

# LAW ON FORESTS

## ***I - GENERAL PROVISIONS***

### *Article 1*

Forests and forestland shall be the property of a general interest and they shall enjoy special care and protection of the state due to their generally useful functions and their importance for the economy.

“Protection, improvement and use of forests and forest land and other potentials of forests and forest land (hereinafter: forest management) shall be realized under a condition and in the way stipulated by this Law.”

### *Article 2*

Forests, as the property of a general interest, shall be maintained, regenerated, and used in such a way that their value and generally useful functions are preserved and increased, and that the lasting production, protection and constant increase in production are ensured.

The forestland, as the property of a general interest, shall be used for forest production only and may not be used for other purposes except in the cases and under the conditions set forth by this law.

### *Article 3*

A forest, in terms of this law, shall be the ground covered with forest trees as an ecosystem consisting of the biotope (natural habitat or an area - forestland, water, air and climate) and the biocenosis (habitat - forest trees and other vegetable and animal forest organisms).

The forestland, in terms of this law, shall be the land where forests are grown, or land on which it is more rational to grow forests due to the land's natural characteristics, as well as the land intended for forest production according to the environmental or urban plan.

The generally useful functions of the forests, in terms of this law, shall be the positive influences of the forests on the environment, especially the functions of protection, hydrologic, climatic and hygienic and health benefits and benefits for tourism and recreation, and the economic, educational, scientific and the benefits for research and defence functions.

### *Article 4*

“State-owned forests and forest land in the Republika Srpska shall be administered and managed by: the Public Forest Enterprise “Srpske sume” (hereinafter: Public Forest Enterprise), and special purpose forests shall be administered and managed by the other forest administrators in line with provisions of this Law (hereinafter: forest administrators).

State-owned forests, which prior to passing of this Law were not within forest management and out of forest management areas, shall become an integral part of the forest management areas.

Industrial plantations shall be administered and managed by their owners in compliance with provisions of this Law.

Private forests shall be administered and managed by their owners in compliance with provisions of this Law.”

#### *Article 5*

State-owned forests shall not be alienated or transferred to other forms of ownership, if not otherwise provided for by a separate law.

As an exception from the previous paragraph, the transfer of forests may be carried out only in the process of land consolidation and exchange.

State-owned forests and forestland may not be leased.

As an exception from the provision of paragraph 3 of this Article, state-owned forestland may be leased if such lease ensures its rational use under the conditions provided for by the general act of the company that manages such a land.

Leased state owned forestland may not be used for construction purposes.

#### *Article 6*

The Republika Srpska Government may transfer the management rights over certain areas of the state-owned forests or of the forestland from one forest manager to another company or another legal person, if there is a wider social interest.

The transfer of management rights from the previous paragraph shall be carried out on the basis of a request from the legal person and the economic and technical documentation that shall contain in particular: the reason for the transfer of management rights, the opinion of the forest manager from which the management rights are transferred, a map with marked areas and facilities that will be transferred, the situation of timber masses, the increment volume and the cut as per the types of trees.

It shall be deemed that there is a wider social interest in conformity with paragraph 1 of this Article: if the forests and the forest land are needed for the transfer to other purpose that will give a larger benefit, or, out of special reasons for the needs of protection of the country, for which the benefits for the economy and the effects of the generally useful functions of the forests have to be taken into account.

The forest manager whose rights of forest management are transferred to another legal person shall have the right to compensation not exceeding the value of the forest manager's investments in the forest until the date of the transfer of the management rights.

Apart from the compensation, the forest manager whose rights of forest management are transferred to another legal person has the right to previously use the timber mass.

The amount of the compensation from paragraphs 4 and 5 of this Article shall be determined by mutual agreement between the interested parties.

If the agreement from the previous paragraph is not reached, the compensation shall be determined pursuant to the provisions of the Law on Expropriation.

The funds obtained from the transfer from paragraph 4 of this Article may be used only for the purchase or the generation of new forests.

#### *Article 7*

Protection forests are the forests that serve primarily for the protection of land, waters, settlements, economic or other facilities from natural disasters, and the forests raised as protection belts and forests on the upper boundary of vegetation.

Special purpose forests shall be those forests that are especially rare in nature or have a special cultural, religious, or historic importance - national parks, natural parks, nature preserves, forests intended for resting, sports, recreation, teaching, and scientific research, climatic and other health resorts, hunting grounds, as well as forests of special interest for national defence, seed growing and seed facilities, and sources of potable water.

The Republika Srpska Government shall designate a forest as protection forest or special purpose forest on the basis of a study and upon consultation with the forest manager.

#### *Article 8*

The study that shall serve the designation of forest as protective or special purpose forest shall contain in particular:

- the name of the forest management area, the name of the administration unit, the number of the sub-unit, the mark of the section, and for privately owned forests the name of the cadaster municipality and the number of the cadaster plot;
- topographic map containing contour lines at the scale of 1:10,000;
- status of the surfaces, tree mass as per tree species and diameter classes, annual increment and average annual cut;
- the reasons for which the designation of the forest as protection or special purpose forest was proposed with an explanation.

#### *Article 9*

The forests designated as protection forests or as special purpose forests shall be managed in such a way that it shall ensure the achievement of the purpose for which the forests were designated as protection or special purpose forests.

The enactment on designation of forests as protection or special purpose forests shall set the conditions, the manner of use, and the protection of such forests.

### ***Article 10***

Protection forests or special purpose forests shall be marked with visible signs.

The marking of the forests from the previous paragraph shall be done by the manager of the forest, in the way as provided for by the standards for forest signs.

The Ministry of agriculture, forestry and water management shall keep record of protection forests and special purpose forests.

## **II – MANNER OF ORGANIZING OF FORESTRY**

### ***Article 11***

State forests and forestlands encompassed by forest management areas and national parks and private forests in the Republika Srpska shall be managed by the Public Forestry Company through forest estates that belong to it.

The Public Forestry Company shall operate under the name of: Public Forestry Company of “Srpske Šume”.

The seat of the Public Forestry Company is in Srpsko Sarajevo - Sokolac.

The seat of the Public Forestry Company and that of forest estates that constitute the Public Forestry Company shall not be outside the territory of the Republika Srpska.

Forest estates shall have the status of legal persons and shall have their own giro accounts belonging to category 601 of payment operations, the responsibilities and powers of which are determined under the Statute of the Public Forestry Company.

### ***Article 12***

Funds for foundation and work of the PFC are funds established in the balance sheet on the day of founding the PFC, which are disposed by the public and other state companies that manage the forests within forest management regions.

Funds that are used by the PFC are state property.

### ***Article 13***

The Public Forestry Company shall realise and provide financial resources needed for the performance of its activities and its development from:

1. revenue realised from the produced and sold timber assortment, game hunting, and from other forest products, as well as from other revenue realised through its business activities;
2. revenue realised from the offered services;
3. credits;
4. budget of the Republika Srpska and other ear-marked resources provided by the Republika Srpska;

5. earmarking and sale of securities;
6. other revenue and sources.

