

LAW ON NATURE PROTECTION

I GENERAL PROVISIONS

Article 1

This Law regulates ways and conditions of the restoration, protection, conservation and sustainable development of landscape, natural areas, plants, animals and their habitats, minerals and fossils and of other components of the nature on the area of Federation of Bosnia and Herzegovina (hereinafter: Federation of BiH) competent bodies which will cover nature protection, planning of nature protection, the general and special measures for nature protection, information system, supervision, funding of nature protection and sanctions for legal and natural persons.

Article 2

The provisions of the Framework Law on Environmental Protection (hereinafter in this law: Framework Law), which are not in conflict with the provisions of this Law, shall be applied to relations defined by this Law.

Such provisions of the Framework Law, which are not defined by this Law or any other special law, shall be applied to nature protection issues.

Article 3

Provisions of this Law and Law on Environment Protection shall also be applied for the protection of waters, air, soil, forests and other parts of nature unless in case that these fields are not regulated by special laws.

Provisions of this Law, which aim at additional protection than provisions of the special law, shall be applied according to this Law.

Article 4

The measures for nature protection, prescribed by this Law, shall ensure the basic and further conditions for protection or sustainable development of nature and environment, in particular but without limitation, with regard to:

1. Restoration, protection, conservation and sustainable use of ecological balance in nature
2. Restoration, protection, conservation and sustainable use of the renewable natural resources
3. Restoration, protection, conservation and sustainable use of nature and revitalisation of damaged areas and parts of nature
4. Construction of systems for planning, management, information and funding of nature protection
5. Establishing of inter-entity and international cooperation in the field of nature protection
6. Participation of the public in the process of nature protection
7. Realisation of other aims of the nature protection policy
8. Necessary and responsible adaptation of economic and social development to all the existing renewable natural resources
9. Reduction of the utilisation, loading and pollution of species (animals, plants, fungi) and their habitats.

Article 5

Provision prescribed by this Law, the natural and legal persons and their associations, that have the rights and obligations, determined by this Law.

The law is not valid for urgent measures undertaken in order to prevent the occurrence of imminent danger to life or health of people.

II DEFINITIONS

Article 6

For the purposes of this Law, the following terms shall mean:

"biodiversity": the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

"natural system" or "ecosystem" (ecological system): a dynamically changing and natural unit of living organisms, their communities and abiotic environment;

"component of nature": the elements of nature, such as flora and fauna, living organisms and their natural (ecological) system(s), biological diversity (or its components) land, landscape, nature-related man-built environment (or its components), natural sites, and the interaction among these elements;

"factors of nature": such as substances, activities or measures (including administrative measures), agreements on nature management or protection, policies, legislation, plans and programmes, affecting or likely to affect the elements of nature within the scope of this Law, and cost-benefit and other economic analyses and assumptions used in decision-making processes;

"nature protection": all appropriate activities and measures aimed at the prevention of the posing of hazards to, damaging or pollution of, nature (or its components), the reduction or elimination of damage that has developed, and the restoration to the state of nature (or its components) preceding the damaging activity;

"near-natural conditions": the conditions of habitats, landscapes (and their components) or their communities whose evolution has been significantly influenced by man creating conditions similar to natural ones-, such that the processes that take place in them are for the most part characterised by self-regulation and are not able to survive without direct human intervention;

"natural conditions": the conditions of habitats, landscapes and communities whose evolution has either not at all or only insignificantly been influenced by man (with the exception of reconstruction) and as a result, the processes that take place in them are for the most part characterised by self-re self-regulation;

"natural resource": the components of nature or certain constituents thereof that may be used for meeting the needs of society, with the exception of the artificial environment;

"damage to nature": harm done to nature or to its components in any form of change in or pollution of nature (or its components) or the utilisation of nature (or its components) to an extent which results in the impossibility to restore the affected nature (or its components) to the natural or previous state (quality) through intervention and which adversely affects the flora or fauna;

"nature protection management": any activities aiming at surveying, registering, regulating, conserving, guarding, maintaining, displaying or rehabilitating protected landscapes, species, minerals or areas;

"landscape": a confinable part of Earth's surface with a particular structure and characteristics, specific wild species and natural systems combined with the characteristic features of human culture, where the forces of nature and the artificial (man-made) environmental elements coexist and interact;

