

## **LAW ON NATURE PROTECTION**

### **I. GENERAL PROVISIONS**

#### **Subject of regulation**

##### **Article 1**

- (1) This Law shall regulate the nature protection by protecting the biological and landscape diversity, and the protection of the natural heritage, in protected areas and outside of protected areas (hereinafter: protection of nature).
- (2) In addition to the provisions of this Law, the use of natural resources for economic purposes shall also be regulated by the provisions of sectoral laws.
- (3) The provisions of the Law on Environment shall also apply to nature protection, unless otherwise prescribed by this law.
- (4) Provisions of other laws referring to nature protection shall also apply to nature protection.
- (5) The procedures stipulated in this Law shall be regulated by the provisions of the Law on General Administrative Procedure, unless otherwise regulated by this Law.

#### **Public interest**

##### **Article 2**

Nature protection shall be an activity of public interest.

#### **Scope of protection**

##### **Article 3**

- (1) Biological diversity protection shall be carried out through establishment and implementation of a system of measures and activities for protection of wild species, including their genetic material, habitats and ecosystems, for the purpose of providing for a sustainable use of the components of biological diversity and maintenance of natural balance.
- (2) Landscape diversity protection shall be carried out through establishment and implementation of a system of measures and activities for conservation and maintenance of characteristic values of the landscape that derive from its natural configuration and/or the type of human activity.
- (3) Natural heritage protection shall be carried out through establishment of a system that shall specify the measures, procedures and methods for acquiring the status of natural heritage and for implementation of its protection.

#### **Objectives of the Law**

##### **Article 4**

The objectives of this Law shall be:

1. Determination and monitoring of the state of nature;
2. Conservation and restoration of the existing biological and landscape diversity in a state of natural balance;

3. Establishment of a network of protected areas for the purpose of sustainable protection of the features on the basis of which they have acquired the status of natural heritage;
4. Providing for sustainable use of natural wealth in the interest of the present and future development, without significant damage of parts of the nature and with the least possible disturbance of natural balance;
5. Prevention of harmful activities of individuals and legal entities and disturbance in nature as a result of technological development and performance of activities, i.e. providing for the best possible conditions for protection and development of the nature;
6. Providing for the citizen to exercise their right to healthy environment.

### **Accomplishment of nature protection**

#### **Article 5**

The protection of nature shall be carried out in particular by way of:

1. Determining the components of biological and landscape diversity and the extent to which they are endangered;
2. Creation of conditions and undertaking of measures for nature protection for the purposes of conservation and sustainable management of certain components of biological and landscape diversity, as well as sustainable and rational use of natural wealth;
3. Spatial planning and organization;
4. Incorporation of the conditions and measures for natural wealth protection into the plans on natural wealth management in certain economic activities, such as: general and specific forest management plans, general hunting management plan, programme for pasture management, Strategy and Plan for Water Resources Management, Strategy for Energy Development, Programme for Geological Research and other activities;
5. Monitoring and reporting on the state of nature, public information on the state of nature, as well as enabling public participation in nature protection decision-making;
6. Adoption and implementation of strategies, programmes, action plans, management plans, conditions and measures for nature protection;
7. Encouragement and supporting nature protection through public awareness raising, especially in the education process;
8. Sustainable use of natural wealth and awarding a status of natural heritage;
9. Establishment of a system of nature protection and management;
10. Linking and harmonizing the national with the international system for nature protection; and
11. Encouragement of scientific research in the area of nature protection.

### **Definitions**

#### **Article 6**

The terms used in this Law shall have the following meaning:

1. **Nature** shall mean the entire biosphere, including: components of biological diversity, habitats, geological formations, minerals and fossils, as well as other physical and geographic phenomena on Earth;

2. **Biological diversity** shall mean the totality of living organisms as an integral part of ecosystems, including the variety within the species, among the species, as well as the variety of the ecosystems;
3. **Components of biological diversity** shall mean the species of plants, fungi and animals with their habitats, their genetic material and ecosystems;
4. **Landscape diversity** shall mean the spatial structure of natural and human landscape parts (biological, geological, geomorphologic and cultural characteristics);
5. **Landscape** shall mean topographically defined territory consisting of characteristic mosaic of mutually dependent types of ecosystems that may be or have been subject to specific human activities. The development of the area is under the influence of natural and/or human factors, or combination of both;
6. **Landscape types** shall mean similar landscapes that unite due to the similarity of the relief, hydrologic and climate-vegetation characteristics;
7. **Traditional landscape characteristics** shall mean anthropogenic modified natural features of the landscape occurring as a result of the past traditional manner of land use; the processes occurring within these landscapes are very similar to the natural ones;
8. **Natural heritage** shall mean the parts of the nature and sites consisting of geologic, physical and geographic or biological formations or a group of such formations, which have extraordinary value from the aesthetic, conservation or scientific point of view. Natural heritage may be: protected area; strictly protected or protected wild species; characteristic minerals and fossils or speleological objects.
9. **Status of natural heritage** shall mean a special status of protection, which assumes undertaking of special measures and activities for protection of the characteristics due to which the status has been acquired and awarded in accordance with the provisions of this Law;
10. **Management Plan for Protected Area** shall mean a planning document where the entity, responsible for the management of the protected area, plans the measures and activities for protection of the natural heritage;
11. **Protection of nature** shall mean every procedure in the system of measures carried out for the purpose of protection of biological and landscape diversity and protection of the natural heritage;
12. **Ex-situ protection** shall mean conservation of the components of biological diversity outside their natural finds in zoos, aquariums, botanical gardens, dendrariums, and others; as well as, conservation of geological phenomena outside natural finds, mostly minerals/rocks and fossils in museums or private collections;
13. **In-situ protection** shall mean conservation of natural ecosystems and habitats, as well as maintenance and revitalization of the species capable of surviving in their natural environment, and in case of cultivated plants and domestic animals in the environment in which they have developed their specific characteristics; conservation of geological phenomenon is protection at the place of occurrence or finds of minerals/rocks and fossils;
14. **Habitat** shall mean the characteristic environment where certain species may be found within the frames of its natural distribution. It also consists of non-living environment such as soil type, climate, and others; and living environment such as species that may live with the given species and may have important function in the living cycle of that very species;

15. **Habitat type** shall mean specific habitat, defined by the specific content of species, in which concrete species are inhabited, with regard to the natural habitats; certain type of habitat which is not defined by the site;
16. **Favourable status** of species or type of habitat shall mean a state, which may in foreseeable future provide the survival of the species or type of habitat. The status shall be considered favourable when:
  - The natural distribution of the given habitat type or species and areas covered thereby within the frames of such distribution are stable or expanding;
  - It is characterized by specific structure and specific functions necessary for its/their long-term endurance, and when it is probable that such functions and structure will continue to exist in foreseeable future;
  - The state of conservation of its characteristic species is favourable, according to this definition;
17. **Endangered habitat type** shall mean a habitat that is not in a favourable status, or is threatened with extinction;
18. **Ecosystem** shall mean spatial, more or less limited dynamic complex of biocenosis and non-living environment that interact as functional entirety;
19. **Biocenosis** shall mean a functional sum of all populations of organisms including microorganisms, plants and animals, that inhabit certain biotope;
20. **Biotope** shall mean the non-living part of the ecosystem and its characteristics and processes like soil, rocks, water, air, climate, relief, and others;
21. **Habitual characteristics** shall mean the external (morphologic) characteristics of a specimen of certain species;
22. **Flooded plains** shall mean plains which periodically, but on regular basis are flooded, and which are characterized with specific vegetation and rich biological diversity;
23. **Natural wealth** shall mean every authentic component of nature like plant, fungi, animal, mineral, fossil, water, soil, and others;
24. **Natural resource** shall mean every component of nature used by man for economic purposes, natural wealth within the meaning of this Law;
25. **Natural balance** shall mean the state of mutually harmonized relations and influences of living organisms among themselves and with the biotope;
26. **Wild species** shall mean species or sub-species of plant, fungi or animal which was not generated under human influence as a result of breeding;
27. **Indigenous species** shall mean species naturally occurring in certain ecosystems on certain area;
28. **Non-indigenous species** shall mean alien, non-authentic species in certain ecosystems in certain area, introduced intentionally or un-intentionally in most cases by man;
29. **Population** shall mean a sum units of same species linked in space and time that can freely crossbreed;
30. **Extinct species** shall mean species whose presence and existence has been proven, but in the meantime, despite of intensive search, has not been found, therefore the suspicion that its population has vanished is justified;
31. **Species endangered from extinction** shall mean species whose population state and scale has been brought to a critical condition through long-term and

strong withdrawal due to the disturbance of the living conditions, was brought to a critical condition;

32. **Endangered species** shall mean species whose population decreases regionally or locally or has locally vanished;
33. **Vulnerable species** shall mean species that is not critically endangered or is endangered, but is nevertheless facing a great risk of extinction in nature in mid-term future;
34. **Endemic species** shall mean species or sub-species whose distribution is limited to certain area;
35. **Stenoendemic species** shall mean species or sub-species whose distribution is limited to a very narrow area (mountain peak, canyon, etc.)
36. **Rare species** shall mean species found at less than 5 sites in the Republic of Macedonia, usually of small area in the frames of its wider area;
37. **Relict species** shall mean species that has persisted at a certain area (mostly refugium) of some past geological epoch, where it used to be much more represented and characteristic;
38. **Monitoring** shall mean measuring, monitoring, assessment and control of the state of nature, i.e. the components of biological and landscape diversity;
39. **Soil degradation** shall mean any action or impact on the soil that deteriorates its quality, i.e. its production potentials;
40. **Nature degradation** shall mean a state of nature when human activities have changed natural processes in such a degree that the natural balance is disturbed, biological diversity is decreased or the natural wealth is destroyed;
41. **Nature disturbance** shall mean all activities or impacts on the nature that cause changes in the structure of the nature components, as well as processes that occur therein;
42. **Living conditions** shall mean the conditions in the environment (all ecological factors) in certain habitat/ecosystem;
43. **Introduction** shall mean the placing of non-indigenous species or sub-species to an area where the environmental conditions are almost equal to the ones in its natural habitat. Breeding of non-indigenous species under controlled conditions, which prevent introduction in nature, shall not be deemed as introduction.
44. **Reintroduction** shall mean the introduction of indigenous species or sub-species in an area where it previously disappeared from, and the ecosystem still has almost the same environmental conditions as before;
45. **Genetic diversity** shall mean the diversity of genes among the units, populations, species and higher taxonomic categories;
46. **Environmental corridor** is the connector or system of ecological links that enable movement of species from one site/habitat to another;
47. **Mineral** shall mean a natural homogeneous body in crystallized or amorphous form of persistent chemical composition that could be expressed through chemical formula. Minerals within the meaning of this Law shall not be deemed as mineral resources;
48. **Fossil** shall mean remaining from animal or plant origin or traces of former life forms from former geologic periods preserved in the lithosphere;
49. **Body responsible for the execution of expert works in the area of nature protection** shall be the body that executes the expert works of monitoring,

records keeping in the area of nature protection, as well as other expert issues and shall be established by virtue of a law.

## **Principles of nature protection**

### **Article 7**

Nature protection shall be based on:

1. **Principle of high level of protection** – When undertaking or performing activities all shall be obliged to provide for a high level of protection of the biological and landscape diversity and of the natural heritage, as well as the conservation of the common beneficial role of nature;
2. **Principle of integration** - The measures and activities of nature protection shall be integrated in all development strategic, planning and programme documents, plans for spatial development and use, as well as in the plans for natural wealth management and use;
3. **Principle of sustainable development** - For the purposes of satisfying the needs of nature protection, as well as the social and economic needs of the present generations, without jeopardizing the rights of the future generations to satisfy their needs, the non-renewable natural wealth shall be used in a rational manner, while the renewable resources shall be used in a sustainable manner;
4. **Principle of precaution** – If based on the modern scientific and technical-technological knowledge, it is concluded that certain activity or action could damage nature, the necessary measures and activities shall be undertaken prior to obtaining the scientific proof that damages could occur;
5. **Principle of prevention** – It shall be the right and obligation of individuals and legal entities to undertake measures and activities for nature protection before damages occur;
6. **Principle - user pays** – when using the nature, the user of the nature is obliged to compensate the costs for maintenance of the natural balance and for enjoying the natural heritage, as well as for recovery of the nature degradation that occurs when using the nature and enjoying the natural heritage;
7. **Principle of public participation** – The public shall have the right to an unhindered access to information on the state of the nature, the right to be informed in timely manner about damages in nature and about activities undertaken for elimination of the damages, as well as the right to participate in the decision-making process concerning nature protection; and
8. **Principle of cooperation** - The competent state bodies and the bodies of the local self-government units, as well as other organizations and institutions shall, when performing the activities within the scope of their competence, be obliged to comply with the principles, objectives, measures and activities for nature protection, while closely cooperating among each other and internationally.

## **II. PROTECTION OF NATURE**

### **II.1. GENERAL MEASURES**

#### **Restriction of the property right and other related rights for the purpose of nature protection Article 8**

For the purpose of implementation of the specified measures and activities for nature protection, the owner or the user of the land shall allow a free passage of other persons as well as other use of his/her land in accordance with the provisions of this and other law.

#### **Limitation of nature protection Article 9**

- (1) The provisions of this Law referring to nature protection shall not be applied in the following cases:
  1. Elimination of direct threat to human life and health;
  2. Rescuing people and property; or
  3. Implementation of emergency measures related to the defence of the Republic of Macedonia.
- (2) The provisions of paragraph (1) of this Article shall be applied only during the period of the state.

#### **General ban for using motor vehicles in nature Article 10**

- (1) In order to prevent degradation of nature, it shall be forbidden to drive motor vehicles in nature except in settlements and at all types of roads, paths and driving test ranges.
- (2) The ban referred to in paragraph (1) of this article shall not be applied in the following cases: performance of an official, agricultural, forest-economy, scientific, professional, conservation or other licensed activities, when it is in compliance with this Law.

#### **Restriction of the change in land use Article 11**

For the purposes of nature protection, change in the use of land shall be allowed under conditions determined by this and other law.

#### **Ban of the use of nature Article 12**

It shall be forbidden to use nature in a manner that causes:

1. Damage to or destruction of biological and landscape diversity;
2. Damage of soil and loss of its fertility;
3. Damage of surface or underground geo-morphological values;
4. Water pollution and change in water regime;
5. Air pollution.

#### **Ban of the use of plant protection chemicals for the purpose of nature protection**

### **Article 13**

For the purpose of protection of habitats and endangered, rare, endemic and relict species, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection may propose to the Minister managing the body of public administration responsible for the execution of the works in the field of agriculture, to ban the use of certain plant protection chemicals in certain area.

### **Restriction or prohibition of use of natural resource**

#### **Article 14**

- (1) In case when the favourable conservation status of certain species or habitat types is endangered due to unreasonable use of the natural resource, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall limit or fully prohibit the use of the natural resource for as long as the state of danger is lasting.
- (2) With regard to the limitation or prohibition referred to in paragraph (1), the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall notify the Minister managing the body of public administration responsible for the execution of the works in the field of the management of the natural resource the use of which has been limited or prohibited.

### **II.1.1. Nature impact assessment of certain strategies, plans and programmes**

#### **Nature impact assessment of certain strategies, plans and programmes**

#### **Article 15**

- (1) When drafting development, strategic, plan and programme documents by the public administration bodies or the Councils of the Municipalities, the Councils of Municipalities within the City of Skopje and the Council of the City of Skopje, which may have significant effect on nature, it shall be necessary to perform a possible nature impact assessment of the measures and activities anticipated by these strategies, plans or programmes.
- (2) The nature impact assessment referred to in paragraph (1) of this article shall be done in accordance with the provisions of this and other applicable laws.

#### **Spatial development and use and nature impact assessment**

#### **Article 16**

- (1) The spatial development and use shall be implemented in accordance with the spatial and urban plans and conditions, measures and activities for nature protection.
- (2) The documents in the domain of spatial development and use shall, when being adopted, undergo a nature impact assessment procedure and shall include measures and conditions for nature protection as prescribed by this Law.
- (3) For the purpose of nature protection, the documents on spatial development and use shall include, inter alia:
  1. Overview map of protected areas, habitats of strictly protected or protected species, finds of characteristic minerals and fossils and speleological objects having the status of natural heritage and environmentally important areas with their characteristics and assessment of the condition;



2. Overview map of objects which are expected to be awarded the status of natural heritage, as well as the manner of treatment when discovering and awarding the status; and
  3. Cartographic presentation of natural habitats as prescribed by this Law.
- (4) Documents referred to in paragraph (2) of this article referring to protected areas shall be adopted upon prior opinion issued by the body of public administration responsible for the execution of the works in the field of nature protection.

