# A. General information

Party	Republic of Serbia
Period covered in this report (e.g. 1 January 2003 to 31 December 2004)	1 January 2009 to 31 December 2010
Details of agency preparing this report	Ministry of Environment, Mining and Spatial Planning - Republic of Serbia
Contributing agencies, organizations or individuals	CITES MA of RS

# B. Legislative and regulatory measures

1	Has information on CITES-relevant legislation already been provided under the CITES National Legislation Project?	Yes (fully)
	If yes, ignore questions 2, 3 and 4.	Yes (partly)
		No Information/unknown
2	If any CITES-relevant legislation has been planned, drafted of following details:	or enacted, please provide the
	Title and date: Status: Adopt	ed
	Law on Environmental Protection (2009), Law on nature protection (2009), Criminal Law (2009), Ministerial Ordinance on transboundary trade in protected species (2009), Ministerial ordinance on conditions for keeping, methods of marking and record keeping of wild animals in captivity(2010)	
	Brief description of contents:	
	Law on Environmental Protection - one article with basic pro in protected species (permit aquisition, basic tasks of Scienti administrative penalties relating to non-posession of permits and trade in protected species	ific Authorities) and basic
	Law on Nature Protection - more than a dozen articles releva (permit issuance, administrative, sanctioning of non-complia specimens, etc.)	
	Criminal Law - article 265 - transboundary movement and tra contrary to international agreement or national legislation - fi years.	
	Ministerial Ordinance on trandboundary trade in protected sp regulating trandboundary movement and trade in protected s Widllife Trade Regulations, namely EC 338/97 and EC 865/0 species in relevant annexes.	species (harmonized with EU
	Ministerial Ordinance on conditions for holding, methods of r wild animals in captivity - provisions regarding permanent ma conditions for keeping certain specimens in captivity (ban on species of wild animals for example)	arking of live vertebrates and
3	Is enacted legislation available in one of the working languages of the Convention?	Yes 🛛 Ves
		No information

4										
4	If yes, please attach a copy of the full legislative text or key legislative provisions that were gazetted.						legislation attached			
			vere gaze	ncu.			ovided prev			
							ot available,	will send		
5	Which of the following ion		addraaaa	dby			ter	Tick all applicable		
5	Which of the following issu measures adopted for CIT				any suice		leslic	Tick all applicable		
	accordance with Article XI									
			he conditi	,	or:	Т	he complet	e prohibition of:		
	Issue	Yes	No		No	Y	es No	No information		
				info	ormation					
	Trade	$\boxtimes$					$\Box$			
	Taking	$\boxtimes$					$\Box$			
	Possession	$\boxtimes$					$\Box$			
	Transport	$\boxtimes$								
	Other (specify)	$\boxtimes$								
	Additional comments Minir									
	animal species whose pos							ept for zoos,		
	research institutions and re					s tor w		Tiele ell'ennlieghte		
6	What were the results of a the effectiveness of CITES							Tick all applicable		
	following items?	o legisie		rega						
	, C				Partia	allv				
	Item Adequate				Inadeq		Inadequat	e No information		
	Powers of CITES authoritie	es								
	Clarity of legal obligations									
	Control over CITES trade									
	Consistency with existing									
	on wildlife management ar	nd								
	USE	6								
	Coverage of law for all type offences	es or								
	Coverage of law for all type	es of								
	penalties	00 01								
	Implementing regulations									
	Coherence within legislation	on								
	Other (please specify)									
	Please provide details if av	vailable	· · · · · · · · · · · · · · · · · · ·				ž			
7	If no review or assessmen			e, is o	ne		Yes	$\boxtimes$		
	planned for the next report			,			No			
							No ii	nformation		
	Please provide details if av	vailable	: Assessn	nent p	lanned v	vith he	lp of CITES	experts from the		
	EU member states									
8	Has there been any review							Tick all applicable		
	subjects in relation to imple	ementa	tion of the	e Con	vention?					
	Subject					Yes	No	No information		
	Access to or ownership of	natural	resource	S						

	Harvesting		$\square$		
	Transporting of live specimens				
	Handling and housing of live specimens		$\square$		
	Please provide details if available:				
9	Please provide details of any additional measures taken:				

# C. Compliance and enforcement measures

		Yes N	0	info	No rmation	
1	Have any of the following compliance monitoring operations	s been unde	ertaken'	?		
	Review of reports and other information provided by traders and producers			]		
	Inspections of traders, producers, markets			]		
	Border controls					
	Other (specify):					
2	Have any administrative measures (e.g. fines, bans, suspensions) been imposed for CITES-related violations?			]		
3	If Yes, please indicate how many and for what types of violations. If available, please attach details. Live specimens(Testudo sp., Ramphastos sp., Pteroglossus sp., Macaca sp., Caiman sp.) For details please see the annex to the report.					
4	Have any significant seizures, confiscations and forfeitures of CITES specimens been made?					
5	If information available:		Numb	ber		
	Significant seizures/confiscations 2					
	Total seizures/confiscations					
	If possible, please specify per group of species or attach details.					
6	Have there been any criminal prosecutions of significant CITES-related violations?					
7	If Yes, how many and for what types of violations? If availab Annex. Two violations - Illegal transboundary movement of					
8	Have there been any other court actions of CITES-related violations?					
9	If Yes, what were the violations involved and what were the re Annex. Administrative offences with respect to wildlife trade					
10	How were the confiscated specimens usually disposed of?		Tic	k if ap	plicable	
	<ul> <li>Return to country of export</li> </ul>					
	<ul> <li>Public zoos or botanical gardens</li> </ul>				$\square$	
	<ul> <li>Designated rescue centres</li> </ul>					
	<ul> <li>Approved, private facilities</li> </ul>					

	– Euthanasia		
	<ul> <li>Other (specify):</li> </ul>		
	Comments:		
11	Has detailed information been provided to the Secretariat	Yes	$\boxtimes$
	on significant cases of illegal trade (e.g. through an ECOMESSAGE or other means), or information on convicted	No	
	illegal traders and persistent offenders?	Not applicable	
		No information	
	Comments: Detailed information has been sent to the Enfrocemen CITES Secretariat regarding the attempt to smuggle CITES listed from UAE into Serbia.		is
12	Have there been any cooperative enforcement activities with	Yes	
	other countries (e.g. exchange of intelligence, technical support, investigative assistance, joint operation, etc.)?	No	$\boxtimes$
	investigative assistance, joint operation, etc.)	No information	
13	If Yes, please give a brief description:		
14	Have any incentives been offered to local communities to assist	Yes	
	in the enforcement of CITES legislation, e.g. leading to the arrest and conviction of offenders?	No	$\boxtimes$
		No information	
15	If Yes, please describe:		
16	Has there been any review or assessment of CITES-related	Yes	
	enforcement?	No	$\boxtimes$
		Not applicable	
		No information	
	Comments:		
17	Please provide details of any additional measures taken:		

# D. Administrative measures

# D1 Management Authority (MA)

1	Have there been any changes in the designation of or contact	Yes	
	information for the MA(s) which are not yet reflected in the	No	$\boxtimes$
	CITES Directory?	No information	
2	If Yes, please use the opportunity to provide those changes here.		
3	If there is more than one MA in your country, has a lead	Yes	
	MA been designated?	No	$\boxtimes$
		No information	
4	If Yes, please name that MA and indicate whether it is identified as	s the lead MA in the	
	CITES Directory.		
5	How many staff work in each MA? 2		

1			
6	Can you estimate the percentage of time they	Yes	$\bowtie$
	spend on CITES-related matters?	No	
		No information	
	If yes, please give estimation: 80%		
7	What are the skills/expertise of staff within the MA(s)?	Tick if app	licable
	- Administration		$\boxtimes$
	– Biology		$\boxtimes$
	– Economics/trade		
	– Law/policy		
	<ul> <li>Other (specify): Agriculture</li> </ul>		$\boxtimes$
	– No information		
8	Have the MA(s) undertaken or supported any research activities	Yes	
	in relation to CITES species or technical issues (e.g. labelling,	No	$\boxtimes$
	tagging, species identification) not covered in D2(8) and D2(9)?	No information	
9	If Yes, please give the species name and provide details of the kin	d of research involv	/ed.
10	Please provide details of any additional measures taken:		

# D2 Scientific Authority (SA)

1	Have there been any changes in the designation of or contact	Yes	
	information for the SA(s) which are not yet reflected in the	No	$\boxtimes$
	CITES Directory?	No information	
2	If Yes, please use the opportunity to provide those changes here.		
3	Is the designated Scientific Authority independent from the	Yes	$\boxtimes$
	Management Authority?	No	
		No information	
4	What is the structure of the SA(s)?	Tick if app	licable
	- Government institution		$\square$
	<ul> <li>Academic or research institution</li> </ul>		$\bowtie$
	– Permanent committee		
	<ul> <li>Pool of individuals with certain expertise</li> </ul>		
	<ul> <li>Other (specify):</li> </ul>		
5	How many staff work in each SA on CITES issues? approximately	/ 4 in each SA	
6	Can you estimate the percentage of time they spend on CITES-	Yes	
	related matters	No	$\boxtimes$
		No information	
	If yes, please give estimation:		