"habitat" or "natural habitats": a terrestrial or aquatic area distinguished by geographic, abiotic and biotic features, whether entirely natural or near-natural, which contains suitable living conditions for a certain living organism, its population or a community of organisms within a natural system, and where all environmental conditions necessary for their evolution, survival and multiplication are provided;

"natural habitat types of the Red List": are natural habitats occurring in the Federation of BiH, which

(i) are in danger of disappearance in their natural range; or
(ii) have a small natural range following their regression or by reason of their intrinsically restricted area; or

(iii) present outstanding examples of typical characteristics of the Mediterranean or the Continental bio-geographical region

„natural habitats types of Community Interest”: natural habitats occurring in the Entity and mentioned in the Habitat-Directive of the European Union as „natural habitat types of Community Interest” (including those covered by the „*natural habitat types of the Red List*”)

„conservation status of a natural habitat”: 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 of the Entity;

The conservation status of a natural habitat will be taken as 'favourable' 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 favourable (see „*conservation status of a species*”);

“ecological network”: the biological connections of natural and near-natural areas, protected natural areas and their buffer zones ensured by “ecological corridors”, which are any ecological passages made up of natural and near-natural areas and strips which ensure or support the ecological connection between distant territories;

“Natural area”: any territorial area primarily characterised by near-natural conditions;

“Environmentally sensitive area”: any extensively cultivated area where nature-friendly cultivation methods are practiced and which are suitable to receive protection status according to this law;

“Living organisms”: the species, subspecies and varieties (hereafter referred to jointly as species) of micro-organisms, fungi, plants and animals;

“Species”: any species, subspecies, or geographically separate population thereof; particularly any animal or plant, whether alive or dead; any readily recognisable part or derivative thereof;

“Species of the Red List”: are species, which are

(i) *extinct or extinct in the wild*: species of nature with regard to which there is no reasonable doubt that the last individual has died or it is known only to survive in cultivation, in captivity or as a naturalised population (or populations) well outside the past range.

(ii) *“Endangered”*:

- *Species of nature in danger of extinction throughout all or a significant portion of its natural range*;
- Species of nature threatened of further decline through one or several causal factors.

(iii) *“Vulnerable”*: species of nature believed likely to move into the endangered category in the near future if the causal factors continue operating; or

(iv) *“Rare”*: species of nature 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; or

(v) Endemic 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.

(vi) *“Data deficient”*: means when there is inadequate information to make a direct, or indirect, assessment of its risk of extinction based on its distribution and/or population status.

“Species of Community Interest”: species occurring in the Entity and mentioned in the Habitat-Directive of the European Union as „species of Community Interest” or in the Birds-Directive of the European Union in Annex I (including those covered by the „*species of the Red List*”);

“Conservation status of a species”: the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the Entity;

The conservation status will be taken as 'favourable' 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.

"sustainable development": system of social and economic conditions and activities, which preserves the wild species and man-built environment for the present and future generations, uses the natural resources economically and expediently in terms of maintaining the ecosystem, and ensures the improvement of the quality of life and the preservation of biological-cultural diversity in the long run from the aspect of the ecosystem as a whole;

"sustainable use": the use of nature's elements in a manner and at a rate that does not exhaust their regenerative abilities or lead to a decrease in natural resources and biological diversity, thereby maintaining their inherent potential for satisfying the demands and needs of present and future generations;

"information on nature": any information in written, visual, aural, electronic or any other material form on the state of nature (or its components) or on factors of nature;

"Birds-Directive": European Union Council Directive 79/409/EEC of 2. April 1979 on the conservation of wild birds;

"Habitat Directive": European Union Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

III BASIC PRINCIPLES

Article 7

It is the obligation of every natural or legal person as well as all other organisations to protect nature, in so doing, they are obliged to co-operate to a reasonable extent in preventing circumstances which may endanger or harm nature, alleviating any such danger or harm, eliminating the consequences of any such danger or harm, and restoring the affected nature to the state in which it was prior to the occurrence of the danger or harm.

Article 8

Wild species, minerals and areas with natural or near-natural conditions may only be exploited to such extent that their biodiversity, the proper functioning of their essential natural systems and the processes of these systems be maintained.