### **Management plans for protected areas and nature impact assessment of certain strategies, plans and programmes**

#### **Article 17**

- (1) A procedure for assessment of the impact on nature shall be carried out for the management plans of protected areas, in accordance with the Law on Environment.
- (2) The annual programmes adopted for the purpose of implementation of the management plans of protected areas shall be subject to a procedure for assessment of the impact on nature, in accordance with the Law on Environment, in case when the programme is not in compliance with the management plan of the protected area.

### **II.1.2. Nature impact assessment of certain public and private projects**

#### **Nature impact assessment**

#### **Article 18**

- (1) For the planned activities in nature, which independently, or in joint action with other activities might disturb the natural balance, a nature impact assessment shall be performed in accordance with the stipulations of this or other laws.
- (2) The procedure for assessment of the impact on nature of the planned activities in nature shall be carried out in order to avoid or minimize the degradation of the nature.
- (3) The degradation of nature referred to in paragraph (2) of this article shall be: extinction and reduction of species; change of character and composition of biocenosis; deteriorated function of ecosystems; conservation, breaking, damaging, destroying, cutting, uprooting, filling in, exploitation of stone, sand, gravel, soil and mineral resources; pollution of the air, soil and water and other similar activities, as well as introduction of alien species in the nature on the territory of the Republic of Macedonia.

### **II.1.3. Compensatory measures**

#### **Compensatory measures**

#### **Article 19**

- (1) Depending on the anticipated or caused degradation of nature, as well as on the possibility for compensation thereof, compensatory measures shall be -prescribed.
- (2) The compensatory measures shall be activities that compensate or mitigate the degradation of nature.
- (3) When choosing the compensatory measures, priority shall be given to the compensation in terms of a new area (compensatory area), that has the same or similar characteristics as the degraded area for which a compensation procedure is conducted, which will provide for coherence and integrity of the ecosystems.
- (4) Types of compensatory measures referred to in paragraph (1) of this article shall be:

1. Establishment of a compensatory area that has the same or similar characteristics as the degraded area;
  2. Establishment of another area that is important for the conservation of biological and landscape diversity, i.e. for protection of the natural wealth; and
  3. Payment of monetary compensation in the amount of the estimated and/or inflicted damage on nature.
- (5) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall by means of a decision prescribe the type of compensatory measures to be undertaken in nature, as well as the manner in which they will be implemented.
- (6) A complaint against the decision referred to in paragraph (5) of this article may be lodged to the Commission of the Government of the Republic of Macedonia, competent for deciding over administrative issues at the second instance in the area of nature protection, within 8 days from the date of receipt of the decision. The complaint shall not delay the execution of the decision.

## **II.2. PROTECTION OF BIOLOGICAL DIVERSITY**

### **II.2.1. Species**

#### *II.2.1.1. General Measures*

#### **Species and subspecies**

##### **Article 20**

The wild species and subspecies of plants, fungi and animals are composed of:

1. Live and dead specimens of growing wild plants, fungi and animals;
2. Their development forms;
3. Their parts; and
4. Easily recognizable products obtained therefrom.

#### **Prohibited activities**

##### **Article 21**

It shall be prohibited:

1. Extermination of indigenous wild species;
2. Reduction of the populations of wild species, destruction of their habitats, or modification of their living conditions to an extent that would cause a state of danger;
3. Deliberate disturbance of wild animals, especially during mating, breeding or hibernation, as well as capturing, hurting or shooting of wild animals;
4. Deliberate removal of wild plants and fungi from their habitats, reduction of their population, or destruction in any way;
5. Deliberate damaging or destruction of habitats of wild species.
6. Using the non-selective means for wild species collection and hunting.

#### **Integration of the measures for nature protection within the plans for natural resources management**

##### **Article 22**

If the use of plants, fungi and animals is performed according to the natural resource management plans, the sustainable management of wild species shall be provided by integrating protection measures in the plans concerning the protection of the characteristics of the ecosystem and to the bio-geographic characteristics of the species or number and density of population that are of importance for the conservation of the favourable conservation status of the species.

### **Collection of endangered, rare, endemic and relict species**

#### **Article 23**

- (1) Collection of endangered, rare, endemic and relict species of plants, fungi and their parts shall be conducted upon prior acquisition of license, issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (2) Shooting of wild animals shall be conducted upon prior acquisition of license, issued by the Minister managing the body of public administration responsible for the execution of the works in the field of hunting, and upon prior opinion issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (3) The procedure for issuance of the license referred to in paragraph (1) of this article, the amount of the fee, the quantity and the manner of use of the endangered, rare, endemic and relict wild species shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, in consent with the Minister managing the body of public administration responsible for the execution of the works in the field of forestry and hunting.

### **Performance of scientific research in nature**

#### **Article 24**

- (1) The scientific researches in nature in the Republic of Macedonia shall be performed only upon prior acquisition of license, issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (2) For the performance of a scientific research in nature, on the territory of the protected areas, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall issue the license referred to in paragraph (1) of this article, in cooperation with the entity responsible for the management of the protected area.
- (3) The scientific research in nature, on the territory of the protected area shall be performed upon prior notification to the entity responsible for the management of the protected area.
- (4) The form and the content of the application for issuing a license, the procedure for its issuing, as well as the form and content of the license referred to in paragraph (1) of this article, shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (5) Individuals and legal entities, performing the scientific research in nature, shall inform the body of public administration responsible for the execution of the works in the field of nature protection on the results of the research activities referred to in paragraph (1) of this article, within 60 days from the day of completion of the research.
- (6) For the purposes of scientific research, the plants, fungi and animals, as well as their parts, which are declared strictly protected or protected wild species, can be exported from or imported in the Republic of Macedonia, upon previously obtaining a license from the

Minister managing the body of public administration responsible for the execution of the works in the field of nature protection in accordance with this Law.

#### *II.2.1.2. Introduction and reintroduction*

### **Introduction of species in nature**

#### **Article 25**

- (1) It shall be prohibited to introduce species in nature on the territory of the Republic of Macedonia.
- (2) Notwithstanding paragraph (1) of this article, if the introduction is based on a scientific research and is acceptable from nature protection and sustainable use point of view, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection upon prior consent by the Minister managing the body of public administration responsible for the execution of the works in the field of agriculture, forestry, hunting and fishery, and the Minister managing the body of public administration responsible for the execution of the works in the field of culture, shall issue the license for carrying out the introduction.
- (3) The license referred to in paragraph (2) of this article shall be issued upon completed procedure for nature impact assessment by certain public and private projects by the body of public administration responsible for the execution of the works in the field of nature protection, in accordance with the Law on Environment.
- (4) The form and the content of the application for issuing the license referred to in paragraph (2) of this article, as well as the license referred to in article 27, paragraph (1), shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (5) The expenses for the development of the study on assessment of impact on nature of the introduction shall be borne by the individual or legal entity that has submitted the request for introduction.

### **Prevention of accidental and deliberate introduction**

#### **Article 26**

- (1) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection in consent with the Minister managing the body of public administration responsible for the execution of the works in the field of agriculture, forestry, hunting and fishery shall prescribe the measures for prevention of accidental introduction of non-indigenous species on the territory of the Republic of Macedonia, and for preventive protection when performing certain activities.
- (2) In case of deliberate introduction of non-indigenous species on the territory of the Republic of Macedonia, or if there is a justified suspicion that such introduction might occur, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall order measures and activities for destruction of the introduced species or for prevention of the introduction of new species.

### **Reintroduction of species in nature**

#### **Article 27**

- (1) Reintroduction of extinct wild species in nature on the territory of the Republic of Macedonia may be performed on the basis of license issued by the Minister managing the body of public administration responsible for the execution of the works in the field of

nature protection upon prior consent issued by the Minister managing the body of public administration responsible for the execution of the works in the field of agriculture, forestry, hunting and fishery and the Minister managing the body of public administration responsible for the execution of the works in the field of culture.

- (2) The license for reintroduction of extinct wild species shall be issued following a completed procedure of assessment of impact on nature by the body of public administration responsible for the execution of the works in the field of nature protection, in accordance with the Law on Environment.
- (3) The expenses for completion of the study on nature impact assessment shall be borne by the individual or legal entity that has applied for a reintroduction license.

#### *II.2.1.3. Protection of internationally protected wild species*

### **Protection of internationally protected wild species**

#### **Article 28**

The favourable conservation status of animal, fungi and plant species protected by virtue of international conventions ratified by the Republic of Macedonia, shall be provided by protection of the natural habitats and by measures for protection of certain species in accordance with the provisions of this Law.

#### *2.1.4. Trade in endangered and protected wild species*

### **Trade with endangered and protected wild species of plants, fungi and animals**

#### **Article 29**

- (1) Trade in endangered and protected wild species of plants, fungi and animals, protected on the basis of international agreements ratified by the Republic of Macedonia, shall be carried out in a manner, under conditions and in a procedure as stipulated by this Law and in accordance with the ratified international agreements.
- (2) Trade in endangered and protected wild species of plants, fungi and animals, shall be each import in the Republic of Macedonia, export, transit and re-export rising from the import, utilization, movement and transfer of the ownership in the Republic of Macedonia and in the country the species are exported to.
- (3) Trade in endangered and protected wild species of plants, fungi and animals shall include trade with live or death specimens, any part or derivative, as well as a product obtained through processing of endangered and protected wild species.

### **License for trade in endangered and protected wild species of plants, fungi and animals**

#### **Article 30**

- (1) Trade in endangered and protected wild species of plants, fungi and animals may be carried out only upon prior license issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (2) The form and the content of the application for issuing the license for trade in endangered and protected wild species of plants, fungi and animals, and the form and the content of the form of the license shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.

### **Procedure for issuing license and procedure**

## **for trade in wild species**

### **Article 31**

- (1) The Government of the Republic of Macedonia, at proposal of the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, shall prescribe the list of internationally endangered and protected species complied with the international agreement ratified by the Republic of Macedonia and systemized according to the customs tariff.
- (2) The Government of the Republic of Macedonia shall by the act referred to in paragraph (1) of this article, prescribe the conditions, the manner and the procedure for issuing the license referred to in paragraph (1) of article 31 of this Law.
- (3) The Government of the Republic of Macedonia shall by the act referred to in paragraph (1) of this article, prescribe the actions when trading in endangered and protected wild species by the customs authorities, other competent departments at the boarder crossing points and the authorized scientific and professional institutions, as well as the authorized depositories of confiscated species in case of illegal trade.
- (4) The Government of the Republic of Macedonia shall determine the boarder crossing points where the trade in endangered and protected wild species can be carried out.
- (5) The import or export of certain strictly protected wild specie of plants, fungi or animals for the purpose of carrying out scientific research, exchange or public exhibition shall be performed in the manner and through the procedure specified in article 30 of this Law.

#### *II.2.1.5.Keeping and breeding of wild animal species*

### **Conditions for keeping and breeding of wild animal species in captivity**

#### **Article 32**

- (1) It shall be prohibited to keep and breed wild animal species in inappropriate conditions in captivity.
- (2) The Government of the Republic of Macedonia, upon prior opinion obtained from the National Council for Nature Protection, prescribe the conditions for keeping wild species in captivity.

### **Keeping and breeding of wild species in captivity**

#### **for the purpose of public exposure**

#### **Article 33**

- (1) Individual or legal entity can keep and breed in captivity indigenous and non-indigenous wild animal species for the purposes of public exhibition for scientific, educational and commercial purposes, in a Zoo, aquarium, terrarium or a similar facility subject to license issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (2) The license referred to in paragraph (1) of this article, shall be issued if the conditions set down in article 32, paragraph (2) of this Law are met.
- (3) The form and content of the application form for issuing the license referred to in paragraph (1) of this article, shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (4) A complaint against the decision for denial for issuing the license referred to in paragraph (3) of this article may be submitted to the Commission of the Government of the Republic of Macedonia, competent for deciding over administrative issues at the second

instance in the field of nature protection, within 8 days from the date of receipt of the decision.

#### *II.2.1.6. Special protection of wild species*

### **Red list and Red book**

#### **Article 34**

- (1) The wild plant, fungi and animal species shall be listed in accordance with the following categorization regarding the extent to which they are endangered:
  1. Extinct species;
  2. Species endangered from extinction;
  3. Endangered species;
  4. Vulnerable species; and
  5. Rare species.
- (2) The Government of the Republic of Macedonia shall, at proposal of the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, following prior opinion issued by the National Council on Nature Protection, specify the endangered species referred to in paragraph (1) of this article.
- (3) The act referred to in paragraph (2) of this article shall consist of:
  1. List of species in accordance with the categorization referred to in paragraph (1) of this article (red list); and
  2. Descriptions, distribution and other characteristics of the species from the red list, as well as measures for improvement of the status of the endangered species (red book).
- (4) The act referred to in paragraph (2) of this article shall be compiled and updated in accordance with the results from the completed scientific analyses.

### **Strictly protected wild species and protected wild species**

#### **Article 35**

- (1) The endangered wild species may be proclaimed strictly protected wild species and protected wild species.
- (2) With the proclamation of the endangered wild species for strictly protected and protected, they acquire the status of natural heritage.
- (3) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, on the basis of a scientific analysis of the level of danger to certain species and the obligations arising from the international agreements ratified by the Republic of Macedonia, after acquiring an opinion from the National Council for Nature Protection, shall proclaim the strictly protected wild species and the protected wild species.
- (4) The measures and activities for protection prescribed by the act referred to in article 34, paragraph (2) of this law, as well as the other measures and activities for protection provided for by this Law, shall apply to the endangered wild species determined in accordance with paragraph (2) of this article.
- (5) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, in accordance with the procedure prescribed on the basis of paragraph (3) of this article, may repeal the protection of a certain

wild species that is no longer endangered, or may transfer certain species from one into another category of protection.

### **Temporary protection of endangered wild species**

#### **Article 36**

- (1) The wild species referred to in article 35, paragraph (1) which are under procedure for declaring as strictly protected and protected wild species, shall be placed under temporary protection.
- (2) The act for placing under temporary protection of endangered wild species shall be promulgated by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, upon prior opinion obtained from the National Council for Nature Protection.
- (3) The temporary protection shall last until the proclamation of the endangered wild species for strictly protected and protected wild species or not more than six months from the date of enactment of the act for placing under temporary protection.

### Strictly protected wild species

#### **Strictly protected wild specie**

#### **Article 37**

- (1) Strictly protected wild species shall be:
  1. Wild species endangered from extinction within the territory of the Republic of Macedonia;
  2. Endemic species with a narrow natural range;
  3. Wild species for which the regime of protection is prescribed by international conventions ratified by the Republic of Macedonia.
- (2) Certain wild species may be strictly protected within the whole territory of the Republic of Macedonia or within certain cites thereof.

#### **Prohibited activities for strictly protected species**

#### **Article 38**

- (1) It shall be prohibited to destroy, cut or uproot the strictly protected plants and fungi.
- (2) The following behaviour with regard to the strictly protected animals shall be prohibited:
  1. Deliberate capture, keeping and shooting;
  2. Deliberate damaging or destruction of their developmental forms, nests, homes, as well as of their habitats or parts of habitats;
  3. Deliberate disturbing, especially during the breeding and gestation period, raising of the cubs, migration, hibernation, if that disturbance threatens their future survival;
  4. Deliberate destruction or taking of eggs from the nature or keeping of deaf eggs; and
  5. Hiding, keeping, raising, selling, buying and transferring or any other form of acquiring and stuffing.

#### **License for execution of prohibited activities for strictly protected species**

#### **Article 39**



- (1) By exception, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection may allow the execution of certain activities prohibited on the basis of article 38 of this Law, for the following purposes:
  1. Protection of the plants, fungi and animals;
  2. Prevention of significant damages on the crops, cattle, forests, fisheries, waters and other forms of property;
  3. Protection of the safety and health of the people, as well as some other higher public interest; and
  4. Education and necessary reproduction.
- (2) The license for the execution of the activities that are prohibited on the basis of article 38 of this Law, for the purpose of scientific research shall be issued by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (3) For the purpose of preserving a favourable conservation status of species, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection shall prescribe the manner and the procedure under which a limited and selective taking, keeping and other kind of use of certain strictly protected wild species in small populations is done, in conditions of a strict supervision.

**Permitted activities for strictly protected wild animal species**  
**Article 40**

- (1) It shall be permitted to remove from the nature and to deliver to the authorized legal entities or individuals:
  1. Dead specimens of strictly protected wild animal species that were found;
  2. Specimens of strictly protected wild animal species that are sick or injured to the extent that they are not capable of surviving on their own in the nature.
- (2) The person that found a dead, sick or injured specimen of strictly protected wild animal species shall be obliged to report such an event immediately to the body responsible for the execution of professional works in the field of nature protection.
- (3) The Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, on the basis of the reporting by the person that found the specimen, shall decide on the further treatment of the found specimens of strictly protected species referred to in paragraph (2) of this Article.