7	What are t	What are the skills/expertise of staff within the SA(s)?Tick if applicable							
-	Botany						$\square$		
-	Ecology	ý					$\boxtimes$		
-	Fisherie	es					$\boxtimes$		
-	Forestr	Forestry							
-	Welfare	Welfare							
-	Zoology	ý					$\boxtimes$		
	– Other (s	– Other (specify):							
-	No info	rmation							
8	Have any research activities been undertaken by the SA(s) in Yes								
	relation to	CITES species?				No			
						No informat	ion 🖂		
9	If Yes, plea	ase give the spec	cies name and p	provide deta	ils of the kin	d of research	involved.		
S	pecies	Populations D	istribution	Off	Legal	Illegal	Other		
	name	· • • • • • • • • • • • •		take	trade	trade	(specify)		
						NI- :			
				<u> </u>		No informat			
10		project proposals to the Secretaria				Yes			
	Submitted				۷.۷ (	No			
						No informat	ion 🗌		
11	Please provide details of any additional measures taken:								

# D3 Enforcement Authorities

1	Has the Secretariat been informed of any enforcement	Yes	$\boxtimes$		
	authorities that have been designated for the receipt of confidential enforcement information related to CITES?	No			
		No information			
2	If No, please designate them here (with address, phone, fax and email).				
3	Is there a specialized unit responsible for CITES-related	Yes			
	enforcement (e.g. within the wildlife department, Customs, the police, public prosecutor's office)?	No	$\boxtimes$		
		Under consideration			
		No information			
4	If Yes, please state which is the lead agency for enforcement:				
5	Please provide details of any additional measures taken:				

1	To what extent is CITES information computerized?					?	Tick if applic	able
	<ul> <li>Monitoring and</li> </ul>	reportir	ng of data	on legal t	rade			$\square$
	– Monitoring and	reportir	ng of data	on illegal	trade			
-	Permit issuance	e						$\boxtimes$
	<ul> <li>Not at all</li> </ul>							
	– Other (specify):							
2	Do the following authorities have access to the Internet? Tick it							able
	Anthonic     Yes, continuous and unrestricted access       Yes, but only through a dial-up connection     Yes, but only through a dial-up connection       Not at all     Not at all						Please provide details whe appropriate	ere
	Management Authority							
	Scientific Authority							
	Enforcement Authority						Customs and border police officers do not have direct access to the internet at all border crossings.	
3	Is there an electron	nic infor	mation sy	stem prov	iding	informa	ation on Yes	
	CITES species?						No	$\square$
							No information	
4	If Yes, does it prov	ide info	rmation o	n:			Tick if applic	able
	<ul> <li>Legislation (nation)</li> </ul>	ional, re	egional or	internatio	nal)?			
	<ul> <li>Conservation st</li> </ul>	tatus (n	ational, re	gional, int	ernati	onal)?		
	<ul> <li>Other (please s</li> </ul>	pecify):						
5	Is it available throu	igh the	Internet:				Yes	
							No	
							Not applicable	
							No information	
	Please provide UR	RL:						

# D4 Communication, information management and exchange

6	Do the authorities indicated have access to the following publications? Tick if applications							
	Publication	Management Authority	Scientific Authority	Enforcement Authority				
	2003 Checklist of CITES Species (book)	$\square$	$\square$					
	2003 Checklist of CITES Species and Annotated Appendices (CD-ROM)							
	Identification Manual	$\square$	$\square$	$\square$				
	CITES Handbook	$\square$	$\square$					
7	If not, what problems have been encounter	ed to access this	information?					
8	Have Enforcement Authorities reported to t on:	he Management /	Authority	Tick if applicable				
	– Mortality in transport?							
	– Seizures and confiscations?			$\boxtimes$				
	<ul> <li>Discrepancies in number of items in period of items actually traded?</li> </ul>	mits and number						
	Comments: Enforcement Authorities do not regularely report to the Management Auhtority the abovementioned data. The data is usually requested by the MA from Enforcement Auhtorities each time it is required.							
9	Is there a government website with information on CITES and its Yes							
	requirements? No							
	No information							
	If Yes, please give the URL: www.ekoplan.g	gov.rs/cites						
10	Have CITES authorities been involved in any of the following activities to bring about better accessibility to and understanding of the Convention's requirements to the wider public?							
	<ul> <li>Press releases/conferences</li> </ul>							
	<ul> <li>Newspaper articles, radio/television apper</li> </ul>	earances		$\boxtimes$				
	<ul> <li>Brochures, leaflets</li> </ul>							
	- Pesentations							
	– Displays							
	<ul> <li>Information at border crossing points</li> </ul>			$\boxtimes$				
	– Telephone hotline							
	<ul> <li>Other (specify):</li> </ul>							
	Please attach copies of any items. Please s on all border crossing points nationwide in 2		nex for CITES	posters placed				
11	Please provide details of any additional me	asures taken:						

# D5 Permitting and registration procedures

1	Have any changes in perm signatures of officials empo certificates been reported p		Yes 🛛 No 🗌 Not applicable 🗌				
	If no, please provide details		No information				
	<ul> <li>Changes in permit form</li> </ul>						
	<ul> <li>Changes in designation</li> </ul>		of relevan	t officials:			
2	To date, has your country developed written permit procedures for Tick i any of the following?						
				Yes	No	No information	
	Permit issuance/acceptance	ce		$\square$			
	Registration of traders						
	Registration of producers						
3	Please indicate how many CITES documents were issued and denied in the two-year period? (Note that actual trade is reported in the Annual Report by some Parties. This question refers to issued documents).						
	Year 1	Import or introduction from the sea	Export	Re- export	Other	Comments	
	How many documents were issued?	73 (import)	26	2	1		
	How many applications were denied because of serious omissions or misinformation?	4	1	0	0	Some of the import applications rejected due to fraudulent/forged CITES export documents submitted with applications.	
	Year 2		1				
	How many documents were issued?	50 (import)	30	2	4		
	How many applications were denied because of serious omissions or misinformation?	0	0	0	0		
4	Were any CITES documen					Yes	
	and replaced because of se	erious omission	s or misir	nformation		No	
						No information	
5	If Yes, please give the reasons for this.						

6	Please give the reasons for rejection of CITES documents from Tick if a other countries.						
	Reason	Yes	No	No information	า		
	Technical violations	$\square$					
	Suspected fraud						
	Insufficient basis for finding of non-detriment						
	Insufficient basis for finding of legal acquisition						
	Other (specify):						
7	Are harvest and/or export quotas used as a manageme	nt tool in	the	Yes			
	procedure for issuance of permits?			No	$\boxtimes$		
				No information			
	Comments						
8	How many times has the Scientific Authority been reque	ested to p	orovid	e opinions? For all			
0	applications a written opinion is requested from the SA		-to d	Tick if applied	hla		
9	Has the MA charged fees for permit issuance, registration CITES activities?	on or rela	ated	Tick if applica	and		
	<ul> <li>Issuance of CITES documents:</li> </ul>						
	<ul> <li>Licensing or registration of operations that produce CITES species</li> </ul>						
	<ul> <li>Harvesting of CITES-listed species</li> </ul>						
	– Use of CITES-listed species						
	<ul> <li>Assignment of quotas for CITES-listed species</li> </ul>						
	<ul> <li>Importing of CITES-listed species</li> </ul>			]			
	– Other (specify):			[			
10	If Yes, please provide the amounts of such fees. CITES				ıl		
44	purposes ~100 EUR, CITES premits/certificates fo non-comm	· ·	rposes		-		
11	Have revenues from fees been used for the implementa CITES or wildlife conservation?	ation of		Tick if applica	idie		
	– Entirely						
	– Partly						
	– Not at all			$\triangleright$	3		
	<ul> <li>Not relevant</li> </ul>						
	Comments: The revenues from fees go directly to the S	tate Bud	get				
12	Please provide details of any additional measures taker	n:					

# D6 Capacity building

1	Have any of the following activities be					;	Tick if applica	ble
	effectiveness of CITES implementation	on at the	1					
	Increased budget for activities						al networks	
	Hiring of more staff		Purchase of technical ec monitoring/enforcement					
	Development of implementation			outeriza				
	tools	-						
	Other (specify):							
2	Have the CITES authorities received building activities provided by externa			rom any	of tr	ne fol	lowing capacity-	
	Please tick boxes to indicate which target group and which activity.	Oral or written advice/guidanc	Technical assistance	Financial assistance	Training	Other (specify)	What were the external source	-
	Staff of Management Authority						TRAFFIC, CITES SECRETARIAT (Master's Course Baeza, Spain)	
	Staff of Scientific Authority							
	Staff of enforcement authorities	$\square$					TRAFFIC	
	Traders							
	NGOs							
	Public							
	Other (specify):							
3	Have the CITES authorities been the activities?	provide	ers of a	ny of th	e foll	owing	g capacity-building	
	Please tick boxes to indicate which target group and which activity. Target group	Oral or written advice/guidance	Technical assistance	Financial assistance	Training	Other (specify)	Details	
	Staff of Management Authority							
	Staff of Scientific Authority							
	Staff of enforcement authorities							
	Traders							
	NGOs							
	Public							
	Other parties/International meetings							
	Other (specify)							

4 Please provide details of any additional measures taken:

# D7 Collaboration/cooperative initiatives

1	Is there an inter-agency or inter-sectoral committee on CITES? Yes								
	No						No		$\boxtimes$
	No informa								
2	If Yes, which age	encies a	re represe	ented and h	now often do	es it mee	et?		
3	If No, please indicate the frequency of meetings or consultancies used by the Manageme Authority to ensure coordination among CITES authorities (e.g. other MAs, SAs, Customs police, others):								
		Daily \	V eekly	Monthly	Annually	None	No information	Oth (spe	-
	Meetings				$\square$				
	Consultations			$\square$					
4	At the national level have there been any efforts to collaborate with:				Tick if	applicable	Deta availa		
	Agencies for dev	velopme	ent and tra	de					
	Provincial, state	or territe	orial autho	rities					
	Local authorities	or com	munities						
	Indigenous peop	les							
	Trade or other p	Trade or other private sector associations							
	NGOs								
	Other (specify)								
5	To date, have any Memoranda of Understanding or other formal arrangements for institutional cooperation related to CITES been agreed between the Management Authority and the following agencies?						cable		
	Scientific Authori	ty							
	Customs								
	Police								
	Other border authorities (specify):								
	Other governme	ent agen	cies						
	Private sector be	odies							
	NGOs								
	Other (specify):								