Article 9

In case of danger or harm to nature, removal of such danger or harm at source shall be a priority.

Article 10

The interests of nature conservation shall be taken into consideration during national economic planning and regulation, in the course of any economic, land and settlement development as well as land-use planning and while taking measures undertaken by public authorities.

Article 11

The polluters and users shall pay fees, charges, taxes or other payments for pollution or for the use of nature or natural resources (or their components) in any form of their activities if these activities cause or are likely to cause danger or harm to nature.

Article 12

The use and load of nature shall be organised and performed in such a manner that it shall minimise the extent of pollution or other harm to nature.

Article 13

The public awareness on compliance with nature protection rules and regulations shall be achieved also through the education and training of the general public.

Article 14

If activities could have a significant impact on nature or there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent harm to nature.

Article 15

The public administration, the general public, as well as the private and business sectors should pay special attention to sustainable development while carrying out activities such as economic use of renewable and non-renewable resources, prevention of harm and danger to human health, and minimisation of the harm, danger and loading of nature.

IV COMPETENCES

Article 16

In the B&H Federation, the Federal Ministry of Physical Planning and Environmental Protection (hereinafter: federal ministry) shall be responsible to carry out the tasks of nature protection. The tasks of nature protection in the canton shall be carried out by the Cantonal Ministry responsible for environmental protection (hereinafter: cantonal ministry).

The tasks established in paragraph 2 of this article include:

- make recommendations for the establishment of protected areas;
- make recommendations for the proclamation protected areas; and
- make recommendations and participate in the preparation and implementation of the Nature Protection Strategy.

Article 17

Inter-entity body, near responsibilities defined in Law on Environmental Protection, shall be responsible for:

- a) be advisory body to the competent ministries;
- b) create a „Red List for Bosnia and Herzegovina”;
- c) create guidelines for the introduction of species into Bosnia and Herzegovina;
- d) create and harmonize inter-entity „Nature Protection Strategy for Bosnia and Herzegovina”;
- e) Create guidelines for the co-ordination and co-operation concerning transboundary nature protection areas.

V PLANNING OF NATURE PROTECTION

Article 18

The Nature Protection Strategy of the BiH Federation

The Nature Protection Strategy shall define tasks and policies connected with the protection of nature and biodiversity, to ensure the surveying, protection and other parts of the natural heritage.

Federal Strategy established in paragraph 1 of this Article is part of Federal Strategy for Environmental Protection.

The Strategy established in paragraph 1 of this article shall contain:

- 1) A general description of the country's natural areas, the definition of processes and activities which are important from the viewpoint of the protection and conservation of biodiversity;
- 2) The general requirements as well as the sectorial and inter-sectorial tasks for the protection and conservation of natural areas, landscape and other values (species, habitats, minerals, fossils);
- 3) The long-term and medium-term aspects of the protection and conservation of protected species, minerals and areas and of the establishment of new protected areas;
- 4) The long-term and medium-term aspects of the establishment and maintenance of an ecological network and ecological (green) corridors;
- 5) The long-term and medium-term aspects of the maintenance of environmentally sensitive areas (ESA-s) and systems;
- 6) The long-term and medium-term aspects of revitalisation damaged areas.
- 7) The system of conditions and the principles of the most important measures subject to sections 1)-6);
- 8) The long-term and medium-term program for the research, development, educational and demonstration tasks and the popularisation of nature protection and conservation;
- 9) The sources planned to cover the financial needs;
- 10) The principles of establishing and operating a system for the observation, data collection, registration and evaluation of landscapes, species, minerals and areas with natural or near-natural conditions.

The Strategy defined in paragraph 1 of this article shall be harmonised with inter-entity programme of environmental protection or it should be its integral part.

Each canton shall prepare for their area a nature protection plan for the respective area.

The plan defined in paragraph 4 of this Article shall be harmonized with the Nature Protection Strategy of the Federation B&H.

The nature protection plan defined in paragraph 4 of this article shall be submitted to the Federal Ministry.

Article 19

The Parliament of the BiH Federation (hereinafter: Parliament of Federation) shall adopt the Nature Protection Strategy for a ten years period, proposed by Government of Federation of BiH (hereinafter: Government of Federation), after previous recommendation by Cantons.

