design is not made in line with the requirements and nature protection measures, the relevant authority shall instruct the applicant to make a new project design which will be in line with the requirements and nature protection measures.

*Offset of Harmful Effects on the Nature caused by Activities in Nature or by the Use of Natural Resources*

Article 30

Compensation conditions are actions undertaken to offset or compensate for foreseeable damage to nature.

The compensation measures shall be ordered depending on the expected or caused damages to the nature, and the possibility to reinstate to the near-nature state.

When selecting a compensation condition, priority shall be given to compensation by means of an area that shows features identical or similar to those of the damaged natural area for which compensation is carried out, and that will ensure interconnectivity and coherence of the ecological network.

The compensation conditions shall be:

- establishment of a compensation area showing features identical or similar to those of the natural area damaged;
- establishment of another area important for conservation of the biological and landscape diversity, and/or protection of natural values;
- Payment of a sum to the value of the damage caused to nature in the case that no remediation or other compensation conditions can be carried out.

The amount of monetary compensation referred to in Paragraph 4 sub-paragraph 3 of this Article in relation to the protected natural values of 1 and 2 category referred to in Article 134 of this Law shall be prescribed by the Federation Ministry in an implementing regulation.

The amount of monetary compensation referred to in Paragraph 5 of this Article shall be paid into the Fund for Environmental Protection. The Federation Ministry shall determine the form of compensation conditions for the planned action in nature and the manner in which it will be met.

Article 31

In the case that an activity in a natural area or the use of natural resources is carried out in contravention of nature protection conditions prescribed and thus causes non-permitted damage to nature, the person performing the activity or using the natural resources shall without delay eliminate the harmful effects of his activities at his own cost.

Should the person performing the activity or using the natural resources fail to eliminate the harmful effects of his activities in accordance with Paragraph 1 of this Article, thus causing damage to nature in ecologically important areas, protected areas or other natural values, the Ministry shall, by a decision, impose a compensation condition on the person performing the activity or using the natural resources, and fix the amount of compensation for damage caused to nature. The decision shall be sent to the person performing the activity or using the natural resources who has to act in conformity with the Decision and Article 28 of this Law.

Article 32

The activities in nature shall be planned and carried out in the manner which allows the best possible conservation of significant and characteristic features of the landscape and landscape diversity.

The use of natural resources and spatial development shall ensure the conservation of specific landscapes in the Federation of BIH and conservation of biological, ecological, geological and cultural values which define its importance and esthetic aspect.

Article 33

By their significant and distinctive features landscapes are classified into landscape types.

Landscape types are categorized by special, recognizable and unique characteristics which express the diversity of natural and cultural heritage.

Landscape types shall be determined by the relevant Minister at the proposal of the Federation Institute.

The list of landscape types referred to in Paragraph 1 of this Article shall be published in the Official Gazette.

Landscape types that are determined, their features, vulnerability and threats posed to them shall be examined and analyzed, and changes in significant and distinctive features monitored and recorded.

In terms of this Law, the significant and characteristic features of the landscape shall be elements of nature characteristics for certain landscape types or artificial elements of the landscape which have natural, historical, cultural, scientific or esthetic value.

Monitoring of the state of important and characteristic features of the landscape shall be done by the relevant cantonal authorities in cooperation with the Federation Institute and cantonal institutes.

Article 34

The Institute shall evaluate the landscape types based on an expert opinion, at the same time respecting the public opinion.

Especially valuable landscapes shall be determined by the Federation Minister in an ordinance after obtaining the opinion of the Federation Minister of Agriculture, Water Management and Forestry.

Especially important landscapes shall enjoy the protection as protected natural values in line with this Law.

Landscape types and measures referred to in Paragraph 2 of this Article shall be entered in the documents of spatial development and management plans for natural resources.

Certain especially valuable landscapes may be protected as natural values in line with this Law.

Article 35

The research and exploitation of mineral resources shall be done in the manner so as to conserve the natural values of the area to the largest possible extent.

Harmful effects that might occur by the exploitation of mineral resources shall be avoided by selecting the most favorable site, type and scope of the planned activity.

Harmful effects on the landscape caused by the research and exploitation of mineral resources shall be eliminated by restoration of the extraction site or by the arrangement of the entire exploitation field, by shaping it according to the state of the natural environment for the purpose of establishing a near-nature landscape or for preparation of the site for other purposes acceptable to nature.

The project of remediation or arrangement of the exploitation site affected by the activities upon completion of exploitation of mineral resources shall form a constituent part of the main mining project for mineral resources exploitation.

Article 36

The protection of ecosystems shall be carried out by implementing measures of biodiversity conservation during the use of natural resources and spatial development planning, and by protecting habitat types.

The Federation Institute shall, in cooperation with the relevant cantonal administration authorities monitor the state of the ecological network of threatened ecosystems, habitat types and protected nature elements in line with this Law and implementing regulations.

Article 37

Conservation of forest ecosystems biodiversity shall be done in line with this Law and special regulations.

Conservation of forest biodiversity within the context of forest management shall be ensured through the sustainable development principles, and when possible, through the conservation of natural system of species and their natural regeneration.

Forest management in terms of Paragraph 2 of this Article shall be conducted according to the special regulations.

Forest ecosystems that belong to protected areas shall be managed in accordance with this Law and implementing regulations.

Article 38

Forestation, where permitted by habitat conditions, shall be carried out with indigenous tree species in a composition reflecting the natural composition and using nature-friendly methods.

Forestation of non-forest surface areas shall be carried out in places where it is justified, under the condition that non-forest and rare habitat types are not threatened.

Distribution and types of threatened habitat types shall be entered into forest management plans of a specific area on the basis of the habitat type map.

Article 39

For the purpose of conservation of biological diversity, the utilization of biological and biotechnical means for plant protection shall be allowed.

In case the subject occurs that could cause larger economic harm and there is no appropriate biological or biotechnical means for plant protection, chemical means may be used for plant protection based on the proposal of the Federation Ministry.

Article 40

For the purpose of conservation of biological diversity in all forests, a percentage should be ensured of mature, old and dry trees, especially trees with cavities determined by the requirements of nature protection which are integral part of forest management foundations.

During the final cutting of larger forest surface areas, smaller surfaces, as determined by forest management plans, shall be left uncleared of trees for the purpose of biodiversity conservation, wherever possible and appropriate.

For the purpose of enriching the biological and landscape diversity, forest management shall be executed in such a manner as to preserve forest clearings (meadows, pastures, etc.) and forest edges to the maximum extent.

Within the context of forest management it is necessary to ensure the extension of the cutting maturity of indigenous types of trees with respect to the physiological lifetime of individual species.

#### Article 41

Karst ecosystems represent a globally important wealth and are considered natural values in terms of this Law.

Management plans for karst natural resources possible impacts of their use on the entire catchment area shall be assessed.

#### Article 42

Transportation of hazardous substances at karst areas shall be subject to restrictions and prohibitions in accordance with the regulations.

#### Article 43

Given the exceptional vulnerability of underground animal species and habitats, legal entities and natural persons shall, when carrying on certain activities, pay special attention to the protection of karst area ground waters against pollution in accordance with special regulations and this Law.

#### Article 44

Speleological facilities represent natural values in terms of this Law and enjoy special protection measures if located in protected areas of categories 1 and 2 in line with Article 134 of this Law.

Speleological facilities located in protected areas of categories 3, 4, 5 and 6 shall fall under the competence of cantonal ministries in line with Article 134 of this Law.

A cadastre of speleological facilities shall be developed and form an integral part of the single cadastre.

The cadastre shall be established and kept by the Federation Institute. The Federation Minister shall issue a Rulebook prescribing the requirements and manner of keeping the cadastre.

The following shall be entered in the cadastre:

- inventory of new biospeleology characteristics;
- situation map and facility layout;
- cadastre marking;
- data on the owner or beneficiary of the right to real estate (land);
- valuation from the point of view of nature protection;
- determination of the state and vulnerability;
- protected area above ground of each speleological facility and limitations applicable to those areas;
- other characteristics and data important to the protection of speleological facilities (description of the facility, morphological type, origin, hydrological characteristics, hydrological function, access to the facility, photo, basic literature etc.).

Any discovery of speleological facility or part thereof in the course of works shall be reported to the Federation Ministry and Cantonal Ministry within 15 days.

The relevant Ministry shall issue the decision on further activities regarding the discovered speleological facility with previously obtained opinion of the Federation Institute and Cantonal Institutes for Nature Protection within 30 days as of the day the discovery is reported.

If the relevant ministries do not issue the decision within the deadline referred to in Paragraph 6 of this Article it shall be considered that a research and protection of discovered facility is not necessary and the legal or physical person may resume the works or action in line with special regulations.



#### Article 45

Damaging, destroying and taking away of cave ornaments and underground living world, fossils, archeological and other discoveries, as well as changing conditions of habitats in the facility, above ground area and close vicinity, shall be forbidden.

The Federation Minister shall render the Rulebook prescribing the requirements of nature protection in relation to speleological facilities of categories 1 and 2 in line with Article 134 of this Law.

The relevant Minister shall render the Rulebook prescribing the requirements of nature protection in relation to speleological facilities of categories 3, 4, 5 and 6 in line with Article 134 of this Law.

#### Article 46

For the purpose of protecting speleological facilities or parts thereof in the area of natural values of categories 1 and 2 in line with Article 134 of this Law, the permit should be obtained from the management authority in the protected area for the following:

- organized visits, use or development of speleological facility or part thereof;
- opening and/or closing of entrance/exit at speleological facility, as well as construction, reconstruction or restoration of each underground facility;
- scientific and expert research;
- diving in a speleological facility;
- film making or photos making by the use of electronic equipment in a speleological facility;
- for all other actions and activities affecting the basic features, conditions and natural flora or fauna of a speleological space or the ground surface above the same.

The decision on permit shall contain the time period of research and requirements of nature protection.

#### Article 47

The use of speleological facilities in tourism and other purposes shall be done in accordance with the management plan and program of the relevant authority which manages the respective natural value.

The program referred to in Paragraph 1 of this Article shall contain the protection measures in relation to the speleological facility, touring conditions and protection measures for visitors.

#### Article 48

If the speleological facility in the protected area is not managed by the public institution which manages that protected area, or if it is not used by the owner or trustee of the land where the speleological facility is located, for the purpose of using in tourism or other allowed purposes the relevant ministry may issue a proposal for concession based on the approved program for visits and tours.

The procedure of concession giving shall be conducted according to the Law on Concessions and this Law.

#### Article 49

The owner or trustee on the land where the speleological facility is built shall not endanger or damage the speleological facility, cover the entrance, prevent its approved forms of utilization and shall make access available for visits and tours of the facility for the allowed purposes.

The owner or trustee on the land where the speleological facility is built shall be entitled to the compensation for restrictions imposed on him with regard to the use of

speleological facility which shall be proportionate to the reduced revenue. The amount of the compensation shall be agreed mutually, while the relevant court shall be in charge in case of a dispute about the amount of the compensation. The compensation shall be paid from the FBIH budget or cantonal budgets or the FBIH Institute for Environmental Protection.

If a concession is issued for the utilization of a speleological facility, for the limitation to which he is subjected the concessioner shall pay the compensation to the owner, the amount of which shall be determined in line with Paragraph 2 of this Article.

#### Article 50

The conservation of biological diversity of waters and water dependent ecosystems shall be done in accordance with this Law and FBIH Law on Waters (Official Gazette of FBIH, Vol: 70/06).

All natural lakes and ponds, including all coastal ponds exceeding 0.01 hectare, natural and near-natural marshes exceeding 0.25 hectare, bogs, springs and brooks with a 2 m wide coastal belt represent ecologically important areas in terms of this Law.

#### Article 51

The quantity of water in wetlands which is necessary for the survival of natural values and conservation of biological diversity, shall be determined by the relevant minister with a prior approval of the administration authority in charge of waters based on the study on needed quantities of water reserves in wetlands developed by the Federation Institute or cantonal institutes in cooperation with the legal entity in charge of water management.

The relevant authorities shall, within their scope of their activities, and legal and natural persons when carrying out their operations shall provide for an ecologically acceptable flow of water in wetlands.

#### Article 52

The conservation of biological diversity of waters shall be ensured in water management by the principles of sustainable development, and where possible by maintaining the natural systems and their renewal.

Water management in terms of Paragraph 1 of this Article shall be conducted according to special regulations.

#### Article 53

Activities on water and in water shall not endanger damage or destroy the natural habitats.

The conservation of biological diversity of waters shall be ensured by the implementation of measures for conservation of habitat types and measures for conservation of wild species/subspecies.

#### Article 54

Water ecosystems that belong to protected areas shall be managed according to special regulations, cantonal laws and this Law.

#### Article 55

If so required by the protection of certain strictly protected species of habitat types, the relevant Minister may enact a decision upon a prior approval of the relevant Minister of Agriculture, Water Management and Forestry for a temporary or permanent ban on fishing and other use of some parts of water and water ecosystems.

#### Article 56

For the purpose of conserving the biological and landscape diversity of arable land it is necessary to preserve valuable and threatened peripheral habitats (hedges, individual trees, groups of trees, ponds and meadow belts).

When planning and consolidating agricultural land it is necessary to maintain to the maximum extent the existing habitats or create new habitats as referred to in paragraph 1 of the present Article and to make plans for their arrangement and size in such a manner as to ensure the highest possible habitat value for biological and landscape diversity.

#### Article 57

For the purpose of preserving the biological and landscape diversity, the spatial planning documents shall, depending on the type of planning, provide for interconnection of the same types of habitats, preserve the existing and artificially created green areas, trees, groups of trees, running and stagnant waters and other habitats, giving priority to the indigenous species and habitats.

### **IV. TYPES OF HABITATS AND ECOLOGICALLY IMPORTANT SITES**

#### Article 58

The FBiH Government shall issue a regulation establishing the European ecological network of protected areas titled Natura 2000. The network of types of habitats and habitats of species shall provide for the conservation of types of natural habitats or, where necessary, the establishment of favorable state of protection within their natural area. Natura 2000 network shall include specially protected areas in line with the Directive on Birds.

The FBiH Government shall contribute to the creation of Natura 2000 commensurate to the degree of representation in the FBiH territory of types of habitats and habitats of species referred to in Paragraph 1 of this Article.

The FBiH Government shall define the sites and especially protected areas keeping in mind the goals set in Paragraph 1 of this Article.

The FBiH Government shall define especially protected IBA areas according to the standards of profession.

Ecological unity of Natura 2000 may be enhanced by conservation and development of landscape forms which are especially important to wild plant and animal species.

#### Article 59

The FBiH Government shall issue a decree based on the established criteria of the Directive on Conservation of Habitats and Wild Animal and Plant Species and submitted relevant scientific information making the list of types of habitats and species distributed in the FBiH territory. The list can be amended.

For animal species ranging over wide areas, sites of Community importance shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction in line with Natura 2000.

Once the site of EU importance is identified, the FBiH Government shall mark the site as especially protected site not later than within 6 years. The FBiH Government shall set the priorities with regard to the importance of sites for:

- maintenance and establishment of favorable state of types of habitats and species,
- Natura 2000 unity,
- with regard to threats of degradation and destruction the sites are exposed to.

Once the site is introduced in the List of EU importance, it shall be subject to Article 60 (2), (3) and (5).

## Article 60

If the habitats are part of especially protected area, the FBIH Government shall prescribe the necessary protection measures along with the management plan made for that specific area or integrated in other development plans, legal, administrative and contractual measures which correspond to ecological needs of the said habitats.

In relation to the special protection areas, the FBIH Government shall prescribe appropriate measures to avoid degradation of habitats or habitats of species and to avoid disturbance of species for which the area is marked if such disturbance may have significant consequences.

Every plan or project which is not directly connected or is not necessary for the area management but probably has significant impact either on its own or in combination with other plans or projects shall be subject to relevant assessment of impact on the area concerning the goals of protection.

In terms of conclusions of the impact assessment regarding the area, the administration authority shall accept the plan or project after it is satisfied that it will not have negative impact on the conservation of the respective area, after a public debate is conducted, if needed.

In addition to the assessment on negative implications on the area and in absence of alternative solutions, the plan or project may be realized for the reasons of public interest including the reasons of social and economic nature and the FBIH shall undertake compensation measures necessary to ensure the comprehensiveness of Natura 2000.

In terms of areas occupied by protected types of habitats and/or protected species, the only considerations that might open pertain to human health or public safety to useful consequences of primary important to the environment.

## Article 61

In the areas where measures are applied depending on the EU co-financing are refused the FBIH Government shall restrain from application of any measure that might result by endangering those areas.

## Article 62

The FBIH Government shall, when needed, stimulate the management of landscapes of special importance for wild plants, animals in its plans on use of land and development policy and especially in terms of the improvement of ecological coherence in Natura 2000 network.

Contents of landscapes shall be those that are necessary for migration, distribution and genetic exchange of wild species by its value of linear and intermittent structures (such as rivers with embankments or traditional system for demarcation of field boundaries) or their networking function (such as fish ponds or groves).

## Article 63

The Federation Ministry shall assume the obligation of monitoring the state of habitat conservation, with a special focus on priority types of habitats and priority species.

The Federation Minister shall enact the implementing regulation with measures and manner of supervision.

## Article 64

The Conservation of ecological system shall be ensured by conservation of types of habitats in favorable state.

Types of endangered habitats are habitats listed in the red list of habitats in FBIH, and pertain to:

-habitats at risk of disappearing within their natural area;

- habitats with small natural area that resulted from their narrowing or its natural state;
- habitats that are specific samples of one or more typical natural values.