6	Have government staff participated in any regional activities related to CITES?	Tick if appl	icable
	Workshops		$\square$
	Meetings		
	Other (specify):	_	
7	Has there been any effort to encourage any non-Party to accede	Yes	
	to the Convention?	No	$\square$
		No information	
8	If Yes, which one(s) and in what way?		
9	Has technical or financial assistance been provided to	Yes	
	another country in relation to CITES?	No	$\boxtimes$
		No information	
10	If Yes, which country(ies) and what kind of assistance was provided	1?	
11	Has any data been provided for inclusion in the CITES	Yes	
	Identification Manual?	No	$\boxtimes$
		No information	
12	If Yes, please give a brief description.		
13	Have measures been taken to achieve coordination and reduce	Yes	
	duplication of activities between the national authorities for CITES and other multilateral environmental agreements (e.g. the	No	$\boxtimes$
	biodiversity-related conventions)?	No information	
14	If Yes, please give a brief description.		
15	Please provide details of any additional measures taken:		

# D8 Areas for future work

1	Are any of the following activities needed to enhance effectiveness of CITES implementation at the national level and what is the respective level of priority?							
	Activity	High	Medium	Low				
	Increased budget for activities		$\square$					
	Hiring of more staff	$\square$						
	Development of implementation tools	$\square$						
	Improvement of national networks							
	Purchase of new technical equipment for monitoring and enforcement							
	Computerization							
	Other (specify):							
2	Were any difficulties encountered in implementing specific	Yes						
	Resolutions or Decisions adopted by the Conference of the	No		$\boxtimes$				
	Parties?	No infor	mation					
3	If Yes, which one(s) and what is the main difficulty?							
4	Have any constraints to implementation of the Convention arisen	Yes		$\square$				

	in your country requiring attention or assistance?	No	
		No information	
5	If Yes, please describe the constraint and the type of attention or a The enforcement authorities are not adequately trained and equip		
6	Have any measures, procedures or mechanisms been identified	Yes	
	within the Convention that would benefit from review and/or	No	$\boxtimes$
	simplification?	No information	
7	If Yes, please give a brief description.		
8	Please provide details of any additional measures taken:		

# E. General feedback

Please provide any additional comments you would like to make, including comments on this format.

Thank you for completing the form. Please remember to include relevant att achments referred to in the report. For convenience, these are listed again below:

Question	Item		
B4	Copy of full text of CITES-relevant legislation	Enclosed	$\boxtimes$
		Not available	
		Not relevant	
C3	Details of violations and administrative measures imposed	Enclosed	$\boxtimes$
		Not available	
		Not relevant	
C5	Details of specimens seized, confiscated or forfeited	Enclosed	$\boxtimes$
		Not available	
		Not relevant	
C7	Details of violations and results of prosecutions	Enclosed	
		Not available	
		Not relevant	
C9	Details of violations and results of court actions	Enclosed	
		Not available	$\square$
		Not relevant	
D4(10)	Details of nationally produced brochures or leaflets on CITES	Enclosed	$\boxtimes$
	produced for educational or public awareness purposes	Not available	
		Not relevant	
	Comments		

# LAW ON

# NATURE PROTECTION

("Official Gazette of RS", no. 36/2009, 88/2010 and 91/2010 – corr.)

# I. BASIC PROVISIONS

# Subject of the Law

# Article 1

This Law shall govern protection and conservation of nature and biological, geological and landscape diversity as part of the environment.

The nature, as an asset of general interest for the Republic of Serbia shall enjoy special protection in accordance with this Law and special laws.

# Objectives of the Law

# Article 2

The following objectives shall be achieved by this Law:

1) protection, conservation and improvement of biological (genetic, species and ecosystems), geological and landscape diversity;

2) harmonization of human activities, economic and social development plans, programmes, bases and projects with a sustainable use of renewable and non-renewable natural resources and long-term conservation of natural ecosystems and natural equilibrium;

3) sustainable use and/or management of natural resources and goods, securing their function along with the conservation of natural values and the equilibrium of natural ecosystems;

4) timely prevention of human activities and operations that can lead to permanent impoverishment of biological, geological and landscape diversity, as well as disturbances with negative consequences in the nature;

- 5) establishment and monitoring of the nature state;
- 6) improvement of the state of disturbed parts of nature and landscapes.

# Application of the Law

# Article 3

Provisions of this Law shall not apply in case of supressing or preventing a general danger to human life or health or property, rescuing people and property, and this only in the duration of the said circumstances established by a special legal document by the competent authority.

# Meaning of Expressions

# Article 4

Certain expressions used in this Law have the following meaning:

1) activity in the nature is any temporary or permanent human impact on the nature which can disturb the natural equilibrium, unless that action has the purpose of protecting and conserving the nature;

2) *allochthonous species* is a species which has arrived in our ecosystems by intentional or accidental introduction;

3) *autochthonous species* is a species which naturally inhabits our ecosystems;

4) *biological diversity (biodiversity)* is the total amount of genes, species and ecosystems on the Earth or within some clearly defined area;

5) *species* is a group of natural specimens, i.e. the population within which the units freely crossbreed with each other and produce fertile offspring, and are reproductively isolated from other groups of units, i.e. populations;

6) geological diversity (geodiversity) is the group of geological formations and structures, phenomena and forms of geological materials and geomorphological characteristics, of different composition and origin and various paleoecosystems changed within the space under the impact of internal and external geodynamical factors during geological time;

7) geoheritage are all geological, geomorphological, pedologic and special archaeological values emerged during the formation of lithosphere, its morphological forming and the interdependence of the nature and human cultures, which represent the total geological diversity have a scientific importance for the exploration of the Earth's development;

8) *fossil genotype* is the typical species for certain fossil genus that all individuals within that type of genus belong to, and which corresponds to the holotype;

9) *genetic diversity* is the total number and the total diversity of genes, i.e. genetic information contained within each individual species of plants, animals, fungi and microorganisms;

10) *gene fund* is the total number of genes or quantity of genetic information possessed by all members of the population of sexually reproductive organisms;

11) *genetic material* is any material of plant, animal, microbe or other origin containing functional inheritance units;

12) *derivative* is an organic or non-organic product of living organisms, such as deer antlers, boar tusks, turtle shell etc.;

13) *wild species* is a species from nature that has not been affected by man and has no consequences emerged by crossbreeding and/or selection or breeding activities;

14) *mineral druses* are the crystals that emerge as a group of the same or different species located on one base;

15) *registered natural goods* are areas, species and mobile natural documents of importance for protection, which are not yet in the protection process;

16) *ecological network* means a set of functionally related or spatially close ecologically significant areas, which considerably contribute to conservation of biological diversity through its biogeographic presence and representation, including ecologically important areas of the EU *NATURA* 2000;

16a) ecologically significant areas of the European Union NATURA 2000 are special areas for conservation of habitats and species and areas of special protection for conservation of habitats and certain species of birds, in compliance with the EU regulations on habitat and birds protection;

17) ecological corridor is an ecological pathway and/or connection which enables movements of the population units and flow of genes between the protected areas and ecologically important areas from one locality to another and which represents part of the ecological network;

18) ecologically significant areas are parts of ecological network important for conservation of species, certain types of habitats and habitats of certain species significant for the Republic of Serbia, in compliance with generally accepted international legal rules and ratified international agreements;

19) ecosystem (biocenosis) is a structurally, functionally and dynamically intricate and unique ecological system within which the impacts of biotopes and biocenosis (abiogenes and biogenes) permeate each other;

20) *endemic species* is a species whose habitat is limited to certain clearly defined geographic area;

21) *ex situ protection* is an active measure for protection of species which includes activities on the conservation, growing and breeding of species in places outside their natural habitats, such as botanical gardens, yards, gardens, arboreta, alpine gardens, Zoos, aquariums, terrariums, banks of genes, seeds, fruits and vegetative parts, as well as specialized laboratories;

22) *living community (biocenosis*) is the total number of all populations living together in the same habitat (biotope) that build functional communities;

23) *trap* is a device intended for detaining, catching or killing of animals;

24) *nature protection* is a set of measures and activities focused on prevention of damage to the nature, natural values and the natural equilibrium;

25) protected species are organic species protected by law;

26) *protected areas* are the areas that have a distinguished geological, biological, ecosystem and/or landscape diversity and are therefore declared by a protection document to be protected areas of general interest;

26a) *protective zone* is the area outside the borders of protected area, ecologically significant area and/or ecological corridor which may be defined when such areas are established, in order to prevent, i.e. mitigate external impacts;

27) *protected natural goods* are protected areas, protected species and mobile protected natural documents;

28) Zoo is any permanent institution in which wild animal species are kept to be exhibited to the public for seven or more days per year, with the exception of circuses, pet shops and the institutions which do not exhibit a significant number of animals or animal species to the public;

29) *invasive species* is an alien species which through introduction and/or spreading threatens other species and the overall biological diversity;

30) *indicator species* is a species sensitive to changes in environment conditions and which can therefore be used to estimate the general situation in the nature and the environment;

31) *introduction* is intentional or accidental entering of a species in the territory and the ecosystems where it did not previously live;

32) in situ protection is an active protection measure which includes protection of a species in its natural habitat, conservation of natural ecosystems, conservation and recovery of populations in their natural habitats, as well as conservation of occurrences of geodiversity in the place of emergence or finding of rocks, ores, minerals, crystals and fossils;