***Article 14***

Bodies of the Public Forestry Company shall be the following: Board of Governors, Director and Supervisory Board.

***Article 15***

The Board of Governors of the Public Forestry Company shall have seven members appointed by the Republika Srpska Government.

Three members of the Board of Governors shall be appointed from amongst the representatives of the Public Forestry Company.

***Article 16***

The Board of Governors of the Public Forestry Company shall perform the following activities:

1. Establish the business policy, pass the Statute and the decision on adopting the development plan and the work program;
2. Decide on the change of seat and changes to the Statute of the Public Forestry Company;
3. Decide on the establishment of new companies;
4. Adopt reports on Company's business activities, interim statements of accounts and annual financial statements;
5. Decide on revenue allocation;
6. Make investment-related decisions;
7. Pass forest management plans and hunt management plans and programs for managing of forests;
8. Perform other activities as determined under the law and the Statute.

***Article 17***

The work of the Public Forestry Company shall be managed by the Director.

The Director of the Public Forestry Company shall present and represent the Company, organise the work process, manage its business activities, make independent decisions and be accountable for the legality of the work of the Company, propose bases of its business policy, work program, and development plan, and undertake measures for their implementation, execute decision made by the Board of Governors, appoint and

dismiss directors and their assistants who manage internal organisational units, as well as other individuals with special responsibilities and powers, and shall, also, perform other activities as provided for in the law and the Statute.

#### ***Article 18***

The Supervisory Board of the Public Forestry Company shall have five members, and shall be appointed by the Republika Srpska Government.

Two members of the Supervisory Board shall be appointed from amongst the representatives of the Public Forestry Company.

The Supervisory Board shall be in charge of supervising the business activities of the Public Forestry Company, review the annual report, interim statements of accounts, the annual final account, and the proposal of revenue allocation.

The Supervisory Board shall inform the Board of Governors and the Republika Srpska Government about the results of its supervision work in writing.

#### ***Article 19***

The Statute of the Public Forestry Company shall regulate, in more details, the issues of internal organisation, scope of work of bodies of the Public Forestry Company, rights and obligations of parts of the Public Forestry Company in the legal and payment operations, as well as other issues of importance for business activities of the Public Forestry Company and of its organisational units.

In the event of a strike in the Public Forestry Company and for the purpose of forest protection and preservation, the activities that shall still have to be performed in the Company even during the strike along with the manner of their performance shall be determined under the Statute or a different general act.

The Director of the Public Forestry Company shall designate the individuals who shall be working to perform the activities referred to in paragraph 2 of this Article, and shall determine the manner of their performing.

#### ***Article 20***

The Government of the Republika Srpska shall:

1. Appoint the Board of Governors, Supervisory Board, Director, and the Acting Director of the Public Forestry Company;
2. Give its consent to: the Statute of the Public Forestry Company, status changes to the Statute of the Public Forestry Company pertaining to the establishment of new companies, medium-term program for the protection and improvement of forests, the price list of timber assortment of the Public Forestry Company; it shall transfer the right to manage forests and forestland onto a different manager if general interests so require, shall make a decision on identification of forests for protective purposes and those of special purposes and shall undertake concrete measures if the Public Forestry Company has registered a business loss.

### ***Article 21***

If, as a result of lack of resources or other reasons, the Public Forestry Company is not able to execute the activities of forest management in a timely and professional manner and in line with the established plans, forest management plans, and regulations, it shall be obliged to inform the Government of the Republika Srpska about it.

If the Public Forestry Company or its organisational units have registered a business loss in the course of a year, the forests shall not be a part of the bankrupt's estate.

## **III – FOREST MANAGEMENT**

### **1. Forest-management areas**

#### ***Article 22***

In order to ensure rational management and administration of the forests, forestland and other potential of the forests, forest management areas and karst areas shall be formed in the Republika Srpska.

Forest management areas shall be formed following natural, environmental, biologic, geographic, economic, and other conditions that ensure the homogeneity and the integrity of the area, the progressive and dynamic lasting of yield and income of the forests and forest production, reproduction of the forests, the optimal openness of the forests, as well as the generally useful functions of the forests.

Apart from the forest management areas, national parks may also be formed in the Republika Srpska by the law.

The status, the manner of management and use of national parks shall be governed by a separate law.

#### ***Article 23***

The formation of the forest management areas and the change of their boundaries shall be done on the basis of the economic and technical documentation that shall contain in particular:

- the description of the boundaries and a 1:50,000 scale topographic map with marked outer boundaries of the forest management area, the boundaries of the internal division of the forests, the management units and departments, forest roads and other facilities important for the management of the forests;
- the status of tree masses as per tree species and the diameter structure, per management unit, and category of the forest;
- the average annual increment per type of trees, management units, and categories of forests;

- the average annual cut per type of trees, management units, and categories of forests;
- the data on the incomes and expenditures for the administration of the forests.

Apart from the data from paragraph 1 of this Article, the economic and technical documentation needed for the change of boundaries of the forest management areas shall also contain the data on surfaces, timber masses, annual volume of increment and the annual cut in the forest management area after the change of the boundaries.

The Republika Srpska Government shall form forest management areas and change their boundaries according to the suggestion of the ministry and on the basis of the economic and technical documentation.

#### *Article 24*

Forests from one forest management region are managed by the one FMC, from the PFE.

#### *Article 25*

In the sense of this Law, forest management shall, particularly, include the following activities:

1. forest growing (simple and expanded biological regeneration of forests);
2. protecting of forests against all kinds of damages;
3. harvesting of forests and forestlands and other forest potential (production of timber assortment and its transportation), production and collection of other forestry products, tourist-catering and recreation-health care needs;
4. breeding and protecting of game and fish, hunting and fishing;
5. construction and maintenance of forest roads and of other facilities in the service of forest management;
6. improving of all forest functions (economic and those that are generally useful).



## **2. 10 year management plan and implementation projects**

### *Article 26*

Forests shall be managed on the basis of a forest management plan and implementation project.

The plan for long term forest management that determines the bases of management and ensures general interests in line with the adopted forestry development policy shall represent the forest management plan.

The forest management plan shall be passed for a period that shall not exceed 10 years.

A new forest-management plan shall be passed before the expiry of the deadline of the adopted forest management plan.

Regulations dealing with the elements and contents of forest management plans shall be passed by the Minister of agriculture, forestry and water-management.

### *Article 27*

Parliament of the RS establish forest policy (national forest policy), and long term forestry development program of the RS harmonised with development needs and international obligations.

### *Article 28*

Forest management plans shall be passed for private and state-owned forests.

A single forest management plan shall be passed for state-owned forests that belong to the same forest management area and national park.