Protected wild species

**Protected wild species**  
**Article 41**

Protected wild species shall include:

1. Indigenous wild species that are endangered or rare, but are not threatened by extinction within the territory of the Republic of Macedonia;
2. Wild species that are not endangered, but could be easily taken for some endangered wild species because of the way they look; and
3. Wild species for which the appropriate way of protection has been prescribed by the international conventions ratified by the Republic of Macedonia.

**Use of protected wild specie**  
**Article 42**

- (1) The use of the protected wild species shall be carried out in a manner and to the extent that will not put in danger their favourable conservation status.
- (2) The measures and activities for protection of the protected wild species and the manner and extent of use of protected wild species shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, in consent with the Minister managing the body of public administration responsible for the execution of the works in the field of forestry, hunting and fishery, in accordance with the provisions of this or other law.
- (3) The measures and activities referred to in paragraph (2) of this article shall be in accordance with the provisions for protection of the migratory wild animal species determined by international conventions ratified by the Republic of Macedonia.
- (4) On the basis of the data from the records kept by the body of public administration responsible for the execution of the professional works in the field of nature protection in accordance with this law, the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection may prohibit or limit the use of a certain protected wild species.

**Unselective devices for capturing or shooting  
protected wild animal species  
Article 43**

It shall be prohibited to use unselective devices for capturing or shooting protected wild animal species, as well as devices that could cause local disappearance or serious disturbance of the populations of those species, and devices prohibited in accordance with the international conventions ratified by the Republic of Macedonia, especially:

1. Leg hold traps;
2. Live animals, blinded or mutilated animals that are used as decoys;
3. Electrical devices for killing or stunning;
4. Artificial light devices;
5. Mirrors and other dazzling devices;
6. Audio devices (tape recorders, tape players etc.) that emit calling or pain sounds;
7. Devices for illuminating targets;
8. Sighting devices for night shooting comprising an electronic image magnifier or image converter;
9. Explosives;
10. Poisons and stunning preparations, and poisonous and anesthetic baits;
11. Semi-automatic or automatic weapons with a magazine that can hold more than 2 rounds of ammunition;
12. Flying devices;
13. Moving motor vehicles;
14. Other devices laid down in international conventions that have been ratified by the Republic of Macedonia.

*II.2.1.7. Genetic diversity*

**Taking of genetic and biological material from nature  
Article 44**

- (1) The taking of genetic and biological material from the nature for the purpose of its use shall not endanger the survival of the habitats or of the types of populations in their habitats.
- (2) Genetic material shall be part of a plant, fungi, animal or microorganism that contains heritage information.
- (3) Biological material shall include micro organisms, viruses, cell cultures and tissue cultures.
- (4) The Government of the Republic of Macedonia at the proposal of the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection, following previously acquired opinion of the National Council for Nature Protection, shall prescribe the conditions, the mode and the procedure for taking and use of genetic and biological material from the nature.

#### **Gene banks**

##### **Article 45**

- (1) Gene banks shall be established for the purposes of preservation of the species or of their genetic material, and shall be constituted by the controlled or cultivated populations or parts of fungi, animals or plants, especially seeds, spores, reproductive cells and other biological material.
- (2) Gene banks can be established and managed by accredited bodies and other accredited legal entities in accordance with law.

#### *II.2.1.8. Genetically modified organisms*

#### **Genetically modified organisms**

##### **Article 46**

- (1) A genetically modified organism shall be an organism, with the exception of human beings, in which the genetic material is modified in a way not occurring in the nature - by coupling and/or by natural restructuring.
- (2) In order to prevent the negative impact of the genetically modified organisms on the conservation and the sustainable use of the biological diversity, as well as on human health and environment, measures and activities shall be implemented as stipulated by law.

#### **II.2.2. Habitats and ecosystems**

#### **Implementation of protection of habitats and ecosystems**

##### **Article 47**

- (1) The protection of the ecosystems and habitats shall be carried out by way of implementing measures and activities for nature protection, by using the natural resources in a sustainable manner and by spatial planning and spatial development.
- (2) The body responsible for the execution of professional works in the field of nature protection shall monitor the state of endangered and important habitats in the ecosystems in accordance with the provisions of this Law.

#### **Favourable conservation status**

##### **Article 48**

- (1) The protection of the ecosystems shall be provided by way of preserving the types of habitats in a favourable conservation status.
- (2) The type of habitat shall have a favourable conservation status if:

1. Its natural range and areas it covers within that range are stable or increasing;
2. The specific structure and functions which are necessary for its long-term survival exist and are likely to continue to exist in the foreseeable future; and
3. The favourable conservation status of its typical species is guaranteed.

### **Monitoring of the state of the types of endangered habitats**

#### **Article 49**

- (1) The types of endangered habitats shall be marked on a map, and their state of being endangered shall be assessed and monitored.
- (2) The way of developing, maintaining and marking on the map referred to in paragraph (1) of this article, the way of assessing the status of the types of habitats and the extent to which they are endangered, the types of habitats, as well as the endangered and rare types of habitats shall be prescribed by the Minister managing the body of public administration responsible for the execution of the works in the field of nature protection.
- (3) The monitoring of the status of the habitats and the extent to which they are endangered shall be done by the body responsible for the execution of the professional works in the field of nature protection, and accredited legal entities.

### **Measure for preservation of habitat types into favourable conservation status**

#### **Article 50**

- (1) The measures for preserving the types of habitats in a favorable conservation status shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, upon prior opinion obtained from the Minister managing the body of the public administration responsible for the execution of the works in the field of agriculture, forestry, hunting and fishery.
- (2) The measures for preserving the types of habitats in a favorable conservation status shall be incorporated in the development of the spatial and urban plans.
- (3) Individuals and legal entities that perform activities within the area of the types of habitats spreading shall be obliged to enforce the prescribed measures referred to in paragraph (1) of this article.

### **Environmentally important area**

#### **Article 51**

- (1) Environmentally important area shall be an area, which contributes to a large extent to the protection and conservation of the biological diversity in the Republic of Macedonia.
- (2) Environmentally important areas shall be in particular:
  1. Areas with types of habitats characterized by an exceptional biological diversity and/or well preserved;
  2. Areas with habitats with endangered or endemic species;
  3. Areas with types of habitats that contribute significantly to the conservation of the natural balance;
  4. Areas with rare or endangered types of habitats;
  5. Areas with preserved forest entirities;
  6. Areas with habitats of species protected on the basis of an international convention ratified by the Republic of Macedonia;

7. Areas covering routes and resting areas of migratory species;
  8. Areas that contribute to the genetic interconnection of the populations of certain species; or
  9. Areas contributing to the conservation of the biological diversity in other way.
- (3) Environmentally important areas may become part of the ecological network.

### **International environmentally important area**

#### **Article 52**

- (1) An international environmentally important area shall be the area that is important at international level for the conservation or for achieving a better status of the species, their habitats or types of habitats.
- (2) The international environmentally important areas and the manner of their management within the territory of the Republic of Macedonia shall be specified by the Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, in accordance with the international agreements of nature protection ratified by the Republic of Macedonia.
- (3) The manner of management of the international environmentally important area referred to in the act of paragraph (2) of this article shall provide for the conservation and improvement of the features of relevance for the conservation of the favourable status of the type of habitat or of the wild species.

### **Ecological network**

#### **Article 53**

- (1) For the purposes of conservation, maintenance or restoration to a favourable conservation status of the environmentally important areas, a coherent ecological network of special areas of conservation shall be established.
- (2) The ecological network shall represent the system of interconnected or spatially close to each other environmentally important areas, which significantly contribute to the protection of the natural balance and the biological diversity through their balanced biogeographical distribution.
- (3) The Government of the Republic of Macedonia shall determine environmentally important areas, the ecological network and the system of ecologic corridors, as well as international environmentally important areas and the manner of their management on the territory of the Republic of Macedonia, in accordance with international conventions ratified by the Republic of Macedonia referred to in article 52, paragraph (2) of this law, at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, and upon prior opinion obtained from the National Council for Nature Protection.
- (4) The ecological network, by its characteristics, principles, measures and scope of protection shall be fully compatible with the Coherent European Ecological Network "NATURA 2000".

### **Forest habitats and ecosystems**

#### **Article 54**

The conservation of the biological diversity of the forest ecosystems shall be carried out by way of protecting the forests within the frames of the protected areas, as well as through the general and specific plans for management and protection of forests, in accordance with the provisions of this law and other law.

## **Waters and water habitats and ecosystems**

### **Article 55**

- (1) The waters and the water habitats shall represent a natural wealth within the meaning of this Law and shall be preserved in their natural state.
- (2) The water habitats shall include lakes, ponds, swamps and other water areas, as well as springs, streams, rivers and other waterways with the coastal area not smaller than 10 meters from the shore line set at the highest water level.

### **Biological minimum of water habitats**

#### **Article 56**

- (1) For the purposes of protecting the survival of the natural wealth and conserving the biological and landscape diversity in the water habitats, partition of the waterways in a way contributing to habitat degradation, reduction of the quantity of water below the biological minimum, drying, and encumbering of the springs, swamps and other water habitats, shall be prohibited.
- (2) Biological minimum shall be the lowest quantity of surface water which must be provided throughout the year, except in cases when the natural flow is lower than the determined biological minimum, which enables the preservation of natural balance of the water habitats and of the landscape characteristics of water courses, and do not decrease the surface water environmental state parameters.
- (3) The quantity of water in the water habitats referred to in paragraph (2) of this article needed for the survival of its wild species as well as for the conservation of the biological and landscape diversity shall be determined according to the methodology adopted in accordance with the Law on Waters.

### **Prevention of pollution of water habitats**

#### **Article 57**

- (1) In order to protect the biological and landscape diversity of water habitats, measures and activities shall be undertaken for preventing the pollution of the water habitats and of the waters entering into the water habitats, in accordance with the provisions of this or other law.
- (2) The competent authorities within their area of competence as regulated by law, as well as the legal entities and individuals performing certain economic or other activity, shall be obliged to provide treatment of the municipal and industrial wastewater discharged into the waters of the water habitats.

### **Prohibition of structures building or economic management of costal areas of water habitats**

#### **Article 58**

It shall be prohibited to build structures or to perform economic activities involving natural resources near the natural springs, along the coast of the natural waterways, the coastal area of the natural or artificial lakes, as well as the flooding plains of the waterways, unless it is regulated by a law or another regulation or determined in the planning documentation.

### **Limitation of fishing or other use of water habitats**

#### **Article 59**

In order to protect certain strictly protected species or types of water habitats, the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection can, upon prior consent of the Minister managing the body of the public

administration responsible for the execution of the works in the field of fishery, restrict fishing and other use on parts of water habitats on a temporary or permanent basis.

### **Pasture habitats and ecosystems**

#### **Article 60**

- (1) In order to protect the biological and the landscape diversity, the pastures and grass areas shall be economically managed by using them in a traditional manner.
- (2) The manner of use and the protection of the environmentally important or endangered types of pastures shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, in consent with the Minister managing the body of the public administration responsible for the execution of the works in the field of agriculture and forestry.

### **Boundary habitats and ecosystems**

#### **Article 61**

- (1) In order to protect the biological and landscape diversity of the plowed fields, the environmentally important boundary habitats shall be protected in a manner provided for by this Law.
- (2) During redistribution of fields, it shall be ensured to preserve the existing or to create new habitats referred to in paragraph (1) of this article, and to plan their distribution and size in a way that safeguards the important values of habitats in terms of biological and landscape diversity.

### **High-mountain habitats and ecosystems**

#### **Article 62**

- (1) In order to protect the biological and landscape diversity of the high-mountain habitats and ecosystems, any anthropogenic activity except the one related to the traditional stockbreeding shall be forbidden.
- (2) Construction of facilities, except those necessary for the performance of the traditional stockbreeding, partition or digging supply or drainage channels, as well as introduction of indigenous species on/in the high-mountainous glacial lakes, shall be forbidden.
- (3) The exploitation of rocks and minerals from the rocky high-mountainous habitats shall be forbidden.

### **Urban area habitats and ecosystems**

#### **Article 63**

In order to protect the biological and landscape diversity of an urban area, it shall be ensured when developing urban plans, depending on the type of the plan, to provide for an interlink of the same types of habitats and conservation of the existing and creation of green areas, tree lined paths, waterways and stagnant water bodies, as well as other habitats, by giving priority to the indigenous species and habitats.

### **Habitats and ecosystems of speleological objects**

#### **Article 64**

- (1) Speleological facilities representing habitats of endemic species may acquire a status of a natural heritage.
- (2) The speleological facilities, within the meaning of this Law, shall be naturally formed underground premises longer than 5 meters in which a man may enter, and their

dimensions at the entrance are smaller than the depth and the length of the facility (caves, cavities, abysses).

### **II.3. PROTECTED AREAS**

#### **System of protected areas**

##### **Article 65**

- (1) The system of protected areas shall be established for the purpose of protection of the biological diversity within the frames of the natural habitats, the processes occurring in the nature, as well as the abiotic features and the landscape diversity.
- (2) By proclamation of the area as protected, it shall acquire status of natural heritage.
- (3) The system of protected areas referred to in paragraph (1) of this article shall represent part of the international networks of protected areas, in accordance with the international agreements ratified by the Republic of Macedonia.

#### **II.3.1. Categories of protected areas**

##### **Categorization of protected areas**

##### **Article 66**

- (1) Categories of natural heritage, within the meaning of this Law shall be:
  1. Strict Natural Reserve;
  2. National Park;
  3. Natural Monument;
  4. Nature Park;
  5. Protected Landscape;
  6. Multipurpose Area.
- (2) The protected areas shall comprise natural habitats, ecosystems, geological and physical and geographical formations characteristic within the territory of the Republic of Macedonia.
- (3) The proclamation of new protected areas shall first of all provide for a representative coverage of the habitat types and ecosystems that exist on the territory of the Republic of Macedonia.
- (4) The monuments of culture within the protected areas shall enjoy the protection appropriate to their status in accordance with law.

##### **Cross-border connection of protected areas**

##### **Article 67**

- (1) The categories of protected areas referred to in article 66 of this Law can be connected across the borders with the protected areas on the territories of the neighbouring countries of the Republic of Macedonia.
- (2) The plans for management of protected areas referred to in paragraph (1) of this article shall be adopted by the competent bodies for protected areas management of both states by mutual agreement.

#### *II.3.1.1. Strict Natural Reserve*

##### **Category of Strict Natural Reserve**

##### **Article 68**



- (1) Strict Natural Reserve shall be an area, which, because of its significant or characteristic ecosystems, geological or physical and geographical features and/or species, as well as originally preserved wilderness, acquires the status of natural heritage, primarily for the purpose of carrying out scientific surveys or monitoring of the protection.
- (2) The space of the area of the Strict Natural Reserve shall provide integrity and achievement of the objectives for which it acquired the status of natural heritage.
- (3) The conservation of the biological diversity within the frames of the Strict Natural Reserve shall be achieved through protection, with no deliberate influence whatsoever on the natural processes in the habitat or on the species populations.

**Strict Natural Reserve Management Plan**  
**Article 69**

For the purpose of management of the Strict Natural Reserve, the body of the public administration responsible for the execution of the works in the field of nature protection shall oblige the body responsible for the execution of professional works in the field of nature protection to prepare Strict Natural Reserve Management Plan.

**Manner of Strict Natural Reserve Management**  
**Article 70**

The Strict Natural Reserve shall be managed in a manner that shall provide:

1. Conservation of the habitats, ecosystems and species in their natural state;
2. Maintenance of the genetic resources in a dynamic and evolving state;
3. Maintenance of the naturally established environmental processes;
4. Protection of the structural landscape characteristics;
5. Protection of the authentic nature for the purpose of scientific studies, monitoring or educational activities;
6. Decrease in nature degradation through careful planning and implementation of scientific surveys and other permissible activities; and
7. Limitation of the access for the public.

**Prohibited activities in Strict Natural Reserves**  
**Article 71**

- (1) It shall be prohibited to undertake activities within Strict Natural Reserves except for:
  1. protection and control of the Strict Natural Reserve;
  2. study visits for the purpose of performing a scientific research;
  3. movement of people on designated paths for educational purposes;
  4. collection of seeds and seedling materials, wild plants, fungi and animals for the purpose of scientific research, as well as for the renewal of the populations in another area, in a manner and in the period that will not cause degradation of the ecosystem.
- (2) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall issue a license for the implementation of the activities referred to in paragraph (1) items 2, 3 and 4 of this article.