The draft Strategy shall be prepared by the Federal Ministry.

Article 20

Implementation Plan of the Nature Protection Strategy

Government of FBiH each 2 years shall adopt an Implementation Plan of the Nature Protection Strategy.

VI GENERAL NATURE PROTECTION MEASURES

Article 21

Protection of the landscape

Landscape protection according to this law aims at the protection or improvement of:

- The characteristic natural system and its endangered, vulnerable or rare species;
- The character of the affected landscape,
- The recreational value of the landscape.

Protection of landscapes outside of protected area is carried out in the manner and under conditions determined by regulation/by-law.

The regulation/by-law shall determine the types of plans and projects in the landscape areas.

The regulation/by-law defined in paragraph 3 of this article shall regulate:

- Require the issuance of a permit by the competent authority;
- Types of planes and project for landscape areas protection;
- Report to the competent authority in order for the said authority to determine the measures to be undertaken by the applicant in order to prevent negative impacts on the landscape,
- Activities which have been prohibited in the protected area.

The permission defined in paragraph 4, aline 1, has to be granted, if the plan or project does not have negative impacts on:

- The characteristic natural system and its protected or threatened species or
- The character of the landscape

A negative impact defined in paragraph 5, aline 1 of this article exists if:

- An adverse number of endangered, vulnerable or rare animal- or plant species could thereby be exterminated;
- The habitat of endangered, vulnerable or rare animal-or plant species could be adversely affected or exterminated; or
- Considerable disturbance in the relationship and interaction between native animals and plant species and other biotic and abiotic factors of nature (geology, climate, soil, surface and groundwater, vegetation etc.) in the ecosystem or parts thereof is to be expected.

A negative impact defined in paragraph 5 aline 2 of this article exists if:

- landscape characterised by a variety of natural elements, such as hedges, single trees, tree groups etc. will be adversely reduced;
- Natural surface forms such as rivers, terraces, valleys, hills, will be adversely reduced; or
- Banks of rivers, wetlands, and lakes, through buildings and similar measures, will be adversely affected or the vegetation of those banks will be adversely separated.

Article 22

Protection of wild animals and plants

The provisions of this law apply to each individual of the species of wild plants and animals in every stage of development, and to every form, state or part of individual specimens. Wild plants, which do not have protected status shall not be deliberately damaged or destroyed, misused or excessively used. Failing special reason for so doing, wild animals, which do not have protected status shall not be disturbed, tracked or killed. Failing special reason, it is further prohibited to relocate, damage or destroy their breeding sites (nests or spawning grounds) and to disturb, destroy or change their habitats (resting places etc.).

Wild species, which do not have status mentioned in paragraph (1) to (3) shall be protected in accordance with the "Red List".

Article 23

Red List

The Federal Minister of Physical Planning and Environment (hereinafter: Federal minister) shall determine a "Red List", its content and duration.

The Federal Minister is obliged to provide to the public detailed information on the reasons for the inclusion of each of the species and habitat types mentioned in the Red List and measures to be put in place in order to improve the situation of the species and habitat types mentioned in the Red List.

The Red List shall be determined on the basis of scientific evidence.

Special Law defined in Article 30 of this Law shall ensure a favourable conservation status of "Species of the Red List" and for "Species of Community Interest".

Article 24

Protection of habitats

This Law contributes towards achieving biodiversity through the protection and conservation of natural habitats and wild fauna and flora and through economic, social and cultural measures taken pursuant to this requirement to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora.

A favourable conservation status of "Natural habitats of the Red List" and of "Natural habitat types of Community Interest" shall be ensured by Special Law defined in Article 30 of this Law.

VII SPECIAL MEASURES FOR NATURE PROTECTION

1. PROTECTION OF AREAS

Article 25

A protected area is an area of land and/or sea, which has been specifically dedicated in order to protect and maintain biological diversity and natural and associated cultural resources.

Protected areas shall be established in form of:

- a) Nature protection areas protected areas managed mainly for reasons of science or wilderness protection;
- b) National parks protected areas managed mainly for ecosystem protection and recreation;
- c) Natural monuments protected areas managed mainly for conservation of specific natural features,
- d) Landscape protection areas protected areas managed mainly for landscape/seascape conservation and recreation.