33) *extinct species* is a species for which there is no doubt that even the its last specimen has been extinct;

34) *extinct species in the nature* is the species that no longer exists in nature, but units can be found in Zoos, botanical gardens and other places, and which can be bred by *ex situ* methods, for the needs of a reintroduction;

35) *umbrella species* are the species by whose protection we are at the same time protecting a larger number of other species in the same habitat, which are less known or it is difficult to protect them in another way;

36) *key species* are those species whose presence or absence is essential for the rest of the biocenosis (ecosystem);

37) *user of protected area* is a legal entity, entrepreneur, private entity or another subject which within a protected natural area performs activities or operations, and/or uses the natural asset and/or its resources, benefits and properties;

38) *extremely endangered species* is a species that faces the highest probability of extinction in the nature in the foreseeable future, which is established in accordance with the internationally accepted criteria;

39) *crystal* is any mineral that has regular inner structure and outer shape and is distinguished by geometrically regular, smooth and shiny surfaces and/or flats;

40) *lectotype* is a specimen from the type series which represents a duplicate of the holotype, and has been collected at the same time as the holotype;

41) *local endemite* is a type of smaller extent that does not exceed the size of one biogeographical province;

42) *minerals* are indigenous homogenous chemical elements or compounds in the shape of crystalized or amorphous material of certain structure, form and composition, which are not mineral raw materials;

43) sustainable use of natural goods and/or resources is usage of biodiversity or geodiversity components in the way and extent that do not lead to long-term reduction of biodiversity, and/or geodiversity, reflecting their potential with purpose of satisfying needs and aspirations of the present and future generations;

43a) acceptability assessment is the procedure used to assess probability that implementation of plans, bases, programmes, projects, works and activities, which individually or in combination with other plans, bases, programmes, projects, works and activities, may have significant impact to the aims of conservation and integrity of ecologically significant areas;

44) *nature conservation* is a set of measures and activities performed with purpose of protecting or renewing natural habitats and populations of wild species with purpose of preserving their favourable status, natural ecosystems and landscape diversity;

45) damaging of nature is a phenomenon that has occurred due to changing of natural processes to such extent that the natural equilibrium has been disturbed or the natural values have been destroyed. Damaging of nature can be caused by natural and artificial processes, phenomena and disasters (landslides, land slips, earthquakes, floods, fires etc.);

46) *paratype* is a specimen of the species which has been established prior to describing the nominal species;

47) protected area management plan is a document by which the subject in charge of the management of the protected area plans measures and activities on protection, conservation, improvement and usage of protected area;

48) natural resources and goods management plan make a basis in form of a plan or a programme to manage, run and use natural resources and goods for economic, social and ecological purposes and/or goals prescribed on the basis of special laws;

49) *cave ornaments* are different forms and phenomena of precipitation of natural calcium carbonate in speleological facilities (stalactites, helictites, stalagmites, pillars, salives, draperies, tubs etc);

50) *cave sediment* is river material (sand, gravel), clay, crushed stone, rock blocks and tufa precipitated or in some other way deposed within the speleological objects;

51) *favourable state of species* is the state in which the species populations have a long-term perspective of survival as a life-capable part of the natural ecological system, and when the ecological spreading area of a species is not getting reduced nor there is a possibility that it will be reduced in the foreseeable future;

52) *favourable state of natural habitat type* is the state of natural habitat type in which its spreading area is stable or increasing, when a specific structure and functions necessary for long-term conservation are present or will be present in the foreseeable future and when the status of protecting their typical species is favourable. Natural habitat is endangered if it is not in favourable state and/or threatened by disappearance;

53) *mobile protected natural documents* are parts of geological, paleontological and biological heritage with exceptional scientific and educational importance;

54) *population* is a spatially and temporally integrated group of units of the same species which has at its disposal a common set of hereditary factors, inhabits certain area, belongs to certain ecosystem, and within which the units are interconnected primarily by reproduction relationships;

55) *follow-up of the state (monitoring)* is planned, systematic and continual following of the state in nature, i.e. parts of biological, geological and landscape diversity, as part of a comprehensive system for following of the state of environment elements in space and time;

56) *landscape* is a certain territory whose character represents a specific joint of natural and created values characteristic for the given region;

57) *spatial element* is the smallest relatively homogenous ecological unit of the landscape structure, whether of natural or antropogenous origin;

58) *spatial diversity* is the space structure emerged in the interaction of natural and/or created space elements of certain biological, climate, geological, geomorphological, pedologic, hydrological, cultural and historical and sociological characteristics;

58a) *priority habitat types and priority species* are those types of habitats and species determined as such in the Republic of Serbia, in compliance with generally accepted international legal rules and ratified international agreements;

59) nature represents a unity of geosphere and biosphere, exposed to atmospheric changes and various influences and comprises natural goods and natural values expressed through biological, geological and spatial diversity;

60) natural values are natural resources as renewable or non-renewable geological, hydrological and biological values which can be used directly or indirectly, and have real or potential economic value and natural goods as parts of the nature that deserve special protection;

61) *natural equilibrium* is a state of mutually balanced relationships and influences of living creatures among themselves and with their habitat. Natural equilibrium is disturbed when the quantitative or qualitative structure of living communities is disturbed, when a habitat is damaged or destroyed, when the functioning capability of ecological system is destroyed or changed, when interconnection between certain ecological systems is broken or when it causes significant isolation of certain populations;

62) *vulnerable species* is a species that faces a high possibility that it will disappear under natural conditions in relatively close future;

63) *protection regime* is a set measures and conditions that determine the way and degree of protection, use, organization and development of a protected natural asset;

64) *reintroduction* is a method of protection and conservation of biological diversity by artificially returning the species to its former habitat from which it has disappeared or to habitats in which the numbers of its population have been drastically reduced;

65) *relict species* is the species which in the distant past used to be widespread, and whose present area (remainder) has been reduced to spatially small parts;

66) *nature rehabilitation* are the measures that are taken in order to stop damaging of the nature, to improve its state and functionality;

67) *fossil syntypes* are all specimens of one series for which there is no holotype;

68) *speleological object* is an underground cavity in the shape of channels, corridors and halls with different dimensions, slopes and appearances emerged in natural processes primarily in limestone and dolomites, but also in other rocks as well;

69) *habitat* is geographically clearly defined area in which specific community of plants, animals, fungi and microorganisms (biocenosis) interacts with abiotic factors (soil, climate, water quantity and quality, etc.), forming one functional whole;

70) *species habitat* is such habitat in which populations of a specific species have conditions to survive in longer period of time, i.e. an area in which specific species realises any stage of its life cycle;

71) *stenoendemite* is a species whose spreading is limited to a very small area, i.e. one locality (a mountain top, ridge, gorge etc.);

71a) *habitat type* is a set or group of habitats very similar in their biotic and abiotic characteristics;

72) *landscape types* are landscape categories whose uniqueness and quality are determined by ecological, structural, physiognomical, historical, socioeconomical and aesthetical characteristics;

73) *endangered species* is the species that faces a high possibility of disappearing in natural conditions in the foreseeable future, which is established in accordance with generally accepted international criteria;

74) *nature improvement* is a set of measures and activities that are necessary for renewing the natural habitats and populations in order to bring them to a favourable natural state, as well as a set of activities on revitalization and rehabilitation of natural ecosystems and landscapes;

75) *fossils* are remnants, preserved fully or in segments, of plants and animals that had lived in the past, included traces of extinct organisms, and they serve as pieces of material evidence on basis of which geological past can be reliably reconstructed;

76) *fossil holotype* is a species that has been established and it serves as a calibrator for all other establishments and that one specimen is preserved in the Natural History Museum;

77) *holotype* is the original specimen on basis of which the description of the species and its name are given;

78) *red book* is a competent scientific study of endangered wild species organized by endangerment categories and factors;

79) *red list* is a list of endangered wild species organized by endangerment categories.

#### **Nature Protection Principles**

#### Article 5

The basic principles of nature protection shall be:

1) the principle of high degree nature protection – everyone shall be obliged, taking over his/her duty or performing his/her activities, to contribute to protection and improvement of the nature, biological, geological and landscape diversity, conservation of generally beneficial natural functions and natural equilibrium;

2) the principle of sustainable usage – usage of natural resources can be carried out only to the degree and in the way that does not endanger the diversity and functioning of the natural systems and processes;

3) the principle of application of measures and conditions of nature protection – the principles, measures and conditions of nature protection shall be applied in the usage of natural resources and protected natural goods, planning and spatial organisation;

4) the principle of integrated protection – nature protection shall be an integrated part of the strategy of sustainable development, spatial and urban planning and other plans, programmes and bases;

5) the "user pays" principle – the user of the natural resource and protected natural asset shall be obliged to pay charges for their usage and bear the costs of space rehabilitation and recultivation;

6) the cooperation principle – state authorities, autonomous province authorities and the authorities of the local self-government unit, organizations and institutions, as well as other legal and private entities, when carrying out their operations and assignments shall be obliged to act in accordance with the principles, objectives, measures and conditions of protection and permanent conservation of nature and in that way carry out mutual and international cooperation;

7) the principle of direct application of international law – state authorities, autonomous province authorities and the authorities of the local self-government unit, organizations and institutions, as well as other legal and private entities, when carrying out their operations and assignments shall directly apply the generally accepted rules of the international law and approved international agreements as an integral part of the legal system.

Also, the basic principles of environment protection are applied in the protection of nature, in compliance with law.