A single forest management plan shall be passed for private forests belonging to the territory of the same municipality.

The forest-management plan for state-owned forests that are a part of a forest-management area shall be passed by the Public Forestry Company.

The forest management plan for private forests shall be passed by the municipal assembly.

The forest management plan for forests that are managed and administered by the Republika Srpska Army shall be passed by their manager.

An investment program containing basic elements of a forest management plan shall be produced for coniferous and deciduous plantations, thick plantations and other small-size forested surfaces.

The forest management plan shall determine basic guidelines and objectives in forest managing, measures for forest improving, preservation, and strengthening of generally useful functions of forests, and forest protection. The plan shall, also, contain an analysis of hitherto forest management, review of state of forests, objectives of forest management, type and scope of work.

Forest managers shall partake in the funding of the process to design forest management plans for state-owned forests, and the municipality and forest owners for privately owned forests.

### ***Article 29***

The forest management plans, physical plans and hunt management plans, long-term forestry development programs, and water-management plans shall be mutually harmonised.

### ***Article 30***

Provisions of forest management plans and implementation projects shall be binding.

Activities of silviculturing, forest protecting, forest nursing, and tree felling, along with the work aimed at achieving the appropriate level of openness of forests as anticipated under the forest management plan, i.e. implementation project, shall have to be carried out for each year by scope and quality.

The total scope of fell allowed in high forests foreseen under the forest management plan for a forest management area shall not be exceeded.

The scope of fell planned for high forests, within the framework of a forest estate class or a forest estate unit, shall not be exceeded.

### ***Article 31***

The Ministry of agriculture, forestry and water-management shall give its consent to forest management and the hunt management plans, following an already obtained opinion by the municipality in the territory of which the forest management area in question is located.

### ***Article 32***

Forest managers shall be obliged to submit a newly-established forest-management plan to the Ministry of agriculture, forestry and water-management until no later than 60 days prior to the expiration of the valid forest management plan.

The Ministry of agriculture, forestry and water-management shall be obliged to submit the forest management plan to the municipality in the territory of which the forest management area is located for its opinion within 30 days from the day of its receipt.

The municipality shall be obliged to submit its opinion regarding the forest management plan to the Ministry of agriculture, forestry and water management within 30 days from the day of its receipt.

The Ministry of agriculture, forestry and water management shall be obliged to make a decision on consent to the forest management plan within 60 days counting from the day of receipt of the forest management plan.

### ***Article 33***

Elaboration of forest management plans, hunting management plans, elaborates for declaration of protection forests and special purpose forests, projects for forest communications, projects for forest operations and other projects in forestry shall be done by the Public Forest Enterprise.

Elaboration of forest management plans for private forests, national parks and military forests and elaboration of hunting management plans may be performed by enterprises registered for the activity.

For jobs referred to in the previous Paragraph an enterprise employing at least three full-time graduate forestry engineers with passed professional exam and possessing a license for work issued by the Ministry of Agriculture, Forestry and Water Management may register itself.

Forest administrators as investors shall be obliged while elaborating forest management plan to provide supervision-control and review. Supervision over elaborating forest management plans shall be done in line with the method passed by the Minister of Agriculture, Forestry and Water Management.

Supervision of elaboration of forest management plans shall be done by a neutral institution (Forestry Faculty, Forestry Institute).

Consent to forest management plans shall be given by the Ministry of Agriculture, Forestry and Water Management at the proposal of the Review Commission appointed by the Minister of Agriculture, Forestry and Water Management.

The Minister of Agriculture, Forestry and Water Management shall prescribe conditions for issuing a license to the enterprises dealing with the jobs referred to in Paragraph 2 of this Article.

For performing the jobs referred to in Paragraphs 1 and 2 of this Article a professional exam shall be taken in line with the Book of Rules passed by the Minister of Agriculture, Forestry and Water Management.

#### ***Article 34***

Should in the course of implementation of the forest management plan essential flaws be established or circumstances which they are based on change, their changes and amendments shall be done within six months as of the day of establishment of essential flaws, i.e. changed circumstances.

#### ***Article 35***

Realisation of the forest management plan for the state-owned forests shall be done on the basis of the projects for implementation.

Projects for implementation shall contain all the works according to their scope and place, data on the time of starting and completing the works, gross delivered timber, assortment, technological procedure, economic analysis, map of the area with marked sections, more important facilities, existing and projected roads.

Works foreseen in the implementation project should be realised in two years at the latest.

Projects for implementation may be designed by graduate forest engineers with at least two and forest technicians with five years of working experience.

### *Article 36*

For private forests, projects for implementation shall be made only for silviculture.

The projects referred to in the previous paragraph shall contain all the works according to the scope, place and time, as well as gross delivered timber.

The projects referred to in the previous paragraph shall be passed by the forest estates.

The provisions of paragraph 4 of the previous Article shall be applied to elaboration and realisation of the project for implementation for private forests.

The Public Forestry Company shall perform professional jobs in management of private forests on the basis of a contracting relation with the municipal assemblies and forest estates in the region.

### **3. Forest reproduction**

- a) Simple forest reproduction

### *Article 37*

Forest administrators and owners of private forests shall be obliged to provide funds for simple forest reproduction.

Funds for simple reproduction of state-owned forests shall be provided from the realised total revenue provided that the earmarked funds cannot be lower than 1% of the value of the sold timber (forest assortment) according to the market prices, FCO loaded on a truck road in the current year.

Funds of simple forest reproduction shall be used within the forest management area, i. e. forest estate in which they have been realised and cannot be transferred from one to another forest management area, as well as for funding of joint activities at the level of the Public Forestry Company.

### *Article 38*

Funds for simple forest reproduction shall be used for preparation of the soil for natural regeneration, afforestation, recruitment of newly-planted forest seedlings, care of forest cultures and forest stands, first thinning of forest cultures, protection of forests from plant diseases, pests and fire, projecting and constructing of forest truck roads, for elaboration of forest management plans, for reallocation of holdings of forests and forest land and improvement of hunting.

A forest administrator shall be obliged to do, together with the annual calculation, a special calculation of funds for forest reproduction with the records on the funds spent according to the purpose established in paragraph 1 of this Article.

Unspent funds for simple reproduction shall be used for extended forest reproduction within the forest management area.

#### ***Article 39***

Owners of private forests shall be obliged to pay, to the value of net cut timber in the current year calculated by market prices, the amount of 10% on a separate account of the municipality for forest reproduction.

- b) Extended forest reproduction

#### ***Article 40***

A special compensation shall be introduced for the purpose of providing material and other conditions for reconstruction of degraded and regeneration forests and afforestation of barren ground and krast (extended forest reproduction), as well as improvement of generally useful functions of forests.

#### ***Article 41***

Companies and other legal persons performing economic activities in the territory of the Republika Srpska shall pay compensation for use of generally useful functions of forests to the amount of 0.1% of the total revenue on a separate account of the Ministry of agriculture, forestry and water management.