*II.3.1.2. National Park*

**Category of National Park**  
**Article 72**

- (1) The National Park shall be a large, mainly unchanged area of land or water with particular multiple natural values, which encompasses one or more, preserved or insignificantly changed ecosystems, primarily designed for the conservation of the original natural, cultural and spiritual wealth.
- (2) The National Park shall be intended for scientific-research, cultural, pedagogic-educational and tourist-recreational purposes.

### **Management Plan of National Park**

#### **Article 73**

- (1) The public institution-National Park shall adopt a Management Plan for the National Park, upon a prior approval by the body of the public administration responsible for the execution of the works in the field of nature protection.
- (2) The Management Plan of the National Park shall prescribe specific measures and activities for the protection of the characteristic natural values and the original state thereof, owing to which it had acquired the status of protected natural heritage.

### **Manner of National Park Management**

#### **Article 74**

The National Park shall be managed on its whole territory in an integrated manner that shall provide the following:

1. Protection of the natural areas of national and international importance for cultural, scientific, educational, tourist and recreational purposes;
2. Stability of the environmental processes and diversity through sustainable conservation of the representative physical and geographical regions, biocenosis, genetic resources and species in an authentic state;
3. Creation of conditions for tourism development in accordance with the principle of sustainable development;
4. Achievement of cultural, scientific, educational and recreational objectives, which at the same time maintains the natural state of the area.

### **Prohibited Activities in National Park**

#### **Article 75**

- (1) It shall be prohibited to carry out activities, which endanger the authenticity of the nature in the national park, as well as lighting fire on the territory of national park, except at specially determined places defined by the National Park Management Plan.
- (2) Tourist-recreational activities shall be allowed in the national park, as well as extensive agricultural activities and fishery performed in a way that does not endanger the survival of the species and their natural balance, in accordance with the provisions of this Law.

### *II.3.1.3. Natural Monument*

### **Category of Natural Monument**

#### **Article 76**

- (1) Natural Monument shall be a part of nature with one or more natural characteristics and specific, threatened or rare features, characteristics or forms, and have special scientific, cultural, educational and spiritual, aesthetic and/or tourist value and function.
- (2) Natural Monuments shall include: lakes, rivers, gorges, waterfalls, springs, caves, rocks formations, geological profiles, minerals and crystals, fossils, rare or indigenous trees and bushes characterized by great age and specific habitual characteristics, as well as limited

small areas of endemic and rare animal or plant communities significant for their scientific value.

- (3) Undertaking activities in or near the Natural Monuments, which may endanger the features thereof and the values owing to which they have been proclaimed Natural Monuments, shall not be allowed.

### **Natural Monument Management Plan**

#### **Article 77**

- (1) The entity which in accordance with the proclamation act is responsible for the management of the Natural Monument shall adopt a Management Plan for Natural Monument stipulating the special measures and activities for protection.
- (2) The measures and activities for protection of the Natural Monuments, the form and content of the application form for obtaining license for carrying out special measures and activities for protection and renewal of the natural monument, shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, with reference to the act referred to in paragraph (2) of this article, shall issue a license for implementation of the special measures and activities for protection and renewal of the Natural Monument.

### **Manner of Natural Monument Management**

#### **Article 78**

The Natural Monument shall be managed in a manner that shall provide:

1. Sustainable conservation and protection of the natural characteristics and the specific, endangered or rare features, characteristics or forms;
2. Conditions for carrying out scientific surveys and educational activities related to their natural characteristics; and
3. Prevention of activities that have adverse impact on its natural characteristics.

#### *II.3.1.4. Nature Park*

### **Category of Nature Park**

#### **Article 79**

- (1) Nature Park shall be an area that has one or more authentic, rare and characteristic components of nature (plant, fungi and animal species and communities, relief forms, hydrological values etc.).
- (2) Nature Parks may be botanical, zoological, geological, geo-morphological and hydrological.

### **Nature Park Management Plan**

#### **Article 80**

For the purpose of Nature Park management, the entity which in accordance with the proclamation act is responsible for carrying out the management activities shall prepare a Management Plan for Nature Park.

### **Manner of Nature Park Management**

#### **Article 81**

The Nature Park shall be managed in a manner that shall provide:

1. Maintenance of the conditions needed for the protection of the significant species, populations and communities or of the physical-geographical characteristics;
2. Facilitated implementation of scientific research and monitoring of conditions as primary activities connected with the sustainable use of resources;
3. Designation of special zones within Nature Parks for the purpose of carrying out educational activities on the characteristics of the area and management of wild species;
4. Elimination and prevention of the exploitation and degradation of the nature in the area proclaimed a Nature Park.

**Prohibited activities in Nature Park**  
**Article 82**

Undertaking activities involving inappropriate land use in the Nature Park, as well as activities of inappropriate character and intensity, which could interfere with the properties owing to which it has acquired the status of Nature Park, shall be prohibited.

**Measure and activities for Nature Park protection**  
**Article 83**

- (1) The entity responsible for the management according to the proclamation act, shall define within the Nature Park Management Plan the measures and activities needed for the protection of the important species, populations and communities or physical and geographical characteristics owing to which the area acquired the status of national heritage.
- (2) The measures and activities referred to in paragraph (1) of this article shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

*II.3.1.5. Protected Landscape*

**Category of protected landscape**  
**Article 84**

- (1) Protected Landscape shall be an area where the interaction of the people with the nature has created over time a landscape with particular characteristics and aesthetic, environmental, cultural and historical or ethnographical importance, characteristic for that area only, which at the same time has a significantly high biological diversity.
- (2) The protection of the integrity of the traditional manner of land use and organizing the populated areas, customs and beliefs shall be of a special significance for the protection, maintenance and evolution of the Protected Landscape.

**Protected Landscape Management Plan**  
**Article 85**

For the purpose of management of protected landscape, the entity which in accordance with the proclamation act is responsible for carrying out the management activities shall prepare a Management Plan for Protected Landscape.

**Manner of Protected Landscape Management**  
**Article 86**

The Protected Landscapes shall be managed in a manner that shall provide:

1. Maintenance of the harmonic interaction of nature and culture through protection of the landscape and continuation of the traditional way of land use, construction and social and cultural events;
2. Support for the life style and economic activities which are harmonized with the nature and for the protection of the social and cultural basis of the communities living on that area;
3. Maintenance of the diversity of the landscapes and habitats, as well as of the species and ecosystems;
4. Prevention of land use activities which are not appropriate for the protection by their scope, intensity or character; and
5. Organization of public visits, tourist and recreational activities, as well as educational and scientific research activities in accordance with the degree of protection, and in relation to the existing characteristics of the area.

**Protection of protected areas of other categories  
within Protected Landscape  
Article 87**

The protected areas of another category located within the frames of an area proclaimed a Protected Landscape shall enjoy the protection in accordance with the category of protected area, which it had been proclaimed for.

*II.3.1.6. Multipurpose Area*

**Category of Multipurpose Area  
Article 88**

- (1) Multipurpose Area shall be an area, which is usually spreading on a relatively wide territory of land and/or water, rich in waters, forests or meadows, and may be used for hunting, fishing or tourism, or reproduction of wild animals.
- (2) As an exception from paragraph (1) of this article, the Multipurpose Area as a protected area within the meaning of this Law shall be an area rich in waters, forests or meadows, and which has exceptional significance for the defence of the country.
- (3) The Multipurpose Area may be changed by anthropogenic activities, or cover settlements as well.
- (4) The Multipurpose Area does not need to cover environmentally significant areas or other values of national interest.

**Establishment of Multipurpose Area  
Article 89**

- (1) The Multipurpose Area shall be established in accordance with the needs for nature protection, and carrying out economic activities and use of natural wealth, and especially for the purpose of providing completeness of the environmental network, as an environmental corridor.
- (2) In order to provide lasting and sustainable use of the natural wealth, within the frames of the multipurpose area, protection and zoning to a reasonable extent may be allowed.
- (3) The implementation of the defence activities in the Multipurpose Area referred to in article 88, paragraph (2) of this Law, shall be performed in a manner that provides for the protection of nature, and the economic management and use of the natural wealth.

## **Multipurpose Area Management Plan**

### **Article 90**

For the purpose of managing the Multipurpose Area, the entity which in accordance with the proclamation act is responsible for carrying out the management activities shall prepare a Management Plan for Multipurpose Area.

#### *II.3.1.7. Acquisition of international protection status*

### **Acquisition of international protection status**

#### **Article 91**

- (1) The protected areas may be nominated for acquiring an internationally recognized status of natural heritage in accordance with the international agreements ratified by the Republic of Macedonia.
- (2) The Decision on the nomination referred to in paragraph (1) of this article shall be adopted by the Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, and upon prior opinion obtained from the National Council for Nature Protection.

#### **II.3.2. Procedure for proclamation of protected area**

### **Manner of proclamation of protected area**

#### **Article 92**

- (1) Strict Natural Reserves, National Parks and Natural Monuments shall be proclaimed as protected area by law.
- (2) Nature Parks, Protected Landscapes and Multipurpose Areas shall be proclaimed protected areas by the Government of the Republic of Macedonia.
- (3) By its proclamation the protected area shall acquire the status of natural heritage.
- (4) The proclamation act for the protected area shall contain: title of the protected area, category of protection, geographical characteristics and other basic features, the boundaries of the area, zoning of the protected area, regime of protection, management entity and other issues stipulated by the proclamation act.

### **Zoning of protected area**

#### **Article 93**

- (1) By the act for proclamation referred to in Article 92, the following zones may be established in the protected area:
  1. Zone of strict protection;
  2. Zone of active management;
  3. Zone of sustainable use; and
  4. Buffer zone.
- (2) The activities and actions that may be carried out within the zones established in accordance with paragraph (1) of this article shall be stipulated by the Proclamation Act of protected area referred to in Article 92 and the Management Plan for Protected Area.

### **Submission of a proposal for proclamation of protected area**

#### **Article 94**

- (1) The proclamation of certain area as Strict Nature Reserves, National Parks and Natural Monuments may be proposed by the bodies of the public administration, the Council of the Municipality, the Council of the Municipality within the City of Skopje and the Council of the City of Skopje on the territory of which they are situated, scientific institutions, other bodies, organizations and institutions.
- (2) The proclamation of Nature Parks, Protected Landscape, and Multipurpose Areas for protected area may be proposed by individuals and legal entities as well, besides the authorized proponents referred to in paragraph (1) of this article.
- (3) The proposals referred to in paragraphs (1) and (2) of this article shall be submitted to the body of the public administration responsible for the execution of the works in the field of nature protection, and shall contain, inter alia: the basis for submitting the proposal, cartographic overview, as well as technical study justifying the proposal.

#### **Acceptability of the proposal for proclamation of protected area**

##### **Article 95**

- (1) The body of the public administration responsible for the execution of the works in the field of nature protection, having considered the proposal for proclamation of protected area, and the opinion from the National Council for Nature Protection shall propose to the Government of the Republic of Macedonia to adopt a decision on the acceptability of the proposal and on the further procedure for proclamation.
- (2) The body of the public administration responsible for the execution of the works in the field of nature protection shall, following the Decision of the Government of the Republic of Macedonia, carry out the public hearing on the proposal.

#### **Deciding over the final proposal for proclamation of protected area**

##### **Article 96**

- (1) After the completion of the public hearing for the proposal, the body of the public administration responsible for the execution of the works in the field of nature protection shall prepare the final proposal for proclamation of the protected area and shall submit it to the Government of the Republic of Macedonia.
- (2) The final proposal for proclaiming protected area contains the opinion from the completed public hearing and a Proclamation Act of protected area.
- (3) The Government of the Republic of Macedonia shall consider and adopt the proposal for proclamation of protected area and shall decide on further actions with regard to the proposal.

#### **Temporary protection**

##### **Article 97**

- (1) The parts of nature for which a procedure for proclamation of protected area is carried out, shall be put under temporary protection.
- (2) The decision for placing the parts of nature referred to in paragraph (1) of this article under temporary protection shall be adopted by the Government of the Republic of Macedonia.

- (3) The temporary protection shall last for one year from the date on which the decision referred to in paragraph (2) of this article was adopted, or not later than the enactment of the act for proclamation of protected area.

### **II.3.3. Management Plans for Protected Areas**

#### **Adoption of Management Plans for Protected Areas**

##### **Article 98**

- (1) For the purpose of protection of protected areas, the entities responsible for the execution of management and protection activities shall adopt Management Plans and Annual Programmes for protection of nature.
- (2) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the content of management plans for natural heritage and the annual programmes for nature protection.
- (3) The management plans for natural heritage shall be in accordance with the Spatial Plan of the Republic of Macedonia and with the provisions of this Law and shall contain all the prescribed measures and activities for nature protection, in particular:
1. Preparation of overview of the protected natural heritage and the ecologically important areas therein, with their characteristics and status assessment;
  2. Protection measures and developmental guidelines for the protected area and the ecologically important areas;
  3. Measures for protection of biological diversity, especially measures for conservation of natural habitats;
  4. Measures for protection of characteristic landscapes;
  5. Establishment of a system of measures and activities for protection against fires and other natural disasters;
  6. Cartographic presentation of natural habitats.
- (4) The Management Plans referred to in paragraph (1) of this article shall be adopted by the entity responsible for the execution of management and protection activities, according to the proclamation act, upon prior consent of the body of the public administration responsible for the execution of the works in the field of nature protection.
- (5) The Annual Programmes for Nature Protection referred to in paragraph (1) of this article, shall be adopted by the entity responsible for the execution of the management and protection activities, according to the proclamation act, upon prior consent of the body responsible for the execution of expert works in the field of nature protection.
- (6) Consent on the part of the Management Plans referred to in paragraph (1) of this article, which regulates the system of measures and activities for protection against fires and other natural disasters, shall be given by the competent public administration authority stipulated by law.

#### **Management plans validity**

##### **Article 99**

- (1) The Natural Heritage Management Plans shall be adopted within 2 years at the latest since the date of proclamation of the protected area, for a period of ten years.
- (2) The entities which in accordance with the provisions of this Law and proclamation act are responsible for the execution of the works of management of the protected areas shall



assess the results achieved by the implementation of the Management Plan no later than the day of expiry of the seventh year from the adoption of the Plan.

- (3) The entities referred to in paragraph (2) of this article shall commence with the preparation of a new Management Plan for the Protected Area, no later than the start of the last year before the expiry of the period for which they have been adopted.

**Harmonization of management plans  
with protection measures and activities  
Article 100**

The Natural Heritage Management Plans shall be harmonized with the objectives, measures and activities for protection and management of the protected area as determined by this Law, the act for protected area proclamation and the international standards and international agreements ratified by the Republic of Macedonia, as well as the spatial planning documentation.

**Procedure for adoption of management plans  
for protected areas  
Article 101**

- (1) Within the procedure for adoption of the Management Plans for Protected Areas, the body of the public administration responsible for the execution of the works in the field of nature protection, as well as the entities entrusted with the management of the protected area, shall organize a public hearing.
- (2) The opinions, proposals and recommendations stated at the public hearing shall be taken into account during the development of the Management Plans for Protected Areas.

**Control over the implementation of  
the management plans for protected areas  
Article 102**

The control over the implementation of the Management Plans for Protected Areas shall be executed by the body of the public administration responsible for the execution of the works in the field of nature protection.

#### **II.3.4. Protection regime**

**Spatial plans for protected areas  
Article 103**

- (1) For the purposes of space development and space use of the categories protected areas, a spatial plan shall be enacted as required. Spatial plan shall obligatorily be enacted for the national parks.
- (2) The spatial plan of a protected area shall, in accordance with the provisions of this Law, include:
  1. Textual part:
    - Size, boundaries and geographical situation of the park;
    - The status of the natural environment;
    - The status of the existing spatial development, organization and protection;
    - Objectives and tasks concerning the spatial development;
    - Spatial distribution of the population, settlements and tourist sites;
    - Spatial distribution of infrastructural systems; and

- Guidelines and measures for implementation of the plan; and
2. Graphical part:
    - Relief and geomorphological forms;
    - Pedological map;
    - Vegetation map;
    - Hydrography;
    - Existing spatial organization; and
    - Extent to which the space is equipped and built up.

### **Zone of strict protection**

#### **Article 104**

- (1) Zone of strict protection shall be part of the protected area of highest interest for protection, characterized by authentic, unchanged ecosystem characteristics, or slightly changed as a result of the traditional management practices.
- (2) Within the strict protection zone it shall be distinguished:
  1. Authentically natural areas, with no human interventions at all; and
  2. Areas with limited intervention, where the traditional manner of management is still present and serves the maintaining of the natural values of the zone.
- (3) Scientific research activities shall be allowed in the strict protection zone, unless they are in contradiction with the primary objectives of the protection of the area.
- (4) The entity responsible for the natural heritage management shall provide for constant monitoring for the purpose of maintaining the characteristics of the strict protection zone.