# **Subjects of Nature Protection**

#### Article 6

The protection and conservation of nature shall be provided for by the following, within their respective competences:

1) the Republic of Serbia;

2) autonomous province;

3) municipality, city and the city of Belgrade (hereinafter referred to as: local self-government unit);

4) manager of the protected area;

5) legal entities, entrepreneurs and private entities which use natural resources and protected natural goods in carrying out their business and other activities;

6) professional and scientific organizations and other public services;

7) citizen, groups of citizens, their associations, professional or other organizations.

# **II. NATURE PROTECTION**

# **Nature Protection Measures**

## Article 7

Nature protection shall be carried out in the following ways, in particular:

1) establishing and evaluating the state, phenomena and processes in the nature and the landscape;

2) establishing and determining protected natural goods and the systems for the monitoring of their protection;

3) implementing the measures for protection of nature and landscapes;

4) establishing the conditions and measures for nature protection and protected natural goods and landscapes in the spatial and urban plans, project documentation, bases and programmes for managing of natural resources in mining, energy, transportation, water management, agriculture, forestry, hunting, fishing, tourism and other industries that affect the nature;

5) by sustainable use of natural resources and protected natural goods and control of their use through establishment of the system for management of natural resources and protected natural goods;

6) drafting a nature performance report, by adopting and implementing strategies, programmes, action and rehabilitation plans and management plans;

7) alleviating the harmful effects caused by activities in nature, use of natural resources or natural disasters;

8) connecting and harmonising the national nature protection system with the international nature protection system;

9) encouraging scientific and professional work in the field of nature protection;

10) informing the public on the state of nature and through participation of the public in decision-making concerning the nature protection;

11) encouraging and promoting nature protection, by developing awareness of the need for nature protection in the upbringing and education process;

12) involving the local communities in the follow-up of the nature state, and nature protection and improvement.

# 1. Planning, Regulation and Use of Space, Natural Resources, Protected Areas and Ecological Network

#### Article 8

Planning, regulation and use of space, natural resources, protected areas and ecological network shall be implemented on the basis of spatial and urban development plans, planning and design documentation, bases and programmes for management and use of natural resources and goods in mining, energy, transport, water management, agriculture, forestry, hunting, fishery, tourism and other activities affecting the nature, in compliance with measures and conditions of nature protection.

Use of space, natural resources and protected areas shall be allowed in the manner prescribed by this and other laws.

Project proponent, i.e. legal entity, entrepreneur and private entity that uses natural resources, performs construction and other works, activities and interventions in nature shall act in compliance with measures for nature protection defined by plans, bases and programmes and in compliance with design-technical documentation, in the manner that shall ensure avoidance or minimization of endangerment and damaging of nature. Legal entity, entrepreneur and private entity referred to in paragraph 3 of this Article shall carry out rehabilitation, i.e. recultivation upon the completion of their works and activities, in compliance with this Law and other regulations.

#### **Conditions for Nature Protection**

#### Article 9

In the development of plans, bases, programmes, projects, works and activities referred to in Article 8 of this Law, the conditions for nature protection shall be obtained, issued by competent institute for nature protection (hereinafter referred to as: Institute).

The document on conditions for nature protection shall contain in particular:

- 1) Data on natural values, especially on plants and animals, geo-heritage objects and landscape within the spatial coverage of the document referred to in paragraph 1 of this Article and in spatial environment;
- 2) Data on protected natural resources, including natural resources planned for protection and in protection procedure;
- 3) Data on ecologically significant areas and habitat types;
- Data on the established regimes and protective and measures for use of natural resources and goods and ecologically significant areas;
- 5) Assessment whether planned works and activities can be implemented from the aspect of nature protection aims and adopted regulations and documents;
- 6) Conditions, i.e. prohibitions and restrictions under which planned works and activities may be implemented;
- 7) Biological, technical and technological measures for nature protection which should be applied;
- 8) Legal and professional basis for the defined conditions and measures.

The application for issuance of document on conditions for nature protection shall be accompanied by the following documentation:

- 1) Data on type and developer of the document referred to in paragraph 1 of this Article and on the investor;
- 2) Data on location and spatial coverage with appropriate mapping and graphic appendices, and for designs with a copy of the cadaster plan;
- Short description of goals for which the document is being developed, intended activities at its implementation and main expected results, and for the design, a preliminary concept as well.

The document on conditions for nature protection shall be issued as a ruling by the Institute.

In case that applicant does not start works and activities that were the reason for issuance of the document on conditions for nature protection within two years from the delivery of the document, the applicant shall apply for new document.

Charge shall be paid for collection and evaluation of information needed for issuance of the document on conditions for nature protection.

The amount and manner of calculation and collection of charges referred to in paragraph 6 of this Article, obligated entities and exemption from charging obligation or reduction of charge shall be defined by the Institute, with the Government's consent.

A complaint may be lodged for the document on conditions for nature protection to the ministry responsible for environmental protection affairs (hereinafter referred to as: Ministry) within 15 days, in the autonomous province to competent authority responsible for environmental protection affairs of the autonomous province.

The authority competent for approval, i.e. adoption of the document referred to in paragraph 1 of this Article shall obtain the document on fulfilment of conditions for nature protection referred to in paragraph 2 of this Article.

# Assessment of Acceptability

#### Article 10

In case that during the procedure of issuance of conditions for nature protection referred to in Article 9 it has been established that there is probability that plans, bases, programmes, projects, works and activities may have considerable impact to goals of conservation and integrity of ecologically significant area, the Ministry, authority responsible for environmental protection affairs of autonomous province, i.e. authority responsible for environmental protection affairs of local self-government unit, shall perform the assessment of acceptability.

For plans, bases and programmes for which, compliant with special law, strategic impact assessment has to be performed, and for projects, works and activities for which, compliant with special law, environmental impact assessment has to be performed, the assessment of acceptability shall be carried out within those processes.

In cases when based on the assessment of acceptability, it has been established that plans, bases, programmes, projects, works and activities may have considerable impact to goals of conservation and integrity of ecologically significant area, competent authority shall reject to give consent.

In cases of doubt, it shall be deemed that plans, bases, programmes, projects, works and activities may have considerable impact to goals of conservation and integrity of ecologically significant area.

In cases when based on the assessment of acceptability, it has been established that plans, bases, programmes, projects, works and activities may have considerable impact to goals of conservation and integrity of ecologically significant area, competent authority shall give consent only under the following conditions:

- 1) There is no other alternative solution;
- 2) With respect to ecologically significant areas with at least one priority habitat type and/or priority species, only if there are imperative reasons of prevailing public interest, which pertain to human health and public safety, to useful effects of primary importance for the environment; if there are other prevailing reasons of public interest, with previously obtained opinion from the European Commission. With respect to all other ecologically significant areas, only if there are other imperative reasons of public interest, including interest of social and

economic nature, which are prevailing in comparison to the interest of conservation of these areas;

3) If it is possible to undertake compensation measures referred to in Article 12 of this Law, necessary for conservation of overall coherence of ecological network.

The Government shall prescribe closely the procedure, contents, deadlines, manner of implementation of assessment of acceptability with regard to goals of conservation of ecologically significant area, as well as manner of provision of information to public, establishment of prevailing public interest and compensation measures.

#### Limitations or Termination of Use

#### Article 11

If the mode or scope of using the natural resources directly endangers survival of certain species, its habitat or natural ecosystem, the Minister in charge of environment protection activities (hereinafter: the Minister) can issue an order and limit, temporarily or permanently stop the using according to the previously acquired opinion by the Ministry competent for the activities in agriculture, forestry and water management, the Ministry competent for the activities in mining and energy and the Ministry competent for the infrastructure operations.

For the limitations they have been subjected to, under the order referred to in paragraph 1 of this Article, the owners or users of natural resources have the right to compensation proportional to their reduced income.

The amount of compensation shall be established by mutual consent, and in case of dispute, the court of law shall determine the amount of compensation.

The compensation referred to in paragraph 3 of this Article shall be paid from the goods in the budget of the Republic of Serbia.

The owner or user of natural resources which does not act in conformity with the order referred to in paragraph 1 of this Article shall be deemed responsible for the damage to the species, habitat or natural ecosystem, which occurred after the enactment of the order.

#### Alleviation of the Consequences Damaging to the Nature

#### Article 12

In order to alleviate harmful consequences to nature, which may occur or have occurred due to implementation of plans, bases, programmes, projects, works or activities in the protected area or ecological network area, legal entity, entrepreneur and private entity, i.e. project proponent, shall implement compensatory measures in compliance with the ruling issued by the Ministry at the Institute's proposal.

Compensatory measures are ordered depending on the expected or caused damages to the nature, in the following manner:

1) by establishing a new locality which has the same or similar properties as the damaged locality;

2) by establishing another locality significant for the conservation of biological and landscape diversity, and/or protection of the natural asset;

3) by a compensation in money in the value of the caused damage to the locality in case it is not possible to implement compensation or rehabilitation measures.

Criteria, procedure and manner of the establishment of compensatory measures shall be prescribed by the Minister.

When establishing the compensatory measures, advantage is given to the compensation by a new locality which has the same or similar properties as the damaged locality.

The only compensatory measure for ecologically significant areas of the European Union, NATURA 2000, shall be the establishment of new locality in terms of paragraph 2, point 1) of this Article.

The European Commission shall be informed about the compensatory measures pertaining to ecologically significant area of the European Union NATURA 2000.

The amount in money toward the compensation measures, shall be paid on the account designated for paying-in of public revenues to the budget of the Republic of Serbia and is used through the Environment protection fund exclusively for financing of nature protection projects.

# **Repairing the Damaging Consequences**

#### Article 13

If the projects or activities in the nature have been carried out without established conditions for nature protection or contrary to the given conditions for nature protection, which has caused damage to the nature and protected natural goods, the leader of the project or activities and/or the user of natural resources, is obliged to repair the damaging consequences of his acts without delay and at his own expense, according to the principles of objective responsibility.