Distribution of funds of extended forest reproduction to users shall be done according to the criteria established, by a sub-legal act, by the Ministry of agriculture, forestry and water management.

#### ***Article 42***

Funds realized under Article 41 of this Law shall be used for reconstruction and melioration of degraded high forests and regeneration forests, afforestation of barren ground and krast, recruiting of forest plantation on the krast and care of forest cultures planted within the extended forest reproduction, biological protection from erosion, projecting and constructing of forest truck roads for the sake of opening of high degraded forests, regeneration forests, barren ground and krast, for development of hunting, education of cadre and scientific-research work in the field of forestry.

#### ***Article 43***

Forest administrators shall be obliged to keep records on conducted works and taken measures foreseen by forest management plan and projects for implementation.

The data referred to in the previous paragraph shall be recorded for the past year by March 31 of the current year at the latest.

The records referred to in paragraphs 1 and 2 of this Article shall be prescribed by the Minister of agriculture, forestry and water management.

#### ***Article 44***

Managers of the state-owned forests shall be bound to earmark funds equal to 5% of the value obtained through the sale of forest wood product assortments specified by prices of trees as uncut "at-the-stump" in the price lists of the public forest enterprise.

The funds referred to in paragraph 1 of this Article shall be directed to a separate account of the municipality.

#### **4. Forest exploitation**

##### ***Article 45***

Forest felling shall be done after selecting, marking and numbering the trees or marking the areas on which the felling shall be done.

Tree marking for cutting of state-owned forests may be performed by graduate forest engineers with at least two years of working experience and forest technicians with five years of working experience.

The forest administrator shall be obliged to inform, within at least 30 days before beginning of a regular cutting in the area, the forest inspectorate for the purpose of examining the conducted marking of trees for cutting, stating the number of the area and economic unit.

Tree marking or marking of areas planted with trees and cutting of those trees may not be done in the forests where property-legal relations are disputable, except for random cutting.

Regulations on performing the marking shall be passed by the Minister of Agriculture, Forestry and Water Management.

##### ***Article 46***

The Public Forest Enterprise shall give the concession, through public auctions and signed contracts, to the enterprises meeting the requirements for execution of the following forest operations: silviculture and protection, tree cutting and producing of timber and their dragging from the stump to the truck road, loading, transport and unloading of the timber, building and maintenance of the forest roads. Minister develop the rule book on condition that must be followed in order to perform activities regarding the performing the forestry work (confirmation on the no. of the employees, education of the employees, ownership of the recourses and documentation on the technical propriety of the recourses for performing the work). The contracts shall determine the type and scope of operations, manner and quality of their execution, supervision and control of execution, dynamics of execution and deadlines for the end of operations, gross prices per unit, manner and deadlines for payments and others. Provisions of these contracts must be harmonized with the Law on Procedure for Procurement of Goods, Services and Concessions.

##### ***Article 47***

Marking of trees for cutting in private forests may be performed by graduate engineers or forest technicians designated, by a decision, by the Public Forestry Company, i.e. forest estate.

Cutting of private forests shall be performed by the owner of private forests in accordance with provisions of the forest management plan and on the basis of the decision of the Public Forestry Company, i.e. forest estate.

Cutting of private forests shall be approved only to the owner of the private forest who presents evidence on the forest ownership right.

#### ***Article 48***

It shall be forbidden to move a forest tree from the stump – i.e. to trade it before it is sealed, measured and the dispatch note is issued.

Forests administrators shall seal the cut trees in the state-owned and private forests and issue the dispatch note.

#### ***Article 49***

When transported from the forests or traded, the wood shall have to be sealed and provided with the dispatch note.

The dispatch note shall contain particularly: volume and kind of assortment according to the kinds of trees, quality classes, manner of marking, place and date of dispatch and expiry date as well as the way of transport and place of delivery (buyer).

Regulations on contents of the dispatch note shall be passed by the Minister of agriculture, forestry and water management.

#### ***Article 50***

In terms of this law, the trade of timber shall be understood as buying, selling and giving timber as a gift as well as transportation of timber by roads.

#### ***Article 52***

Primary wood processing cannot be done in sawmills and other facilities for mechanical wood processing unless the wood is sealed by the forest seal, i.e. marked in another prescribed manner and unless the dispatch note is issued for the wood.

Owners of facilities referred to in paragraph 1 of this Article shall be obliged to register the wood, stored within facilities, in a prescribed manner, immediately upon the wood receipt.

#### ***Article 53***

Cultivation and exploitation of other forest products (medicinal herbs, mushrooms, forest fruits, snails, crabs, snakes, gravel, sand, stone and others) shall be performed by the forest administrators or enterprises authorised by the forest administrator based on the investment-technical documentation containing the data on quantity, place, kind, manner of production and exploitation and time of collection of other products.

Exploitation of other forest products (sand, stone and ballast) is performed by the

forest managers for their needs without reimbursement, but with previous approval from Ministry of energetic and mining.

The forest administrator shall determine conditions under which operations referred to in paragraph 1 of this Article (time, way of collection, quantity, amount of compensation and others) may be performed.

Investment-technical documentation shall have to contain the way of revitalisation and foresee funds for improvement of the state of resources for other forest products.

The consent to the investment-technical documentation shall be given by the Ministry of agriculture, forestry and water management.

The enterprise exploiting other forest products shall be obliged to pay, on giro account of forest enterprise, funds for revitalisation of other forest products in the amount of 10% of the selling price of products.

The funds referred to in paragraph 6 of this Article shall be spent on the basis of the implemented projects approved by the forest administrator.

#### ***Article 54***

A qualitative acceptance of finished operations shall be conducted for executed forest operations according to projects for execution of operations.

The Commission for technical acceptance shall be formed by the forest administrator.

The Commission for technical acceptance shall establish whether operations have been done in accordance with the project for implementation.

The Commission shall be obliged to organise the technical acceptance of the silviculture operations after two and five years as of planting of seedlings, i.e. sowing of seeds.

If in the course of the technical acceptance it is established that operations have not been conducted in a successful and quality manner under the project for implementation, the contractor shall be obliged to remove the established flaws within the deadline set out by the Commission referred to in paragraph 2 of this Article and in two years at the latest.

## **5. Protection of forests**

- a) Clearing and devastation of forests

#### ***Article 55***

Clearing of forests shall be forbidden.

As exception from the previous paragraph, the Public Forestry Company, i.e. forest estate may approve of clearing of forest of a surface up to 0.5 hectares, while larger area may be approved of by the Ministry of agriculture, forestry and water management, if that does not jeopardise protective functions of forests and if the land obtained from clearing shall be used for construction of investment facilities or for crops that provide



more benefits than the existing forest on permanent basis, or if so required by reasons of defence of the country.