Certain type of habitat shall be considered in favorable state if:

- its natural range and areas it covers within that range are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and,
- the conservation status of its typical species is favorable.

The red list of habitats shall be enacted by the Federation Minister based on scientifically determined grounds. The red list shall be published in the Official Gazette of FBiH.

#### Article 65

Types of habitats shall be identified and mapped and their state and vulnerability shall be evaluated and monitored.

Vulnerable types of habitats shall be those that are not in favorable state and are at risk of disappearing.

The areas of endangered and rare types of habitats shall be ecologically important sites in terms of this Law.

Mapping of habitats, evaluation of their state and vulnerability, types of habitats, endangered and rare types of habitats shall be determined by the Federation Minister by way of a Rulebook.

Monitoring the state and vulnerability shall be done by the Federation Institute and relevant cantonal ministries.

#### Article 66

Conservation measures for types of habitats shall be prescribed by the Federation Minister in a Rulebook upon a prior approval of the Federation Ministry of Agriculture, Water Management and Forestry.

Conservation measures for types of habitats in favorable state shall be introduced into the spatial development documents and management plans for protected natural areas. Legal and natural persons who perform operations in the area of habitats shall undertake prescribed measures in line with Paragraph 1 of this Article.

#### Article 67

Ecologically important sites shall include:

- Types of habitats with an exceptional biological diversity or areas well conserved, where habitats of vulnerable or endemic biological species and other ecological systems which are of international importance according to international treaties Bosnia and Herzegovina is a member of, or otherwise contribute to the conservation of biological diversity;
- Areas of habitat type which significantly contribute to the conservation of natural balance as they make part of the ecological network;
- Areas of vulnerable and rare types of habitats;
- Preserved forest units;
- Habitats of species that are protected under international treaties, Bosnia and Herzegovina is a member of;
- Migratory routes of animals;
- Ecological corridors;
- Areas that significantly contribute to the genetic connection of populations of plant species.

Ecological sites of the EU importance shall include those sites that significantly contribute to their biogeography regions by maintaining or renewing the "favorable state" in the conservation of habitats that significantly contribute to ecological coherence of Natura

2000 network and/or contribute to the conservation of biological diversity within the given region(s).

The system of interconnected or spatially close ecologically important areas which, by its biogeographical distribution, significantly contribute to the maintenance natural balance and biological diversity shall make an ecological network. The elements with the ecological network shall be connected by natural or artificial ecological corridors.

Ecologically important sites, ecological network and system of ecological corridors shall be prescribed the FBiH Government at a proposal of the Federation Ministry along with an expert opinion of the Federation Institute and relevant cantonal authorities.

#### Article 68

The protection of ecologically important sites shall be ensured by the implementation of prescribed measures and requirements of nature protection with a view to preserve biological and landscape diversity and protect natural values in accordance with this Law.

Any actions that could lead to destruction or some other significant or permanent damage to ecologically important site shall be forbidden.

#### Article 69

An internationally important ecological site shall be the site defined by the FBiH Government on the basis of international standards and provided protection under a specific protection regime in line with this Law.

Management of the international ecologically important site referred to in Paragraph 1 of this Article shall provide for conservation and improvement of its characteristics that are most important to the maintenance of a favorable state of habitat type or wild species.

For the purpose of protecting international ecologically important site and improvement of the ecological network's coherence, characteristics shall be preserved and developed which are most important for the maintenance of protected species' favorable state based on international treaties Bosnia and Herzegovina is a member of and which are effective.

Any actions that could lead to destruction or some other significant or permanent damage to international ecologically important site shall be forbidden.

## V. SPECIES AND SUBSPECIES

### *General Measures*

#### Article 70

Wild species and subspecies of plants, fungi and animals (hereinafter: wild species/subspecies) shall be:

- Live and dead specimens of wild plants and fungi and free living animals and their bred specimens;
- Their development shapes (egg, larvae, pupae, seeds, fruits, mycelia etc);
- Their parts;
- And easily recognizable products produced out of them.

It is prohibited to exterminate an indigenous wild species/subspecies.

It shall be prohibited to reduce the number of population of wild species/subspecies, destroy their habitats or change their living conditions to the extent which would lead to their endangerment.

#### Article 71

It shall be prohibited to:

- Intentionally disturb, catch, injure or kill wild animals;
- Intentionally remove wild plants and fungi from their habitats, reduce their populations or to destroy them in any way whatsoever;
- Intentionally damage or destroy wild species habitats.

#### Article 72

When carrying out activities in nature and using natural resources that affects habitats of wild species/subspecies, the manner, methods and technical means shall be used which shall not endanger a good conservation status of species/subspecies.

The Federation Minister, with a previously obtained approval of the Federation Minister of Agriculture, Water Management and Forestry, shall render the Rulebook prescribing the manner, methods and technical means referred to in Paragraph 1 of this Article which least disturb wild species/subspecies or habitats of their populations and limiting the activities in the habitats of animal populations at times synchronized with their important life cycles.

#### Article 73

Public roads, other roads or other structures which go through known migratory routes of wild animals shall be constructed in a way which provides for a safe passage of wild animals at proper distance intervals, along with monitoring.

Constructed crossings that ensure unhindered and safe crossing of wild animals shall be protected as natural values.

The Federation Minister shall render the Rulebook prescribing the protection measures, the subjects responsible for the implementation of protection and the maintenance of the crossings referred to in Paragraph 2 of this Article.

#### Article 74

Pillars, wind farms and technical components of above ground power lines shall be constructed in a way to protect birds against electric and physical shocks.

Pillars, wind farms and technical components that were built before the effective date of this Law and which largely endanger birds shall be subjects to necessary measures of protecting birds against electric and physical shocks within five years from the effective date of this Law.

Paragraphs 1 and 2 of this Article shall not refer to the overheads contact wires of railways.

The Federation Minister with responsibility for energy matters shall, with a prior consent of the Federation Minister with responsibility for environmental matters, enact the Rulebook prescribing the technical requirements related to the construction of pillars, wind farms and technical components of above ground electric power lines.

#### Article 75

If the use of plants, fungi and animals is done based on plans for management and use of natural estates or based on special regulations, the sustainable management of those wild species/subspecies shall be ensured in such way that the plans of management and use recognize the principle of ecosystem approach and the principle of sustainable use of resources and accept the characteristics of eco system and biogeographical characteristics of species/subspecies or populations that are important for a good conservation status of species.

Any collection of plants, fungi and parts thereof, and any catching or killing of animals that belong to the category of protected wild species/subspecies, for the purpose of processing, trade and other commercial operation, shall obtain a permit of the Ministry with

responsibilities for the environmental protection, unless otherwise prescribed by this or other laws. The permit shall be issued in a form of a decision.

The activities referred to in Paragraph 2 of this Article may be carried out with a prior approval of the owner or trustee of natural resources.

An applicant may be any legal and natural person.

If the manner or scope of the use of plants, fungi or animals that fall under the category of protected wild species/subspecies directly endangers a favorable state of species, the Minister shall limit or temporarily ban the use.

#### Article 76

Legal and natural persons shall report to the relevant Ministry any research they are making in the nature components in the Federation of BiH.

Plants, fungi, and parts thereof, or animals and parts thereof which do not represent protected natural value in terms of this Law may be taken out of the Federation of BiH for purposes of scientific research with a permit of the Federation Ministry upon a prior approval of the relevant institutions of Bosnia and Herzegovina. The permit shall be issued in a form of a decision.

The scientific research referred to in Paragraph 1 of this Article may be made on land or water surface with a prior approval of the owner or trustee.

A legal or natural person who made scientific research shall inform the relevant Ministry of the research results within 60 days from the research completion, subject to sanctions.

#### Article 77

Introduction of foreign species/subspecies into nature at the territory of the Federation of BiH shall be prohibited.

Introduction of foreign types of fish into nature and near-nature waters, as well as their transfer from fisheries to other wetlands shall be prohibited.

Exceptionally to Paragraph 1 of this Article, the introduction shall be allowed if it is scientifically and professionally founded and acceptable from the point of view of nature protection, expert opinion of an expert authority and sustainable management.

The relevant Ministry shall issue the permit referred to in Paragraph 3 of this Article based on the risk assessment study related to the introduction into nature, and with a prior approval of the relevant Ministry of Agriculture, Water Management and Forestry. The permit shall be issued in a form of a decision.

The Federation Minister shall render the Rulebook to prescribe the manner of making the risk assessment and developing the risk assessment study relative to the introduction, re-introduction and breeding and the procedure of permit issuance.

Costs of the study development and implementation of the risk assessment procedure shall be borne by the legal or natural person who filed a request for the permit.

Breeding of foreign wild species/subspecies in controlled environment with no possibility of introduction into nature shall not be considered as the introduction.

#### Article 78

For the purpose of preventing unintentional introduction of foreign species/subspecies into the territory of the Federation of BiH, and with a prior approval of the Ministry of Agriculture, Water Management and Forestry, the Federation Minister shall render the Rulebook to prescribe the preventive protection measures.

In case of an unintentional introduction of foreign species/subspecies into the territory of the Federation of BiH, or in case of reasonable doubt that such introduction would happen, the Federation Minister shall prescribe the measures to be taken in order to destroy the introduced or to prevent the introduction of new foreign species/subspecies.



## Article 79

Reintroduction (re-population) of disappeared wild species/subspecies into nature on the territory of the Federation of BIH shall be conducted with a permit of the Federation Ministry which is issued based on the risk assessment study relative to reintroduction, with a prior approval of the Ministry of Agriculture, Water Management and Forestry.

Costs of the study development and implementation of the risk assessment procedure shall be borne by the legal or natural person who filed a request for the permit.

## Article 80

The Government of the Federation of BIH shall enact a decree determining the necessary measures to establish a strict protection of animal species within their natural area of distribution, prohibiting the following:

- a) All forms of intentional catching or killing of specimens of those species in the wilderness;
- b) Intentional disturbing of those species, especially at time of reproduction, raising of the litter, hibernation and migration;
- c) Intentional destruction or taking of eggs from the wilderness;
- d) Damaging or destroying the places for reproduction or rest.

With regard to these species, the Government of the Federation of BIH shall prohibit keeping, transport and sale or exchange, offering for sale or exchange of species taken from the wilderness.

The prohibition referred to in Paragraph 1 (a) and (b) and Paragraph 2 of this Article shall pertain to all life phases of animals that are the subject of this Article.

The Government of the Federation of BIH shall establish a monitoring system of incidental catching and killing of animal species.

Based on the collected data, the Government of the Federation of BIH shall conduct further investigation or protection measures that are necessary so that incidental catching and killing does not have a negative impact on the respective species by way of increased inspector supervision on the ground.

In case of violations of the said prohibitions and in case of incurred damage, the Government of the Federation of BIH shall determine the compensation price list with the manner of compensating for the damage.

## Article 81

The Federation Ministry shall prescribe necessary measures for the establishment of the system of strict protection of wild species, prohibiting:

- a) Intentional picking, collection, cutting, uprooting or destruction of those plants within their natural area in the wilderness;
- b) Keeping, transport and sale or exchange or offering for sale or exchange sample of those species taken from the wilderness, save for those taken in the manner determined under this Law.

## Article 82

If based on the supervision, the Federation Ministry finds it necessary; it shall undertake the measures to ensure that the introduction of specimens of wild animal and plant species into the wilderness and the use thereof will be in parallel to the conservation of favorable state.

The measures shall include the ongoing supervision where the measures are considered necessary. Such measures may include particularly:

- Regulations that pertain to the access to certain areas,
- Temporary or local ban on taking of samples from the wilderness and exploitation of certain population,

- Regulating periods and/or methods of sample taking,
- When taking samples, to apply hunting and fishing rules that take into account the protection of respective population,
- Introduction of the licensing system for sample taking or introduction of quota system,
- Legislation that pertains to purchase, sale, offering for sale, keeping for sale or transportation for sale of specimens,
- Breeding in captivity of animal species and artificial reproduction of plant species in strictly controlled environment, with a reason for limiting the taking of specimens from the wilderness,
- Impact assessment for the accepted measures.

#### Article 83

With regard to picking of plant species and catching or killing of animal species even in cases of applied restrictions to picking, catching or killing of species, the Federation Ministry shall prohibit the use of all means capable of causing the local disappearance or of seriously endangering the population of the respective species, and particularly:

- a) the use of means of catching or killing;
- b) any form of catching or killing from the modes of transport.

#### Article 84

Where there is no other satisfactory solution, and the restriction is not detrimental for the conservation of the respective species population in the favorable state within its natural area of distribution, the Federation Ministry may derogate from provisions of Articles 80, 81, 82 and 83 (a) and (b) of this Law for the following reasons:

- (a) in the interest of protecting wild plant and animal species and conservation of natural living areas (habitats);
- (b) in the interest of preventing serious damage to crops, livestock, forests, fisheries and water and other property types;
- (c) in the interest of public health and public safety or for other important reasons in predominantly public interest, including those social and economic ones, as well as consequences that will primarily be important to the environment shall be exempted from Articles 80, 81, 82 and 83 (a) and (b) of this Law;
- (d) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes, including artificial reproduction of plants;
- (e) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers, specified by the relevant authority of the Federation of BIH.

#### Article 85

The Federation Ministry of Environment and Tourism shall:

- (a) examine the desirability of reintroduction of species to the territory of the Federation of BIH where it can contribute to their conservation, making sure that the research has shown, that such reintroduction shall significantly contribute to reestablishment of a favorable state for that species, and also taking into account the experiences of other member states or others. Reintroduction shall be conducted after a public debate;
- (b) make sure that the intentional introduction into the wilderness of any species which is not domesticated in the FBIH territory is regulated in such a way so not to have adverse effects on its new habitat.

## **VI. PROTECTION OF WILD BIRDS**

#### Article 86

Protection of wild birds shall refer to birds, their eggs, nests and habitats.

#### Article 87

The Government of the Federation of BIH shall enact the regulations determining the measures needed to maintain populations of all bird species which naturally occur in the wild state in the European territory at the level which corresponds primarily to ecological, scientific and cultural demands at the same time taking into account economic and recreational demands, or to adjust those species populations to that level.

#### Article 88

In line with requirement of Article 87 of this Law, the Government of the Federation of BIH shall undertake measures to conserve preserve or recover the necessary diversity and habitats for all bird species referred to in the preceding Article.

Conservation, preservation or recovery of habitats shall include primarily the following measures:

- a) creation of protection areas;
- b) maintenance and management in line with ecological needs and the Plan of management of protected area within habitats and outside the protected area;
- c) recovery of destroyed habitats;
- d) creation of biotopes.

#### Article 89

Wild bird species shall be the subject of special conservation measures concerning their habitats in order to ensure their survival and reproduction in their area of distribution, taking into account the following:

- a) species that are in danger of extinction;
- b) species vulnerable to specific changes in their habitats;
- c) considered rare because of small populations or restricted local distribution limited local distribution;
- d) other types requiring particular attention for reasons of the specific nature of habitat.

Trends and changes in population levels shall be taken into account as a basis for assessments.

#### Article 90

The Government of the Federation of BIH shall enact the regulations to:

Categorize the most suitable territories in number and size as special protection areas for conservation of wild bird species, taking into account the requirements of such conservation in the geographical sea and land area.

Undertake similar measures for constant migratory species with a view to the areas of their reproduction, moulting, wintering and resting along their migration routes.

A special attention shall be paid to the protection of swamps and especially the swamps of international importance.

For the purpose of protection of the aforementioned areas, adequate steps shall be taken to avoid pollution or damage to habitats or any disturbance which has an impact on birds as much as it is important to the objectives referred to in this Article.

Measure needed to avoid pollution or damage to habitats outside the protection areas shall be foreseen.

#### Article 91

Without prejudice to Articles 93 and 95 of this Law, the FBIH Government shall, by its document, undertake measures to establish a general protection system for all bird species referred to in Article 87 of this Law, particularly prohibiting:

- a) intentional killing or catching in any way whatsoever;
- b) intentional destroying or damaging their nests and eggs or removing of nests;
- c) taking of their eggs to the wilderness or keeping those eggs, even when they are empty,
- d) intentional disturbance of those birds especially during the rearing and reproduction season, given that it is significant disturbance,
- e) captivating birds which are protected against hunting and catching.

#### Article 92

The FBIH Government shall prohibit, for all the bird species referred to in Article 87 of this Law, the sale, transport for sale, keeping for sale, the offering for sale of live or dead birds or any readily recognizable parts or derivatives of such birds.

The activities referred to in Paragraph 1 of this Article shall not be prohibited in respect of the species killed or captured in a legal manner.

#### Article 93

Depending on the population density, geographical distribution and reproduction level, species may be hunted in line with the legislation at the level of the Federation of BIH. The FBIH Government shall ensure that the hunting of these species does not jeopardize conservation efforts in their distribution area.

Certain bird species referred to in the Directive listed in the Directive on Conservation of Wild Birds may be hunted in the geographical sea and land area.

Birds that are not protected may be hunted.

The FBIH Government shall ensure that the practice of hunting, including falconry if practiced, as carried on in accordance with the scientific basis and monitoring, control of the species of birds concerned and that this practice is compatible as regards the population of these species, in particular migratory species, with the measures prescribed in Article 87 of this Law.