Article 26

Nature Protection Area

A nature protection area is:

- a) An area of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily and set aside for scientific research and/or environmental monitoring; or
- b) A large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition; or
- c) An area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.

The objectives of management are:

- preservation of the habitats, ecosystems and species in as undisturbed a state as possible, maintaining the genetic resources in a dynamic and evolutionary state, maintaining the established ecological processes, safeguard of the structural landscape features or rock exposures, securing the

examples of the natural environment for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded, reduction of the disturbance by careful planning and execution of research and other approved activities, and limitation of the public access.

- ensuring that future generations been left the essential natural attributes and qualities of the environment and providing for public access and maintaining the wilderness qualities of the area
- securing and maintaining the habitat conditions necessary to protect significant species, groups of species, biotic communities or physical features of the environment where these require specific human intervention for optimum management, facilitating the scientific research and environmental monitoring as primary activities associated with sustainable resource management, developing the limited areas for public education and appreciation of the characteristics of the habitats concerned and of the work of wildlife management, eliminating and thereafter preventing the exploitation or occupation inimical to the purposes of designation, and delivering such benefits to people living within the designated area as are consistent with the other objectives of management.

Article 27

National Park

A national park is an natural area of land and/or sea, designed to:

- a) Protect the ecological integrity of one or more ecosystems for present or future generations;
- b) Exclude exploitation or occupation inimical to the purposes of designation of the area;
- c) Provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities.

The objectives of management in the national park are:

- protection of natural and scenic areas of national and international significance for spiritual, scientific, educational, recreational or tourist purposes; perpetuation, in as natural a state as possible, biotic communities, genetic resources and species; providing the ecological stability and diversity; managing the visitor use for inspirational, educational, cultural and recreational purposes, elimination and thereafter prevention of the exploitation or occupation inimical to the purposes of designation, and maintaining the respect for the ecological, geomorphologic, or aesthetic attributes which warranted designation.

Article 28

Natural Monument

A natural monument is an area containing one, or more, specific natural/cultural features, which area is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance.

The objectives of management of the natural monuments are:

- protection or preservation of perpetuity specific outstanding natural features because of their natural significance, unique or representational quality, and/or spiritual connotations, to an extent consistent with the foregoing objective, providing the opportunities for research, education, interpretation and public appreciation,
- eliminating and thereafter preventing the exploitation or occupation inimical to the purpose of designation, and delivering to any resident population such benefits as are consistent with the other objectives of management.

Article 29

Landscape Protection Area

A landscape protection area is an area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with biological diversity.

The objectives of management of the protected landscapes are:

- maintaining the harmonious interaction of nature and culture through the protection of landscape and/or seascapes and the continuation of traditional land uses, building practices and social and cultural manifestations, supporting the lifestyles and economic activities which are in harmony with nature and the preservation of the social and cultural fabric of the communities concerned, maintaining the diversity of landscape and habitat, and of associated species and ecosystems; eliminating where necessary, and thereafter preventing the land uses and activities which are inappropriate in scale and/or character, providing the opportunities for public enjoyment through recreation and tourism appropriate in type and scale to the essential qualities of the areas, encouraging the scientific and educational activities which will contribute to the long term well-being of resident populations and to the development of public support for the environmental protection of such areas, and bringing the benefits to, and contributing to the welfare of, the local community through the provision of natural products (such as forest and fisheries products) and services (such as clean water or income derived from sustainable forms of tourism).

Article 30

Determination and declaration of protected areas including buffer zone

The proposal for declaration of naturally protected area or national park as the protected area shall be carried out by the Federal Ministry.

The proposal for declaration of landscapes and natural monuments as the protected area shall be carried out by the Cantonal Ministry.

The proposal for declaration of protected landscape and natural monument, on the area of two or more canton, shall be carried out by the Federal Ministry.

The proposal for declaration protected areas, on the area of canton, shall be carried out by the Federal Ministry and Ministry of Physical Planning, Civil Engineering and Ecology of RS in accordance with Inter-entity programme for environment protection.