Clearing of forests from the previous paragraph shall be approved on the basis of investment – technical documentation on the justification of clearing.

#### ***Article 56***

Looting of forests, looting of other forest products and felling of rare sorts of trees shall be forbidden.

Looting of forests, in terms of this Law, shall include: felling that has not been approved as a regular form of forest renewal, felling of rare sorts of trees, whitewashing of trees, felling of seed components, and seed trees that have not been foreseen by the forest management plan, self-willing occupying of forests and forest land, damaging or destroying of forest plantations, movement of tractors outside of the projected and constructed tractor roads, destroying or damaging of signs and border signs in the forest, disposal of waste and leftovers and other harmful dangerous stuff, as well as any other action carried out contrary to the regulations that weakens fertility of the land and therefore jeopardises or disables permanent character of forest production and forest breeding on that land or jeopardises survival of forests and their function of general use.

#### ***Article 57***

Felling of forest that has not been approved as regular form of forest renewal, may be carried out due to construction of water-systems (electricity and PTT), funicular railways, temporary forest roads and other temporary facilities serving forest management, opening of fire lines in case of putting down of high forest fire, prevention of plant diseases and pests, scientific-research experiments, as well as when most of forest trees are jeopardised due to other natural causes, if this does not jeopardise protective functions of forests.

Clearing of forests may be exceptionally carried out due to opening of forest plantations and nursery gardens, opening of forest lanes, construction of forest roads and other facilities serving the purpose of forest management and providing improvement and use of all forest functions, in cases determined by space plan, as well as in carrying out consolidation and regrouping of agricultural land and forests.

#### ***Article 58***

It shall be forbidden in forests to dispose garbage and other harmful and dangerous waste, inflammable liquids and matters, releasing of liquid waste, burning of waste, saw-dust and other matters polluting air, ground and water.

The forests jeopardised by harmful emissions must be held under constant special surveillance measures and it shall be necessary to determine specific systems of management for those.

The inventory and monitoring of the health condition shall be conducted for all forests.

Closer regulations from this Paragraph shall be made by the Minister of Agriculture, Forestry and Water Management.

### ***Article 59***

Tree cutting shall be forbidden for Pancic's spruce, yew and woodbine as well as other rare and valuable species of trees, determined by names based on forest management plan, as well as the rare, valuable forest biotopes, stands, habitat and ecosystem.

The stems of forest trees from paragraph 1 of this Article, if they are dry or so damaged that they face immediate drying or represent the source of infection by plant diseases and pests, as well as in carrying out of measures of care in plantations or natural forests and in other cases determined by regulations, may be felled with the approval of the Ministry of agriculture, forestry and water management.

The Ministry of agriculture, forestry and water management may also bring a decision on forbidding of felling of other sorts of trees, whose survival has been jeopardised.

b) Pasture, foliates, game in the forest and other forest products

### ***Article 60***

Pasturing, feeding cattle with acorn, browsing, branch, i.e. foliates cropping and collecting and taking away of rustle, moss in the state owned forests shall be forbidden unless prescribed otherwise by the forest management plan.

As exception from the provision from the previous paragraph, pasture, collecting of acorn and browsing may be approved only in case of dearth in cattle food, in forests in which growth of trees is such that cattle cannot bite off the top buds and suckers and cannot cause damage.

The approval from paragraph 2 of this Article shall be issued by the Ministry of agriculture, Forestry and water management.

The Ministry of agriculture, forestry and water management shall determine, in a general act, the conditions under which pasturing, feeding of cattle by acorn, cropping of foliates and collecting of rustle and moss in the state owned forests shall be carried out.

### ***Article 61***

It shall be forbidden to release cattle for pasturing, i.e. acorn feeding in forests without control – a herd.

The access of cattle to pasture, i.e. acorn feeding and watering-place through the parts of forests in which pasturing is forbidden, shall be allowed only through a road determined for such a purpose.

The access roads and roads for taking of cattle for pasture, i.e. acorn feeding and watering place, shall be determined and marked by the forest manager.

### ***Article 62***

Breeding, protection, hunting and use of game and fish in the state owned forests, in accordance with the hunting management plan, shall be under the competence of the Public Company of Forestry, i.e. forest estates.

Only those sorts of game that do not prevent proper forest management and in such a number that does not prevent this management may be bred in forests.

b) Forest order

***Article 63***

Forest managers and owners of private forests shall be obliged to establish and maintain forest order.

Forest order, in the sense of this Law, shall be considered as taking of measures for prevention of fire, harmful insects and plant illnesses, prevention of harmful effects of wind, snow and other harmful factors.

The measures for establishing of forest order and manner of their implementation shall be prescribed by the Minister of agriculture, forestry and water management.

***Article 64***

Forest managers and owners of private forests shall be obliged to carry out forestation of areas where looting of forest has occurred, and areas without forest vegetation that has occurred due to harmful effects of wind and fire, within one year at latest.

The forestation from the previous paragraph shall be carried out on the basis of executive projects.

d) Forest fires

***Article 65***

Lighting of fire in the forests shall be forbidden.

Exceptionally fire may be lit in forests only at spots determined and marked by the forest manager, abiding by the prescribed safety measures and conditions.

It shall be forbidden to light grass, leftovers and other materials in agricultural land, at a distance smaller than 100m from the edge of forest.

***Article 66***

The forest managers shall be obliged to provide duty guard service in the forests designated for holiday resorts on holidays and other non-working days.

***Article 67***

For the purpose of protecting forests from fire, the forest managers shall be obliged to do the following:

- determine measures and actions regarding the implementation and improvement of fire protection and determine who shall be the responsible persons obliged to take care about the implementation of fire protection, in a Rule Book;

- organise fire service;
- set up a sufficient number of observation points or provide air reconnoitring;
- obtain elementary fire devices;
- enable fire teams and provide them with fire tools and devices;
- set up and maintain cleared dividing strips in conifer forests where there are no natural obstacles, whose width should be the average height of dominant trees at least.

e) Forest preservation

***Article 68***

It shall be forbidden to carry out destruction or damaging of signs and border signs in forests.

The citizens and legal persons that cause damage to forests shall be obliged to compensate damage to the forest manager, in accordance with the compensation price list.

The compensation price list from the previous paragraph shall be passed by the Minister of agriculture, forestry and water management.

***Article 69***

Guarding, i.e. protection of forests from illegal usurping and using, fires and other damages, shall be carried out by the forest manager.

Forest service shall be conducted by forest guards and other expert persons authorised by the forest manager for such a purpose.

***Article 70***

Forest guards may be persons who completed high school of forestry and who fulfil conditions for carrying of arms.

The persons who carried out duties of forest guards until passing of this Law, shall be exempted from the provisions of paragraph 1 of this Article.

***Article 71***

The forest guard shall have the right and duties determined by regulations on self-protection for the persons who directly carry out affairs of securing state property.