If the leader of project activities referred to in paragraph 1 of this Article does not repair damaging consequences of such activity of theirs, or if they do not act in compliance with Article 12 of this Law which provides for compensatory measures, the Ministry shall implement such reparation at the expense of leader of the activities, and shall issue a ruling stating the obligation for compensation of damages and the amount of the incurred costs.

The assessment of the occurred damage, as well as the manner of repair of damaging consequences, shall be proposed to the Ministry by the Institute.

#### 2. Subject of Protection

### **Protection of Biological Diversity**

## Article 14

The protection of biological diversity shall be accomplished by carrying out measures for protection and improvement of species, their populations, natural habitats and ecosystems.

## **Protection of Species**

# Article 15

Protection of species shall be accomplished by carrying out measures and activities on the preservation of the species, their populations and habitats, ecosystems and the corridors connecting them.

Protection of birds and migratory species shall be established through implementation of measures needed for conservation, maintenance and recovery of enough diversity and extension of their habitats, avoidance of pollution or disturbance of habitat quality and encouragement of research and management.

In order to conserve small biotopes and habitats, measures shall be undertaken which will include creation of protected areas, maintenance and management of habitats within protected areas, recovery of destroyed biotopes and creation of new biotopes.

# **Protection of Habitats**

# Article 16

Protection of habitats shall be performed through implementation of measures and activities of nature protection and conservation, sustainable use of natural resources and protected areas and conservation of ecologically significant areas.

The Minister shall prescribe criteria for separation of endangered, rare and vulnerable habitats and habitat types of special importance, as well as protective measures for conservation of such habitats and shall establish a list of habitat types in the Republic of Serbia.

Habitat types referred to in paragraph 2 of this Article shall be documented through a map of habitats and GIS database.

Habitat map shall be published at the Ministry and Institute for Nature Protection's websites.

GIS database management, collection and continual updating shall be provided for by the Institute and other professional and scientific institutions authorized by the Minister.

## **Protection of Ecosystems**

#### Article 17

Protection of ecosystems (forest, alpine, water and wet, sensitive, agricultural and other ecosystems) is accomplished through the conservation of their natural composition, structure, function, integrity and equilibrium by carrying out appropriate measures and activities for their protection, improvement and sustainable use.

## Protection of Forest, Wet and Water Ecosystems and Habitats within Agroecosystems

#### Article 18

Conservation of biological diversity of forest ecosystems shall be carried out with purpose of strengthening the generally beneficial functions of forests, in accordance with the law.

Forest management must be based on the principles of sustainable development and conservation of biological diversity, conservation of natural composition, structure and function of forest ecosystems, in conformity with the conditions for nature protection that are an integral part of forest bases.

With purpose of enriching the biological and landscape diversity in forest management, the forests shall be treated in such way so as to preserve forest openings (meadows, pastures etc.) and forest outskirts as much as possible.

Within the wet and aquatic ecosystems with the shore, any acts, activities and operations endangering a hydrological phenomenon or survival and conservation of biological diversity are prohibited.

Quantity of water in wet and aquatic ecosystems, outside of protected areas, which is essential for conservation of hydrological phenomenon and survival of biological diversity shall be determined by the ministry responsible for agriculture, forestry and water management, upon the obtainment of the opinion from the Ministry, while in protected areas and ecologic network areas this shall be determined by the Ministry upon the obtainment of the opinion for agriculture, forestry and water management of the opinion from ministry responsible for agriculture, forestry and water management.

Conservation of biological and landscape diversity of habitats within agroecosystems and other non-autonomous and semiautonomous ecosystems shall be carried out mainly through the conservation and protection of marginal habitats, hedges, borders, individual trees, groups of trees, ponds and meadow belts, as well as other ecosystems with preserved or partially changed woody, bushy, meadow or swamp vegetation.

When joining plots of agricultural land into larger wholes, care must be taken to conserve the present and create new marginal habitats, in order to secure biological and landscape diversity of ecosystems.

# Use of Biological, Biotechnical and Chemical Agents in the Protection of Ecosystems and Protected Areas

#### Article 19

In order to protect ecosystem, it shall be allowed to use biological, biotechnical and chemical agents in compliance with law.

Biological and biotechnical agents can be used in protected areas with purpose of conserving biological diversity.

Chemical in protected areas may be used in compliance with prescribed protection regimes with the approval given by the ministry responsible for agriculture, forestry and water management, with the consent of the Ministry.

# **Conservation of Genetic Diversity**

## Article 20

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

Collection of genetic material from the nature for use must not endanger the survival of ecosystems or the population of wild plant, animal and fungi species in their habitats.

#### Access to the Sources of Genetic Material

# Article 21

Genetic material from the nature can be used in compliance with this Law.

No material gain can be achieved on the genetic material created from the genetic material of wild plant, animal and fungi species.

#### Gene Bank

# Article 22

Gene bank shall be established with purpose of conserving genetical diversity of wild plants, animals and fungi.

Biological material of a supervised or bred population, parts of plants, animals and fungi, seeds, spores, sex cells and other biological materials which are used with purpose of conserving species, i.e. their genetic fund and potential shall be kept in gene banks.

Gene bank referred to in paragraph 1 of this Article can be established by a legal entity or an entrepreneur which meets the requirements concerning the personnel, equipment and space.

The Ministry shall establish whether all the requirements referred to in paragraph 3 of this Article are met, in a permit which is issued in the form of a ruling.

The permit referred to in paragraph 4 of this Article shall be issued at the request of legal or private entity.

The ruling referred to in paragraph 4 of this Article shall be final, and administrative dispute can be instituted against it.

More detailed requirements referred to in paragraph 3 of this Article, as well as the operating mode of the gene bank, the way of treating the biological material, contents of the application and the documentation which is submitted along with the request for issuance of permit shall be prescribed by the Ministry, with prior consent by the Ministry in charge of agriculture, forestry and water management activities.

# Protection of Geological Diversity

# Article 23

Protection of geological diversity when using and organizing space shall be accomplished by carrying out measures for the protection of nature, geological and paleontological documents, as well as geo heritage objects in conditions of *in situ* and *ex situ* protection.

#### **Protection of Speleological Objects**

# Article 24

Speleological objects shall be public assets owned by the Republic of Serbia.

Speleological objects, because of their natural and cultural values, shall enjoy protection and are used in accordance with this Law and other regulations.

A cadastre of speleological objects shall be developed for the speleological objects, as a digital geographical information system (hereinafter: cadastre).

# **Protection and Use of Speleological Objects**

# Article 25

It shall be prohibited to do the following in the speleological objects and in their vicinity:

1) to pollute watercourses and springs, sink, bring in and leave behind poisonous materials, solid waste and dead animals or deposit any kind of waste in such places and in such way that they can enter the speleological object by running water or by free movements;

2) to destroy, damage or carry away parts of cave ornaments, cave sediments, fossil remains and artefacts;

3) destroy or carry away specimens of fauna and flora and disturb conditions in their habitats;

4) carry out construction works which can cause significant unfavourable and permanent changes of geo-morphological and hydrological characteristics.

The Government shall prescribe the mode and conditions for management, use and exploration of speleological objects, as well as development and maintenance of the cadastre referred to in Article 24, paragraph 3 of this Law.

#### **Protection of Landscapes**

## Article 26

According to their natural and created characteristics, landscapes shall be divided into landscape types which express the diversity of natural and cultural heritage.

Protection of landscapes shall imply planning and implementation of measures which prevent unwanted changes, disturbances or destruction of significant landscape characteristics, their diversity, uniqueness and aesthetical values and enable the traditional way of using the landscape.

Conservation of significant and characteristic features of the landscape must be provided for when planning and organizing space and when planning and using natural resources.

Protection, management and planning o landscapes shall be based on identification of landscapes and assessment of their significant and characteristic marks.

The Minister shall prescribe criteria for identification of landscapes and manner of assessment of their significant and characteristic marks.

# **III. PROTECTED NATURAL GOODS**

# Protected Natural Goods

# Article 27

Protected natural goods shall be:

- 1) protected landscapes
- strict natural reserve,
- special natural reserve,

- national park,
- natural monument,
- protected habitat,
- landscape of exceptional characteristics,
- natural park;
- 2) protected species
- strictly protected wild species,
- protected wild species;
- 3) mobile protected natural documents.

#### 1. Protected Areas

# Article 28

The areas which have distinguished geological, biological, ecosystem and/or landscape diversity and are significant as habitats of birds and other migratory species important in compliance with international regulations can be declared as protected areas of general interest.

Protected areas can be connected in transboundary manner with protected areas of the neighbouring countries.

The management plan and measures for protection of a protected area which has been connected in transboundary manner with a protected area in the neighbouring country shall be established by mutual consent with the competent authorities of that country, with consent of the Ministry.

#### **Strict and Special Natural Reserves**

#### Article 29

Strict natural reserve shall be an area of unchanged natural characteristics with representative natural ecosystems, intended exclusively for conservation of the original nature, gene fund, ecologic equilibrium, following natural phenomena and processes, scientific research which does not damage the natural characteristics, values, phenomena and processes.

Special natural reserve shall be an area of unchanged or insignificantly changed nature, of particular importance due to its uniqueness, rareness or representativeness, and which includes a habitat of an endangered wild plant, animal and fungi species, without settlements or with scarce settlements in which humans live in harmony with the nature, intended for conservation of the existing nature characteristics, gene fund, ecological equilibrium, following of natural phenomena and processes, scientific research and education, controlled visits and preservation of traditional way of life.