The authorities established in paragraphs 1 and 4 of this article shall notify the owner that the procedures for the determination of a protected area have been initiated within the period of 1 year in order to afford temporary protection to the area of nature;

The notice must delimit the boundaries of the area and give a precise description of the existing state of the area.

It is prohibited to deteriorate the existing state of the area during the period between service of notification and declaration of the area of nature.

Regulation on proclamation of the protected area established in paragraph 1 and 3 of this article shall be done by the FB&H Parliament.

The regulation on proclamation of the protected area established in paragraph 2 of this article shall be adopted by the cantonal legislator.

The regulation on proclamation of the protected area established in paragraph 4 of this Law shall be adopted by the entity legislator.

The information on the protected area including buffer zones and the status of the undertaken activities aimed at maintaining the original state shall be submitted to the relevant land register, in the register of protected areas (hereinafter: register), and the Inter-entity Nature Information System. The register shall be run by the Federal Ministry and Cantonal ministries, by their competence.

Cantonal Ministry is obligated submit information from register of protected areas to Federal Ministry, annually.

The content and the methods of keeping the register shall be regulated by the implementing regulations.

Article 31

Management of protected areas

The necessary nature protection management measures and related techniques to be applied in protected areas shall be regulated by the regulation established in article 30 paragraph 8.

The regulation defined in paragraph 1 of this article shall be harmonised with the Federal Nature Protection Strategy.

The regulation established in article 30 paragraph 9 of this Law shall be harmonised with the Cantonal Nature Protection Plan.

After adoption of the regulation established in article 30 paragraph 8, the FB&H Government shall adopt a special management plan for each national park, nature protection area.

After adoption of the regulation established in article 30 paragraph 8, the FB&H Government shall adopt a special management plan for each landscape protection area and natural monuments.

The special management plans may be adopted for defined periods.

The preparation, content, timely approval and designation of the competent authority for the implementation of the special management measures shall be regulated by the implementing regulations.

Article 32

Activities in and effects on protected areas

The regulation established in article 30 paragraph 8 and 10 of this Law awarding protected area status shall also contain prohibitions and limitations, which are deemed necessary in order to fulfil the objectives of management.

Article 33

European Protection Areas

The FB&H Government may regulate by the regulation/by-law by, the suitable areas that may be designated for European NATURA 2000 Programme so that special areas of conservation of natural habitats and habitats of species could be included into a coherent international ecological network. Suitable areas for designation defined in paragraph 1 of this article can be national parks, nature protection areas, landscape protection areas or natural monuments, if they host "natural habitat types of community interest" and/or "species of community interest" according to international criteria. The regulation/by-law of the designation defined in paragraph 1 of this article has to state the site's conservation objective and the necessary conservation measures.

Applications for plans and projects made after the designation of an area of nature as a European Protection Area shall be subject to paragraph (5) and (6) of this article below unless they are already subject to a higher level of protection according to another regulation/by-law.

Any plan or project which is not directly connected with or necessary for the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives (species and/or habitats of community interest).

The approval of the plan or project shall be carried out only after having ascertained that it will not adversely affect the integrity of the site concerned

2. PROTECTION OF WILD SPECIES

Article 34

Protected plant and fungi species listed in the "Red List"

The following shall be prohibited:

- (a) the deliberate picking, collecting, cutting, uprooting or destruction of such plants in their natural range in the wild;
- (b) the keeping, transport and sale or exchange and offering for sale or exchange of specimens of such species obtained in the wild, except for those obtained legally before this law entered into force.

The prohibitions referred to in paragraph 1 of this article shall apply to all stages of the biological cycle of the plants.

Article 35

Protected animals listed in the "Red List"

The following shall be prohibited:

- (a) All forms of deliberate capture or killing of specimens of these species in the wild;
- (b) The deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;
- (c) Deliberate destruction or taking of eggs from the wild;
- (d) Deterioration or destruction of breeding sites or resting places;
- (e) The keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this law entered into force,
- (f) The use of all indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of such species.

The implementing regulation/by-law shall regulate a system to monitor the incidental capture and killing of protected animal species shall be regulated.

The implementing regulation/by-law shall regulate further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.

The prohibition referred to in paragraph 1 (a), (b) and (e) of this article shall apply to all stages of life of the animals.