### **Zone for active management**

#### **Article 105**

- (1) Zone for active management shall be a zone of high interest for the protection, in which some major management interventions are needed for the purpose of restoration, revitalization or rehabilitation of the habitats, ecosystems and other elements of the landscape.
- (2) Within the zone for active management, management activities may be carried out with regard to:
  1. Manipulation with habitats; and
  2. Manipulation with species.
- (3) It shall be allowed to carry out economic activities that have no adverse impact on the primary objective of the protection in the zone for active management, such as eco-tourism or traditional extensive agriculture.
- (4) The successful management of this zone, as well as the further permanent maintenance thereof, may lead to the zone acquiring characteristics of a strict protection zone.

### **Zone for sustainable use**

#### **Article 106**

- (1) The zone for sustainable use shall be a significant part of the protected area with no high values for protection, with infrastructure facilities, objects of cultural heritage, types of forest plantations that are not characteristic for the area, as well as inhabited places with the surrounding agriculture land.

- (2) Long-term undertaking of interventions and measures may lead to it acquiring the characteristics of zone for active management.

**Buffer zone**  
**Article 107**

- (1) Buffer zone in principle shall be an area outside the natural heritage and shall have the role to protect the zones referred to in articles 104, 105 and 106 of this Law, with an interest in protection against the threats coming from outside of the natural heritage area.
- (2) When economic activities are carried out within the frames of the buffer zone, the measures for protection provided for by this Law shall be applied.
- (3) A buffer zone shall also be established within the frames of the protected area between the zones the regime of protection and management of which exclude each other.

**II.3.5. Implementation of protection measures**

**Direct protection of protected areas**  
**Article 108**

- (1) The direct protection of the protected areas shall be carried out by ranger service established or designated by the entities which in accordance with the provision of this Law and the proclamation act are responsible for the management of the protected area.
- (2) The rangers in the national park shall be appointed by the managerial body of the public institution that manages the national park.
- (3) A person with a secondary school specialist's training can be appointed a ranger of protected area, in a procedure and manner prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection in consent with the Minister managing the body of the public administration responsible for the execution of the works in the field of interior.
- (4) After being appointed a ranger of protected area, the person shall take a professional exam. The ranger of protected area shall take the professional exam according to a programme prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.
- (5) The manner and procedure for taking the exam referred to in paragraph (4) of this article shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.
- (6) The ranger of protected area shall take the professional exam before a committee composed of two representatives of the body of the public administration responsible for the execution of the works in the field of nature protection and one from the entity responsible for the management of the protected area according to the proclamation act.

**Official uniform and weapons of the rangers' service**  
**Article 109**

- (1) The members of the ranger service shall, while performing their official duty, wear an official uniform and carry official weapons, and they shall prove their identity with an official badge.
- (2) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the design of the official uniform and the content and the form of the official badge, as well as the way of issuing the badge and the conditions under which it can be repealed.

- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection in consent with the Minister managing the body of the public administration responsible for the execution of the works in the field of interior shall prescribe the conditions and the way of using and keeping the firearms possessed by the members of the ranger service, in accordance with this and other law.

**Implementation of direct protection  
Article 110**

The ranger service shall provide the direct protection of the protected area by way of:

1. Planning, organizing and conducting educational walks around the protected area;
2. Environmental training for the visitors of the protected area and the local population;
3. Observation and monitoring of the status of the plant, fungi and animal species, as well as of the other values of the protected area;
4. Cooperation with the leaders of scientific, research and other projects allowed in the protected area;
5. Cooperation with the owners and with the holders of the right to use real estate in the protected area for the purpose of nature protection;
6. Supervision over the implementation of the allowed activities in the protected area; and
7. Taking care of the maintenance of infrastructural facilities in the protected area.

**Authorization of rangers' service  
when implementing direct protection  
Article 111**

When carrying out protection, the ranger services shall, inter alia:

1. Protect the habitats and species from illegal use and illegal activities;
2. Monitor the enforcement of the provisions on management of protected areas contained in the act for proclamation, as well as in the Management Plans;
3. Control all licenses for use, other activities and movement within the boundaries of the protected areas;
4. Monitor the enforcement of the provisions on fire protection and other natural disasters protection within the boundaries of the protected area;
5. Monitoring of the waters and the soil pollution with different types of waste;
6. Control the transport of wood, forest, agricultural and other products within the boundaries of the protected area;
7. Accompany visitors' groups, provide information, as well as assistance to visitors;
8. Participate in activities connected with the re-establishment of habitats and wild species; and
9. Perform other activities as well, in accordance with the act for proclamation, this or other law.

**Authorization of rangers' service  
when performing official duty**

## **Article 112**

- (1) When performing their official duty, the members of the ranger service shall have both the right and the responsibility, inter alia, to:
  1. Request personal identity card or another public document for the purpose of ascertaining the identity of the persons;
  2. Check the luggage, as well as the vehicle;
  3. Temporarily restrict the movement within a certain area;
  4. Charge on-the-spot fines;
  5. Temporarily subtract an usurped part of the living or non-living world belonging to a protected area, as well as the devices used for the usurpation;
  6. Request restoration of the previous state, i.e. order prevention and removal of the harmful consequences;
  7. Bring misdemeanor and criminal actions.
- (2) The funds collected through the fine referred to in paragraph (1) item 4 of this article shall be revenues of the budget.

### **II.3.6. Limitations in legal relations and limitation of the right to property**

#### **Duties of the owner or user towards protected area**

##### **Article 113**

- (1) The holder of the right to use or the owner of property in the protected area shall be obliged to preserve the natural heritage, to take care of its maintenance and to undertake the prescribed technical and protective and other measures prescribed, necessary for the protection and maintenance, in a timely manner, in accordance with the provisions of this Law.
- (2) The holder of the right to use or the owner of property in the protected area shall be obliged to apply for consent for all investment activities of use or enjoyment of the property in the protected area by the entity responsible for the protected area management.
- (3) The rights and responsibilities the holder of the right to use or of the owner of property in the protected area shall be specified in the act for proclamation.

#### **Compensation for the limitation of use**

##### **Article 114**

If the use of the Natural Heritage protected area is limited or prohibited, the owner or the user shall be entitled to a compensation for the limitation of the use in accordance with the regulations for compensation of damage.

#### **Providing for monitoring of nature**

##### **Article 115**

The holder of the right to use a property or the owner of property in protected area shall allow the person who has obtained license from the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection to perform monitoring, research and study the natural heritage in protected area for scientific purposes.

#### **Expropriation of private property for the purpose of nature protection**

##### **Article 116**

For the purpose of carrying out the protection of the property of the private owner where the Natural Heritage is located or that is part of a proclaimed Natural Heritage, a procedure for expropriation in accordance with law may be initiated.

#### **II.4. LANDSCAPE PROTECTION**

##### **Protection of landscape diversity**

###### **Article 117**

- (1) The activities in the nature shall be planned and carried out in a way that will provide for protection of the landscape diversity and of the characteristic features of the landscape to the maximum extent possible.
- (2) The use of the natural wealth and the spatial planning and spatial development shall provide for conservation of the characteristic features of the landscape, and for maintenance of the biological, geological and cultural values that determine its importance and the related aesthetic experience.
- (3) The protection of the landscape shall be provided also through protection of habitats and ecosystems, in accordance with the provisions of this Law.

##### **Landscape types**

###### **Article 118**

- (1) Landscapes, in accordance with their characteristics and values, shall be classified into landscape types.
- (2) Landscape types shall be classified according to the particular and characteristic features that express the diversity of the cultural and natural heritage.
- (3) Landscape types shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

##### **Monitoring of landscape types**

###### **Article 119**

- (1) Landscape types shall be studied; their features, sensitivity and the extent to which they are endangered shall be analyzed and monitored, and the changes in the particular and characteristic features shall be registered.
- (2) Particular and characteristic features of the landscape shall mean the parts of the nature characteristic of certain landscape types or the man-made components of the landscape that have natural, historical, cultural, scientific or aesthetic value.
- (3) The monitoring of the status of the particular and characteristic features of the landscape shall be performed by accredited legal entities in cooperation with the body responsible for the execution of the expert works in the field of nature protection.

##### **Assessment of landscape types**

###### **Article 120**

- (1) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall evaluate the landscape types, taking into account the special values attributed by the population, as well as by other interested individuals and legal entities.
- (2) The especially valuable landscapes, as well as the measures for protection of the landscape types, shall be specified by the Minister managing the body of the public

administration responsible for the execution of the works in the field of nature protection, in cooperation with the Minister of managing the body of the public administration responsible for the execution of the works in the field of agriculture and forestry and the Minister managing the body of the public administration responsible for the execution of the works in the field of culture.

- (3) The especially valuable landscapes might be proclaimed as protected areas by which they acquire the status of natural heritage in accordance with the provisions of this Law.
- (4) The landscape types, as well as the measures referred to in paragraph (2) of this article shall be implemented in the space development documents and in the protected area management plans.

### **Diminishing the damages to landscape**

#### **Article 121**

- (1) The exploration and exploitation of mineral resources and other activities that may cause changes to the landscape shall be performed in a way that provides for protection of the landscape values of the space to the maximum possible extent.
- (2) The harmful effects on the landscape, resulting from exploration and exploitation of mineral resources, shall be removed through rehabilitation of the excavation, or arrangement of the whole exploitation field, and restoration of the landscape in its natural state.

### **Protection of speleological structures**

#### **Article 122**

- (1) For the purpose of the underground forms, cave flora and fauna, archeological and paleontological findings in the speleological structures, the speleological structures can be proclaimed as protected areas or can acquire other form of status of natural heritage.
- (2) The speleological structures shall be registered in the Cadastre of Protected Areas.
- (3) The following data shall be recorded in the Cadastre concerning the speleological structures:
  1. Data on the abundance of underground forms and biological characteristics;
  2. Cadastre designation;
  3. Data on the owner, i.e. the Manager;
  4. Evaluation from the point of view of nature protection;
  5. Assessment of the current status and level of danger;
  6. The protected above-ground area, as well as the limitations related to those areas; and
  7. Other characteristics and data of relevance for the protection of the speleological structure (description of the structure, morphological type, origination, hydrological characteristics, hydro-geological function, access to the structure, photographic documentation, basic literature etc.).
- (4) The discovery of any new speleological structure and of parts of an already discovered speleological structure shall be reported to the body of the public administration responsible for the execution of the works in the field of nature protection within 15 days.

### **Conditions and measures for speleological structures protection**

#### **Article 123**

- (1) It shall be prohibited to damage, destroy and take away cave decorations and underground living world, paleontological and archeological findings from speleological structures.
- (2) As an exception of paragraph (1) of this article, for the purpose of performance of scientific research, the Minister managing the body of the public administration responsible for the execution of the work in the field of nature protection may allow taking away underground living world, paleontological and archeological findings from speleological structures.
- (3) The license for taking away underground living world, paleontological and archeological findings from speleological structures shall be a part of the license for performance of scientific research in the nature in the Republic of Macedonia, referred to in article 24, paragraph (6) of this Law.
- (4) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the measures and activities for protection of the speleological structures.

### **Implementation of protection of speleological structures**

#### **Article 124**

- (1) For the purpose of providing protection of speleological structures or of parts thereof, the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall issue licenses for:
  1. Use or arrangement of a speleological structure or part thereof;
  2. Closing of the entry or of some part of the cave, as well as for construction, refurbishment or rehabilitation of any underground structures;
  3. Conducting of research or experiments, or collection of plants, fungi and animals in the speleological structure or in a part thereof;
  4. Shooting films or taking photographs with electronic equipment in the speleological structure; and
  5. All other activities that would have an impact in whatever way on the fundamental characteristics, conditions and natural flora and fauna in the speleological structure or in its above-ground protected area.
- (2) The Decision by means of which the license referred to in paragraph (1) of this article shall be issued shall include both the conditions and the measures for protection.

### **Use of speleological structures**

#### **Article 125**

- (1) The use of speleological structures for allowed purposes shall be performed upon having received a license from the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.
- (2) The License shall be issued on the basis of a previously submitted program for visiting and seeing around the speleological structure, which includes the measures for protection of the speleological structure, the conditions for seeing around and the measures for protection of the visitors.

### **Limitation of property right over speleological structures**

#### **Article 126**



- (1) It shall be forbidden for the owner or the user of the land on which a speleological structure is located to endanger or damage the latter, to block the entry, or to prevent its use in an allowed manner.
- (2) The owner or the user of the land on which a speleological structure is located shall allow access and observation of the structure for allowed purposes.
- (3) The owner of the speleological structure shall have the right to compensation for the limitations regarding the use of the speleological structure, in proportion with the profit lost. The amount of the compensation shall be determined by mutual consent, and in a case of dispute, it shall be rendered by a competent court. The compensation shall be paid out of the state budget.

## **II.5. MINERALS AND FOSSILS**

### **II.5.1. General Measures**

#### **General protection of minerals and fossils**

##### **Article 127**

- (1) Minerals and fossils shall be property of the Republic of Macedonia.
- (2) It shall be forbidden to destroy minerals and fossils, as well as to damage their finds.
- (3) When performing activities or constructing structures of public interest, the contractor shall be obliged to take all the necessary measures and activities for protection of the find of minerals and fossils at his/her expense.

### **II.5.2. Protected minerals and fossils**

#### **Minerals and fossils as natural heritage**

##### **Article 128**

- (1) The minerals and fossils that are important because of their rarity, exceptional size, appearance or extraordinary and universal educational and scientific importance, shall acquire status of natural heritage.
- (2) The minerals and fossils that represent natural heritage shall be specified by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.

#### **Protection of minerals and fossils**

##### **Article 129**

- (1) The minerals and fossils that have acquired the status of natural heritage shall be kept at the place of their finding, and the find shall be proclaimed a natural heritage.
- (2) If the minerals and fossils cannot be protected at the place of their finding, they shall be delivered for keeping to an institution that will provide for the expert protection thereof and will enable that they are used for scientific and educational purposes, as well as for nature protection purposes.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the manner and content of the expert protection of minerals and fossils, as well as the manner for exploration of the deposit and the way of protection thereof, in consent with the Minister managing the body of the public administration responsible for the execution of the works in the field of

education and science and of the Minister managing the body of the public administration responsible for the execution of the works in the field of economy.

### **Implementation of protection of minerals and fossils**

#### **Article 130**

- (1) It shall be forbidden to take from nature minerals and fossils that have acquired the status of natural heritage or are located in a protected area.
- (2) As an exception of paragraph (1) of this article, the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection may allow the taking from the nature of minerals and fossils that have the status of natural heritage or are located in a protected area, for the purposes of scientific and expert research, education, displaying at exhibitions etc.

### **II.5.3. Discovery of minerals and fossils and exploration of finds**

#### **Exploration of deposits of minerals and fossils**

##### **Article 131**

- (1) The finder shall be obliged to report to the body responsible for the execution of the expert works in the field of nature protection the minerals and fossils referred to in article 128, paragraph (1) of this Law, within 8 days from the discovery.
- (2) The body of responsible for the execution of the expert works in the field of nature protection shall inform the body of the public administration responsible for the execution of the works in the field of nature protection on the received report of minerals and fossile referred to in article 128, paragraph (1) of this Law.
- (3) The Minister managing the body of the public administration responsible for the execution of the work sin the field of nature protection shall decide on the further exploration of the find of minerals and fossils within 30 days at the latest as of the day when the discovery of the find was reported. The Decision on undertaking of an exploration in the find shall also prescribe the measures for temporary protection thereof.
- (4) If the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection fails to adopt a Decision on exploration within the period specified in paragraph (2) of this article, it shall be considered that exploration and protection of the find are not necessary.
- (5) Unless the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection decides otherwise, the finder shall not be allowed to perform any activity on the site of the find that may result into destruction or damaging of the find.
- (6) The owner of the land on which a mineral or fossil has been discovered, or the individual or legal entity performing the works during which it has been discovered, shall enable that exploration of the deposit takes place in accordance with the Decision of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.
- (7) The exploration of the find shall be carried out by an authorized individual or legal entity, on the basis of the license issued by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, in a manner and procedure prescribed by the act referred to in article 129, paragraph (3) of this Law.

- (8) In case of a probability of further discoveries of minerals or fossils, the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall, on the basis of completed surveillance, decide on the continuation of the works.

**License for exploration of finds of minerals and fossils**

**Article 132**

In case the legal entity or individual intends to explore a find of minerals or fossils, it shall apply for a license to the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection within 30 days at the latest before the start of the planned exploration.