Special natural reserve can be floristic, mycological, or with forest and other vegetation, zoological (ornitological, ichtiological and others), geological, paleontological, hydrogeological, hydrological and others.

Within the strict and the special natural reserve it shall be prohibited to carry out operations and activities and perform actions which can impair the features due to which they have been declared as protected natural asset (picking and destroying of plants, disturbing, catching and killing of animals, introducing new biological species, melioration works, various forms of economical and other usage etc.).

Visiting of strict and special natural reserves with education purpose can be carried out on the basis of permit issued by the manager of protected area (hereinafter: the Manager).

Measures for protection of strict and special natural reserve shall be closely determined by the decision on the proclamation of protected area.

The following of natural phenomena and processes and scientific research shall be carried out on the basis of a permit issued by the Ministry and in presence of the Manager.

All economic and other activities shall be prohibited in the strict natural reserve.

#### National Park

#### Article 30

National park shall be an area with a large number of diverse natural ecosystems of national importance, with distinguished landscape characteristics and cultural heritage in which man lives in harmony with the nature, intended for conservation of the existing natural values and resources, with overall landscape, geological and biological diversity, as well as for meeting of scientific, educational, spiritual, aesthetical, cultural, touristic and health and recreational needs and other activities in accordance with the principles of nature protection and sustainable development.

Activities and operations that do not disturb the original state of nature shall be allowed in the national park, as well as carrying out activities that have the function within education, health and recreational and touristic needs, continuation of the traditional way of life of local communities, and in the way that does not jeopardize the survival of species of the natural ecosystems and landscapes, in accordance with this Law and the management plan adopted by the Manager.

The activities referred to in paragraph 2 of this Article can be limited with purpose of preserving the original state of nature in the national park.

The forests within the national park shall be managed by the legal entity that manages the national park.

The forests referred to in paragraph 4 of this Article shall not be included in the forest landscape.

The measures for protection of the national park and the mode of its use shall be determined in detail by a special law.

# **Natural Monument**

#### Article 31

Natural monument shall be a smaller unchanged or partially changed natural spatial entity, object or phenomenon, physically clearly distinguished, recognizable and/or unique, with representative geomorphological, geological, hydrographical, botanical and/or other characteristics, as well as a botanical value of scientific, aesthetic, cultural or educational significance, created by human labour.

Natural monument can be geological (historical and geological-stratigraphical, paleontological, petrological, sedimentological, mineralogical, structural-geological, hydrogeological and others), geo-morphological, speleological (cave, pit and others), hydrological (whole or part of a watercourse, waterfall, lake, moor and others), botanical (rare or significant specimens of herbal life, an individual tree or a group of trees, alleys, parks, arboreta, botanical gardens and others).

Any actions or activities on the natural monument that endanger its characteristics and values shall be prohibited.

Measures for protection of the natural monument and the mode for its use shall be defined in detail by the decision on proclamation of protected area.

#### **Protected Habitat**

#### Article 32

Protected habitat shall be an area which includes one or more types of natural habitats that are significant for conservation of one or more populations of wild species and their communities.

The objective of habitat protection shall be:

1) to protect endangered and rare types of habitats, ecosystems and/or autochthonous wild species on the national or international level;

2) to provide for favourable state of one or more autochthonous species populations;

3) to enable undisturbed development of some of stages in the life of autochthonous wild species (spawning, mating, building nests, raising the offspring, winter hibernation etc.);

4) to protect extremely endangered and vulnerable species;

5) to enable gene flow among the population species;

6) to provide for migratory routes and resting places;

7) to enable scientific research, population management and education.

The activities and operations which endanger or damage one or more habitat types shall be prohibited within the protected habitats.

The importance, purpose and protection measures of a protected habitat shall be closely established by the decision on proclamation of protected habitat.

## Landscape of Exceptional Characteristics

#### Article 33

Landscape of exceptional characteristics shall be an area of recognizable appearance with significant natural, biological-ecological, aesthetic and cultural-historical values, which developed in time as a result of interaction between the nature, natural potentials of the area and the traditional way of life of the local population.

Landscape of exceptional characteristics can be a natural landscape of exceptional characteristics and a cultural landscape of exceptional characteristics.

Natural landscape of exceptional characteristics shall be an area of significant biological-ecological and aesthetic value, in which the traditional way of life of the local population has not significantly disturbed the nature and natural ecosystems.

Cultural landscape of exceptional characteristics shall be an area of significant landscape, aesthetic and cultural-historical value, which developed in time as a result of interaction between the nature, natural potentials of the area and the traditional way of life of the local population

The activities and operations which disturb primary natural and created values and landscape character shall be prohibited within the landscape of exceptional characteristics.

Protection measures, the mode for carrying out economic and traditional activities and use of natural and created values within the landscape of exceptional characteristics shall be closely established in the formal decision on proclamation of protected area.

#### **Natural Park**

#### Article 34

Natural park shall be an area of well-conserved natural values with mostly conserved natural ecosystems and picturesque landscapes, intended for conservation of the overall geological, biological and landscape diversity, as well as meeting of scientific, educational, spiritual, aesthetic, cultural, touristic, health-recreational needs and other activities harmonized with the traditional way of life and principles of sustainable development.

Within the natural park, no economic or other activities which disturb its substantial characteristics and values shall be allowed.

Protection measures, the mode for carrying out economic activities and use of natural values within the natural park shall be closely established in the formal decision on proclamation of protected area.

#### Protection Regimes Article 35

The following protection regimes shall be established in protected area:

1) 1<sup>st</sup> degree,

2) 2<sup>nd</sup> degree and/or

3) 3<sup>rd</sup> degree

1<sup>st</sup> degree protection regime – strict protection, shall be implemented in protected area or part thereof with original or slightly changed ecosystems of exceptional scientific and practical importance, which enables processes of natural succession and conservation of habitats and life communities in wilderness conditions.

1<sup>st</sup> degree protection regime shall:

- 1) Prohibit use of natural resources and construction of facilities;
- 2) Restrict works and activities to scientific research and monitoring of natural resources, controlled visits for educational, recreational and cultural purposes, as well as implementation of protective, rehabilitation and other necessary measures in case of fire, natural disasters and accidents, occurrence of plant

and animal diseases and excessive propagation of pests, with the consent given by the Ministry.

2<sup>nd</sup> degree protection regime – active protection, shall be implemented in protected area or part thereof with partially changed ecosystems of high scientific and practical importance and particularly valuable landscapes and geo heritage objects.

2<sup>nd</sup> degree protection regime can include management interventions in order to restore, revitalize and generally improve protected area, without consequences to primary values of their natural habitats, populations, ecosystems, landscape characteristics and geo heritage objects, and can include traditional activities and restricted use of natural resources in sustainable and strictly controlled manner.

2<sup>nd</sup> degree protection regime shall:

- Prohibit construction of industrial, metallurgical and mining facilities, asphalt bases, oil refineries, as well as facilities for storage and sale of oil and LPG derivatives, thermal power plants and wind generators, ports and trade centers, airports, service warehouses, storages and cooling plants, holiday houses and other family retreat houses, exploitation of mineral raw materials, peat and river and lake beds material, ploughing of natural lawns, commercial fishing, introduction of invasive allochthonous species, construction of facilities for waste recycling and incineration and formation of waste disposal sites;
- 2) Restrict regulation and baffling of watercourses, formation of water accumulations, melioration and other hydrotechnical activities, construction of hydro power plants, solar power plants and biogas power plants, touristic accommodation facilities, catering facilities, nautical tourism and touristic infrastructure and regulation of public ski resorts, construction of transport, energy, utility or other infrastructure, residential and economic facilities of agricultural husbandries, traditional use of stone, clay and other materials for local needs, construction of fisheries, facilities for conventional breeding of domestic animals and game, fishing, hunting, collection of fungi, wild plant and animal species, management of forests and forest land, establishment of forest and agricultural monocultures, introduction of species alien for plants and animals in the region where protected area is located, and application of chemicals.

3<sup>rd</sup> degree protection regime – proactive protection, shall be implemented in protected area or part thereof with partially changed and/or changed ecosystems, landscape and geo heritage objects of scientific and practical importance.

3<sup>rd</sup> degree protection regime can include management interventions in order to restore, revitalize and generally improve protected area, rural development and improvement of rural households, regulation of cultural-historic objects and objects of traditional civil engineering, conservation of traditional activities among local residents, selective and restricted use of natural resources and areas with necessary infrastructural and other construction.

3<sup>rd</sup> degree protection regime shall:

- Prohibit construction of oil refineries and chemical industry, metallurgical and thermal energy facilities, oil tanks, oil derivative and natural gas tanks, introduction of invasive allochthonous species and formation of waste disposal sites;
- 2) Restrict construction of other industrial and energy facilities, asphalt bases, touristic accommodation facilities and public ski resorts, infrastructural facilities, storages for industrial goods and construction material, holiday houses, exploitation and primary processing of mineral raw materials, formation of waste

management facilities, construction of settlements and spreading of their construction sites, hunting and fishing, formation of forest and agricultural monocultures, application of chemicals and other works and activities that may have significant adverse effects to natural and other values in protected area.

Protection regimes and borders of parts of protected areas with different protection regimes shall be established through a decision on proclamation of protected area based on protection study.

Regime of protective zone of protected area shall prohibit and restrict works and activities for which it has been established (in the procedure prescribed by law and other regulations) that they may have significant adverse effects to biological diversity, geo heritage values and landscape of the protected area.

The Government shall prescribe in detail protection regimes, procedure for their designation and facilities, works and activities that are prohibited or restricted.

In compliance with special law, works and activities restricted by protection regimes referred to in this Article may be prohibited in national parks.