Article 36

Exemptions

As an exemption, the application of the provisions of articles 22 paragraph 1 and 2, and 34 paragraph 1, and article 35 paragraph 1 may be limited by the special regulation, as follows:

- 1.) in the interest of protecting wild fauna and flora and conserving natural habitats;
- 2.) to prevent serious damage to crops, livestock, forests, fisheries and water;
- 3.) to prevent other serious damage;
- 4.) in the interests of public health and public safety,
- 5.) or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- 6.) for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants;
- 7.) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species in limited numbers.

The regulation established in article 23 paragraph 1 of this law shall regulate those wild animal species for hunting and fishing (angling), as well as the time, number of exemplars and methods therefore.

In the case established in paragraph 3 of this article, the prior opinion of the Ministry responsible for hunting and fishing is required.

Article 37

Introduction of new or extinct species

Deliberate introduction of plant and animal species which are not native to the territory of Bosnia and Herzegovina shall be forbidden.

Exemptions concerning paragraph 1 of this article can be established by regulation/by-law in the event that such introduction does not prejudice natural habitats within their natural range or the wild native fauna and flora.

Reintroduction of extinct plant and animal species into nature in the FB&H Federation shall be performed only with prior permission of the Federal Ministry and prior opinion of the Federal Ministry responsible for agriculture, water-management and forestry.

3. PROTECTION OF MINERALS AND FOSSILS

Article 38

Discovery of minerals and fossils, which are of specific importance because of their size, rareness, consistence or other discovery circumstances, have to be reported to the Federal Ministry by Cantonal Ministries.

Before passing on mineral or fossil discoveries as per paragraph (1) or parts of them to third parties, the finder is obliged to offer them to the Cantonal Ministry to buy, and after that to Federal Ministry. If Federal Ministry refused offer defined in paragraph 2 of this article, discoveries is obligated to offer to the Cantonal Ministry to buy.

VIII INFORMATION SYSTEM AND PUBLIC AWARENESS

Article 39

By regulation/by-law shall be established and operated the Nature Information System and monitoring (hereinafter together: Information System).

The regulation/by-law established in paragraph 1 of this article shall regulate the issues of monitoring, collection, registering and analysing the data, facts and other relevant information related to the state and use of nature, the measures taken by bodies of public administration, enterprises and other organisations.

The Federal Minister shall submit a report annually to the Government on basic information and trends in the state of the nature in the FB&H.

The information defined in paragraph 2 of this article shall be used by the federal and cantonal ministries to support the capacity building of public participation for a better implementation of the nature protection law.

IX SUPERVISION

Article 40

The supervision of compliance with this Law and with regulations/by-laws issued under the auspices of this Law shall be carried out by the Federal Ministry.

The supervision of inspection shall be carried out by the System for Nature Protection Inspection within for the B&H Federation (hereinafter: federal inspector) and nature protection inspectors within the cantonal ministries for the cantons (hereinafter: cantonal inspector).

Nature Protection Inspector shall be person with university degree within related field, with a completion of a professional test of requisite knowledge in environmental field and at least five years of working experience.

Article 41

The Federal Inspector in inspection activities shall control following:

- use and utilization of protected area of nature: Nature protected areas and National park;
- Quality Status of nature and compliance with the measures for nature protection in Nature protected areas and National park;
- Permit issuance for activities in protected areas according to this Law and Law on proclamation of protected areas.
- Introductions and re-introductions of wild species in nature.

Article 42

The Cantonal Inspector in inspection activities shall control following:

- use and utilization of protected area of nature: natural monuments, landscape protection areas and other protected areas;
- Quality Status of nature and compliance with the measures for nature protection in natural monuments, landscape protection areas and other protected areas;
- Permit issuance for activities in protected areas according to this Law and Law on proclamation of protected areas.

Article 43

If the violations of the provision of this act have been determined, the federal inspector shall order following:

- measures in order to harmonise activities in Nature protected areas and National park in accordance with this Law and provision of regulations issued on basis of this Law.
- temporary suspend activities which are not in accordance with this Law and provision of regulations issued on basis of this Law.
- temporary, until the final decision, eliminate the sources and consequences of violation in Nature protected areas and National park in accordance with this Law.