The forest guard shall be obliged to:

- guard the forest from illegal felling, stealing of main and other forest products, forest fires and other anthropo-zoogenic damages;

- carry out sealing and measuring of timber assortment;
- obtain identification documents from the persons found carrying out the offence punishable in accordance with this Law or criminal acts referring to forests, or who are under a reasonable suspicion of having carried out such acts, if the identity of such a person cannot be determined in another manner;
- guard border signs from destruction;
- participate in implementation of breeding measures and measures for protection of forests from plant illnesses and pests;
- carry out control of origin of forest products and wood cut through in plants for mechanical wood processing;
- check the location of the cut tree;
- stop and check the means of transportation for transport of forest products;
- inform competent bodies on noted irregularities.

In cases from previous paragraph, every person shall be obliged to show identification documents at the request of the forest guard, proving his/her identity, as well as documents for the wood he/she transports, and to enable checking of the vehicle and other means of transportation and checking of the location and space where the forest products are stored.

### *Article 72*

Forest guards and other experts carrying out guarding of forests shall have identification document of a forest guard and shall carry out their duties in uniforms and shall be armed:

Minister of agriculture, forestry and water management shall prescribe the form and content of the forest guard's identification document.

The identification document shall be issued by the forest manager with whom forest guards and other experts are employed.

6. Forests and forest grounds in the area of karst

### *Article 73*

The management of forests and forest grounds in the area of karst shall be mostly based on the use of forest functions of general benefit.

The forests and forest grounds in the area of karst shall include the area of the following municipalities: Trebinje, Ljubinje and Bileca and parts of the municipalities:

Gacko, Nevesinje and Stolac. These forests and forest grounds shall be a part of one forest region.

The financing of the forest operations in karst shall be conducted from the Republika Srpska Budget and from the funds of extended forest reproduction.

#### ***Article 74***

At a proposal of the Ministry of Agriculture, Forestry and Water Management, the Republika Srpska Government shall make annual plans of afforestation and management in the karst territory and decisions on provision of the funds for the realization of those plans.

#### ***Article 75***

The forest fires in the area of karst shall be considered natural disasters if they can jeopardise people's lives or can cause damage, i.e. harmful consequences in large extent regardless of the amount of actual damage.

7. Construction of forest roads and other facilities

#### ***Article 76***

Limekilns, brickyards, distilleries, private sawmills and other similar facilities may not be built in the state owned forest or in its immediate vicinity.

The immediate vicinity of forests from the previous paragraph shall imply the area in the width of 100m from the edge of the forest.

#### ***Article 77***

Forest roads shall be the roads built by the forest manager for own needs, representing their basic assets.

Construction, reconstruction, maintenance and protection of forest roads, as well as conditions for carrying out traffic on these roads, shall be determined by the general act of the forest manager that owns the road.

#### ***Article 78***

Projecting and construction of facilities in the forestry, as well as supervising of construction of these facilities – forest roads and others, may be conducted by the companies registered for such an activity, as well as the Public Forestry Company, i.e. forest estates fulfilling the conditions from Article 33, paragraph 3 of this Law.

#### ***Article 79***

The owner, i.e. holder of the right to manage the land shall be obliged to allow temporary transport – coercive road or accommodation of someone else's forest products in their land, if it is not possible to carry that out in another manner, or if the other manner would be significantly more expensive.

The user of the coercive road or accommodation of products shall be obliged to pay compensation for this use to the owner, i.e. land occupant.

The decision on establishing of a coercive road and on compensation shall be passed, at the request of the interested party, by the competent municipal administration body.

The decision on determining services from the previous paragraph shall not postpone the execution of the decision.

Appealing against the decision on compensation referred to in paragraph 2 of this Article shall not be allowed. The party that is not content may, within 30 days as of the day of the receipt of the Decision, submit a suggestion to the competent court to determine the compensation.

## 8. The cadastre of forests

### *Article 80*

The cadastre of forests and forestland shall be introduced and administrated by the forest manager.

The Minister of agriculture, forestry and water management shall pass the regulations on the manner of administration of the cadastre of forests.

## 9. Determining the boundaries of the state-owned forests

### *Article 81*

The boundaries of the state-owned forests, that have not yet been determined, shall be determined by the decision of the competent municipal administrative body on the request of the forest manager or the owners of the private forests.

The forest manager shall be obliged to, within 30 days as of the day of concluding that the boundary of the state-owned forest has not been determined, submit the request for its determining.

### *Article 82*

The Decision on determining boundaries shall in particular contain: the name of the forest whose boundary is being determined and the description of the boundary line. The boundary line shall be described in line with the provisions on marking the boundaries in the process of measurement of the land along with marking the numbers of cadastre units crossed by the boundary line.

The record on marking the land and the scheme of boundary lines shall be a constituent part of the Decision referred to in the previous paragraph.

The Decision on determining boundaries shall be displayed for the public insight for the period that may not be shorter than 30 days.

#### ***Article 83***

The appeal on the decision referred to in the previous paragraph cannot be lodged nor can the administrative procedure be initiated.

The persons who feel that their right has been violated by the decision on determining boundaries shall be entitled to lodge an appeal with the competent court for the purpose of determining their right, within 30 days as of the day of the deadline referred to in paragraph 3 of the previous Article having expired.

Appealing against the complaint from the previous paragraph shall not postpone the execution of the decision on determining forest boundaries.

#### ***Article 84***

The forest manager shall be obliged to conduct the works of marking boundaries of the state owned forests and maintaining of the boundary markers.

The competent municipal administration body shall be obliged to incorporate the determined and marked boundaries of the forests referred to in the previous paragraph into the cadastre plans and entered in the real estate cadastre, and the forest managers shall be obliged to incorporate it in their basic map of the ratio 1: 10,000.

#### ***Article 85***

The changes to the forest culture labels in the real estate cadastre may be done only on the basis of the valid decision reached by the competent municipal administration body and permission for clearance of forests referred to in Article 54 of this Law.

### ***IV- FORESTRY INSPECTION***

#### ***Article 86***

Inspection over the implementation of this Law and other regulations from the field of forestry and hunting brought by the forest managers, performs Republic inspection, which is a component of the Ministry, and exist as separate organizational unit.

Business of the inspection performs Republic inspectors for forestry and hunting (hereinafter: forest inspector).

The forestry inspectors are independent in its work and they are responsible to the chief inspector for forestry and hunting, and to the.