The FBIH Government shall render the regulation prescribing that the species to which hunting laws apply are not hunted during the rearing season or during the various stages of reproduction. In the case of migratory species, the regulation shall see in particular that the species to which hunting regulations apply are not hunted during their period of reproduction or during their return to their rearing grounds.

#### Article 94

The Federation Ministry shall, by its regulation, prohibit:

- a) the use of all means or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species
- b) any hunting from the modes of transport.

#### Article 95

The Federation Ministry shall encourage research and any work required as a basis for the protection, management and use of the population of species of bird.

Particular attention shall be paid to research and work on the subjects:

- a) Lists of species in danger of extinction or particularly endangered species, taking into account their geographical distribution

- b) Listing and ecological description of areas particularly important to migratory species on their migratory routes and as wintering and nesting grounds.
- c) Listing of data on the population levels of migratory species as shown by ringing.
- d) Assessing the influence of methods of taking wild birds on population levels,
- e) Developing or refining 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 effect of chemical pollution on population levels of bird species.

#### Article 96

In case of the introduction of any species of wild bird not naturally occurring in the European territory, the measures shall be undertaken to see that it does not cause harm to local flora and fauna.

#### Article 97

Application of the measures shall not lead to deterioration in the present situation as regards the conservation of the species of birds pursuant to Article 86 and 87 of this Law.

#### Article 98

Favorable conservation status of wild animals, plant and fungi species that are protected under international conventions, treaties and directives, Bosnia and Herzegovina is a member of, shall be ensured by the protection of their habitats and protection measures for certain species/subspecies pursuant to this Law.

The Status of wild species/subspecies is favorable if its distribution and population in the natural range does not show a long-term trend of reduction, and if the population habitats a sufficiently large habitat to maintain its populations on a long-term basis.

The Federation Minister shall enact the Rulebook to prescribe the conservation measures and the manner of monitoring of favorable conservation status of species/subspecies referred to in Paragraph 1 of this Article, applied in the spatial development and use of natural resources.

### VII. TRANSBOUNDARY MOVEMENT OF PROTECTED WILD SPECIES/SUBSPECIES

#### Article 99

The Federation Ministry shall render the decision on entry, exit, and import or export an introduction from the sea, and shall issue an approval for re-export of wild species/subspecies, their parts and derivatives protected under this Law.

The decision and approval referred to in Paragraph 1 of this Article shall be given only if it does not endanger respective populations of animals, fungi or plants.

The decision and approval referred to in Paragraph 1 of this Article shall also be obtained in the case of a hybrid of which one or both parents belong to a protected wild species/subspecies.

Species/subspecies which is the subject of the decision or approval referred to in Paragraph 1 of this Article, the procedure and requirements for the issuance of the decision or approval, contents and manner of application, contents and manner of application for import, manner of marking animals or consignments, the manner of handling the confiscating specimens, authorities in charge of implementation and supervision, the manner of supervision, keeping of records, drafting of reports and other requirements of transboundary movements of wild species/subspecies in accordance with the international treaty, Bosnia and Herzegovina is a member of, shall be prescribed by the Federation Minister's Rulebook.

During the activities referred to in Paragraph 1 of this Article and/or transit, live animals, as prescribed by the Rulebook referred to in Paragraph 4 of this Article must be transported and kept in a manner which provides the lowest possible level of injuries, health endangerment or inhumane treatment, in accordance with special regulations.

Exceptionally to Paragraph 1 of this Article, the wild species/subspecies as determined by the Rulebook referred to in Paragraph 4 of this Article shall not need the import permit; instead a notification of the import shall be submitted to the relevant authority.

Decisions, approvals and other documents issued pursuant to this Law for the purpose of transboundary movements of protected wild species/subspecies shall be used only for specimens they refer to.

Transportation of protected wild species/subspecies across the territory of Bosnia and Herzegovina shall be conducted based on a valid document on export and re-export rendered by the relevant authority of the state of export or the state of re-export.

#### Article 100

Import, export or transit of protected species/subspecies, their parts and derivatives shall be mandatorily reported to the customs service in line with the provisions of this Law and the implementing regulations along with adequate implementation of customs regulations.

Veterinary inspection and control of consignments referred to in Paragraph 1 of this Article that are the responsibility of the relevant veterinary inspection shall be conducted in accordance with special regulations.

Protected wild species/subspecies, their parts and derivatives shall be imported, exported, transited across determined border crossing points with phytosanitary and border veterinary inspection.

In the case of import, export, introduction from sea or re-export referred to in Article 97(1) of this Law, the customs service shall review permits depending on the prescribed protection of wild species/subspecies and verify the crossing of the border in the proper box of the permit form. In the case of export, an appropriate copy of the permit with the remark "for the state of export", the customs services shall submit the certified copy to the Federation Ministry, and shall keep the copy with the remark "for customs". In the case of import, the customs service shall certify the original permit and the first copy for the applicant, and send back the first copy to the importer while the original permit is sent to the Federation Ministry.

#### Article 101

In case that during the import, export, introduction from the sea or transit, the customs service is unable to determine whether the animals, fungi or plants belong to species/subspecies the import or export of which is subject to restrictions or prohibitions, they may:

- At the cost of customs declaration officer or receiver or sender of the goods, store or assign someone to keep them until it is determined whether they belong to species and subspecies the import, export or transit of which is subject to restrictions;
- Leave them with the customs declaration officer or receiver or sender of the goods until the completion of the procedure, placing the ban on disposal.

The customs service may ask the customs declaration officer or receiver or sender to submit the evidence that the respective species/subspecies is not protected.

If the customs service finds that the species/subspecies are imported, exported or transported without a prescribed permit or other document, they shall be confiscated until the completion of the procedure. A certificate shall be issued on the confiscated species/subspecies. The confiscated species/subspecies shall be handed over to the legal or natural person authorized for keeping according to the Federation Ministry list, and they can also be left with the customs declarations officer or receiver or sender with a ban of disposal. If the required permit or other needed documents are not submitted within a month from the

confiscation or within the extended deadline which can be for not more than two months, the customs service shall render the decision on seizure.

If the customs control finds that the species/subspecies are not accompanied with the import or export permit, they shall be seized and the certificate shall be issued on the seizure.

In the cases referred to in Paragraphs 3 and 4 of this Article, the customs service shall as soon as possible notify the Federation Ministry which shall decide on temporary or permanent sheltering of seized species/subspecies taking into account special regulations and international treaties Bosnia and Herzegovina is a member of and which are in force.

Once the species/subspecies are confiscated or seized, the costs incurred thereupon (food, accommodation, transport, return and the like) shall be borne by the customs declaration officer or the receiver or sender, transporter or ordering party.

### *Keeping, Breeding and Trade in Wild Species and Subspecies*

#### Article 102

It shall be prohibited to keep wild species/subspecies in captivity in inappropriate conditions and without proper care.

Legal and natural persons who become owner of protected animals with the intention to keep them in captivity shall notify the federation Ministry within thirty days from acquiring the right of ownership over those animals.

The animals referred to in Paragraph 2 of this Article shall be permanently and irreplaceably marked according to regulations.

The Federation Minister shall render the Rulebook determining the conditions of keeping, manner of marking and records of animals referred to in Paragraph 2 of this Article.

#### Article 103

Legal and natural persons who intends to keep animals from indigenous domesticated or foreign wild species/subspecies protected under this Law in captivity with for the purpose of displaying them to the public in zoos, aquariums, terrariums or the like, shall obtain the permit from the Federation Ministry. The permit shall be issued in a form of a decision.

The permit referred to in Paragraph 1 of this Article shall be issued if the applicant proves that the conditions have been met, that the animals shall be displayed in an environment replicating the natural conditions of the habitat and not distorting the knowledge of biology of the species and subspecies.

#### Article 104

Legal and natural person who intends to breed indigenous domesticated or foreign wild species/subspecies shall obtain the permit in line with this Law or special regulation.

If an ecological risk is determined during the permit issue and procedure, the Federation Ministry may require from the applicant to make a preliminary environmental impact assessment prior to issuance of the permit in order to supervise adverse effects on the local ecological systems and indigenous domesticated species.

With regard to animals referred to in Paragraph 1 of this Article, the federation Ministry may prescribe permanent or irreparable marking.

The owner of the animal referred to in Paragraph 1 of this Article shall ensure that the animal does not escape to the nature and shall be responsible for the damage caused by the animal.

## Article 105

A legal and natural person who trades in protected domesticated or foreign wild species/subspecies as particularly prescribed under Paragraph 4 of this Article obtain the approval of the Federation Ministry.

The trade shall be allowed for only specimens bred in the registered breeding or specimens with the document on allowed origin provided that the specimen or consignment is properly labeled.

In the course of trade with the protected animals, the seller or the owner shall:

- Ensure proper conditions for keeping of animals in line with the Law and other regulations,
- Keep the record of the trade in animals and
- Issue a certificate on the animal's origin to a new owner.

The Minister shall enact the Rulebook referred to in Article 99(4) of this Law prescribing the requirements of trade and issuance of an approval for trade and supervision during the trade.

Certificates and other documents issue base on this Law for the purpose of trade in protected species/subspecies may be used only for specimens they refer to.

## Article 106

Specimens of protected wild species/subspecies which are illicitly kept in captivity or bred or subject of illicit trade shall be forfeited by the relevant inspector. A certificate on forfeiture shall be issued, as well as minor offense order.

The Federation Ministry shall bear the costs of sheltering forfeited specimens referred to in Paragraph 1 of this Article on a temporary or permanent basis with natural or legal persons authorized by the federation Ministry.

The Federation Ministry shall collect the costs referred to in the preceding Paragraph from persons from whom the specimens were forfeited.

## Article 107

Provisions and requirements set under permits, certificates and other documents enacted by the Federation Ministry for the purpose of introduction, taking out, introduction from sea, re-export, trade and other procedures involving wild species/subspecies, their parts and derivatives, based on the Law and international treaties Bosnia and Herzegovina is a member of, shall be met throughout the duration of permits, certificates and other documents.

The holder of permits, certificates or other documents referred to in Paragraph 1 of this Article shall without delay inform the Federation Ministry on all changes and new circumstances which have an impact or might have an impact on the duration of the permit, especially in case of:

- Failure to meet the requirements of the permit, certificate or other document,
- Death of specimen of animal and/or plant species/subspecies,
- Destruction of specimen of animal and/or plant species/subspecies,
- Escape of specimen of animal and/or plant species/subspecies,
- Other circumstances which make the contents of permit, certificate or other document different from the real state.

The Federation Ministry shall control if the requirements of permits, certificates or other documents referred to in Paragraph 1 of this Article are met and if there were any changes or new circumstances referred to in the preceding Paragraph throughout the duration of the permit or certificate.



## *Special protection of wild species/subspecies*

### Article 108

The endangered wild species/subspecies shall be the species/subspecies the long-term survival of which is endangered or the one which is rare or specified as such in the red list of endangered plant, fungi and animal species/subspecies.

Threatened wild species and subspecies shall be determined and listed in the red list by the Federation Minister based on scientifically determined professional foundations made by the Federation Institute.

Red books shall be developed based on red lists of endangered plant, fungi and animal species/subspecies.

### Article 109

Endangered wild species/subspecies that are declared under this Law as protected natural values may be: strictly protected species/subspecies and protected species/subspecies.

Strictly protected and protected species and subspecies shall be declared by the Federation Minister with a previously obtained approval of the Ministry of Agriculture, Water Management and Forestry pursuant to the assessment as to how certain species/subspecies are endangered and obligations that stem from international treaties of which Bosnia and Herzegovina is a member.

The Federation Minister shall revoke the protection of wild species and subspecies that is no longer endangered or transfer one species/subspecies to another category if that is needed according to the assessment as to how certain species and subspecies are endangered and obligations that stem from international treaties of which Bosnia and Herzegovina is a member in the manner and procedure prescribe in Paragraph 2 of this Article.

## *Strictly Protected Wild Species and Subspecies*

### Article 110

Strictly protected species/subspecies shall refer to:

- Wild species/subspecies faced with extinction in the territory of the Federation of BiH;
- Narrowly distributed endemic species;
- Wild species/subspecies the appropriate protection of which is prescribed by the international treaty of which Bosnia and Herzegovina is a member.

Certain wild species/subspecies may be strictly protected in the entire FBiH territory or in some parts of the territory.

Protection measures for strictly protected wild species and subspecies and protection measures of their habitats shall be prescribed by the Minister in a Rulebook.

If some area is a temporary habitat of strictly protected species/subspecies and its protection cannot be ensured otherwise, the Federation Minister may declare that are or part thereof as temporarily protected for not longer than six months, with a prior opinion of the Federation Minister of Agriculture, Water Management and Forestry.

### Article 111

It shall be prohibited to intentionally pick, collect, destroy, cut or uproot indigenous strictly protected plants and fungi.

It shall be prohibited to keep and trade in protected plants and fungi.

With regard to strictly protected animals the following shall be prohibited:

- Take them out of nature;
- Intentionally catch and/or kill them;
- Intentionally damage and/or destroy their development forms, nests or litter;

- Intentionally disturb them especially at the period of reproduction, raising of litter, migration and hibernation if the disturbance is significant in relation to the objectives of protection;
- Intentional destruction or taking of eggs from the nature keep empty eggs;
- Damage or destroy the areas of their reproduction or rest, and
- Hide, keep, raise, trade in, import, export, transport and sell or in any other way obtain and stuff them.

Unintentional catching and killing of strictly protected animals shall be reported to the Federation Ministry and Federation Institute which keep the record of unintentionally caught and killed strictly protected animals.

The Federation Ministry shall decide on protection measures to prevent adverse effects on certain species.

The Federation Ministry shall enact the Rulebook on price list for compensation of damage for species and subspecies, eggs, nests and litter.

#### Article 112

Exceptionally to Article 111 of this Law, in case there is no other appropriate option (no other satisfying solution) and that the exemption does not endanger the survival of certain population, the Federation Minister shall allow certain forbidden activities for the purpose of:

- protection of plants, fungi and animals and of their habitats;
- preventing serious damage to crops, livestock, forests, fisheries and water and other property types;
- in the interest of public health and public safety or for other important reasons in predominantly public interest;
- for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes.

The Federation Minister shall render the Rulebook to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain strictly protected species.

#### Article 113

Certain specimens of strictly protected wild animal species/subspecies may be captivated, bred, sold and purchased based on the permit issued by the Federation Ministry provided that:

- those are specimens legally imported to the Federation of BIH and have an owner;
- those are specimens legally obtained in the Federation of BIH;
- those are specimens obtained before the species/subspecies were declared protected under the Law;
- in case if the situation referred to in Article 112 of this Law.

Exceptionally to Article 111 of this Law, certain strictly protected animals, fungi and plants shall be imported and exported for trade purposes with the permit of the Federation Ministry and also imported for purposes of science, exchange, exhibits and the like based on the permit the permit of the Federation Ministry.

A finder shall notify the relevant veterinary station, a private veterinary dispensary and the Federation Ministry in case he finds:

- dead specimens of strictly protected wild animals;
- specimens of strictly protected wild animals that are sick or injured and nor capable to survive in the nature on their own.

The veterinary station and the private veterinary dispensary shall determine the cause of death of strictly protected wild animals. The federation Ministry shall bear the costs of that procedure.

The Federation Ministry may allow the finder of a sick or injured animal, upon his request and if he has satisfactory knowledge and conditions, to keep the animal in captivity for the purpose of treatment and recovery.

The Federation Ministry shall bear justifiable costs incurred by the said treatment.

The Federation Ministry may allow the exemptions from the prohibited holding in captivity and sale of strictly protected wild species/subspecies, in case of confiscates or forfeited specimens and if that is not contrary to other regulations and international treaties of which Bosnia and Herzegovina is a member.

All specimens of strictly protected wild species/subspecies referred to in Paragraph 6 of this Article shall be labeled in a proper manner.

The permits referred to in Paragraphs 1, 2, 5 and 6 of this Article shall be issued on a form of the decision.

#### Article 114

Strictly protected animals, fungi and plants shall not be exported or imported.

Exceptionally, certain strictly protected animals, fungi and plants shall be exported and imported for purposes of science and research, exchange, displaying in exhibitions and the like based on the permit issued by the Federation Ministry.

#### Article 115

Collecting of specimens for the purpose of a research into strictly protected species/subspecies shall be done on the basis of a previously obtained permit in the manner prescribed by this Law.

Results of the research and the identified data relevant to the assessment of the degree to which the researched species/subspecies is endangered shall be submitted to the Federation ministry within 30 days upon the research.

#### Article 116

Exceptionally to Article 111 of this Law, certain strictly protected animals, fungi and plants shall be traded in, or shall be exported or imported for purposes of trade pursuant to the permit issued by the Federation Ministry upon a presentation of evidence of:

- legal origin of plants, fungi or animals;
- the specimens that are bred;
- that animals were permanently and irreplaceably labeled;
- that it is a wild species/subspecies the trade of whose is not prohibited under the international treaties of which Bosnia and Herzegovina is a member.

The procedure and requirements for the issuance of the permit referred to on Paragraph 1 of this Article and the manner of labeling shall be prescribed by the Federation Minister in the Rulebook.

#### *Protected Wild Species and Subspecies*

#### Article 117

Protected wild species/subspecies shall refer to:

- indigenous wild species/subspecies which is endangered or rare and is not faced with extinction in the territory of the Federation of Bosnia and Herzegovina;
- wild species/subspecies which is not endangered but is easily confused with the endangered wild species/subspecies because of its appearance;
- wild species/subspecies a proper way of protection for which is prescribed under the international treaties of which Bosnia and Herzegovina is a member.