Article 44

If the violations of the provision of this act have been determined, the cantonal inspector shall order following:

- measures in order to harmonise activities in natural monuments, landscape protection areas and other protected areas in accordance with this Law, cantonal Laws and provision of regulations issued on basis of this Law.
- temporary suspend activities which are not in accordance with this Law, cantonal Laws and provision of regulations issued on basis of this Law.
- temporary, until the final decision, eliminate the sources and consequences of violation in natural monuments, landscape protection areas and other protected areas in accordance with This Law and cantonal Laws;

X FINANCING

Article 45

Financing of the activities prescribed with this Law shall be provided by the Federal Environmental Fund for the activities under federal competence.

Financing of the activities prescribed with this Law shall be provided by the Cantonal Environmental Fund for the activities under cantonal competence.

Article 46

Ownership and compensations

Land and real estate in protected areas owned by the B&H Federation may be transferred only to legal or private entities in accordance with special regulation/by-laws of this law.

If the owner of land and real estate in protected areas wants to sell his/her property, he/she is obliged to offer it first to the B&H Federation.

If the B&H Federation does not accept the offer within 60 days from its reception, the owner may sell his/her property to another private or legal person in accordance with the paragraph 1 of this article. The owner of a protected area of nature is obliged to accept without compensation the appropriate demarcation of any protected area and is obliged to provide access to this area, if this is required for scientific, educational, aesthetic and cultural needs of society.

The requirements for the access to the protected area shall be established by the regulation/by-law.

Article 47

If the actual use of a protected area of nature is in some manner restricted or prohibited, the owner shall have the right to compensation for restrictions that she/he is subjected to.

The amount of compensation established in paragraph 1 of this article must be in proportion to the loss of income, and shall be determined by agreement.

In case of dispute, the amount of compensation shall be determined by court.

Compensation costs shall be borne by the budgets for funding of nature protection.

Article 48

The competent body defined in paragraph 1 Article 31 of this Law shall be hold liable for the damage caused by the protected animals.

For damage caused by the protected animals established in paragraph 1 of this article, the B&H Federation shall pay compensation in case of any failure to comply with a justified request or requirement defined by law.

XI FINES AND SANCTIONS

Article 49

A legal person shall be liable to a fine of 1.000,00 - 10.000,00 KM for an offence in connection with independently performed activities, if such person:

- violates the prohibition and/or restriction after the starting procedure of proclamation of the protected area.
- violates the prohibitions and/or restrictions laid down in the declaration regulation;
- performs a plan or project having significant effect on a designated European Protection Area,
- performs prohibited activities;
- introduces non native species ;
- reintroduces extinct species
- does not indicate discoveries of minerals and fossils of specific importance to the Federal Ministry;
- does not offer discoveries of minerals and fossils of specific importance
- does not offer property within protected areas first to the B&H Federation Government
- does not provide access to protected;

The responsible person from a legal person that commits an offence under the paragraph (1) of this article shall be liable to a fine amounting from 500,00 KM to 1.000,00KM

A natural person who performs any act referred to in paragraph 1 of this article shall be liable to a fine of 100,00 KM to 500,00 KM.

XII TRANSITIONAL AND FINAL PROVISIONS

Article 50

Regulations that were in force prior to entering into force of this Law shall be applied, provided they are not contradictory to this Law.

Management plans concerning protected areas such as National Parks adopted according to the laws or regulations that were in force prior to entering into force of this Law shall be applied until their expiration date, provided they are not contradictory to this Law.

The cantons shall harmonise their nature protection legislation with this Law within one year after its enactment.

Article 51

The regulation established in article 19 paragraph 1 and article 30 paragraph 8 shall be adopted by the FB&H parliament within the period of 2 years after entering into force of this Law.

The regulation established in articles 20 and 31 paragraph 4 and 33 paragraph 1 shall be adopted by the FB&H Government within the period of 3 years after entering into force of this Law.

The regulation established in article 30 paragraph 14,31., paragraph 7,35., paragraph 2 and 3., article 39 paragraph 1., 46 paragraph 5 shall be adopted by the Federal Minister within the period of 2 years after entering into force of this Law.

Article 52

This Law shall enter into force on the eighth calendar day after its publication in the "Official Gazette of the Federation of Bosnia and Herzegovina".