### **III. ORGANIZATION OF THE PROTECTION OF NATURE**

#### **III.1. COMPETENCIES IN THE FIELD OF NATURE PROTECTION**

##### **Body of the public administration holding the competence for the execution of the works in the area of nature protection Article 133**

The body of the public administration responsible for the execution of the works in the field of nature protection, in accordance with the provisions of this Law, shall perform the works relating to: policy making and implementation in the field of nature protection, protection of biological and landscape diversity and protection of natural heritage, management of biological and landscape diversity and of the natural heritage; and control and supervision over the enforcement of the provisions of this Law.

##### **Competent body for the execution of the expert works in the area of nature protection Article 134**

The body responsible for the execution of the expert works in the field of nature protection, in accordance with the provisions of this Law, shall perform the works relating to: keeping a cadastre of protected areas, register of natural heritage and records of trade and other activities relating to protected species, monitoring of nature status, and other activities in accordance with the provisions of this Law.

#### **III.2. MANAGEMENT OF PROTECTED AREAS**

##### **Management of protected areas Article 135**

- (1) The management, supervision and protection of protected areas, except for the strict natural reserves and national parks, shall be carried out by entities under conditions and in a manner specified in the act for proclamation and this Law.
- (2) The management, supervision and protection of the strict natural reserves shall be carried out by the body of the public administration responsible for the execution of the works in the field of nature protection in accordance with the provisions of this Law.
- (3) The body of the public administration responsible for the execution of the works in the field of nature protection, may decide to award the execution of the works of management and protection of the strict natural reserve to other body, institution or organisation.
- (4) The management and protection of the national parks shall be carried out by public institutions – National Park in accordance with the provisions of this Law and the act for proclamation of the national park.
- (5) The management and protection of the multipurpose area referred to in article 88, paragraph (2) of this Law, shall be carried out by a Public Enterprise established by the Government of the Republic of Macedonia, in accordance with a law.
- (6) The entities in charge for management of protected area, shall manage integrally the entire territory of the protected area. For the purpose of achieving the integral management, the entities in charge for the management of the protected area, shall conclude agreements

for the regulation of their mutual rights and obligations with the entities performing activities within the protected area, to which the Government of the Republic of Macedonia shall give consent.

- (7) The supervision over the management and the protection of the national parks shall be carried out by the body of the public administration responsible for the execution of the works in the field of nature protection.

### **III.2.1. Management of National Parks**

#### **Public Institution – National Park Article 136**

- (1) The Government of the Republic of Macedonia shall establish public institutions - “National Parks” for the purpose of performing activities related to the management and protection of the national park.
- (2) The founding act of the public institutions shall closely regulate:
1. the manner of performance of the activity of public interest, mutual rights and obligations between the Government of the Republic of Macedonia and the public institution – National Park;
  2. the rights of the public institution;
  3. the conditions providing for continuity in the performance of the activity of public interest;
  4. the conditions for a proper quality performance of the activity of public interest;
  5. the conditions for the fulfillment of all foreseen obligations regardless of the possible occurrence of and impact from any unpredictable circumstances and conditions;
  6. the type of users and the territory on which the activity is performed;
  7. the conditions under which the founder can unilaterally modify the conditions following the establishment for the purpose of achievement and protection of the public interest;
  8. other specific conditions and obligations that the public institutions is obliged to fulfill for the purpose of performing the activity of public interest.

#### **Management of Public Institution – National Park Article 137**

- (1) The management of the public institution National Park shall be based on the principles of expertise and competence, in accordance with law.
- (2) The bodies of the public institution National Park shall include the Management Board, the Director, the expert collegium, and the board for control of the financial operations.

#### **Management Board of the Public Institution – National Park Article 138**

- (1) The body managing the National Park shall be the Managerial Board, consisting of 5 members: 2 representatives of the founder, 1 representative of the municipality on the territory of which the National Park is located, and two representatives of the expert body.
- (2) The members of the Management Board shall be appointed and dismissed by the Government of the Republic of Macedonia.

- (3) The composition, the manner of election of the Management Board members, its mandate and the manner of making decisions shall be regulated by the Statute of the public institution - National Park.
- (4) The function of “member of the Management Board” or “Director” of a National Park shall exclude the execution of any other public office.
- (5) The members of the Management Board shall be paid a compensation for the traveling costs for their participation in the work of the Management Board.

### **Competencies of the Managing Board**

#### **Article 139**

- (1) The Management Board of a National Park shall perform the following activities:
  1. Enactment of the Statute of the public institution - National Park;
  2. Adoption of National Park management plan, as well as other acts of the institution and monitoring of the enforcement thereof;
  3. Election of a President from among its members;
  4. Proposal to the Government of the Republic of Macedonia that the Director be dismissed;
  5. Development of the financial plan and preparation of the balance sheet;
  6. Performance of other activities stipulated by law, by the founding act and by the Statute of the public institution - National Park.
- (2) The Government of the Republic of Macedonia shall give its consent to the Statute of the National Park referred to in paragraph (1) item 1 of this article.

### **Director of the Public Institution – National Park**

#### **Article 140**

- (1) The public institution - “National Park” shall be managed by a Director.
- (2) The Director of the public institution - “National Park” referred to in paragraph (1) of this article shall organize and manage the process of labor and the operation of the national park, make decisions, represent and act for the national park towards third parties, and shall be responsible for the legality of the operations of the national park.

### **Procedure for appointment of a director**

#### **Article 141**

- (1) The Director shall be appointed by the Government of the Republic of Macedonia through a public announcement in accordance with this Law.
- (2) As Director of the public institution - National Park may be appointed a person fulfilling the following conditions:
  1. has completed university level of education and acquired the titles: graduated biologist, graduated biologist-environmentalist, graduated geographer, graduated geologist, graduated forestry engineer, graduated agronomist, doctor of veterinary medicine, bachelor of economics, bachelor of laws; and
  2. has at least 10 years of experience in the field, out of which at least 4 years in the area of nature protection.
- (3) The mandate of the Director shall last 4 years.
- (4) Same person can be re-appointed Director of the public institution - National Park.

### **Board for the control of the financial operations**

## **of the public institution - National Park**

### **Article 142**

- (1) For the purpose of control of financial operations of the public institution - “National Park”, a Board for control of financial operations shall be established, consisting of a President and 3 members.
- (2) The President and the members of the Board referred to in paragraph (1) of this article shall be appointed and dismissed by the Government of the Republic of Macedonia.
- (3) Individuals that are not employed by the public institution National Park, with University level education and with knowledge and experience in the areas of financial operations and accounting shall be eligible to be appointed a President and members of the Board for control of financial operations.
- (4) The President and members of the Board for control of financial operations shall be entitled to daily and travel expenses reimbursement with regard to their participation in the work of the Board.

## **Expert collegium of the Public Institution – National Park**

### **Article 143**

- (1) The public institution - National Park shall have an expert collegium (hereinafter: expert collegium).
- (2) The composition, the manner of organization and the mandate of the expert body shall be specified in the Statute of the public institution - National Park.
- (3) The expert body shall perform the following activities:
  1. Responsible for the expert aspects of the operations of the public institution – National Park;
  2. Decides about the expert issues within the authorizations stipulated by the law, the statute and other acts of the public institution - National Park;
  3. Establishes expert basis for the work programme and its development;
  4. Provides the Director with opinions and suggestions concerning the organization of the work and the conditions for work, as well as for development of the activity;
  5. Proposes the representatives in the management body of the public institution National Park in conformity with the principles of expertise and competence;
  6. Organizes and provides for the implementation of training programmes for the rangers service on the manner of coping with fires and other natural disasters; and
  7. Performs other activities specified by law and by the Statute of the public institution - National Park.

## **Forms of joint execution of certain activities**

### **Article 144**

- (1) In order to perform the activities in a rational manner, the public institutions National Park, upon prior consent by the Government of the Republic of Macedonia, organize various forms of joint activities or put in place institutional or other type of work and cooperation.
- (2) The activities performed by the form organized by the public institutions National Park shall be specified in the agreement for the linkage.
- (3) The form organized by the public institutions National Park shall have the status of a legal entity, unless the linkage agreement specifies otherwise.

### **III.3. NATIONAL COUNCIL FOR NATURE PROTECTION**

#### **Establishment and composition of the National Council for Nature Protection Article 145**

- (1) For the purposes of monitoring, achieving and promoting the protection and the use of natural wealth, a National Council for Nature Protection shall be established, as an advisory body to the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.
- (2) The National Council for Nature Protection shall consist of a President and 8 members appointed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall be, in line of duty, the President of the National Council for Nature Protection.
- (4) The members of the National Council for Nature Protection shall be appointed in conformity with the following structure:
  1. One representative from the association of municipalities;
  2. Two representatives of the Macedonian Academy of Science and Arts;
  3. Four representatives from among prominent scientists and experts in the area of nature protection in the Republic of Macedonia; and
  4. Two representatives of civil associations that are active in the area of nature protection.
- (5) The members of the National Council for Nature Protection may be appointed for a period of 4 years and can be re-appointed.
- (6) The National Council for Nature Protection shall enact Rules of Procedure for its work.

#### **Competencies of the National Council for Nature Protection Article 146**

The National Council for Nature Protection shall issue opinion on:

1. the list of internationally protected and endangered species, the procedure for issuance of the license and the conditions to be fulfilled for it to be issued, as well as the conduct at import, export or transit of protected and endangered wild species by the customs administration and other competent services at border crossings;
2. the conditions for keeping wild species in captivity;
3. the proclamation of endangered species, i.e. the adoption of the list of endangered species (red list) and the measures for improvement of the status of endangered species (red book);
4. the act for putting the endangered species under a temporary protection for which a procedure for proclamation of strictly protected and protected wild species is underway.
5. the proclamation of strictly protected and protected wild species;
6. the conditions, manner and procedure for taking genetic material from the nature;



7. the identification, proclamation, manner of management and measures and activities for protection of the environmentally important areas, ecological network and the system of ecological corridors;
8. the acceptability of the proposal for proclamation of protected area;
9. the enactment of the National strategy for nature protection; and
10. other issues in accordance with this Law.

#### **Execution of administrative works for the Council**

##### **Article 147**

The administrative works of the National Council for Nature Protection shall be carried out by the body of the public administration responsible for the execution of the works in the field of nature protection.

#### **III.4. PERFORMANCE OF EXPERT AND SCIENTIFIC ACTIVITIES FOR NATURE PROTECTION AND MONITORING OF NATURE**

##### **Conditions for awarding the execution of scientific and expert works for nature protection and monitoring of nature**

##### **Article 148**

- (1) The body of the public administration responsible for the execution of the works in the field of nature protection may award the performance of expert and scientific activities for nature protection and monitoring of nature to accredited legal entities.
- (2) The accredited legal entities referred to in paragraph (1) of this article shall have employed or engaged at least 5 persons with higher education, of whom at least one is holder of scientific degree of a doctor of philosophy, with the following titles: graduated biologist, graduated biologist-environmentalist, graduated geographer, graduated geologist, graduated forestry engineer, graduated agronomist, doctor of veterinary medicine.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the conditions regarding the equipment and business premises that need to be fulfilled by the accredited legal entities.

## **IV. RECORD-KEEPING IN THE AREA OF NATURE PROTECTION**

### **IV.1. CADASTRE OF PROTECTED AREAS**

#### **Cadastre of protected areas**

##### **Article 149**

- (1) The protected areas shall be registered in a Cadastre of protected areas.
- (2) The body responsible for the execution of expert works in the field of nature protection shall maintain the Cadastre referred to in paragraph (1) of this article.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the data registered in the Cadastre of protected areas, the manner of maintaining the Cadastre and the form of the Cadastre of protected areas.
- (4) The act referred to in paragraph (3) of this article shall regulate the manner and the possibilities for use of the Cadastre data.
- (5) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall determine the tariff for the use and issue of abstracts of the Cadastre of protected areas.
- (6) The data from the Cadastre of protected areas shall be part of the Environmental Information System.

### **IV.2. REGISTER OF NATURAL HERITAGE**

#### **Register of natural heritage**

##### **Article 150**

- (1) The strictly protected and protected species, fossils and characteristic minerals shall be registered in a Register of natural heritage.
- (2) The body responsible for the execution of expert works in the field of nature protection shall maintain the Register referred to in paragraph (1) of this article.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall, by means of a special regulation, prescribe the data that shall be registered in the Register of natural heritage, the manner of maintaining and the form of the Register of natural heritage.
- (4) The act referred to in paragraph (3) of this article shall also regulate the possibilities of the use of the Register data.
- (5) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall determine the tariff for the use and issuance of abstracts of the Register of natural heritage.
- (6) The data from the Register of natural heritage shall be part of the Environmental Information System.

#### **Matriculation in the register**

##### **Article 151**

- (1) The strictly protected and the protected species, the characteristic minerals and fossils or the speleological structures that acquire the status of natural heritage shall be matriculated in the Register of natural heritage.
- (2) The data on the specimens and the collections of the zoological gardens, botanical gardens, the scientific and other similar institutions shall be matriculated in the Register of protected species as whole, according to the Inventory of items i.e. collections included in the application submitted by the relevant institution to the body responsible for the execution of expert works in the field of nature protection.
- (3) The acquisition and the change in the status of the natural heritage shall be matriculated in the Register of natural heritage.
- (4) The abolition of the status of a natural heritage shall result into deletion of the species from the Register.

#### **IV.3. RECORDS ON THE TRADE AND OTHER ACTIVITIES WITH PROTECTED SPECIES**

##### **Records on the trade and other activities with protected species Article 152**

- (1) Records shall be kept on the trade and other activities with protected species.
- (2) The body responsible for the execution of expert works in the field of nature protection shall keep the records referred to in paragraph (1) of this article.
- (3) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall, by means of a special regulation, prescribe the data that shall be recorded in the records on trade and other activities involving protected species, the manner of keeping the records and the form of the records on trade and other activities with protected species.
- (7) The act referred to in paragraph (3) of this article shall also regulate the possibilities for use of the records on trade and other activities with protected species.
- (4) The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall determine the tariff for the use and issuance of abstracts of the records on trade and other activities with protected species.
- (5) The data from the records on trade and other activities with protected species shall be part of the Environmental Information System.

#### **IV.4. SUBMISSION OF INFORMATION FOR THE DATA FROM THE RECORDS ON NATURE PROTECTION TO THE ENVIRONMENTAL INFORMATION SYSTEM**

##### **Submission of information on the data from the record-keeping Article 153**

The Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall prescribe the manner, procedure and the form for submission of data from the Cadastre of Natural Heritage, Register of Natural Heritage and the Records kept on the trade and other activities involving protected species to the Environmental Information System.

## V. MONITORING

### **Monitoring of nature status**

#### **Article 154**

- (1) The body responsible for the execution of expert works in the field of nature protection shall monitor and organize the monitoring of the status of nature in accordance with the methodology for monitoring of the status of nature.
- (2) The methodology for monitoring of the status of nature shall be prescribed by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection at the proposal of the body of the public administration responsible for the execution of the works in the field of nature protection.
- (3) Monitoring of the nature protection can be performed by accredited legal entities, which fulfill the conditions prescribed with the provisions of this Law.
- (4) The monitoring of the status of nature protection shall be performed through:
  1. Measuring, monitoring, assessment and control of the status of the species, their habitats, types of habitats, environmentally important areas, ecosystems and landscape types;
  2. Measuring, monitoring, assessment and control of the change in geological values (occurrences of sheds, erosion, new sources etc.), which includes the development of special geological maps as basis for conducting further explorations and monitoring; and
  3. Monitoring of the status of natural heritage.
- (5) The monitoring data shall be public, except for the cases determined by law.

### **Access to information concerning nature protection and access to justice with reference to access to information on nature protection**

#### **Article 155**

Access to information concerning nature protection and access to justice with reference to access to information on nature protection shall be provided for in accordance with the Law on Environment.

### **Public participation in decision-making in the area of nature protection**

#### **Article 156**

- (1) Public participation in the preparation of the regulations and documents deriving from the provisions of this Law shall be ensured, and especially with regard to: the acts for proclamation of protected area, the plans for protected areas management, the plans and projects for use of the natural wealth that have an impact on the nature.
- (2) The public shall be notified by means of a public announcement or by individual notification to all stakeholders about the act or activity that could have an impact on the status of nature.
- (3) The notification of the public shall be obligatory in the cases prescribed by this Law.

### **Education activities for nature protection**

#### **Article 157**

- (1) The Republic of Macedonia shall be obliged to provide favorable conditions for implementation of educational activities related to nature protection at all levels of the educational system.
- (2) The educational activities related to nature protection shall be implemented through performance of activities of ex-situ protection, such as museum-related activity, activities of zoological gardens, aquariums and other institutions..