#### Article 118

Use of protected wild species/subspecies shall be allowed in the manner and quantity which does not endanger their populations.

The Federation Minister and the Minister responsible for agriculture, water management and forestry shall, within their competence, prescribe the protection measures for wild species/subspecies which will include:

- season prohibition of use and other types of use of the protected species/subspecies populations;
- temporary or local prohibition for the purpose of renewal of the populations to the satisfactory level;
- regulation of trade, keeping for the purposes of trade, transporting for the purposes of trade, and offering for sale of live and dead specimens.

The Federation Ministry shall keep the record of the manner and quantity of use of protected wild species/subspecies for the purpose of determining and supervising the state of population. If it is determined, on the basis of the records, that a protected species/subspecies became endangered due to the use, the federation Minister shall prohibit or limit the use of the respective species/subspecies.

#### Article 119

Populations of hunting and fishing species/subspecies shall be exploited and protected pursuant to this Law and special regulations.

Any use of devices for catching and killing of wild species of animal shall be prohibited, as well as the use of devices that could cause a local disappearance or serious disturbance of the population of those species, particularly:

- traps;
- live animals, blind or mutilated animals used as decoys;
- electrical devices capable of killing or stunning;
- artificial light sources;
- mirrors and other dazzling devices;
- sound distributing devices (magnetophones, tape recorders etc.) which issue the sounds of calling, pain or alarm;
- devices for illuminating targets;
- sighting devices for night shooting comprising an electronic image magnifier or image converter;
- explosives;
- poisons and poisoned or anesthetic bait;
- semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition;
- aircraft;
- moving motor vehicles;
- nets for catching birds;
- and other means determined by international treaties of which Bosnia and Herzegovina is a member.

#### *Genetic Diversity*

#### *Indigenous Domesticated Species/Subspecies*

#### Article 120

Indigenous domesticated species/subspecies, as part of biological diversity, is any inherited plant sort or animal breed developed as a result of breeding.

Indigenous domesticated species/subspecies shall constitute natural values in terms of this Law and special regulations.

#### Article 121

Endangered indigenous domesticated species/subspecies shall be protected with in-situ (in the nature) and ex-situ (out of the nature) methods. Traditional breeding and use of endangered indigenous domesticated species/subspecies shall be stimulated wherever possible and appropriate.

Endangered indigenous domesticated species/subspecies, breeding goals, rules of breeding and preserving of pure and health genetic basis, as well as the manner of using endangered indigenous domesticated species/subspecies not prescribed by a special law shall be declared protected by the Rulebook issued by the Federation Minister with a prior approval of the Federation Minister of Agriculture, Water Management and Forestry.

#### Article 122

Genetic material shall mean material of plant, fungi, animal or microorganism which contains parts of deoxyribonucleic acid.

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

Taking of genetic material from the nature shall not endanger the survival of ecological system or populations of species in their habitats.

The conditions and manner of taking of genetic material from the nature shall be prescribed by the Rulebook issued by the Federation Minister.

#### Article 123

An access to genetic sources shall be allowed to everyone under same circumstances in the manner prescribed by this Law or special regulation.

Results of the research and development that stem from the use of genetic sources shall be used fairly and in line with special regulations.

Nobody shall be allowed to become a patent owner of genetic material created on the basis of genetic material of wild species/subspecies. Patenting of genetic material of any part of genetic diversity in the Federation of BIH shall be prohibited.

#### Article 124

The Federation Ministry shall ensure the establishment of a gene bank and determine the subjects in charge for the establishment.

Gene banks shall contain controlled and bred populations or parts of animals, fungi or plants, especially seed, spore, sex cells and other biological material for the purpose of conservation of species and their genetic welfare.

Biological materials shall include microorganism, molecules and fragments of deoxyribonucleic acid (DNA), viruses, active and cell cultures.

Requirements and criteria for the establishment of a gene bank and the manner of granting the authorities shall be prescribed by the Rulebook issued by the Federation Minister.

The Federation Minister shall prescribe the manner in which a gene bank shall be established and the manner in which it shall be managed, in accordance with this Law.

### **VIII. MINERALS, FOSSILS AND SPELEOTHEMS**

#### *General Measures*

#### Article 125

Minerals are naturally occurring homogenous chemical elements or compounds in a form of crystallized or amorphous substances, of a specific structure, shape and system. In terms of this Law, minerals shall not refer to mineral raw materials.

Fossils represent preserved compounds, parts or traces of extinct organisms and their living activities.

Minerals, fossils and speleothems shall be owned by the Federation of BIH.

It shall be prohibited to destroy minerals, fossils and speleothems and damage the discover sites.

It shall be allowed in exceptional circumstances if it is in the interest of the Federation of BIH or if there is a significant public interest.

#### *Protected Minerals, Fossils and Speleothems*

##### Article 126

Minerals and fossils important for their rarity, extraordinary size or appearance or an outstanding and universal educational and scientific relevance represent protected natural values in terms of this Law.

The minerals and fossils that represent protected natural values shall be determined by the Federation Minister in the Rulebook at the proposal of the Federation Institute.

##### Article 127

Minerals, fossils and speleothems that are declared protected natural value at the place of discovery (in-situ conservation) and discovery sites are the natural area protected by the relevant body.

If minerals, fossils or speleothems cannot be protected at the place of discovery, their conservation shall be entrusted with a legal or natural person who will provide professional protection and provide for their use in education, museums, science and nature protection (ex-situ conservation).

Conditions under which the minerals, fossils or speleothems can be entrusted for conservation to a legal or natural person shall be prescribed by the Federation Minister by way of the Rulebook referred to in Article 126(2) of this Law.

Conditions for studying the discovery sites, the method of protecting minerals and fossils on their discovery sites, the method of protecting discovery sites and the contents, methods and conditions for a professional protection of minerals and fossils kept outside the discovery site shall be laid down by the Federation Minister by the Rulebook referred to in Paragraph 3, with a previously obtained opinion of the relevant scientific and/or professional institution.

The register of legal and natural persons entrusted with the protection and safekeeping of minerals, fossils and speleothems and legal entities authorized for the research of discovery sites of minerals and fossils shall be kept by the Federation Ministry until the Federation Institute is established.

##### Article 128

It shall be prohibited to take from nature minerals, fossils or speleothems designated as protected natural values or situated in a protected discovery site.

Exceptionally, the Federation Ministry may grant a permit for minerals, fossils or speleothems designated protected natural values or situated in a protected discovery site to be taken from nature for the purpose of scientific and expert research, education, displaying in exhibitions and for other purposes.

Article 129

Any discovery of a mineral or fossil that might represent a protected natural value as referred to in Article 126 of this Law shall be reported by the finder to the relevant Ministry within eight days from the day of the discovery thereof and necessary measures shall be taken to protect them against destruction, damage or theft.

The Federation Ministry shall decide on the research of the discovery site of a mineral, fossil or speleothem after obtaining the opinion of the Federation Institute not later than thirty days after the site has been reported. The decision on the research shall also determine the nature protection measures.

Unless provided otherwise by the Ministry, the finder shall not be authorized to perform any activities on the discovery site that are likely to cause destruction or damage to the finds, with the exception of protection measures.

The owner of the land or the natural or legal persons carrying out activities on the land where minerals, fossils or speleothems were found must enable the research of the finding site in compliance with the decision of the relevant Ministry.

The study of the discovery site shall be carried out by an authorized natural or legal person pursuant to the permit granted by the Federation Ministry in the manner and procedure prescribed by the enactment under Article 126(2) of this Law.

If there is a likelihood that further minerals, fossils or speleothems may be found, the Ministry shall, upon completion of research activities permitted and on the basis of the supervision carried out, make a decision on the continuation thereof.

Article 130

If a legal or natural person intends to research mineral, fossil or speleothem discovery sites, it or he shall apply to the Ministry for a permit not later than 30 days prior to the planned commencement of the research.

If the application is not submitted in the deadline referred to in Paragraph 1 of this Article, the Ministry shall reject the application and shall not allow the research.

If the study relates to a finding site of protected minerals, fossils or speleothems declared natural values, the Ministry may prohibit the research or grant the permit in which nature protection conditions or measures for the protection of the discovery site will be laid down. The permit shall be granted in a form of a decision.

The legal or natural person shall submit to the relevant Ministry a report on the research carried out, including data on the state of the discovery site, possible threats to the site and additional research and additional protection measures required not later than thirty days from the completion of the research.

*Use of Minerals, Fossils and Speleothems*

Article 131

A legal and a natural person may take minerals, fossils or speleothems from nature for the purpose of placing them on the market after previously obtaining the permit of the relevant Ministry. The permit shall be granted in a form of a decision.

A natural or legal person placing on the market minerals, fossils or speleothems must have a certificate of origin or a permit for taking from nature for each mineral or fossil possessed. When selling a mineral, a fossil or a speleothem this certificate or the permit shall be submitted to the buyer.

A legal or natural person under paragraph 2 of this Article shall keep records of placing minerals, fossils or speleothems on the market, and send the records to the relevant Ministry.

The form and the contents of the records of placing minerals, fossils or speleothems on the market shall be prescribed by the Minister in a form of an Instruction.

#### Article 132

When taking minerals or fossils from nature it is prohibited to use machinery, explosives, compression gases or any other chemicals

#### Article 133

A natural or a legal person intending to export minerals or fossils must be granted an export permit by the relevant Ministry. The permit shall be granted in a form of a decision.

No export of minerals, fossils and speleothems designated as protected natural values shall be permitted.

Exceptionally, the Ministry may permit the export of minerals, fossils and speleothems designated as protected natural values for the purpose of scientific research, education or display. The conditions for the export of minerals and fossils shall be laid down in the permit.

### IX. PROTECTION OF NATURAL VALUES

#### *Protected Natural Values*

#### Article 134

Protected natural values in terms of this Law are

- (1) Category Ia: Strict nature reserve  
Category Ib: Wilderness area
- (2) Category II: National park
- (3) Category IIIa: Nature park  
IIIb: Monument of nature and nature characteristics
- (4) Category IV: area of habitats/species management
- (5) Category V: a) protected landscapes:
  - coastal landscapes
  - marine landscapesb) Regional park
- (6) Category VI: Protected areas with sustainable use of natural resources.

Protected natural values may be connected across a frontier with protected areas of another state.

The management plan and measures for the protection of natural values connected across a frontier shall be defined by agreement with the competent authority of the state in which the cross-border segment of a natural value is located.

The protection and conservation of cultural assets located in the area of protected natural values under paragraph 1, lines 1, 2, 3, 4, 5, 6 of this Article shall be governed by the regulations for the protection and conservation of cultural assets.

#### Article 135

##### *Category Ia: Strict nature reserve*

Category Ia is strictly protected area separated for the protection of biodiversity and possible geological/geomorphologic occurrences, where visits, use and impacts are strictly controlled and limited for the sake of protection of natural values. Such protected areas are irreplaceable reference places for scientific research and monitoring.

Primary objective: protection of regional, national or globally important ecosystems, species (individual or group) and/or specific characteristics of geodiversity: these attributes



shall be maintained mainly or completely without human activity and shall be degraded or destroyed with even minor human influence.

Other goals:

- conservation of ecosystems, species and geomorphological specific characteristics in the way which does not disturb human activities in as much as possible;
- conservation of specimens of natural environment for scientific research, ecological monitoring and education, covering the common areas which can help in avoiding impacts;
- minimizing nuisances by way of cautious planning and implementation of research, as well as other allowed activities;
- preservation of cultural and spiritual values therein.

#### Article 136

##### *Category Ib: Area of wilderness*

Category Ib is a protected area which is completely unchanged or very slightly changed, which kept its natural character and impacts with permanent or significant human settlements that are managed for the purpose of protection and conservation of its natural conditions.

Primary objective: Long-term protection of ecological integrity of natural areas that are not disturbed by significant human activities, without modern infrastructure and with predominant natural forces and processes so that present and future generations have a possibility to feel them as such.

Other objectives:

- introduction of public access at the level and per type which shall maintain the wilderness quality of the area for present and future generations;
- enabling the local communities to keep the traditional way of living connected with the wilderness, and habits in small settlements along with the use of available resources in the manner compatible with the objectives of conservation;
- protection of relevant cultural and spiritual values and other non-material assets for the local community and beyond, such as seclusion, respecting of holy places, respecting ancestors, etc.;
- providing for the least invasive educational and scientific-research activities when they cannot be conducted outside the wilderness area.

#### Article 137

##### *Category II: National park*

Protected areas of Category II are vast natural or almost natural areas, separated for the protection of wide-range ecological processes, and relevant species and ecosystems characteristic for the area, which constitute ground for spiritual, scientific, educational, recreational and touristic purpose compatible with the protection of cultural and natural heritage.

Primary objective: protection of natural diversity together with ecological structures and accompanying ecological processes with the promotion of education and recreation.

Other objectives:

- Management of the area for the purpose of sustainable conservation of natural state as much as possible, as a representative example of the region's physiography, living communities, and genetic resources and untouched natural processes.
- Conservation of living and ecological functions of populations and natural groups of species with the population density able to preserve the integrity and elasticity of ecosystems for a rather long period of time.
- Special contribution to conservation of widely distributed species, regional ecological processes and migratory routes of species.
- Managing the visits for inspirational, educational, cultural and recreational purposes at the level which will not cause significant biological or ecological degradation of natural resources.

- Support to the needs of local community which includes a sustainable use of resources to the degree which shall not have effects on the primary objective of management.
- Contribution to the local economy through tourism in line with the Law and Management plan for the national park.

#### Article 138

##### *Category IIIa: Nature park*

A nature park is a large natural or partly cultivated mainland and/or marine area with ecological features of international or national importance, or with marked landscape, educational, cultural, historical, tourist and recreational values

In a nature park only those actions and activities are permitted that do not pose any threat to its essential features and roles

The method of performing economic activities and using natural resources in a nature park shall be laid down by nature protection conditions

##### *Category IIIb: Natural monument*

Protected area of category IIIb is separated for the purpose of protecting specific natural features such as special forms of land relief, marine reef, underground caves, geological formations such as caves or faorm of life such as jungles. Generally, these are small protected areas with a higher potential for tourism.

Primary objective: protection of specific natural features and their biodiversity and habitats.

Other objectives:

- Protection of biodiversity in coastal and marine landscapes, which would otherwise suffer significant changes.
- Protection of specific natural sites with spiritual and cultural values and biodiversity values.
- Conservation of traditional spiritual and cultural values at the sites.

#### Article 139

##### *Category IV: Area of management of habitats/species*

Protected area of IV category is separated for the purpose of protecting individual species or habitats, as a priority of management.

Many protected areas of this category need a regular active intervention on order to meet ecological requirements of certain species or for the conservation of habitat, but does not meet the requirements of being declared protected area.

Primary objective: maintain, conserve or restore species and habitats.

Other objectives:

- Protection of vegetation or other forms of biodiversity by way of traditional approach to management.
- Protection of habitat fragments as components of the strategy of conservation of coastal and marine landscape.
- Raising public awareness of given species and habitats.
- Enhancement of urban population's contact with nature.

#### Article 140

##### *Category Va: Protected landscape*

Category Va is a protected area that occurred through the interaction of humans and nature, and is characteristic by its significant ecological, biological, cultural and aesthetic values. Maintenance of the humans and nature interaction is of vital importance to the protection and sustainability of the area along with natural and other values.

Primary objective: protection and maintenance of important coastal, marine landscapes and nature parks with the values that occurred through the interaction of humans and nature and traditional management practice.

Other objectives:

- Conservation of balanced interaction of nature and human culture through protection of coastal/marine landscape and Nature Park and traditional management approach, social, cultural and spiritual values.
- General contribution to conservation of biodiversity through management of species within the cultural landscape and improved possibilities of conservation in hardly used landscapes.
- Improved possibilities for pleasure, welfare, socio-economic activities through recreation and tourism.
- Use of natural products and environment functions.
- Establishment of environment which will encourage participation of local community in management of valuable coastal, marine landscape and nature parks and natural and cultural values therein.
- Support to conservation of agro biodiversity and aquatic biodiversity.
- Establishment of sustainable models of biodiversity conservation which serve as an example to wider use.

#### *Category Vb: Regional park*

A regional park is a large natural or partly cultivated mainland and/or marine area with ecological features of international, Federation or cantonal importance and landscape values characteristic of the area in which it is located. In a regional park only those economic and other activities are permitted that do not pose any threat to its essential features and roles.

### Article 141

#### *Category VI: Protected areas with the sustainable use of natural resources*

The protected area of category VI shall conserve ecosystems and habitats along with cultural values and the system of traditional management of natural resources. Generally, those are wide areas with majority of the territory under natural conditions parts of which are the subject of sustainable management.

A sustainable use of natural resources of non-industrial type is one of the main objectives of management.

Primary objective: Protection of natural ecosystems and sustainable use of natural resources complement each other to the benefit of both.

Other objectives

- Promotion of the sustainable use of natural resources that include ecological, economic and social dimension.
- Promotion of social and economic gain for the local community, when relevant.
- Establishment of a long-term security for the life of local community through sustainable use of biodiversity.
- Integration of different cultural approaches, religious systems and attitudes within socio-economic approach to the conservation of nature.
- Contribution to the development and maintenance of balanced relations between humans and nature.
- Contribution to sustainable development on the national, regional and local level (especially for the local community which depends on the use of resources).
- Support to scientific research and monitoring of the environment.
- Progress in the recognition of the benefits from protected areas primarily for local communities living near, enhancement of recreational and local touristic activities.