### *Article 87*

During the performance of the forestry inspection duties, the forestry inspector shall be authorised and obliged to:

1. check all forestry works, premises, devices and gadgets, as well as all the locations where cutting, storage, processing and exporting from the forest is done and forest products are traded with;
2. monitor the implementation of the forest management plan, annual plans of estate management, operation projects and revision of the business books and other documents if it is necessary for the control of the application of the regulations and measures referring to forests;
3. control the application and implementation of the standards referring to the forestry;
4. temporarily prevent any forest cuttings that oppose the provisions of this Law and regulations passed on its basis, as well as other illegal actions, until the competent body reaches the final decision;
5. check the markings of the trees for cutting;
6. stop and check the vehicles which are used for transportation of the forest assortments;
7. order the execution of works determined by the forest management plan and programs whose failure to execute would cause harmful consequences;
8. temporarily withhold illegally cut tree and other illegally appropriated or produced forest products, as well as the tools which served for the execution of these actions;
9. order provisional measures for the prevention of damage in cases of emergency which could result in damage to general interest;
10. check how the establishment of the health status of the forests is determined and how the fight to prevent plant diseases and pests is implemented, and to order implementation of certain measures if determined that the forest managers and owners of private forests do not apply the regulations and ordered measures for health protection of forests;
11. monitor the implementation of regulations referring to the production and operations of the forest semen and seeding material;

12. monitor the implementation of measures for securing the forests from fire and to order omissions to be corrected;
13. monitor the implementation of other measures for the protection of forests provided for by this Law- introducing and maintaining the order, direct forest protection;
14. control whether the stamped timber with the dispatch note is processed in the plants for primary wood processing;
15. inform the competent bodies on noticed irregularities and require their action unless he/she is personally authorised to act;
16. undertake other measures and actions for which he/she is authorised by particular regulations.

#### ***Article 88***

If the forest inspector, while performing the inspection surveillance, establishes that the regulation has not been applied, or that it has been applied in an improper manner, he/she shall make a decision ordering the removal of irregularities and set the deadline within which they have to be removed.

If the law or some other provision anticipates that certain administrative measures should be applied for the established irregularity, the inspector shall also pronounce that measure in the decision from paragraph 1 of this Article.

If the forest inspector finds out that the violation of a provision establishes an offence, economic offence or criminal act, he/she shall be obliged to, without any delay, submit a request for initiating a civil matters procedure, i.e. submit a report to the public prosecutor's office for commencing the procedure because of an economic offence, i.e. criminal act.

Against the inspectors request for initiating a civil matters procedure complain can be raised to the Ministry in 15 days from the day of the delivery of the request.

Complain stops carrying the request, except in cases from the article 87 points 9 and 12 of this law.

#### ***Article 89***

The duties of the forest inspector may be performed by a graduate forest engineer who has passed the examination of vocational ability in line with the law on state administration and who has had a practise in the forestry profession for at least five years.

For the chief inspectors can be nominated a graduate forest engineer who has passed the examination of vocational ability in line with the law on state administration and who has had a practise in the forestry profession for at least eight years.

## **V – PENAL PROVISIONS**

### ***Article 90***

The forest manager or some other legal person shall be penalised for an economic offence with a fine from 2,500 to 17,000 KM if:

1. he/she uses the given compensation from Article 6, paragraph 4 of this law for the state-owned forests contrary to the provision in Article 6, paragraph 4 of this law,
2. he/she manages the forests without the forest management plan or projects for performance (Article 26, paragraph 1),
3. he/she does not make a new forest management plan before the expiration of the validity deadline of the effective forest management plans (Article 26, paragraph 4),
4. he/she does not stick to the provisions of the forest management plan and projects of performance,
5. he/she does not perform the works from Article 30, paragraph 2 of this law according to the scope and quality,
6. he/she oversteps the overall scope of fellings anticipated by the forest management plan for the management period in high forests for the forest economic area (Article 30, paragraph 3),
7. he/she does not provide surveillance in drafting the forest management plan (Article 33, paragraph 4),
8. he/she does not make the projects for realising forest management plan (Article 35, paragraph 1),
9. he/she does not allocate and use funds for the simple reproduction of state-owned forests pursuant to the provisions in Article 37, paragraph 2 and 3 of this law,
10. he/she does not use the funds of the simple forest reproduction in line with the provisions in Article 38, paragraph 1 of this law, or in case he/she does not make a special accounting of the funds for the forest reproduction with the records of the expenditure of funds based on their purpose (Article 38, paragraph 2),
11. he/she does not spend the funds of the simple forest reproduction based on the provisions in Article 38, paragraph 3 of this law,
12. he/she does not allocate funds for the extended forest reproduction in terms of the provisions in Article 41, paragraph 1 of this law,

13. he /she uses funds for the extended forest reproduction contrary to the provisions in Article 42 of this law,
14. he/she does not make records of the jobs done based on the forest management plan until the specified deadline in line with the provisions in Article 43, paragraphs 1 and 2 of this law,
15. he/she does not allocate funds in terms of the provisions in Article 44 of this law,
16. he/she does cutting of wood before selecting and marking (stamping) of trees or marking the areas overgrown with trees (tree marking), (Article 45, paragraph 1),
17. he/she does the cutting of state-owned wood contrary to the provisions in Article 45, paragraphs 3 and 4 of this law,
18. he/she does not stick to the provisions of the article 46 paragraph 1,
19. he/she processes non-marked wood assortments and does not keep records (Article 52, paragraphs 1 and 2),
20. he/she performs exploitation of other forest products contrary to the provisions in Article 53 of this Article,
21. he/she performs clearing of forests from Article 55, paragraph 1 of this law,
22. he/she performs devastation of forests from Article 56, paragraph 1 of this law,
23. he/she cuts Pancic's spruce and other rare and valuable species of the trees, rare and valuable forest habitats and ecosystems (article 59 paragraph 1),
24. he/she raises game contrary to the provisions in Article 62, paragraph 2 of this law,
25. he/she builds or permits building of a facility in the forest or close to it pursuant to Article 76, paragraphs 1 and 2 of this law,
26. he/she does not determine the borders of state-owned forests for the period of five years (Article 96, paragraph 3),
27. he/she does not harmonise his/her organisation and business operations with the provisions of this law within the deadline of three months (Article 98),
28. he/she alienates or burdens the property or employs new employees after this law becomes effective (Article 99).

The responsible person in the Public Forestry Company, i.e. forest estate, or some other legal person shall be punished for the economic offence from the previous paragraph by a fine from 250 to 1,700 KM.