#### **Activities for public information on nature protection**

##### **Article 158**

- (1) The bodies, institutions, institutes and organizations competent for the execution of administrative, expert and other works in the field of nature protection, in accordance with the provisions of this or other law, shall inform the public on nature protection and nature conservation through the media, lectures, and publishing activities, as well as to notify the public about the existence of natural heritage and the possibility to visit it for the purposes of education, seeing around and recreation.
- (2) The public institution - National Park, as well as institutions involved in museum, educational and scientific and expert activity shall train staff for the purpose of performing the activities provided for in paragraph (1) of this article.

## **VI. NATIONAL STRATEGY FOR NATURE PROTECTION**

### **Adoption of a National Strategy for Nature Protection**

#### **Article 159**

- (1) The Government of the Republic of Macedonia, at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, and upon prior opinion issued by the National Council for Nature Protection, shall adopt a National Strategy for Nature Protection.
- (2) The National Strategy for Nature Protection shall be adopted for a period of 10 years, and shall include long-term foundations of the policy of nature protection.
- (3) The National Strategy for Nature Protection shall be adopted through a procedure that provides public participation in the decision-making.
- (4) The strategies for protection and use of the natural wealth and natural heritage shall be harmonized with the National Strategy for Nature Protection.
- (5) The funds for the development of the National Strategy for Nature Protection shall be provided from the Budget of the Republic of Macedonia.

### **Implementation of the National Strategy for Nature Protection**

#### **Article 160**

- (1) Within the National Strategy for Nature Protection, for the purpose of its full implementation, five year plans and annual programmes for nature protection shall be adopted.
- (2) The five year plans for nature protection shall be adopted by the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection, through a procedure providing for the public participation in the decision-making process, and upon prior obtained opinion issued by the National Council for Nature Protection.
- (3) The annual programmes for nature protection shall be adopted by the body responsible for the execution of the expert works in the field of nature protection, through a procedure providing for the public participation in the decision-making process, and upon prior consent issued by the body of the public administration responsible for the execution of the works in the field of nature protection.

## VII. FINANCING

### **Finances for nature protection**

#### **Article 161**

Finances for nature protection shall be provided from:

1. the Budget of the Republic of Macedonia;
2. compensation for entry into and visit of protected area;
3. compensation for parking in protected area;
4. compensation for visiting of special objects in protected area;
5. compensation for shooting of wild animal species and collection of wild plant and fungi species and other forest fruits;
6. compensation for stay in protected area; and
7. other sources (donations, grants, loans, gifts, legates and etc.).

### **Funds from the Budget of the Republic of Macedonia**

#### **Article 162**

- (1) The Budget of the Republic of Macedonia shall allocate funds for the protection on nature according to a programme adopted by the Minister responsible for the execution of the works in the field of nature protection.
- (2) The funds referred to in paragraph (1) of this article shall be used for the implementation of the goals set in the National Strategy for Nature Protection, for the preparation and implementation of the plans and programmes for nature protection, the management plans for protected areas, as well as other plans and programmes adopted on the basis of this Law.

### **Persons under obligation to pay the compensation**

#### **Article 163**

- (1) Persons under obligation to pay the compensation for entry into and visit of protected area shall be all legal entities and individuals who for the purpose of public visit, scientific and research, pedagogic and educational and tourism and recreational activities enter the protected area.
- (2) Persons under obligation to pay the compensation for parking in protected area shall be all legal entities and individuals who for the purpose of public visit, scientific and research, pedagogic and educational and tourism and recreational activities enter the protected area, as well as the entities that for the purpose of execution of their normal every day work transit through the protected area.
- (3) Persons under obligation to pay the compensation for visit of special objects in protected area shall be all legal entities and individuals who for the purpose of public visit, scientific and research, pedagogic and educational and tourism and recreational activities enter the special object in the protected area.
- (4) Persons under obligation to pay the compensation for shooting of wild animal species and collection of wild plant and fungi species and other forest fruits shall be all legal entities and individuals that collect wild species in protected area, i.e. nature on the territory of the Republic of Macedonia.
- (5) Persons under obligation to pay the compensation for stay in protected area shall be individuals that stay in protected areas.

## **Obligation to pay the compensation**

### **Article 164**

- (1) The obligation to pay the compensation for entry into and visit of protected area is due at the moment of entry in the territory of the protected area.
- (2) The obligation to pay the compensation for parking in protected area is due at the moment of entry in the territory of the protected area.
- (3) The obligation to pay the compensation for visit of special objects in the protected area is due at the entry in the special object on the territory of the protected area.
- (4) The obligation to pay the compensation for shooting of wild animal species and collection of wild plant and fungi species and other forest fruits is due at the day of the issuing of the license referred to in article 23 of this Law.
- (5) The obligation to pay the compensation for stay in protected area is due at the day of the stay registration at the entity performing the catering service of accommodation in protected area, and shall be paid each fifteenth day of the month, by individuals and legal entities performing catering service of accommodation on the territory of protected area.

## **Distribution of paid compensation**

### **Article 165**

- (1) The funds collected as paid compensation referred to in article 161, items 2, 3 and 4, of this Law, shall be revenue of the Budget of the Republic of Macedonia, and shall be used for the execution of the works of nature management and protection in the protected area in which they have been collected.
- (2) The funds collected as paid compensation referred to in article 161, item 5, of this Law, shall be revenue of the Budget of the Republic of Macedonia, and shall be used for the execution of the works of nature management and protection in accordance with the programme referred to in article 162, paragraph (1) of this Law.
- (3) The funds collected as paid compensation referred to in article 161, item 6, of this Law, shall be revenue of the Budget of the Republic of Macedonia, and shall be used in the following manner:
  1. 80 % of the total amount of the collected compensation for stay in protected area, from the current year, for the execution of the works of nature management and protection in the protected area in which it has been collected;
  2. 20 % of the total amount of the collected compensation for stay in protected area, from the current year, for the execution of the works of nature management and protection in accordance with the programme referred to in article 162, paragraph (1) of this Law.

## **Setting the level of the compensation**

### **Article 166**

- (1) The Government of the Republic of Macedonia at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the level of the compensation referred to in article 161, items 2, 3 and 4, of this Law.
- (2) The Government of the Republic of Macedonia at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the level of the compensation referred to in article 161, item 5, of this Law, based on the following criteria:
  1. Species, number and weight of shot wild animal species; or



2. Species and quantity of collected wild species plants and fungi and other forest fruits.
- (3) The Government of the Republic of Macedonia at the proposal of the Minister managing the body of the public administration responsible for the execution of the works in the field of nature protection shall specify the level of the compensation referred to in article 161, item 6, of this Law, based on the following criteria:
1. Category of protected area in which the catering service of accommodation is performed; and
  2. Type and category of the facility in which the catering service of accommodation is performed.

**Authorized entities for the compensation collection**

**Article 167**

- (1) The collection of the funds from the compensation referred to in article 161, items 2, 3 and 4, of this Law shall be carried out by the entities responsible for the execution of the works of protected areas management.
- (2) The collection of the funds from the compensation referred to in article 161, item 5, of this Law shall be carried out by the body competent for the issuance of the license referred to in article 23 of this Law.
- (3) The collection of the funds from the compensation referred to in article 161, item 6, of this Law shall be carried out by the body of the public administration responsible for the execution of the works in the field of public finance – Public Revenue Office.

## **VIII. SUPERVISION**

### **VIII.1. SUPERVISION OVER THE APPLICATION**

#### **Supervision over the application**

##### **Article 168**

The supervision over the application of this Law and regulations adopted on the basis of this Law shall be performed by the body of the public administration responsible for the execution of the works in the field of nature protection.

### **VIII.2. INSPECTION SUPERVISION**

#### **Inspectors for nature protection**

##### **Article 169**

- (1) The inspection supervision over the enforcement of this Law and regulations adopted on the basis of this Law shall be carried out by the State Inspectorate for Environment, through inspectors for nature protection.
- (2) The inspectors for nature protection when performing the activities for the execution of the inspection supervision may ask for cooperation with the representatives of the body of the public administration responsible for the execution of the works in the field of interior.

#### **Persons eligible for appointment as inspectors**

##### **Article 170**

Inspectors for nature protection can be appointed persons that fulfill the following conditions:

- a. completed university education and acquired title of: graduated biologist, graduated biologist-environmentalist, graduated geographer, graduated geologist, graduated forestry engineer, graduated agronomist, graduated horticulture engineer and doctor of veterinary medicine;
- b. At least 3 years working experience in the field.

#### **Rights and duties of the inspectors**

##### **Article 171**

The inspectors for nature protection shall have right and duty when carrying out inspection supervision in accordance with the provisions of this Law, to inspect the natural heritage, as well as other natural wealth that enjoys protection, in accordance with this Law, the relevant documentation, working papers, business premises and equipment.

#### **Responsibilities of inspectors**

##### **Article 172**

During the supervision of the application of the measures for nature protection, the Inspectors for nature protection shall be authorized to determine:

1. The state of nature conservation;
2. Use and utilization of the natural heritage and natural wealth;
3. Application of the conditions and measures for nature protection, specified in this Law, as well as in other regulations adopted on the basis of this Law;

4. Implementation of the spatial and urban plans and the plans for natural heritage use with regard to the measures and conditions for nature protection;
5. Implementation of the Management Plans and the Programmes for the natural wealth protection, conservation and use;
6. Performance of activities that may cause changes and damages of the natural heritage or the natural wealth;
7. Carrying out of direct protection, conservation and use of the natural wealth;
8. Carrying out of measures for protection of the protected plant, fungi and animal species and other natural wealth;
9. Export, import and transit of plants, fungi and animals limited or prohibited by this Law;
10. Introduction and reintroduction of wild species in the nature;
11. Public information on the state of nature conservation;
12. Application of other prescribed measures and conditions for nature protection defined by this Law, or by the regulations provided for on the basis of this Law.

### **Authorizations of inspectors**

#### **Article 173**

During the performance of the activities, the Inspectors for nature protection shall, in accordance with the provisions of the Law, be authorized to:

1. Prohibit collection of protected plant and fungi species and their parts;
2. Prohibit chasing, capturing, breeding, hunting and stuffing protected animals and their development forms;
3. Collect mandatory fine;
4. Prohibit removal of nests and broods of protected wild species;
5. Prohibit introduction and reintroduction;
6. Prohibit trade in the natural wealth;
7. Prohibit trade in specimen of plant, fungi and animal species protected on the basis of international agreements ratified by the Republic of Macedonia;
8. Prohibit import, export and transit of the natural wealth;
9. Prohibit scientific research in the protected areas; and
10. Prohibit scientific research concerning certain protected species;
11. Repose samples from plant, fungi and animal species, their parts and derivatives and products of such species that are subject of a crime or misdemeanor.

### **Procedure for inspection supervision**

#### **Article 174**

The Inspectors for nature protection shall manage the procedure of inspection supervision in accordance with the provisions of the Law on Environment.

## **IX. PENALTY PROVISIONS**

### **IX.1. CRIMES AGAINST NATURE**

#### **Extermination of indigenous wild specie**

##### **Article 175**

- (1) Anyone that shall, non-compliant to the provisions of this Law, undertake activities to shoot, cut, dig or in any other way destroy specimen or populations of indigenous wild species, and thus cause extermination of the indigenous wild species at the territory of the Republic of Macedonia,

shall be sentenced for a criminal act extermination of indigenous wild species with imprisonment, for a duration of one to three years.

- (2) In case of the actions referred to in paragraph (1) of this article by which the doer thereof causes endangerment of extermination of the indigenous wild species at the territory of the Republic of Macedonia,

He/she shall be sentenced with imprisonment for a duration of six months to one year.

#### **Introduction of wild species in nature**

##### **Article 176**

- (1) Anyone that shall, contrary to the provisions of this Law and regulations adopted on the basis of this Law, carry out introduction of wild species in nature at the territory of the Republic of Macedonia without a license,

shall be sentenced for a criminal act introduction of wild species in nature with imprisonment, for a duration of six months to one year.

- (2) In case of the actions referred to in paragraph (1) of this article by which the doer thereof has caused serious disturbing in the natural balance, or disturbing of the biological diversity of the Republic of Macedonia, he/she shall be sentenced for with imprisonment, for a duration of one to three years.

- (3) If the action referred to in paragraph (1) of this article has been carried out by not complying to the measures for preventive protection when carrying out certain activities, the doer

shall be fined from 150.000,00 to 250.000,00 denars, or shall be sentenced with imprisonment,

for a duration from six months to one year.

- (4) The one who prepares the actions referred to in paragraph 1 of this article shall be fined from 100.000,00 to 150.000,00 denars.

#### **Reintroduction of wild species in nature**

##### **Article 177**

Anyone that shall, contrary to the provisions of this Law and the regulations adopted on the basis of this Law, carry out re-introduction of wild species in nature at the territory of the Republic of Macedonia without a license,

shall be fined for a criminal act re-introduction of wild species in nature from 50.000,00 up to 100.000,00 denars, or shall be sentenced with imprisonment, for a duration from six months to one year.

### **Unauthorized taking and use of genetic and biological material**

#### **Article 178**

- (1) Anyone that shall, contrary to the provisions of this Law, take or use genetic and biological material,  
shall be fined for a criminal act unauthorized taking or use of genetic and biological material from 150.000,00 up to 250.000,00 denars, or shall be sentenced with imprisonment, for a duration one to three years.
- (2) The same punishment shall apply for the doer of the act referred to in paragraph 1 of this article taking genetic and biological material for the purpose of its storing and further treating.

### **Unauthorized damage and destruction of speleological structures**

#### **Article 179**

- Anyone that shall, contrary to the provisions of this Law, undertake activities that may damage or destroy the speleological structures, as well as activities resulting in taking away of cave decorations, underground living world, paleontological and archeological findings from the speleological structures,
- shall be fined for a criminal act unauthorized damage and destruction of speleological structures from 150.000,00 to 250.000,00 denars, or shall be sentenced with imprisonment, for a duration from six months to one year.

### **Damage and destruction of finds of minerals and fossils**

#### **Article 180**

- Anyone that shall, contrary to the provisions of this Law, undertake activities that may damage or destroy finds of minerals or fossils,
- shall be fined for a criminal act damage and destruction of minerals and fossils find from 100.000,00 to 150.000,00 denars or sentenced with imprisonment, for a duration from six months up to one year.