### Article 142

Wild species and subspecies that are threatened or rare are protected as strictly protected species/subspecies and protected species/subspecies.

Special regulations shall apply to the issues of the protection of wild species/subspecies which are not governed by this Law.

#### Article 143

Protected indigenous domesticated plants and animals are those plants and animals that have evolved as a consequence of traditional breeding and constitute a part of domestic cultural heritage.

Special regulations shall apply to issues of the protection of indigenous domesticated animals and plants which are not governed by the present Act.

#### *Procedure of designating protected natural values*

#### Article 144

Protected natural values shall be designated by the FBiH Parliament in a form of a law in compliance with the provisions of Article 134(1) lines (1) and (2) of this Law.

Protected natural values referred to in Article 134(1) lines (3), (4), (5) and (6) shall be designated by the Cantonal Assembly in a form of a law.

Protected natural values referred to in Article 134(1) lines (3), (4), (5) and (6) which are located in the territory of two or more cantons shall be designated by the FBiH Parliament in a form of a law, with the approval of cantonal legislative authorities.

If the natural value referred to in this Article is located in both Entities, the proposal for protection is made by the Federation Ministry and relevant RS Ministry in compliance with the Inter-entity environmental protection program.

The establishment of protected areas at the federation or cantonal level may be carried out with the approval of municipal councils on which territories the protected area is located.

#### Article 145

The Law designating a protected area shall contain:

- name and category of the protected value;
- a precise description of the spatial determination of borders;
- a name of the category referred to in Article 134(2) of this Law;
- indication of the scale of the cartographic presentation;
- a cartographic presentation showing the boundaries or a site denotation forming a constituent part of the designation document.

The boundaries of the protected area shall be determined in accordance with the relevant spatial development documents, the Law on Spatial Planning and Use of Land at the level of the Federation of BiH.

For the purpose of preventing threats to the protected values referred to in the document referred to in Paragraph 1 of this Article may provide for a buffer zone outside the protected natural area and lay down measures for the protection thereof.

The Law on Designation shall be based on an expert explanation specifying the values of the area or its components proposed for protection, the methods of managing that area

and a statement of the authority issuing the designation document confirming that funds necessary for the management of the protected area have been secured.

The expert explanation under paragraph 3 of the present Article shall contain a detailed description of features and values of the area to be protected, the assessment of the state of that area, consequences that will arise from the adoption of the document of designation, the decision of the relevant body relative to the protection, and evaluation and sources of funds necessary for the enforcement of the document designating the protected area.

#### Article 146

The public shall be informed about any proposal to designate a protected area

Public information implies providing public access to the proposed document designating the area of a protected value and an expert explanation with cartographic documentation.

Public access to the proposed document designating a protected area shall be provided in local self-governance units in the area in which the protected area is located.

Public access under paragraph 2 of this Article shall be provided for at least thirty days. The public access procedure shall be laid down by the FBiH Government in a regulation at the proposal of the Ministry.

The entity proposing the document designating the area of a protected value shall deliver its opinion about comments made during public access to the document within 30 days from the delivery of comments, and these comments and opinions shall form a constituent part of documents underlying the designation proposal.

The notification of public access shall be published in at least one daily paper and contain information relating to the place where cartographic and other documents related to the protection proposed will be made available

#### Article 147

The Law designating the protection of natural values referred to in Article 144 (1) and (3) of this Law shall be published in the "Official Gazette of the Federation of BiH" and the designation document as referred to in Article 144 (2) of this Law shall be published in the "Official Gazette of cantons".

A cartographic representation showing boundaries of the protected natural value or site indication shall be kept in the relevant Ministry.

The Law on Designation of the protection for wild species/subspecies, indigenous and domesticated species/subspecies and minerals, fossils and speleothems shall be published in the Official Gazette of the Federation of BiH.

#### Article 148

Protected natural values shall be entered into the Register of Protected Natural Values.

The Register of Protected Natural Values shall be kept by the relevant Ministry and Institute.

The contents and methods of keeping the Register of Protected Natural Values shall be determined by the Federation Minister by way of the Instruction.

The information in the Register of Protected Natural Values shall be public unless it is determined that the information relating to the site of the protected natural value is secret for the purpose of its protection.

#### Article 149

A natural area undergoing the procedure of its designation for protection shall be under temporary protection as of the day the notification of public access to documents is published in a daily paper, until the completion of the procedure.

For the duration of its temporary protection the natural value shall be governed by the provisions of this Law as if they were designated as protected.

#### Article 150

In the event that features for which an area is designated as protected are lost, the competent authority as referred to in Article 144 of this Law shall issue a document for the termination of protection after previously obtaining the consent of the Federation or relevant Ministry.

The document of the termination of protection shall be based on an expert background document of the Institute establishing the loss of features for which that natural value has been protected

The document relating to the termination of the protection shall be published in the Official Gazettes.

#### *Management of Protected Values*

#### Article 151

Protected areas and other protected natural values, except for protected wild species/subspecies, indigenous species/subspecies and minerals, fossils and speleothems shall be managed by public companies and public institutions.

Public companies for the management of protected natural values of the categories I and II referred to in Article 134 of this Law shall be established by the FBiH Government.

Public institutions for the management of other protected areas and other protected natural values shall be established by cantonal governments.

In addition to the public companies and public institutions established by the FBiH Government and cantonal Governments, new public companies and new institutions may be established only with a prior decision of the federation Parliament or cantonal assemblies.

#### Article 152

Public companies and public institutions as referred to in Article 151 of this Law shall perform activities pertaining to protection, maintenance and promotion of a protected area and other protected natural values with the aim of protecting and maintaining the authenticity of nature and of ensuring the undisturbed progress of natural processes and the sustainable use of natural resources, and shall exercise control of the implementation of nature protection conditions and measures in the area of their management.

Public companies and public institutions managing protected areas shall also control the performance of permitted activities with the aim of ensuring a rational and sustainable use of natural resources

A public institution may perform such other activities determined by its charter of foundation and articles of incorporation as serve for performing activities under paragraphs 1 and 2 of this Article.

#### Article 153

The finance necessary for the operation of a public institution and for the performance of activities under Article 152 of this Law shall be secured by:

- fixed assets;
- FBiH Fund for the Environmental Protection and Cantonal Funds for the Environmental Protection where such funds are established;
- revenues from the use of protected natural values;
- revenues from charges

- determined benefits (such as for example the exemption from the entire amount or share of profit etc.);
- other sources as determined by this Law and special regulations

### *Implementation of Protection*

#### Article 154

The organization of space and the method of use, arrangement and protection of area shall be regulated by the plan for the areas with special features.

The plan for the protected areas shall be enacted by the relevant Parliament.

#### Article 155

The management of protected areas shall be carried out according to the management plan.

The management plan shall be enacted by the FBiH Government or cantonal government for a period of ten years, at the proposal of the FBiH Ministry and Cantonal Ministries.

The management plan shall lay down development guidelines, methods of protection implementation, use and management of a protected area, including detailed guidelines for the protection and conservation of natural values of a protected area, respecting the needs of the local population.

The management plan shall be binding for all physical and legal persons carrying out activities in a protected area.

Upon expiry of the five-year period the implementation of the management plan and the results achieved shall be analyzed and, if required, the management plan revised in the manner and according to the procedure determined for the adoption thereof.

#### Article 156

The protected area management plan under Article 155(1) of this Law shall contain:

- a) Protected area management objectives and policies:
  - the purpose, functions and goals of the protected area, and
  - the management policy for the protected area;
  
- b) Protected area protection guidelines:
  - assessment of the state of the protected area and its buffer zone,
  - protection concept relating to the entire area and its individual parts,
  - monitoring of the state of the protected area and its values,
  - protection and management of natural and cultural values, including protected area resources (protection programs etc.),
  - development of activities authorized in the protected area,
  - visiting of the protected area (visiting and touring programs, etc.),
  - guidelines for the appearance of buildings in protected areas,
  - linking the protected area with neighbouring areas, and
  - impacts on the environment and the socio-economic complex
  
- c) Implementation of the plan:
  - guidelines for linking sectoral plans;
  - strategy of the plan implementation;
  - supervision;
  - manner of financing;
  - methods and sources of finance, and

- institutional set-up and persons responsible for activities in protected area management.

The management plan shall be implemented through annual programs for the protection, conservation, use and promotion of the protected area.

Prior to defining the draft management plan, the administration authority shall provide public access to documents.

#### Article 157

Measures for the protection of natural values shall form a constituent part of spatial development documents, management plans under Article 155(1) of this Law and other regulations issued pursuant to this Law and governing the issues of the protection, conservation, promotion and use of protected natural values.

The protection measures may prohibit or restrict the execution of activities in the space, construction of infrastructure facilities; new construction of transit, public utility, energy, telecommunication and transport facilities; excavation or filling in of ground; excavation or removal of stones, minerals or fossils; waste disposal and wastewater discharge; water regime modifications; removal of alluvia; economic use of natural resources; execution of land reclamation activities; removal of hedges and other parts of nature; planting monocultures; collecting fungi and plants and the parts thereof; disturbing, killing or catching animals; hunting; fishing; transportation; sports and recreation activities; placing advertisements and other signs; visiting and touring and other activities likely to endanger the protected natural value, except when in the public interest for conservation and protection of natural values.

Military exercises or any other military activities likely to endanger natural values shall be prohibited in the protected areas.

#### Article 158

The Rulebook on internal order shall define in detail issues and lay down measures for the protection, conservation, enhancement and use of a protected areas and other protected natural values, and prescribe administrative measures for non-compliance with the provisions of the Rulebook and this Law.

The Rulebook referred to in Paragraph 1 of this Article shall be rendered by the Supervisory Board of the public company or public institution at the proposal of the management and with a prior approval of the relevant Ministry.

A direct supervision in protected areas shall be conducted by a chief supervisor and supervisors from the public company or public institution which is in charge of managing the area.

The implementation regulations shall prescribe the organization, manner of work and authorities of the supervising nature protection service.

#### *Use of Protected Natural Values*

#### Article 159

In a protected area and other protected natural values only those activities and actions shall be permitted which do not cause any damage and do not alter the features for which the area has been protected.

The permit shall be granted for activities and actions in a protected categories shall be issued by the relevant Ministry.

The permit shall be granted for activities and actions in a protected categories III, IV, V and VI shall be issued by the the Cantonal authority.

The permit shall be issued in a form of a decision. An appeal from the decision shall be file from the relevant Ministry.

The activities and actions conducted on the basis of management plans relating to forestry, hunting, fishing, water management and mining shall be consistent with goals and



measures of protection and the plans of management of the protected areas and they shall have the approval of the relevant Ministry.

The permit referred to in Paragraph 2, 3 and 4 of this Article shall also contain the nature protection conditions.

#### Article 160

Protected natural areas and other protected natural values may be visited and toured in a manner that will not endanger either their values or the implementation of protection.

Visiting and touring of a protected area and other protected natural values shall be permitted to anyone under the same conditions in compliance with this Law and the implementing results.

If the visiting and touring of protected areas and other protected natural values could be detrimental to their conservation, such visiting and touring of a protected area and protected natural values or any part thereof may be prohibited or limited.

#### Article 161

The owner or the trustee of a protected area or protected natural value shall permit access to a specific natural value if, in view of the protection purpose and the importance of that natural value, this is necessary for the purpose of satisfying scientific, educational, aesthetic, cultural and recreational needs, in the manner and under the conditions determined by the relevant Ministry's decision.

In the decision under Paragraph 1 of this Article, compensation shall be determined payable to the owner or the trustee for any restrictions imposed on him.

The requirements referred to in Paragraph 1 shall be determined by the Federation Minister in a form of the Rulebook.

#### Article 162

In the event that the application and use of a protected area or other protected natural values for specific purposes is restricted or prohibited, the owner or the trustee of that protected area or protected natural value shall be entitled to compensation for the restrictions imposed on him.

The amount of the compensation shall be determined by mutual agreement as referred to in the Rulebook referred to in Article 163. In the case of a dispute the amount of the compensation shall be determined by the court.

The compensation shall be payable from the budget of the relevant level of the authority or the budget of the Fund for environmental protection.

#### Article 163

The protection of a natural value in a protected area may be entrusted to the owner or the trustee of the property by means of a contract stipulating mutual rights and obligations between the authority managing the natural value and the owner or the trustee of the real property.

The contract as referred to in Paragraph 1 of this Article shall determine:

- the natural value that is the subject matter of the protection contracted;
- protection measures to be taken by the owner or the trustee; and
- the amount of compensation payable to the owner or trustee for implementation of the protection measures prescribed and contracted, and

If a natural value as referred to in Paragraph 1 of this Article refers to protected wild species/subspecies, the contract shall be signed by the Federation Ministry.

#### Article 164

On the basis of a public announcement, the protection of a natural value in a protected area may be entrusted to a person who is neither the owner nor the trustee thereof, by the conclusion of a contract on guardianship under the conditions laid down by the Ministry. The public announcement shall be made by the authority which manages the protected area in which the natural value is located.

Conditions to be fulfilled by the person referred to in Paragraph 1 of this Article shall be prescribed by the Federation Minister in a form of a Rulebook.

A legal or natural person who fulfils the conditions required and enters into a contract with the management authority under Paragraph 1 of this Article shall become a guardian of the protected value.

The contract referred to in Paragraph 1 of this Article shall regulate the issues of protection and conservation of natural values, especially:

- natural value which is the subject to contracted protection;
- protection measures to be taken by the guardian for the implementation of prescribed protection measures.

If the natural value referred to in Paragraph 1 of this Article refers to the protected wild species/subspecies, the public announcement procedure shall be conducted and contract concluded by the relevant Ministry.

#### Article 165

In the event that an activity or use of a natural value or a property in a protected area is restricted or prohibited in a certain manner or for certain purposes to the detriment of the owner or the trustee of that natural value or property, he shall be entitled to a compensation for restrictions that he was subject to in compliance with the provisions of Article 162(2) of this Law.

#### *Pre-emption Right and Restrictions in Legal Transactions*

#### Article 166

The owner of a property (hereinafter: the owner) within the categories I and II intending to sell that property shall first offer it for sale to the FBiH Government, and the owner of a property in other protected natural values intending to sell that property shall first offer it for sale to the cantonal government.

The owner of the property within the protected natural value shall quote in the offer the price and terms of sale.

The FBiH Government or Cantonal Government shall accept or reject the offer within thirty days from the receipt of the written offer.

In the case that the offer is not accepted within the set deadline, the owner shall be entitled to sell the property in a protected natural value to another person, at a price not lower than the price quoted in the offer and under terms and conditions that are not more favourable for the buyer than those contained in the offer under paragraph 2 of this Article.

Should the owner sell a property in a protected area without previously acting in accordance with paragraphs 1 and 4 of this Article, FBiH Government or Cantonal Government may bring legal action against the seller and the buyer, requiring the annulment of the sales contract within one year after the conclusion of the contract has been made known to them, but not later than five years from the signing the sales contract.

FBiH Government or Cantonal Government may require the annulment of the contract of sale of property in a protected area referred to in Paragraph 5 of this Article in the case that the price or terms of sale are simulated, the actual price and terms of contract being more favourable for the buyer once the simulated sales contract is concluded.

The contract concluded in the aforementioned manner shall be null and void and shall not have any legal effect.

The pre-emption right as referred to in paragraph 1 of this Article shall be entered into the land register at the competent court of jurisdiction.

#### Article 167

Real estate properties and protected natural values owned by the FBIH Government, Cantonal Government or local self-governance unit shall be subject to restrictions of legal operations in compliance with this Law and special regulations.

For the purpose of protecting landscape values and habitats in a protected area, agricultural land owned by the FBIH Government which are, according to the provisions of a special law, identified as pastures, meadows, fishponds, reeds and wetlands, shall not be included in legal transactions.

Notwithstanding the provisions under paragraphs 1 and 2 of this Article, the Federation Ministry may permit exchange of the land within categories I and II for another land in a protected area, owned by a natural or legal person, for the purpose of acquiring the ownership of land more important for the protection of natural values or for the accomplishment of protection objectives.

#### Article 168

The ownership of a property in protected areas may only be acquired by national legal and natural persons under the conditions laid down by this Law.

Foreign legal entities or natural persons may not be holders of property rights relating to real estate in categories I and II unless determined otherwise by an international treaty.

The manner and possibility to acquire ownership on the remaining protected categories for foreign legal and natural persons shall be prescribed by the Canton in a form of a regulation.

#### Article 169

The application for consent to acquire ownership of a property in a protected area under Article 168 of this Law shall be submitted by the buyer to the Ministry.

The Ministry shall give or withhold the consent by a decision within sixty days. Should the decision not be taken within the set deadline, the action shall be taken according to the Law on Administrative Procedure of the Federation of BIH.

Legal operations performed in contravention of the provisions of the present Law shall be null and void.

### *Expropriation and Restriction of Ownership Right*

#### Article 170

When necessary for the purpose of effective protection of nature, it may be for the benefit of the Federation of BIH to take away or restrict ownership and other property rights to real estate in a protected area.

The ownership or any other property right shall be taken away or restricted according to the procedure and in the manner determined by the Law governing the expropriation of property, unless provided otherwise by this Law.

The FBIH Government or Cantonal Government shall submit to the owners a written proposal for the purchase of the property at least three months prior to submitting an expropriation proposal.

The FBIH Government or Cantonal Government shall provide nother property of equivalent value outside the protected area or pay compensation for the seized property.