#### ***Article 91***

The forest manager or some other legal person shall be punished for the offence with a fine from 1,000 to 5,000 KM, if:

1. he/she trades with the state-owned forests contrary to the provisions in Article 5, paragraph 1 of this law, i.e. gives state-owned forests for rent (Article 5, paragraph 3),
2. he/she does not manage the protection forest or the special-purpose forest in the manner specified by the act on proclamation (Article 9, paragraphs 1 and 2),
3. he/she does not mark the protection, i.e. special-purpose forests by visible signs (Article 10, paragraphs 1 and 2),
4. he/she oversteps the overall scope of fellings for the management class and management unit (Article 30, paragraph 4),
5. he/she does not deliver the forest management plan to the Ministry of agriculture, forestry, and water supply and the responsible municipal administrative body in time,
6. he/she authorises the person for drafting the performance project, and the person is not qualified to do so (Article 35, paragraph 4),
7. he/she authorises the person for marking the trees to be felled contrary to the provisions in Article 45, paragraph 2 of this law,
8. he/she moves the tree from the stump or trades with it before sealing and measuring (Article 48, paragraph 1),
9. he/she transports from the forest or trades with the tree that is not sealed or does not have a forwarding note (Article 49, paragraph 1), or if he/she issues the forwarding note contrary to the provision in Article 49, paragraph 2 of this law,
10. he/she does not perform final acceptance of the forest growing and other works in line with Article 54, paragraphs 1, 3, and 4 of this law,
11. he/she performs a job from Article 58, paragraph 1 of this law,
12. he/she performs some jobs from Article 60, paragraph 1 of this law,
13. he/she allows pasture or acorn feeding in the forest without a shepherd (Article 61, paragraph 1),

14. he/she does not determine or mark the roads for driving cattle to pasture or watering place (Article 61, paragraphs 2 and 3),
15. he/she does not establish and constantly maintain the forest order (Article 63, paragraph 1),
16. he/she does not perform the afforestation from Article 64 of this law,
17. he/she lights or permits lightening of fires in the forest (Article 65, paragraphs 1, 2, and 3),
18. he/she does not provide the duty guard service in line with the provisions of Article 66 of this law,
19. he/she does not act in line with the provisions in Article 67 of this law,
20. he/she does not guard the forest or does not organise the guard service in line with the provisions in Article 69 of this law,
21. he/she does not appoint the person to guard the forest who fulfils the conditions from Article 70, paragraph 1 of this law,
22. he/she performs the work contrary to the provision of Article 78 of this law,
23. he/she does not keep the cadaster of the forest (Article 80, paragraph 1),
24. he/she does not establish the borders of the forest and does not submit the request for determining the forest borders in line with the provision in Article 81, paragraphs 1 and 2 of this law,
25. he/she does not performs the work from Article 84, paragraphs 1 and 2 of this law,
26. he/she does not act in the prescribe deadline according to the request of the forest inspectors (article88 paragraph 1),
27. he/she does not harmonise the business operations with the provisions of this law within the deadline from Article 98 of this law.

The responsible person in the Public Forestry Company, i.e. forest estate, or some other legal person shall be punished for the offence from the previous paragraph with a fine from 100 to 500 KM.

### ***Article 92***

An individual shall be sentenced with the fine from 100 to 500 KM, if he/she:

1. does not participate in financing the creation of the forest management plan for private forests (Article 28, paragraph 9),
2. does not pay the funds for reproduction of forests (Article 39),
3. conducts the cutting before marking or where property - legal relations are disputable (Article 45, paragraphs 1 and 4),
4. cuts the tree or trade it before stamping it (Article 48),
5. dispatches from the forest or trades the tree without a dispatch note (Article 49, paragraph 1), works contrary to the provisions referred to in Article 52, paragraphs 1 and 2 of this Law,
6. conducts the clearing of forests contrary to the provisions of the forest management plan (Article 55, paragraph 1),
7. loots the forests (Article 56, paragraph 1),
8. cuts the rare types of trees (Article 59, paragraph 1),
9. acts contrary to Article 60, paragraph 1 of this Law,
10. lets the cattle to pasture or feeds the cattle with acorn in the forest without supervision (Article 61, paragraph 1),
11. lets the cattle to pasture, i.e. feeds the cattle with acorn and lets the cattle to the watering- place using roads not foreseen for that (Article 61, paragraph 2),
12. does not introduce and constantly maintain the forest order (Article 63, paragraph 1),
13. does not perform afforestation in terms of Article 64 of this Law,
14. lights a fire in a forest or in its surroundings contrary to the provisions referred to in Article 65, paragraphs 1 and 3 of this Law,
15. destroys or damages the marks and border signs (Article 68, paragraph 1),
16. cuts one or more trees in the forest for the purpose of looting, and the quantity of cut trees does not amount to more than 3 m<sup>3</sup>, or illegally takes cut trees in the amount less than 3 m<sup>3</sup> (Article 70, paragraph 2),
17. does not show the identification establishing his/her identity at the forest guard's

request, or identification for trees he/she is transporting or a space where the forest products are placed (Article 70, paragraph 2),

18. builds premises referred to in Article 76, paragraph 1 of this Law, in the forest or its surroundings.

For the violations of items 3, 4, 5, 10, 11, 14, 15 and 16 referred to in the previous paragraph committed by juvenile, a parent or juvenile's guardian shall be sentenced with the same fine referred to in paragraph 1 of this Article.

### ***Article 93***

The forest manager or other legal person and individual who performs or allows one or more violations referred to in Article 91, paragraph 1, item 9 and Article 92, paragraph 1, items 3, 4, 5 and 16 of this Law, shall be sentenced with the protection measure of confiscation of timber along with the fine.

The funds received by sale of timber referred to in previous paragraph shall be paid to the giro account of the Ministry of agriculture, forestry and water management, in line with Articles 41 and 42 of this Law, and shall be used for a wide afforestation.

### ***Article 94***

Temporary measure of taking the timber (confiscation) cut without previous marking (marking with a forest hammer) or acquired in other illegal way, as well as the timber which trade is conducted without a dispatch note, shall be conducted by: forest guards, forest inspectors, policemen and persons who are authorised in written by the forest manager, as well as the military police during the war or immediate war danger.

The persons referred to in the previous paragraph shall be entitled to identify all persons who are found in the forest territory they guard, i.e. where they perform supervision, as well as temporary confiscate the items which caused the violation, economic offence or criminal act.

## ***VI - INTERIM AND FINAL PROVISIONS***

### ***Article 95***

State-owned forests which are located in forest management area shall be treated as transferred for management and administration to the Public Forest Enterprise.

The authorised municipal administration body shall be obliged within 30 days to issue the forest manager a decision for registration in the cadets of forest real estates within the borders of the forest region or national park.

The forest manger shall be obliged, upon receipt of the decision referred to in the previous paragraph, to submit the decision for registration in the real estates cadets within 30 days.

Forest management regions will be determined by the sub legal acts. Until the proclamation of the sub legal acts provisions of current law are valid.



***Article 96***

The forest borders determined and marked by current regulations shall be treated as determined.

The municipal administration body in charge of geodetic affairs shall be obliged to register the borders referred to in the previous paragraph in the cadaster of real estates.

State owned undetermined forest borders shall be determined within five years after this Law enters into force, in line with the annual programs made by forest manager, in agreement with the Ministry of agriculture, forestry and water management.

The expenses for determination of forest borders shall be provided from the funds of wide afforestation and funds of the forest manager in the amount determined by the program referred to in paragraph 3 of this Article.

***Article 97***

The Public Forestry Company shall start working on the day when it is registered in the court registry.