## **IX.2. OFFENCES**

#### **Article 181**

- (1) A fine of 200.000 denars to 300.000 denars shall be imposed for an offence upon the legal entity if it:
  1. undertakes activities involving use of natural resources whose use has been limited or forbidden (Article 14);
  2. undertakes activities involving use of natural resources in a scope that is not in accordance with the limitation prescribed by the Minister of Environment and Physical Planning (Article 14);
  3. introduces into trade specimens without license (Article 30);
  4. introduces into trade specimens with false, forged or license that is void (Article 30);
  5. introduces into trade specimens with false, falsified or non-valid license (Article 30);
  6. transports live specimens that have not been prepared in a manner to minimize the risk of injury, health damage or cruel treatment (Article 31);
  7. uses samples that have been introduced into trade for different purposes than the ones stated in the license (Article 31);

8. keeps indigenous wild species in captivity (Article 32);
9. keeps alochthonous wild species that may be dangerous for human life and health (Article 32);
10. keeps alochthonous and indigenous wild species in captivity for the purposes of public exposure, scientific, educational or commercial purposes, in zoological gardens, aquariums, terrariums or similar structures without a license (Article 33);
11. undertakes activities of cutting or uprooting or otherwise destructing the strictly protected plants and fungi (Article 38, paragraph 1);
12. undertakes activities of intentional capture, keeping and shooting the strictly protected animals (Article 38, paragraph 2, item 1);
13. undertakes activities that may result in damaging or destruction of the development forms of strictly protected animals (Article 38, paragraph 2, item 2);
14. undertakes activities that may result in damaging or destruction of nests, broods, habitats and parts of habitats of strictly protected animal species (Article 38, paragraph 2, item 2 );
15. undertakes activities involving deliberate disturbance of strictly protected animal species (Article 38, paragraph 2, item 3);
16. undertakes activities involving deliberate disturbance of strictly protected animal species during the period of reproduction, raising of the young ones, migration or hibernation (Article 38, paragraph 2, item 3);
17. undertakes activities that may result in destruction or taking eggs from the nature or keeping deaf eggs of strictly protected animal species (Article 38, paragraph 2, item 4);
18. hides, keeps, raises, sells, buys and transfers or in any other way acquires and stuffes strictly protected animal species (Article 38, paragraph 2, item 5);
19. uses protected wild species in a manner and in scope that endangers their favourable conservation status (Article 42);
20. uses unselective devices for capturing or shooting protected wild animal species, as well as devices that could cause local disappearance or serious disturbance of the populations (Article 43);
21. undertakes activities of structures building near the natural springs, along the coast of the natural water flows and artificial lakes, as well as the flooding plains of the water flows, contrary to the provisions of this Law (Article 58);
22. undertakes activities for use of the natural wealth near the natural springs, along the coast of the natural water flows, the coastal land of the natural or artificial lakes, as well as the flooding plains of the water flows contrary to the provisions of this Law (Article 58);
23. conducts fishing and other use on parts of water habitats contrary to the prescribed temporary or permanent restriction (Article 59);
24. organizes unauthorized study visits for the purpose of conducting a scientific research (Article 71, paragraph 1, item 2);
25. organizes unauthorized movement of people outside designated paths for not allowed purposes within the strict natural reserve (Article 71, paragraph 1, item 3);
26. sets fire within the strict natural reserve (Article 71, paragraph 1, item 4);

27. collects seeds and seed material, wild plants, fungi and animals for scientific research without a license (Article 71, paragraph 1, item 5);
28. collects seeds and seed material, wild plants, fungi and animals for renewal of the populations in another area, without a license (Article 71, paragraph 1, item 5);
29. collects seeds and seed material, wild plants, fungi and animals for renewal of populations in another area in a manner and in the period that may cause degradation of the ecosystem without a license (Article 71, paragraph 1, item 5);
30. undertakes activities that endanger the authenticity of the nature in the national park (Article 75, paragraph 1);
31. lights fire on the territory of national park in places which are not determined as places for lighting fire by the plan for management of national park (Article 75, paragraph 1);
32. performs tourist and recreation activities, as well as extensive agriculture and fishing in a manner that endangers the survival of the species and their natural balance (Article 75, paragraph 2);
33. undertakes activities that endanger the features and values, owing to which they have been proclaimed Natural Monuments (Article 76);
34. undertakes activities involving inappropriate use of the land in the Nature Park (Article 82);
35. undertakes activities of inappropriate character and intensity that could destroy the characteristics, owing to which the area has been proclaimed Nature Park (Article 82);
36. uses or arranges a speleological structure or part of it without a license (Article 124, paragraph 1, item 1);
37. closes the entry or some part of the cave, without a license (Article 124, paragraph 1, item 2);
38. performs construction, renewal or rehabilitation of any underground structures without a license (Article 124, paragraph 1, item 2);
39. explores or carries out experiments in speleological structures without a license (Article 124, paragraph 1, item 3);
40. collects plants, fungi or takes away animals from speleological structures or part thereof without a license (Article 124, paragraph 1, item 3);
41. undertakes activities to close the entry, prevent the use or other activities that might endanger or damage the speleological structure located on the property of private owner (Article 126, paragraph 1);
42. when undertaking activities or construction of public interest fails to undertake all the necessary measures and activities for protection of finds of minerals and fossils (Article 127, paragraph 2);
43. takes in an unallowed manner from the nature minerals and fossils that have acquired the status of natural heritage or that are located in protected area (Article 130);

(2) With regard to the offences referred to in paragraph 1 of this Article, a fine of 30.000,00 to 50.000,00 denars shall be imposed upon an individual as well.

(3) With regard to the offences referred to in paragraph 1 of this Article, a fine of 30.000,00 to 50.000,00 denars shall be imposed upon the responsible person in the legal entity as well.

- (4) With regard to the offences referred to in paragraph 1, items 1, 11, 12, 13, 14, 15, 16, 17, 18, 23, 26, 31, 36, 37 of this article, a sentence of imprisonment shall be imposed upon individual.
- (5) With regard to the offences referred to in paragraph 1, items 11, 12, 13, 14, 15, 16, 17, 18, 23, 26, 31, 36, 37 of this article, a safety measure Prohibition of execution of duty or activity for a period of six months to one year shall be imposed upon the responsible person in the legal entity as well.
- (6) With regard to the offences referred to in paragraph 1, items 3, 4, 5, 6, 7, 8, 9, 10, 20, 21, 22, 27, 28, 29, 40 and 41 of this article, a safety measure expropriation of objects shall be imposed upon the legal entity as well.
- (7) With regard to the offences referred to in paragraph 1, items 3, 4, 5, 6, 7, 8, 9, 10, 20, 21, 22, 27, 28, 29, 40 and 41 of this article, a safety measure expropriation of objects shall be imposed upon an individual as well.

### **Article 182**

- (1) A fine of 100.000 denars to 200.000 denars shall for an offence be imposed upon the legal entity if it:
1. prevents a free passage of other persons and other use of his/her land for the purpose of implementation of the anticipated measures and activities for nature protection (Article 8);
  2. organizes movement of motor vehicles or drives motor vehicles in the nature except for the settlements and all types of roads, regulated tracks and test ranges for driving (Article 10);
  3. changes the use of the land of his/her property without a license (Article 11);
  4. undertakes activities to use the nature in a way that causes damage or destruction of the biological diversity (Article 12, item 1);
  5. undertakes activities to use the nature in a way that causes degradation of the soil and loss of its fertility (Article 12, item 2);
  6. undertakes activities to use the nature in a way that causes damage on the surface or underground geo-morphological formations (Article 13, item 3);
  7. uses forbidden plant protection chemicals (Article 13);
  8. fails to undertake activities for implementation of the determined compensation measures (Article 19);
  9. undertakes activities of gathering endangered, rare, endemic and relict species of plants, fungi and their parts without a license (Article 23);
  10. undertakes activities for capturing or shooting animals without a license (Article 23);
  11. conducts scientific research in nature at the territory of the Republic of Macedonia without a license (Article 24);
  12. conducts scientific research in nature, on the territory of the national park without prior notification (Article 24);
  13. fails to report to the Ministry of Environment and Physical Planning for the obtained results of the performed research (Article 24);
  14. fails to report dead, sick and hurt units from the strictly protected animal species to the Ministry of Environment and Physical Planning (Article 40);



15. partitions the water flows or reduce the quantity of water below the biological minimum, dry or encumber the springs, swamps and other wetlands (Article 56);
  16. undertakes activities to manage and use pastures and grassland areas in a non-traditional way (Article 60);
  17. during arondation destroys or damages boundary habitats (Article 61);
  18. fails to preserve or take care of the natural heritage that is in his/her property (Article 113);
  19. fails to allow research or monitoring of the natural heritage located on the property of private owner for which a license has been obtained (Article 115);
  20. during exploration and exploitation of mineral resources or other activities that might cause change of the landscape, fails to remove or decrease as much as possible the harmful effects on the landscape (Article 121);
  21. organizes shooting of films or taking of photographs with electronic equipment in the speleological structure without a license (Article 124, paragraph 1, item 4);
  22. undertakes activities that could have an impact in whatever way on the fundamental characteristics, conditions and natural flora and fauna in the speleological structure or in its above-ground protected area. (Article 124, paragraph 1, item 5);
  23. fails to allow access and seeing around the speleological structure, located on the property of the private owner, for allowed purposes (Article 126); and
  24. fails to report the discovery of minerals and fossils that represent a natural heritage (Article 131);
- (2) With regard to the offences referred to in paragraph 1 of this article, a fine of 10.000 to 30.000 denars shall be imposed upon the individual as well.
  - (3) With regard to the offences referred to in paragraph 1 of this Article, a fine of 10.000 to 30.000 denars shall be imposed upon the responsible person in the legal entity as well.
  - (4) With regard to the offences referred to in paragraph 1, items 4, 5, 6, 9, 10, 16 and 20 of this article, a safety measure Prohibition of execution of duty shall be imposed upon the responsible person in the legal entity.
  - (5) With regard to the offences referred to under paragraph 1, items 2, 7, 9, 10, 11, 12 and 21 of this article, a safety measure expropriation of objects shall be imposed upon the legal entity.
  - (6) With regard to the offences referred to in paragraph 1, items 2, 7, 9, 10, 11, 12 and 21 of this article, a safety measure expropriation of objects shall be imposed upon the individual.

### **Article 183**

- (1) A mandatory fine up to 100.000 denars shall for an offence be imposed upon the legal entity if it:
  1. prevents a free passage of other persons and other use of his/her land for the purpose of implementation of the anticipated measures and activities for nature protection (Article 8);
  2. organizes movement of motor vehicles or drives motor vehicles in the nature except for the settlements and all types of roads, regulated tracks and test ranges for driving (Article 10);

3. undertakes activities involving use of the natural resources whose use has been forbidden (Article 14);
4. undertakes activities involving use of the natural resources in a scope that is not in accordance with the limitation prescribed by the Minister of Environment and Physical Planning (Article 14);
5. conducts scientific research at the territory of the National Park without a license (Article 24);
6. fails to report to the Ministry of Environment and Physical Planning on the obtained results of the performed research (Article 24);
7. uses unselective devices for capturing or shooting protected animals, as well as devices that could cause local disappearance of the populations of those species (Article 43);
8. organizes study visits for the purpose of conducting a scientific research without a license (Article 71, paragraph 1, item 3);
9. organizes movement of people outside designated paths for not allowed purposes within the strict natural reserve without a license (Article 71, paragraph 1, item 3);
10. lights fire within the strict natural reserve (Article 71, paragraph 1, item 4);
11. collects seeds and seed material, wild plants, fungi and animals for scientific research without a license (Article 71, paragraph 1, item 5);
12. collects seeds and seed material, wild plants, fungi and animals for renewal of the populations in another area, without a license (Article 71, paragraph 1, item 5);
13. collects seeds and seed material, wild plants, fungi and animals for renewal of populations in another area in a manner and in the period that may cause degradation of the ecosystem without a license (Article 71, paragraph 1, item 5);
14. undertakes activities that endanger the authenticity of the nature in the national park (Article 75, paragraph 1);
15. lights fire on the territory of national park in places which are not determined as places for lighting fire by the plan for management of national park (Article 75, paragraph 1);
16. performs tourist and recreation activities, as well as extensive agriculture and fishing in a manner that endanger the survival of the species and their natural balance (Article 75, paragraph 2);
17. undertakes activities that might endanger the features and values, owing to which they have been proclaimed Natural Monuments (Article 76);
18. undertakes activities involving inappropriate use of the land in the Nature Park (Article 82);
19. undertakes activities of inappropriate character and intensity that might destroy the characteristics, owing to which the area has been proclaimed Nature Park (Article 82);
20. fails to preserve or take care of the natural heritage that is in his/her property (Article 113);
21. prevents research or monitoring of the natural heritage located on the property of private owner for which a license has been obtained (Article 115);
22. uses or arranges a speleological structure or part of it without a license (Article 124, paragraph 1, item 1);
23. closes the entry or some part of the cave, without a license (Article 124, paragraph 1, item 2);
24. performs construction, renewal or rehabilitation of any underground structures without a license (Article 124, paragraph 1, item 2);

25. explores or carries out experiments in the speleological structures without a license (Article 124, paragraph 1, item 3);
26. collects plants, fungi or takes away animals from the speleological structures or part thereof without a license (Article 124, paragraph 1, item 3);
27. organizes shooting films or taking photographs with electronic equipment in the speleological structure without a license (Article 124, paragraph 1, item 4);
28. undertakes activities that could have an impact in whatever way on the fundamental characteristics, conditions and natural flora and fauna in the speleological structure or in its above-ground protected area. (Article 124, paragraph 1, item 5);

(2) With regard to the actions referred to in item 1 of this Article, a mandatory fine up to 10.000 denars shall be imposed for an offence upon an individual as well.

## **X. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 184**

- (1) The protected areas that have been under protection before the commencement of the application of this Law, as natural rarities, shall continue to enjoy the protection as protected areas in accordance with the provisions of this Law.
- (2) With regard to the Decisions for putting under temporary protection adopted before the commencement of the application of this Law, the term referred to in article 97 of this Law, shall start from the moment of the commencement of the application of this Law.

### **Article 185**

- (1) The institutions for nature protection the establishment of which is provided according to this Law, shall be established within the term of 6 months from the date of the commencement of the application of this Law.
- (2) With the establishment of the institutions referred to in paragraph 1 of this article and their matriculation in the register, the existing organizations of associated labor "Administration of national park" shall cease the work and be deleted from the register.
- (3) From the date of matriculation into the register and the start of work of the institutions, in accordance with this Law, the new established institutions overtake the premises and the technical equipment, and the employees of the existing entities in accordance with the acts for the internal organization and systematization of the works and duties.
- (4) The Public Enterprise referred to in article 135, paragraph 5, of this Law, shall be established within the term of one month from the date of the commencement of the application of this Law.

### **Article 186**

- (1) With the date of the commencement of the application of this Law, the Administration of National parks and Hunting sites shall be deleted from the register. The body of the public administration responsible for the execution of the works in the field of nature protection shall overtake the means, the premises and the equipment of the Administration of National parks and Hunting sites, and the employees in accordance with the acts for the internal organization and systematization of the works and duties.
- (2) With the date of the commencement of the application of this Law, the competencies related to the economic management of hunting sites shall be transferred for performing to the body of the public administration responsible for the execution of the works in the field of agriculture, forestry and water economy.
- (3) The means, premises and equipment of the Administration of the Forest Reserve "Jasen" as an Basic Organisation of Associated Labor to the Administration of National parks and Hunting sites, shall be overtaken by the Public Enterprise, referred to in article 135, paragraph 5, of this Law, and the employees in accordance with the acts of internal organization and systematization of the works and duties.

### **Article 187**

- (1) Within 3 years after the date of the commencement of the application of this Law, the body responsible for the execution of the expert works in the field of nature protection

shall revalorize the protected areas that have been under protection since before the enactment of this Law, and shall draft new acts of proclamation in accordance with the provisions of this Law.

- (2) Untill the adoption of the Management Plans, the entities entitled for the works of management of protected area, shall adopt acts that contain the basis of the plan, for temporary regulation of the management.

#### **Article 188**

- (1) The adoption of the regulations provided for by this Law shall be done within 1 year from the date of the commencement of the application of this Law.
- (2) Untill the adoption of the regulations provided for by this Law, the existing acts shall be applied.
- (3) The list of endangered species (red list) and the measures for the promotion of their conservation status (red book) referred to in article 34 of this Law shall be adopted within 3 years from the date of the commencement of the application of this Law.
- (4) The National Strategy for Nature Protection referred to in article 159 of this Law shall be adopted within 5 years from the date of the commencement of the application of this Law.

#### **Article 189**

- (1) The strategies, programmes and plans that referre to the development of certain sectors of economic and social activities, shall be harmonized with the provisions of this Law within 3 years from the date of the commencement of the application of this Law.
- (2) Within the term referred to in paragraph 1, of this article, the Spatial Plan of the Republic of Macedonia and the separate spatial plans shall be harmonized with the provisions of this Law.

#### **Article 190**

- (1) Within 1 year from the date of the commencement of the application of this Law, all the entities performing activities on the territory of protected area on the basis of license shall harmonize their activities with the provisions of this Law and shall conclude the agreements for the regulation of the mutual rights, duties and obligations, referred to in article 135, paragraph 4, of this Law, with the entity which in accordance with the provision of this Law and the act for proclamation of shall be responsible for the execution of the works of management of the protected area.
- (2) The entities referred to in paragraph 1, of this article, that perform activities on the territory of the protected area and fail to harmonize their activities with the provisions of this Law, shall have their license for activity performance withdrawn.

#### **Article 191**

On the date of the commencement of the application of this Law , the following laws shall cease to apply: the Law on the Protection of Natural Rarities (Official Gazette of the Republic of Macedonia number: 41/73; 42/76; 10/90; 62/93) and the Law on the Protection of National Parks (Official Gazette of the Republic of Macedonia number: 33/80; 10/90; 62/93).

#### **Article 192**

The Law on the Protection of the Ohrid, Prespa and Doyran Lake shall cease to apply within the term referred to in article 187, paragraph 1, of this Law, and not later than the adoption of the act for their proclamation for protected areas.

#### **Article 193**

- (1) On the day of the commencement of the application of this Law, the following provisions from the articles: 4, 11, 12, 15, 16, 17 and 55 of the Law on Hunting shall be abolished.
- (2) On the day of the commencement of the application of this Law, the following provisions from the articles: 34, 40 and 44 of the Law on Fishery shall be abolished.
- (3) On the day of the commencement of the application of this Law, the article 15, paragraph 2 of the Law on Forests shall be abolished.

#### **Article 194**

This Law shall enter into force on the eighth day as of the day of its publication in the "Official Gazette of RM", and shall apply as of the day of constitution of the Councils of the Municipalities and of the City of Skopje and the election of Mayors of the Municipalities and of the City of Skopje, following the completion of the first next local elections in accordance with the Law on Local Elections ("Official Gazette of the Republic of Macedonia" No. 46/96, 12/2003, 35/2004, 52/2004 and 60/2004).