The amount of compensation payable for the property seized shall be determined according to the value of the property having regard to its market value.

The expropriation procedure shall be initiated at the proposal of the competent authority and implemented in the manner determined by the law governing expropriation.

A property in a protected area shall be entered into the real estate cadastre kept in accordance with special regulations.

#### Article 171

The Federation of BIH Governemtn shall, at the request of the owner of a property in a protected natural value designated by Parliament, purchase at market price or offer another property of equivalent value.

The Cantonal Governemtn shall, at the request of the owner of a property in a protected natural value designated by the Law, purchase at market price or offer another property of equivalent value.

The owner of such a property shall have the right to offer the property for sale in compliance with this Article within two years from the effective date of the document imposing restrictions and prohibitions relating to the property.

#### *Compensation for Damage*

#### Article 172

A natural or legal person who, due to restrictions and prohibitions under this Law or protection documents issued pursuant to it, has suffered substantial deterioration of current conditions for generation of income, which cannot be compensated for by a permitted activity within the framework of the prescribed mode of protection in the protected natural value, shall be entitled to compensation for the restrictions imposed on him/her.

The compensation as referred to in paragraph 1 of this Article is payable provided that the environment protection body finds either directly or by way of an expert of expert body that a natural or legal person subject to restrictions implemented nature protection measures as prescribed.

The amount of compensation shall be fixed by mutual agreement. In the case of a dispute the amount of the compensation shall be determined by the court of law.

The compensation as referred to in paragraph 1 of this Article is payable from the Federation of BIH budget or the cantonal budget or the bugdet of the Fund.

The legal entity owned by the Federation of BIH or Canton shall not be entitled to the compensation for restrictions it is subjected to in the management of the real estate.

#### Article 173

The FBIH Government and Cantonal Government shall not be liable for damage caused by plants, fungi or animals, except in cases as determined by the law.

#### Article 174

A legal person who manages the protected species/subspecies shall be liable to undertake all permitted actions and activities in the appropriate manner as to prevent the occurrence of the damage to a legal or natural person in an appropriate manner and to its cost.

Actions and activities referred to in Paragraph 1 of this Article shall include efficient fencing, targeted safeguarding of estates and including chasing out protected animal species/subspecies.

#### Article 175

Should it be impossible to prevent the occurrence of damage in the manner referred to in Article 174 of this Law; the injured party may require the Federation Ministry to

undertake such necessary actions and activities as may be necessary for the prevention of any further damage. The injured party and the relevant Ministry shall share the costs of taking the necessary actions and activities by mutual agreement

In the event that an action or an activity under paragraph 1 of this Article is undertaken by the relevant Ministry of its own accord, the Ministry shall also bear the costs thereof.

#### Article 176

The injured party shall have the right to compensation for damage to the amount of the actual damage caused by animals of strictly protected wild species/subspecies, if he/she has taken actions and activities in compliance with the provisions of Article 174 of this Law.

The injured party shall report any case of damage to the relevant Ministry without delay or within the period of time in which it is possible to produce evidence of the case of damage, but not later than ten days from the occurrence of the damage

The injured party and the Commission established by the relevant Minister shall at the site of damage establish all the facts relevant to determination of the occurrence of the damage and of the party liable for the damage and the amount of damage, and the records shall be made thereof.

If the injured party has duly reported the damage and the Commission failed to conduct an investigation within three days from receipt of the notice of claim, the injured party may within a fifteen days submit the claim for damages to the Federation Ministry.

Should a case of damage occur in a protected area the expert's tasks may be carried out by a competent person authorized by the institution which manages the protected area.

The amount of compensation for damage shall be determined pursuant to the records of the on-site investigation referred to in paragraph 3 of this Article. In the case of a dispute the decision on the amount of damage shall be made by the court.

A claim for compensation for damage may be submitted within six months from the date of reporting the damage.

In the case that the procedure of establishing damage has been performed by an authorised person from the relevant Ministry, then the provisions of this Article shall correspondingly apply to the procedure of establishing damage and exercising the right to compensation for damage.

The methods of work and procedures applied by the Commission and other authorised or official person in the course of establishing the damage and the amount of compensation for damage (compensation rates) shall be laid down by the Federation Minister in a form of a Rulebook.

#### Article 177

Should a natural or a legal person initiate an activity or undertake an action in the area which is a natural habitat of a strictly protected wild species/subspecies and which this wild species/subspecies already inhabits, with a consequent foreseeable risk of damage that may be caused by the strictly protected wild species/subspecies, then the amount of compensation for damage shall be reduced by the foreseeable risk

The foreseeable risk under paragraph 1 of this Article shall be determined by the Federation Ministry pursuant to an expert opinion delivered by a competent institution or an authorised expert.

#### Article 178

Natural and legal persons shall be obligated to compensate for any damage they cause by violations of this Law.

The amount of compensation for damage caused by a non-permitted action in relation to individual specimens of strictly protected wild species/subspecies shall be determined on the basis of compensation rates to be approved by the Federation Minister.

The amount of compensation for damage caused by a non-permitted action in relation to other protected natural values shall be determined on the basis of an expert evaluation carried out by an authorized expert.

Funds raised by compensations for damage as referred to in paragraphs 1, 2 and 3 of this Article shall be the revenue of the budget.

### *Incentive Measures*

#### Article 179

The conservation of threatened wild species/subspecies, indigenous domesticated species/subspecies and threatened habitat types shall be supported by grants and indemnifications, tax and customs relief, and favorable credit financing of protection activities.

Grants and other incentive measures under paragraph 1 of this Article are intended for the protection and conservation of biological and landscape diversity, especially for the encouragement of a nature-friendly management that respects and implements measures for conservation of biological and landscape diversity and for the provision of indemnification to legal entities and natural persons suffering respective restrictions or damage as a result of the protection of biological and landscape diversity.

Grants and incentive measures under paragraph 1 of this Article shall be determined by special laws and regulations passed by the Federation Government at the proposal of the Minister and by regulations issued by the FBH Government at the proposal of the minister responsible for agriculture, water management and forestry.

A contract on mutual rights and obligations shall be concluded between the legal or natural person entitled to grants or indemnification determined by regulations issued by the FBH Government at the proposal of the Federation Minister and the Ministry.

The Ministry shall exercise supervision of the disbursement of grants and implementation of other incentive measures within its competence.

A report on the disbursement of grants and implementation of other incentive measures shall be submitted by the Ministry to the Government in compliance with this Law at least once a year.

Incentive measures under paragraph 1 of this Article shall be funded by the budget and other sources in compliance with the law.

## **X. CONCESSION AND CONCESSION LICENSE IN PROTECTED NATURAL VALUES AND SPELEOLOGICAL FACILITIES**

### *Concessions*

#### Article 180

By being granted a concession a person is given the right to utilise natural resources for economic purposes or the right to carry on activities in the general interest, as well as the right to construct and use facilities and installations necessary for carrying on such activities in protected areas and speleological facilities in which this is permitted in compliance with this Law.

Granting of the concession is regulated by this Law and the Law on Concessions of the Federation of BIH.

#### Article 181

A concession shall not be granted in the area of protected natural value referred to in Article 134(1) line 1 of this Law.

The FBH Government may issue the decision determining certain protected areas or certain protected natural values owned by the Federation of BIH or water asset in relation to which a concession may be granted.

## Article 182

The activity in relation to which a concession may be granted shall be determined by a public company or public institutions that manages the protected area with a prior approval of the relevant Ministry.

The decision on concession shall be determined particularly for

- the protected area or speleological facility for which the concession is granted;
- the planned extent of economic utilization;
- concession holders;
- purposes for which the concession is granted;
- nature protection conditions that the concession holder must implement;
- duration of the concession,
- amount of the charge or the basis for fixing the amount of the charge

The decision on the award of a concession shall be made in line with the Law on Concessions of the Federation of BiH.

A hunting concession in a protected area shall be awarded in compliance with a special regulation with the previous consent of the respective Ministry.

The decision on the concession shall contain the nature protection conditions determined by the Federation or relevant Ministry.

The public institutions that manage the category I or a national park may be granted a special use of water estate by the Decision of the FBiH Government.

## Article 183

If within the duration of the concession unforeseeable changes or damage should occur in the protected area or on a speleological facility, which make it necessary to restrict the extent of the concession and the method of the implementation thereof, the concession holder is bound to take all actions and measures that may be ordered to him by the Federation or relevant Ministry or another competent authority.

In the case that actions and measures under paragraph 1 of this Article are taken, the concession holder shall be entitled to compensation for the actual damage.

In the case of the non-observance of nature protection conditions on the part of the concession holder, he is bound to rectify the damage, restore the previous state or implement compensation measures in compliance with the provisions of this Law.

## **XI. NATURE PROTECTION PLANNING AND ORGANIZATION**

### *Basic Nature Protection Documents*

## Article 184

The basic nature protection documents are

- Strategy of Bosnia and Herzegovina and Action Plan for the Protection of Biological and Landscape Diversity (hereinafter: the National Strategy);
- the Federation Strategy of Nature Protection (Federation Strategy of Nature Protection is part of the Federation Strategy of Environmental Protection, hereinafter: the Federation Strategy);
- spatial planning documentation in the Federation of BiH;

Nature protection programs shall be brought by the Cantonal Assemblies, each for its area. The Programs must be harmonized with the Federation Strategy of Nature Protection.

## Article 185

The Federation Strategy defines long-term objectives and guidelines for conservation of biological and landscape diversity and protected natural values, including implementation

methods in accordance with the overall economic, social and cultural development of the Federation of BiH.

The Federation Strategy shall be developed on the basis of the Report on the state of nature protection, and it shall contain in particular:

- general strategic objectives;
- guidelines for the conservation of landscapes, ecosystems, habitat types, wild species/subspecies and indigenous domesticated species/subspecies;
- guidelines for protected natural values;
- guidelines for research into and monitoring of the state of the natural environment;
- guidelines for incorporation of nature protection into other sectors;
- guidelines for the legislative and institutional framework;
- guidelines for education aimed at the promotion and conservation of biological and landscape diversity;
- guidelines for public information and public participation in nature-related decision-making;
- action plans for implementation of guidelines, specifying priorities and possible sources of funds;
- methods of complying with international obligations in nature protection, and
- a cartographic attachment demonstrating spatially the measures for conservation of biological and landscape diversity and protection of natural values.

The guidelines defined by the Federation Strategy shall be applied for preparation of spatial development documents and plans for the management of natural resources.

Every five years objectives and guidelines defined by the Federation Strategy, including implementation of action plans, shall be analysed and the Strategy revised, if required.

#### Article 186

For the purpose of implementing the Federation Strategy and nature protection programs, including other documents governing individual issues of nature protection, a report on the state of nature protection in the Federation of BiH shall be prepared and submitted to the Parliament.

The report on the state of the natural environment referred to in Paragraph 1 of this Article shall cover a period of two years and contain in particular:

- information relating to the state of landscapes, ecosystems, habitat types, wild species/subspecies, indigenous domesticated species/subspecies with an analysis of threats, including the causes of threats and protection difficulties;
- information relating to impacts of the use of natural resources on biological and landscape diversity;
- information relating to impacts of individual activities on nature;
- evaluation of measures taken in connection with the conservation of biological and landscape diversity and protected natural values;
- analysis of the implementation of the Strategy and other documents of relevance for nature protection;
- evaluation of the supervision carried out;
- information relating to the use of nature protection funds, and
- assessment of the need to prepare new or amend existing documents, including other data of relevance for nature protection and conservation

The draft report on nature protection shall be prepared by the Federation Institute. Before submission to the Parliament the report shall be submitted to the Federation Ministry, Advisory Council for Environmental Protection and bodies that approve-adopt the Report on the state of nature.



Cantonal Assemblies shall adopt corresponding reports on the state of the natural environment in their respective areas

*Performance of Administrative and Specialized Tasks of Nature Protection*

Article 187

Administrative and expert tasks of nature protection shall be performed by the Federation Ministry and cantonal ministries responsible for nature protection, with the exception of those transferred to the competence of the Federation Institute and Institute for Nature Protection.

Article 188

No appeal against the decisions taken by the Federation Ministry pursuant to this Law shall be permitted, but administrative dispute may be initiated within thirty days from the submission of the decision.

An appeal against a decision taken pursuant to this Law by cantonal ministries may be lodged with the Federation Ministry.

*Performance of Expert Work of Nature Protection*

Article 189

Expert work in nature protection for the Federation of Bosnia and Herzegovina shall be performed by the Federation Institute for Nature Protection (hereinafter: the Federation Institute).

The Federation Institute is a public institution carrying on its activities as a public service.

Article 190

Within the framework of its activities the Federation Institute shall:

- Establish and maintain the database on plant, fungus and animal species, habitat types, ecosystems and landscapes;
- Monitor the reasons of endangerment and the level of conservation of biological and landscape diversity and propose measures for the protection thereof;
- Prepare the report on the implementation of the national strategy;
- Prepare the report on the implementation of the strategy;
- Keep the information system of nature protection and cadastre of biological and landscape diversity;
- Carry out statistical analyses, integration of research results;
- Prepare proposal for protection and conservation of nature components and other natural values;
- Determine the acceptability of an activity to nature;
- Develop the expert foundations for the purpose of determining nature protection conditions, management of protected areas and use of natural assets;
- Prepare and implement the nature protection projects and programs;
- Participate in the execution of international nature protection treaties to which the Bosnia and Herzegovina is a member;
- Organize and implement educational and promotional activities in the field of nature protection, and
- Perform other tasks as may be determined by this Law and its implementing regulations.

The Federation Institute shall perform the activities under paragraph 1 of this Article in accordance with work programs for the year and for a period of years.

The annual and longer-term work programs under paragraph 2 of the this Article shall be adopted with the consent of the Ministry.

The Federation Institute shall submit a report on execution of the work programme for the year and for a period of years to the Federation Ministry and the FBiH Government in the manner provided for by the Institute's articles of association.

Funds required by the Institute to carry on activities provided for by the present Act shall be ensured by the Federation of BiH budget and other sources in compliance with the law.

#### Article 191

The control of the legality of operations and the control of expert activities of the Federation Institute shall be exercised by the Ministry, as well as administrative supervision and by the decision orders the measures.

#### Article 192

For the performance of expert work in the field of nature protection the cantons may establish nature protection institutes for their respective areas

The tasks of the institutes shall be defined by the charter of foundation and the articles of association.

The provisions of Article 190, Paragraphs 1 and 2 of this Law shall apply correspondingly to nature protection institutes of the cantons.

## **XII. INVENTORYING AND MONITORING OF THE STATE**

#### Article 193

Impacts on the nature shall be monitored through the state of overall landscapes, the state of ecosystems, biological systems and non-living nature components (water, air, land, rocks).

#### Article 194

The Federation Institute shall establish and carry out an inventory of all components of biological and landscape diversity (biological species/subspecies, habitat types and landscape types), mapping of threatened species/subspecies and habitat types and their permanent and timely updating.

The data shall be public, unless classified as secret for the purpose of the protection of wild species/subspecies or habitats.

#### Article 195

The Federation Institute shall monitor and organize the monitoring of the state of nature conservation.

The monitoring of the state of nature conservation shall include:

- monitoring and evaluation of the state of biological species/subspecies, their habitats, habitat types, ecologically important areas, ecosystems and landscape types;
- monitoring of the changes in geological values (e.g. landslides, subsidences, new springs and similar features) which implies the development of special geological maps as a basis for further research and monitoring;
- monitoring of the state of protected natural values.

The data relating to monitoring the state of nature conservation shall be submitted to the Federation Ministry. The data shall be public, unless classified as secret for the purpose of the protection of wild species/subspecies or habitats.

#### Article 196

The Federation of BIH shall encourage and promote scientific research into the field of nature protection.

The scientific research in protected areas, the research of protected plant, fungus and animal species and the research of protected minerals, fossils and speleothems shall require the permit of the Federation of relevant Ministry. The permit shall also lay down nature protection conditions. The permit shall be granted in a form of a decision.

A legal or natural person who carried out the research shall communicate the research results to the Federation or relevant Ministry within thirty days from the completion of the research, subject to a fine and damage compensation.

#### Article 197

The Federation Ministry shall establish and the Institute shall operate a nature protection information system as a part of an integrated system of the Ministry, in compliance with internationally accepted standards and obligations.

The Institute shall collect, process and integrate data relating to the state of the natural environment, prepare reports and keep databases within the framework of the nature protection information system

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

#### *Public Information*

#### Article 198

The Federation Ministry, cantonal ministries, Federation Institute, cantonal nature protection institutes, administration bodies, public companies and public institutions that manage natural values shall make public the information on the state and protection of nature, unless classified confidential by a special law or a document of a competent body.

The competent bodies and legal entities under Paragraph 1 of this Article shall keep records of data relating to the state and protection of nature, and in the event of any degradation of nature they shall immediately inform the public thereof and give instructions for the procedure aimed at nature protection and conservation. In the case of any immediate threat to nature and human health, the public shall be informed about necessary measures and actions to be taken with the view to prevent or offset the damage that might arise from such a threat.

All pieces of information shall be timely and truthful.

#### Article 199

The Federation Ministry, cantonal ministries, Federation Institute, cantonal nature protection institutes, administration bodies, public companies and public institutions that manage natural values shall furnish to the mass media at their request the information relating to the state and protection of nature and to the performance of protection activities, and provide access to the corresponding documents.

As a rule, any information on the state and protection of nature shall be furnished in writing.

Reports on the state and protection of nature shall be submitted to the FBIH Parliament and the FBIH Government at the request of these bodies and in the manner provided for by this Law.

Cantonal assemblies shall submit reports on the state and protection of nature to the Federation Ministry every two years and at any other time as may be requested by this authority

## *Public Participation in Decision-Making Process*

### Article 200

Public participation shall be ensured in the course of preparing regulations or documents on the designation of protected natural values, spatial development documents, protected area management plans and plans for the use of natural resources, including generally applicable and legally binding regulations and documents in the field of nature protection.

In the course of procedures referred to in Paragraph 1 of this Article, the public shall be informed by a public notification or individually about any act or activity likely to have an impact on the state of the natural environment.

Public information is compulsory in cases provided for by this Law and its implementing regulations.

### Article 201

For the purpose of nature protection the citizens' associations may:

- carry out activities educating young people and citizens about the needs of nature protection, benefits of protected areas and similar activities in order to reach the public's attention to the nature and ensure public support to enacting and implementing the regulations on nature protection.

## *Storage and Use of Data*

### Article 202

Documents and data on the inventorying of all components of the biological and landscape diversity, including monitoring of the state of nature conservation and of protected natural values in particular, shall be kept in the Federation Ministry or relevant Cantonal Ministry until relevant Institutes for Nature Protection are established.

The manner of keeping the documents and data under paragraph 1 of this Article shall be prescribed by the Federation Minister in a form of a Rulebook.

### Article 203

Any person has the right to be given access to data available in the Federation Ministry and relevant cantonal ministries and to receive extracts, printouts or photocopies of the data.

The Federation Ministry and relevant cantonal ministries may restrict access to documents and data to the extent that may be required by the interests of protecting natural values, internal security or the defence of the Federation of BiH.

For the provision of extracts, printouts and photocopies of the documents, the applicant shall pay an administrative fee and cover the actual costs caused by the performance of specific tasks.

The conditions and criteria for determining the amount of actual costs incurred by the use of data kept by the Federation Ministry shall be laid down by the Minister in a form of a Rulebook.

The funds raised by the collection of fees shall be the revenues of the budget.

## **XIV. NATURE PROTECTION LABEL AND PROMOTION OF UPBRINGING AND EDUCATION IN NATURE PROTECTION**

### Article 204

A nature protection label shall be used for the purpose of nature protection promotion and taking nature protection measures.

The appearance of the label and the procedure and conditions for wearing and use thereof shall be determined by the Federation Minister in a form of a Rulebook.

#### Article 205

The Federation of BIH shall provide conditions for a harmonized education in the implementation of nature protection at all levels of the educational system.

#### Article 206

With the aim of promoting nature protection a Nature Protection Day shall be celebrated each year.

The celebration of the Nature Protection Day shall include educational, recreational, professional and other activities that encourage and promote nature protection in an appropriate manner.

The Nature Protection Day shall be celebrated each year on the 22<sup>nd</sup> May on the international biodiversity day.

#### *Acknowledgements and Awards for Achievements in Nature Protection*

#### Article 207

Acknowledgements and awards for achievements in the field of nature protection shall be given for:

- results achieved in encouraging and promoting nature protection;
- results achieved by nature protection projects and programs;
- development of the nature protection education system within the educational process;
- personal contributions to the development and improvement of nature protection at all levels;
- contributions of expert institutions, including professional and other associations to the development and improvement of nature protection.

Acknowledgement and awards shall be given by the Ministry.

The kinds of acknowledgements and awards, and the procedure and conditions of giving them shall be determined by the Federation Minister in a form of Rulebook.

## **XV. FINANCING OF NATURE PROTECTION**

#### Article 208

The funds necessary for the protection of natural values of international and national importance, including those natural values, funds for financial and other incentives provided for by this Law, funds for compensation due to damage caused by protected animals, for exercising the pre-emption right of the FBIH Government, for indemnification of owners and trustees of property in protected natural values of international, national and Federation importance shall be provided by the budgets of the Federation Government and FBIH Environmental Protection Fund.

The funds necessary for the protection of natural values designated protected by a cantons, for financial and other incentives provided for by this Law, for exercising the pre-emption right and for indemnification of owners and trustees of property for restrictions imposed on them in protected natural values, shall be provided by the cantonal budgets.

The resource base for nature protection funding shall also be secured by use of natural resources and protected natural values, unless stated otherwise by this Law or regulations, by charges collected by concession licences and from other sources provided for by the law or regulations issued pursuant to it.

*Administrative Oversight*

Article 209

Administrative oversight over the enforcement of the provisions of this Law shall be exercised by the Federation Ministry.

**XVI. INSPECTION OVERSIGHT**

*Organization of inspection oversight*

Article 210

The inspection oversight of the enforcement of this Law shall be carried out in line with this Law, Law on the organization of administration in the Federation of BiH (the Official Gazette of the Federation of BiH, Vol. 35/05), those pertaining to inspection oversight, and the Law on Inspection of the Federation of BiH (the Official Gazette of the Federation of BiH, Vol. 69/05).

#### Article 211

Inspection oversight of the enforcement of this Law and its implementing regulations in the protected areas of I and II categories referred to in Article 134 of this Law, shall be conducted by nature protection inspectors of the Federation Administration of Inspections Affairs and for categories III, IV, V and VI by the cantonal authority for inspection affairs.

The inspection oversight shall be conducted by nature protection inspectors.

#### Article 212

Inspection oversight shall include:

- Activities in the oversight of the enforcement of the regulations with physical and natural persons carrying out activities with the obligation to act in line with this Law and implementing regulations;
- undertaking other measures set by this Law and other regulations.
- 

#### Article 213

Any person with a university degree in the field of natural sciences and the state examination certificate of a nature protection inspector may be nominated as a nature protection inspector.

In addition to the requirements referred to in Paragraph 1 of this Article, the nature protection inspector shall also meet the requirements specified under regulations that regulate position, rights and obligations of state officials.

#### *Authorities of Inspectors*

#### Article 214

The Federation inspector shall, according to this Law and Law on Spatial Planning and Use of Land at the level of the Federation of BiH, shall be authorized and obligated to:

- prevent unauthorized use of protected natural value in terms of this Law;
- prevent or restrict the exercise of rights to use protected natural values if they are not used in line with this Law;
- stop the construction or activities in the area in line with the Law on Spatial Planning and Use of Land at the level of FBiH if the construction and activities are carried out contrary to the protection of natural values;
- determine a suspension of activities in case of violations of provisions of sub-paragraph 2 Paragraph 1 of this Article;
- prohibit the use of the facility and equipment if they are used in contravention of the protection of natural values;
- prohibit or restrict the activities if they are conducted in violation of this Law and determine the establishment of initial state;
- determine the obligation of determining the damage and indemnification caused by activities referred to in sub-paragraph 6 Paragraph 1 of this Article and the obligation to establish the initial state;
- determine other measures in line with this Law or other regulations and documents enacted in line with this Law.
- Order preventive measures for the preventive measures aimed at prevention of consequences.

If it is necessary to remove the causes and consequences of overextensive activities in the nature, the Federation inspector may order restoration measures or propose the Federation Ministry to prepare and implement restoration program.

An appeal from the decision of the inspector referred to in Paragraphs 1 and 2 of this Article shall not stay the execution of this Decision.

*Expert tasks upon the order of inspection*

Article 215

Performing certain expert tasks for the needs of inspection oversight (tasks aimed at preventing the pollution expansion in case of an accident and cleaning of pollution in the water or water estate, examination, expertise etc.) which require special technical equipment and specialized experts or application of scientific methods and procedure may be entrusted to authorized and trained institutions (institutions, companies, laboratories, society for such task).

The institutions referred to in Paragraph 1 of this Article shall be hired based on the order issued by the nature protection inspector.

The costs of hiring authorized and capable institutions and specialized experts shall be borne by the legal and natural person whose actions led to the need to hire an authorized and trained institutions and specialized experts.

*Inspection procedure*

Article 216

When he determines the violation of this Law, regulation or other document rendered based on this Law, the relevant inspector shall state the irregularity or flaw on the record and issue a decision determining measures and deadline for their elimination.

In addition to authorities and duties set under this Law, in the case referred to in paragraph 1 of this Article in line with the Law on Inspection of FBIH, the relevant inspector shall be authorized and obligated to:

- Order suspension of works if carried out contrary to the protection of natural values;
- In cooperation with construction-urban development inspection, in line with the Law on Spatial Planning and Use of Land at the level of FBIH, order the removal of a constructed facility or installation from the area of protected natural value;
- Order a temporary suspension of works or activities of a legal person of a part thereof, if it is determined they are carried out in violation of principles of nature protection;
- Ban the actions that are not allowed under this Law.

An appeal from the Decision of the inspector referred to in Paragraphs 1 and 2 of this Article shall not stay the execution of this Decision.

Article 217

When exercising inspection control the Inspector shall be entitled to demand presentation of personal data, to inspect premises and facilities of business, residential and other buildings, means of labor, tools, vehicles and other transportation means, business documents and papers that may prove the identity of persons.

Article 218

When exercising an inspection oversight, the Inspector shall have the right and obligation to examine the protected natural value and other natural values that enjoy protection pursuant to this Law, corresponding documents, business papers and equipment, and conduct a hearing of individual persons in the course of the administrative procedure.

The person subject to investigation shall provide conditions for the Inspector to exercise supervision, enable inspection of work premises, allow access to all data and



documents required for making the investigation and furnish information on the measures taken to remedy any defects stated.

#### Article 219

When exercising supervision of protected natural values and other parts of nature as determined by this Law, the Inspector shall examine:

- the qualitative state of the natural environment;
- the exploitation and use of protected natural values and other parts of nature;
- the fulfilment and implementation of nature protection conditions and measures, as well as other documents issued pursuant to this Law;
- the implementation of spatial plans and natural resources use plans as far as relates to nature protection measures and conditions;
- the implementation of the management plan and program for the protection, maintenance, promotion and use of a protected natural value;
- activities likely to cause changes and damage to a protected natural value or another part of nature;
- the implementation of the immediate protection, conservation and use of protected natural values;
- implementation of measures for the protection of protected plant, fungi and animal species/subspecies and other protected natural values;
- the export, import and transit of plants, fungi and animals, if restricted or prohibited under this Law or regulations issued pursuant to it;
- introduction and reintroduction of wild species/subspecies into nature;
- public information on the state of the natural environment,
- fulfillment of pronounced preventive measures for the purpose of nature protection
- fulfilment of other conditions and implementation of other measures for the protection of biological and landscape diversity as laid down by the present Act and regulations issued pursuant to it.

#### Article 220

When carrying out inspection oversight, the Inspector shall have the right and obligation to order the persons supervised to eliminate defects and irregularities in handling protected plant, fungi and animal species/subspecies or another protected natural value.

When carrying out inspection control, the Inspector shall have the right and obligation to order the persons supervised to suspend any further works, activities and actions in contravention of this Law and regulations issued pursuant to it, to require them to restore the previous state and order measures for the prevention and elimination of harmful effects.

In cases as referred to in paragraph 1 of this Article, the Inspector may also direct urgent measures for the protection or reduction of damage caused by execution of works, activities and actions or prevention of any further damage.

#### Article 221

When carrying out inspection oversight the Inspector shall have the right and obligation to seize temporarily from the persons investigated:

- items used to commit a criminal offence or any offence determined by this Law, regulations issued in pursuance of this Law or other regulations,
- any movable protected natural value and
- to direct the said to be stored or safeguarded with a person from the list of the Federation or relevant Ministry.

In relation to seized items and natural values referred to in Paragraph 1 of this Article, the Inspector shall make out a receipt and submit a request to institute proceedings for the offence or criminal act.

The decision on permanent seizure of a natural value shall be taken in the procedure referred to in Paragraph 1 of this Article by the court of jurisdiction.

Any movable natural value acquired by an unlawful act that is liable to spoil or cannot be adequately disposed of or whose keeping would cause disproportionate costs shall either be sold, if the sale thereof is permitted by this Law and the funds raised shall be the revenue of the budget, or treated in the manner most appropriate for its conservation and protection.

By way of derogation of paragraph 4 of this Article the natural value seized may be handed over to a charitable or other organization against a receipt note.

#### Article 222

When carrying out an inspection oversight, the Inspector shall have the right and obligation to forbid by a decision any persons investigated who have not been granted authorization by the Federation or relevant Ministry or given any other consent

- to pick protected plants, fungi and the parts thereof;
- to disperse, catch, keep, kill or stuff protected animals and their development forms;
- to remove nests or litters of protected wild species/subspecies;
- to introduce or reintroduce;
- to trade in protected natural values;
- to trade in specimens of plant, fungus or animal species/subspecies protected pursuant to international treaties of which Bosnia and Herzegovina is a member;
- to trade in real estate property within protected natural values;
- to import, export or carry in transit protected natural values;
- to perform prescribed nature protection tasks,
- scientific research in protected areas;
- Scientific research of certain protected species.

The Inspector may order urgent measures for the protection of human life and reduction of the damage caused by execution of non-permitted activities, actions or works in the cases referred to in Paragraph 1 of this Article.

The Inspector shall be authorized to prohibit the damaging or destroying of habitats of protected wild species/subspecies, including other actions and activities contravening the provisions of this law..

#### Article 223

Should the Inspector, when exercising inspection oversight, discover that an offense as determined by this Law has been committed, he may issue an offense order in accordance with a special law or take steps necessary for initiation of offense proceedings.

The offense order under Paragraph 1 of this Article may be issued by the Inspector for an offence committed for the first time and if the Inspector has estimated by immediate observation that, given all the relevant circumstances, the penalty to the smallest amount imposed is adequate to the offence.

The ruling of the offense order shall contain the instruction that a fine, a penalty, damages or costs are to be paid within eight days or that in cases laid down by a special law they may be paid immediately on the site where the offence has been committed or the control exercised.

In addition to the bans referred to in the preceding paragraphs, the inspector shall issue the decision ordering the elimination of consequences.

#### Article 224

When conditions for the issue of the offence order are fulfilled, the Inspector shall issue the offense order in line with the Law on Inspections in the Federation of BiH.

#### Article 225

Should the Inspector find a violation of a statutory or regulatory provision whose enforcement is supervised by another inspectorate or another government body, he or she shall immediately notify the competent inspectorate or the competent body thereof.

#### Article 226

The person subject to a ruling shall inform the Inspector about the measures taken to perform the actions directed by the ruling within eight days from the expiry of the deadline for the fulfilment of the obligation.

Should the person subject to a ruling fail to act in accordance with the Inspector's ruling, the ruling shall be complied with by another person at the expense of the person liable for the fulfilment of the obligation. The costs of another person's complying with the Inspector's ruling shall be covered by the Federation or cantonal budget until recovered from the person liable for the fulfilment of the obligation.

#### Article 227

For the purposes of preventing the occurrence of imminent damage to a protected natural value or to biological and landscape diversity, or of directing emergency protection measures, or of eliminating an immediate risk to human life, health or property, a ruling may also be made orally in the course of inspection. The oral ruling shall be entered into the record, with the remark that it will be submitted in writing within eight days.

#### Article 228

The relevant nature protection Inspector shall independently conduct the procedure, perform activities and take measures for which he is authorized.

No person shall be permitted to prevent or obstruct an Inspector in exercising control and taking measures and actions for which he is authorized by using his or her official status or in any other way whatsoever.

Should an Inspector in exercising control and taking measures and actions for which he is authorized encounter forced resistance or a threat that force will be directly used, or should such a resistance be reasonably expected, the Inspector may ask for help from officers of the competent police department

#### Article 229

The Inspector shall be held responsible for:

- failing to take or determine measures or actions which he is obliged to take or determine pursuant to this Law or another regulation;
- exceeding his authorities as determined by this Law or another regulation;
- failing to submit an application or a report or to inform the competent authorities about irregularities and defects established, and
- failing to order preventive measures in order to prevent adverse effects on the nature.

The termination of an Inspector's office and the suspension of an Inspector from his duty shall be governed by the regulations on civil servants.

#### Article 230

Nature protection Inspectors (hereinafter: the Inspectors) shall keep the records on conducted inspections and other actions with the information on the implementation of inspection oversight.

#### Article 231

If the inspector determined or learns of the violation of the implementation of regulations within his authority, he shall conduct the inspection procedure and take measures prescribed by this Law.

An appeal from the Federation inspectors' ruling may be filed with the Federation Ministry of Environment and Tourism within eight days from the day the decision is delivered.

An appeal from the decision issued by the cantonal nature inspector, if the inspector is acting upon the Federation regulations, shall be filed with the director of the Federation Administration of Inspection Affairs.

An appeal from the decision issued by the cantonal nature inspector, if the inspector is acting upon the cantonal regulation, shall be filed with the cantonal ministry for nature in the administrative field to which the inspection oversight pertains, unless otherwise prescribed by a special regulation.

Paragraphs 2, 3 and 4 of this Article shall also pertain to the conclusion of the Federation and cantonal nature inspector.

An appeal from the decision or conclusion referred to in Paragraphs 2, 3, 4 and 5 of this Article shall stay its execution, unless otherwise determined by a special regulation.

The Inspector shall notify the submitter about the facts determined in the inspection procedure or measures taken.

The inspector's notification referred to in Paragraph 7 of this Article shall not be an administrative enactment.

If the inspector determined that there were no violations of the regulations the implementation of which he is supervising, he shall reach a conclusion to suspend the inspection procedure in line with the Law on Inspection in the Federation of BiH.

## **XVII. PENALTY PROVISIONS**

#### Article 232

A fine in the amount of BAM 500 to 1,500 shall be imposed on a natural person and from BAM 5,000 to 15,000 on a legal person who:

- organizes traffic of motor vehicles outside built-up areas, all types of roads, country roads, arranged footpaths and testing ranges (Article 14);
- places pesticides and mineral fertilizers on the market or uses the same in an unpermitted manner (Article 17);
- uses natural resources in an unpermitted manner and with detrimental effects (Article 18);
- adopts plans without obtaining the nature protection conditions or consents required (Articles 20, 21 and 22);
- carries out the activity for which the assessment of environmental acceptability was not made or contrary to the made assessment (Article 26(1) and (3));
- Fails to establish the same or similar state in the nature as it was prior to the activity in the zone of activity (Article 32(2));
- Fails to conduct compensation conditions in the prescribed manner (Article 28(3) and (6));
- As an activity holder or trustee of natural assets fails to remove adverse effects without delay (Article 31);

- uses mineral resources in a manner that cannot ensure conservation of landscape values of the space and fails to take remediation measures, or adopts a project of remediation without consent of the Ministry (Article 35);
- uses and manages forests in contravention of sustainable development principles (Article 37 (2) and (3));
- carries out afforestation in places where not justified and in a manner posing a threat to threatened non-forest and rare habitat types (Article 38);
- uses chemical pesticides in forests without permission (Article 39);
- fails to ensure a permanent percentage of mature, old and dead trees in accordance with nature protection conditions (Article 40(1));
- fails to manage in a manner that ensures the highest possible conservation of forest clearings and forest edges (Article 40(3));
- fails to manage in a manner that ensures the extension of the felling maturity of native types of trees (Article 40(4));
- conducts traffic at karst area contrary to prescribed conditions (Article 42);
- fails to report a discovery of a speleological facility or a part thereof within the prescribed deadline (Article 44(5));
- uses speleological spaces for the purpose of visiting and touring without or contrary to the programme of the Ministry (Article 47);
- endangers or damages a speleological space or prevents the use thereof in any other manner (Article 45(1));
- fails to apply for the permit of the Ministry for the prescribed use, development, research, shooting and other activities that have an impact on the basic features, conditions and natural flora and fauna in a speleological facility or its part (Article 46);
- endangers or damages a speleological space or prevents the use thereof in any other manner, kills or disturbs underground animals (Article 49(1));
- constructs buildings or makes economic use of natural resources in contravention of the prescribed conditions (Article 52);
- fails to conserve peripheral parts of arable land as habitats (Article 56);
- fails to implement the measures prescribed for conservation of a favourable conservation status of habitat types (Article 66);
- carries out the activities that might lead to the destruction or some other significant or permanent damage to ecologically important area, and for the allowed activities fails to take compensation measures or other prescribed replacements (Article 68);
- carries out the activities that might lead to the destruction or some other significant or permanent damage to internationally ecologically important area (Article 69(4));
- extinct the indigenous wild species-subspecies (Article 70(2));
- reduces the population of wild species-subspecies, destroys their habitats or modifies their living conditions to an extent that poses a threat to a taxon (Article 70(3));
- intentionally catches, injures or kills wild animals (Article 71(1)(1));
- intentionally removes wild plants and their habitats, reduces their populations or destroys them (Article 71(1)(2));
- Internationally damages or destroys habitats of wild species/subspecies (Article 71(1)(3));
- fails to apply prescribed ways, methods and technical means that cause the least disturbance to wild taxa or habitats of their populations (Article 72(1));
- fails to construct a public road or any other road or any building in such a manner as to ensure the safe crossing of wild animals (Article 73(1));
- fails to implement the prescribed protection measures or apply the method of maintaining crossings for wild animals (Article 73(3));
- places medium-voltage towers and technical components in an unpermitted manner (Article 74);
- collects plants, fungi or parts thereof or catches or kills animals for the purpose of processing, trading or other operations without obtaining the permit of the Ministry and other prescribed conditions (Article 75);

- introduction of wild species/subspecies into the nature in the territory of the Federation of BiH, as well as habitats in which the species/subspecies does not naturally stay contrary to the Law and implementing regulations (Article 77);
- re-introduction of wild species/subspecies into the nature in the territory of the Federation of BiH without the permit of the Ministry contrary to the requirements prescribed by the Law and implementing regulations (Article 79);
- fails to conduct prescribed measures for conservation of favorable state of habitats (Article 98);
- imports, exports and re-imports the wild species/subspecies from the sea which are protected on the basis of this Law or international treaties to which Bosnia and Herzegovina is a member, parts or derivatives thereof contrary to the requirements prescribed by the Law and implementing regulations (Article 99);
- imports, exports and re-imports the wild species/subspecies from the sea which are protected on the basis of this Law or international treaties to which Bosnia and Herzegovina is a member, parts or derivatives thereof without a proper permit or certificate issued by the Ministry or relevant authority of the country of export or re-export or with fake, forged, or invalid permit or certificate, or with a permit or certificate altered without the approval of the Ministry or competent body of the state of export or re-export (Article 99(1));
- uses the permit, certificate or other document issued on the basis of this Law for the purpose of transboundary traffic and trade in protected wild species/subspecies for any specimen of wild species/subspecies which is not the subject of the issued permit, certificate or document (Article 99(7) and/or Article 105(5));
- files the application for the issuance of permit for import, export, introduction from the sea, certificate for re-export, certificate for trade, uses a false statement or knowingly offered false information for the purpose of obtaining the permit or certificate (Article 99(1) and (4), Article 105 (1) and (4));
- submits the application for the issuance of permit for import, export, introduction from the sea, certificate for re-export, certificate for trade or any other purpose in relation to this Law and its implementing regulations, along with a false, forged or invalid permit or certificate, or permit or certificate altered without the approval of the competent body that issued it (Article 99(1) and (4), Article 105 (1) and (4));
- performs transit of wild species/subspecies that are protected under this Law, or of their parts or products derived thereof without a permit or a certificate on re-export issued by the competent body of the state of export or re-export (Article 99(8));
- performs trade in domesticated indigenous or foreign wild species/subspecies protected under this Law or international treaties of which Bosnia and Herzegovina is a member, contrary to the requirements prescribed by the Law and implementing regulations (Article 105);
- forges or alters the permit or certificate for trade in indigenous or foreign wild species/subspecies protected under this Law (Article 105 (1) and (4));
- fails to abide by the provisions and conditions stated in the permit or certificate for trade in domesticated indigenous or foreign wild species/subspecies protected under this Law (Article 105 (1) and (4));
- fails to inform without delay the Ministry of any change and new circumstance that have an impact or are likely to have an impact on the validity of the permit or certificates for transboundary sale or trade in protected wild species/subspecies issued in line with this Law and implementing regulations (Article 107(2));
- deliberately picks, collects, cuts or uproots strictly protected plants or fungi growing in the wild (Article 111(1));
- keeps and trades in strictly protected plants or fungi (Article 111(2));
- deliberately catches, keeps or kills strictly protected animals, damages or destroys their development forms, nests or litters, including breeding or resting sites, disturbs them deliberately at the time of propagation, raising of the young or hibernation, or deliberately destroys or takes eggs from nature or keeps empty eggs (Article 111(3) lines 1, 2, 3, 4, 5, 6)

- hides, keeps, breeds, trades in, seizes or in any other way acquires protected plants, fungi and animals, or stuffs strictly protected animals (Article 111(3)7);
- keeps protected wild species/subspecies in captivity, breeds, sells or buys them in contravention of prescribed conditions (Article 113)
- exports or imports strictly protected plants, fungi or animals without the permit of the Ministry (Article 114);
- uses protected wild species/subspecies in contravention of the prescribed conditions (Article 118);
- uses non-selective means of catching and killing protected animals, including means that may cause the local disappearance or serious disturbance to the population of species (Article 119);
- fails to protect indigenous domesticated species/subspecies in the prescribed manner (Article 121);
- uses or takes from nature gene material thus endangering the ecosystem and the population of species (Article 122(2),(3) and (4));
- transfers the patent right of genome (Article 123(3)) and manages a gene bank without authorisation (Article 124(4));
- destroys minerals or fossils without justified reason (Article 125(4));
- takes from nature minerals or fossils that are designated protected natural values or that may be found in a protected discovery site (Article 128(1));
- places minerals and fossils on the market without a permit (Article 131(3));
- exports minerals or fossils designated protected natural values (Article 133(2));
- performs activities not permitted in a protected natural value without the previously obtained permit (Article 159);
- fails to offer real estate property for sale in accordance with the pre-emption right in the manner determined by the Law (Article 166 (1) and (2));
- sells real estate property situated in a protected natural value to another person at a price lower than the price quoted in the offer based on the pre-emption right (Article 166(4) and (5));
- fails to comply with nature protection conditions and measures laid down by the concession decision or agreement (Article 182(3));
- fails to take all previous measures and steps necessary to prevent any changes and damages that have occurred (Article 183(1));

A fine in the amount from BAM 500 to 3,000 shall be imposed also on the responsible person in the legal person for the offense referred to in Paragraph 1 of this Article.

#### Article 233

A fine in the amount from BAM 300 to 1200 shall be imposed on a natural person and from BAM 1500 to 10000 a legal person if:

- does not allow the tour and review of natural values (Article 13);
- keeps in captivity in inadequate conditions and without proper care, or contrary to prescribed conditions, wild species/subspecies animals (Article 102 (1) and (4));
- displays animals of indigenous or foreign wild species/subspecies in zoological gardens, aquariums, terrariums or similar spaces without the permit of the Ministry (Article 103(1));
- breeds animals of indigenous or foreign wild species/subspecies without the permit of approval of the Ministry (Article 104(1));
- fails to mark bred animals in the prescribed manner (Article 104, paragraph 3);
- fails to prevent a bred animal from escaping into nature and causing damage (Article 104, paragraph 4);
- fails to report to the Ministry dead, sick or injured members of strictly protected wild species/subspecies (Article 113(3));
- conducts a research without the Ministry's permit (Article 115(1));

- fails to furnish to the Ministry within the time limit determined the information relating to the results of research into endangerment assessment determined by the research along with a proposal of protective measures (Article 115(2));
- carries out activities in the discovery site that might lead to destruction or damage to mineral or fossil discovery sites (Article 129(3));
- fails to obtain the permit for a research of minerals and fossils (Article 130(1));
- uses machinery or other unpermitted means for taking minerals and fossils (Article 132(1));
- fails to implement protection measures determined by the present Act while a natural value is under a temporary protection (Article 149);
- fails to act in compliance with the protected area management plan (Article 155(4) and Article 156);
- organises visiting and touring of a protected natural value in contravention of a prohibition or restrictions
- does not allow access to a protected natural value in accordance with the conditions prescribed (Article 161(1));
- fails to sign a contract on the protection of a natural value or fails to sign a contract on guardianship over a natural value in accordance with the conditions prescribed (Article 163 and 164)
- conducts a scientific research without the permit of the Ministry or fails to submit a report to the Ministry relating to the research results (Article 196);
- fails to submit the data on the state and protection of nature (Article 195(3));
- fails to inform the public on the state of nature protection in cases prescribed by the Law (Article 198).

A responsible person in the legal person shall be imposed a fine in the amount from BAM 300 to 2000 for the offense referred to in Paragraph 1 of this Article.

#### Article 234

A fine in the amount from BAM 100 to 1000 shall be imposed on a natural person and from BAM 1000 to 7000 a legal person if:

- intentionally disturbs wild animals (Article 71 (1) (1));
- intentionally removes wild plants or fungi from their habitats, reduces their population or destroy them in any way whatsoever (Article 71(1)(2));
- intentionally damages or destroy habitats of wild species/subspecies (Article 71(1)(3));
- collects plants, fungi or parts thereof or catches or kills animals for the purpose of processing, trading or other operations without obtaining the permit of the owner or trustee (Article 75(3));
- collects plants, fungi or parts thereof or catches or kills animals for the purpose of scientific research and taking out of the Federation of BiH without obtaining the permit of the Ministry (Article 76):
- fails to inform the Ministry within the prescribed deadline about the acquisition of the ownership right of protected wild animals (Article 102(2));
- fails to protect and safeguard minerals and fossils in the manner prescribed (Article 127(3));
- takes from nature minerals or fossils for the purpose of study, education or display without the permit of the Ministry (Article 131(3));
- fails to report to the Ministry within the time limit determined the discovery of a mineral or fossil or fails to take necessary measures for their protection against destruction, damage or theft (Article 129(1));
- fails to enable the study of a mineral or a fossil discovery site in compliance with the decision of the Ministry (Article 129(5));
- carries out a research of minerals or fossils without additional authorisation (Article 129(5));



- fails to apply for a permit to carry out studies of a mineral or fossil discovery site within the time limit set (Article 130(1));
- continues with a reserach despite a prohibition or the granted permit (Article 130(2));
- fails to submit a report on studies carried out within the time limit set (Article 130(4));
- takes from nature minerals or fossils for purposes not determined by this Law (Article 131(1));
- takes minerals or fossils from nature for the purpose of placing them on the market without the permit of the Ministry (Article 131(3));
- does not possess any evidence of the origin of a mineral or fossil, or of the permit for taking the same from nature (Article 131(3));
- fails to keep records of placing minerals and fossils on the market in the prescribed manner (Article 131(4) and (5));
- exports minerals and fossils without the permit of the Ministry (Article 133(1));
- uses the nature protection label contrary to the manner prescribed (Article 204(2));

A responsible person in the legal person shall be imposed a find in the amount from BAM 150 to 1500 for the offense referred to in Paragraph 1 of this Article.

#### Article 235

A fine in the amount from BAM 50 to 500 shall be imposed on a natural person and from BAM 500 to 5000 a legal person if:

- Drives, stops or parks a motor vehicle outside a built-up area, all types of roads, country roads and footpaths arranged for driving (Article 14);
- fails to submit to the buyer the certificate of origin of a mineral or fossil or the permit for taking the same from nature (Article 131(1) and (2)).

A responsible person in the legal person shall be imposed a find in the amount from BAM 150 to 1000 for the offense referred to in Paragraph 1 of this Article.

#### *Jurisdiction and authorities for decision-making on minor offenses*

#### Article 236

Minor offense proceedings determined by this Law shall be conducted in line with the apecial law unless otherwise determined in this Law.

The statue of limitations for prosecution and execution of minor offense sanctions shall be determined by this Law and Law on Minor Offenses of the Federation of BIH.

#### Article 237

The Law on Minor Offenses of the Federation of BIH shall apply to the minor offense proceedings prescribed by this Law.

The minor offense proceeding may not be instituted after the deadlines prescribe by the FBIH Law on Minor Offenses.

### **XVIII. TRANSITIONAL AND FINAL PROVISIONS**

#### Article 238

The deadline for revision of natural values that were protected prior to the effective date of this Law shall be two years from the effective date of this Law.

#### Article 239

The FBIH Government and Federation Ministers shall within three years from the effective date of this Law enact the regulations they are authorized for under this Law.

The red lists shall be passed by the Federation Minister within one year from the effective date of this Law.

The red books shall be passed by the Federation Minister within two years from the effective date of this Law.

#### Article 240

Expert bases of nature protection prescribed under this Law shall be used as the basis for the development of spatial planning documentation.

#### Article 241

Until adoption of the management, the protected areas management bodies shall , with the consent of the Federation Ministry and relevant cantonal ministries, issue temporary guidelines containing the basic components of the management plan without making the same publicly available.

#### Article 242

Legal entities managing forests shall harmonise the forest management plans with the provisions of this Law at the renewal or the first revision thereof.

Trustees of hunting shall harmonise the hunting management plans with the provisions of the present Act at the renewal or the first revision thereof.

Legal entities managing waters shall harmonise the water management plans with the provisions of this Law within two years from the effective date of this Law.

Other legal entities and natural persons managing natural resources shall harmonize natural resource management plans with the provisions of this Law within a year from the effective date of this Law.

#### Article 243

The Federation Institute for Nature Protection shall become a public institution on the effective date of this Act and shall harmonize its organization and activities with the provisions of this Law.

The Federation Institute shall be established within three years from the effective date of this Law.

Until the Federation Institute for Nature Protection is established, the tasks within the Institute's competence shall be carried out by the Federation Ministry of Environment and Tourism.

#### Article 244

The map of habitat types under this Law be defined by the Federation Minister within 3 years from the effective date of this Law.

Until the development of the map of habitat types the Federation Ministry shall by a document carry out the assessment of the state of habitat types and lay down nature protection conditions for ecosystem conservation.

#### Article 245

International ecologically important areas under this Law are components of the European ecological network of Natura 2000.

International ecologically important areas under paragraph 1 of this Article shall be identified until the accession of Bosnia and Herzegovina to the European Union

#### Article 246

Assessment of acceptability of activities to nature shall not be carried out until nature protection and conservation measures are prescribed and ecologically important areas are determined as segments of the ecological network

Article 247

Until the implementing regulations determined under this Law are enacted, the regulations enacted by the Law on Nature Protection (the Official Gazette, Vol 33/03) shall apply in the part in which their provisions are not in contravention of the provisions of this Law.

Article 248

Cantons shall harmonize their nature protection laws with this Law within one year from the effective date of this Law.

Article 249

The Law on Nature Protection (the Official Gazette, Vol 33/03) shall cease to be valid on the effective date of this Law.

Article 250

This Law shall become effective eight days after it is published in the Official Gazette of the Federation of BiH.