## 2. Protected Species

## Article 36

Wild species which are endangered or can become endangered, which have special significance from the genetic, ecological, ecosystem, scientific, health, economical and other aspects, shall be protected as strictly protected wild species or protected wild species.

The following wild species can be declared as strictly protected:

1) species extinct in the Republic of Serbia and reintroduced through a reintroduction programme;

- 2) extremely endangered wild species;
- 3) endangered wild species;
- 4) relict species;
- 5) local endemite;
- 6) stenoendemite;
- 7) internationally significant and protected wild species;
- 8) a species which for other reasons requires strict protection.

The following wild species can be declared as protected:

- 1) vulnerable wild species;
- 2) endemic species;
- 3) indicator, key and umbrella species;
- 4) relict species;
- 5) internationally significant and protected wild species;

6) species which is not endangered, but can, due to its appearance, easily be confused with an endangered species.

Protected species within the meaning of this Law are determined on the basis of national and international red lists or red books, expert findings and scientific knowledge.

Red book, i.e. the list containing the endangered wild plant, animal and fungi species, the locality in which they are found, numbers of species population and the degree of endangerement shall be established by the Ministry at the request by the Institute.

Wild species protection which is not governed by this Law, shall be regulated by special regulations.

## 3. Mobile Protected Natural Documents

## Article 37

Parts of geological and paleontological heritage, as well as biological documents which have exceptional scientific, educational and cultural importance, can be protected as mobile protected natural documents.

Mobile protected natural documents can be the following:

1) all specimens of holotypes, syntypes and genotypes of fossils, as well as typical kinds of fossils;

2) all individual minerals and/or crystals and mineral druses within the bed;

3) all holotypes and syntypes of fossils, typical kinds of fossils of individual minerals and crystals;

4) mycological, botanical and zoological collections, as well as individual conserved preparations of organic species, their holotypes and syntypes.

It shall be prohibited to collect and/or destroy mobile natural documents or destroy or damage their findings.

## **Ecological Network**

#### Article 38

Ecological network shall comprise: ecologically significant areas, ecological corridors and protective zone, if necessary.

The Institute, in cooperation with other professional and scientific institutions, shall prepare documentation for the establishment of ecological network at the territory of the Republic of Serbia, in compliance with criteria prescribed by law, generally accepted rules of international law and ratified international agreements.

The Institute shall maintain digital database for ecological network, which shall contain vectorally shown borders of ecological network area in appropriate proportion of the state map.

The Government shall determine ecological network as well as closer manner of management and financing thereof.

## **Ecological Network Protection**

#### Article 39

Ecological network protection shall be provided for through implementation of prescribed protective measures aimed at conservation of biological and landscape diversity, sustainable use and renewal of natural resources and goods and improvement of protected areas, habitat types and wild species habitats in compliance with this Law, other regulations, generally accepted rules of international law and ratified international agreements.

Ecological network protective measures shall pertain to legal and private entities that use natural resources and perform activities and works in compliance with law.

Measures, methods and technical-technological solutions shall be applied at the ecological network area, with the aim to conserve ecologically significant areas and improve degraded status of ecological network parts.

Monitoring of ecological network status shall be performed by the Institute and/or other professional and scientific organisations, as authorised by the Ministry.

Works, activities and business that may lead to endangerment and disturbance of ecological network functions, disturbance or permanent damaging of characteristics and values of individual parts in ecological network shall be prohibited.

Exceptionally from paragraph 5 of this Article, the Ministry may allow for performance of works, activities and business in compliance with Article 10 of this Law.

#### **Ecological Network Management**

#### Article 40

Ecological network area, at the same protected area as well, shall be managed by the protected area Manager.

In order to manage ecologically significant area and ecological corridor which is not placed under the protection as protected area, the Government can designate or establish a legal entity, at the proposal made by the Ministry, or competent authority of autonomous province, or competent authority of local self-government unit at the territory of which part of ecological network is located.

Management plan may be adopted for ecological network area, or a set of measures may be prescribed for conservation, renewal and improvement of these areas status.

The management plan referred to in paragraph 3 of this Article shall be adopted by legal entity entrusted with management of a part of ecological network.

Closer manner of ecological network management shall be determined through the document referred to in Article 14, paragraph 4 of this Law.

## IV PROCEDURE OF PROCLAMATION OF PROTECTED NATURAL GOODS

#### Categorization of Protected Areas

## Article 41

Protected areas, depending on their values and significance, shall be sorted into categories:

- 1) 1<sup>st</sup> category protected area of international, national, i.e. exceptional significance;
- 2) 2<sup>nd</sup> category protected area of provincial/regional, i.e. high significance;
- 3) 3<sup>rd</sup> category protected area of local significance.

The Minister shall prescribe criteria of valuation and procedure for categorisation of protected areas.

## **Proclamation of Protected Areas**

## Article 41a

National Park shall be proclaimed by law.

Protected area of 1<sup>st</sup> category shall be proclaimed by the Government at the proposal from the Ministry.

Protected area of 2<sup>nd</sup> category shall be proclaimed by the Government, i.e. competent authority of autonomous province, when protected area is located at the territory of autonomous province. When protected area is proclaimed by the competent authority of autonomous province, and when it includes land, other properties of the Republic of Serbia and goods of general interest, consent shall be obtained from the Ministry with previously obtained opinion from competent ministries, as a part of proclamation procedure.

Protected area of 3<sup>rd</sup> category shall be proclaimed by competent authority from local self-government unit, and if such protected area is located at the territories of two or more local self-government units, competent authorities of those local selfgovernment units shall proclaim protected area in agreed manner. When protected area includes land and other properties owned by the Republic of Serbia, or autonomous province, and goods of general interest, consent shall be obtained from the Ministry, or authority of autonomous province responsible for environmental protection activities, with previously obtained opinion from competent ministries, i.e. competent authorities of autonomous province, as a part of proclamation procedure.

## **Protection Study**

## Article 42

The proposal for the formal decision on proclamation of the protected area has a scientific and/or professional basis – protection study, which shall establish values of the area whose protection is proposed, and the mode for managing the area.

The initiative for proclamation of the protected area can be submitted by the nature protection subjects referred to in Article 6 of this Law.

The protection study shall be drafted by the Institute, which shall inform the local population of the initiative and the study procedure, as well as the owners and users of the area which is the subject of the study and shall cooperate with them.

The protection study shall contain the rationale for the proposal for the protection procedure, description of the natural, created and landscape characteristics of the natural asset with thematic cartographic enclosures, ground values of the natural asset, assessment of the state of environment in the area, the proposed protection regimes, cartographic view containing the borders and protection regimes on the basis of data from the real estate cadastre, the concept of protection and improvement, possible perspectives of sustainable development, stakeholders analysis, documentation on harmonisation of needs for protection with stakeholders, management mode, assessment of socio-economic effects of protection, development and sustainable use, necessary personnel and technical equipment for the manager, possible proposal by the manager and other elements of importance for proclamation of the protected area.

Resources for drafting of the protection study shall be provided from the budget of the Republic of Serbia, budget of the autonomous province, and/or budget of the local self-government unit.

The area for which the protection procedure has been initiated shall be considered protected in terms of this Law.

Procedure of protection of a natural area shall be started when the Institute submits the protection study to the competent authority.

## **Public Participation**

#### Article 43

The proponent of the decision on proclamation of the protected area shall inform the public about the proposal for decision.

The proponent shall provide public insight and shall organise public debate on the proposal for decision on proclamation of the protected area and its professional basis – the protection study with cartographic documentation.

The information referred to in paragraph 1 of this Article shall be published in at least one newspaper distributed in the whole territory of the Republic of Serbia and in the local magazine of the local self-government unit in whose territory the area whose protection is proposed is located, and shall contain information on the time and place of public display and public debate.

Presentation of the decision on proclamation of the protected area and the professional basis referred to in paragraph 2 of this Article for public insight shall last for at least 20 days from the date of issuing the information.

## Contents of the Decision on Proclamation of the Protected Area Article 44

The decision on proclamation of protected area shall contain in particular:

- 1) type, name and position of protected area;
- 2) basic aims of proclamation and values of protected area;
- total coverage of the protected area and coverage of municipality areas, i.e. city territories included in protected area borders, with a list of cadastre municipalities;
- 4) basic ownership structure over the property;
- description and layout of borders of protected area and borders of areas with prescribed protection regimes, as well as protected zone borderlines, in the manner that provides for identification of those borders in the field and in cadastre plan;
- closer aims of protection and sustainable use of protected area expressed in areas with prescribed protection regimes and measures applied to achieve those aims;
- 7) name, legal/organizational status and head office of the Manager;
- 8) closer contents and manner of management plan adoption;
- closer manner of provision of funds for implementation of decision on proclamation, i.e. management plan within legally determined sources of financing;
- 10) other elements of importance for protected area management

Necessary data referred to in points 3), 4) and 5) of this Article shall be provided for from database of the property cadaster issued by the Republic Geodetic Authority, free of charge, at the Institute's request.

## Publishing of the Decision on Proclamation

## Article 45

The decision on proclamation of the protected area referred to in Article 41, paragraphs 1 and 2 of this Law, shall be published in the "Official Gazette of the Republic of Serbia", the decision on proclamation referred to in Article 41, paragraph 3 of this Law in the official journal of the autonomous province, and the decision on the proclamation referred to in Article 41, paragraphs 4 and 5 of this Law in the official journal of the local self-government unit.

The authority that renders the decision on proclamation of the protected area shall deliver the same within 30 days from the enactment day to the following:

- 1) (deleted);
- 2) to the Republic Geodetic Authority, i.e. authority competent for registration;
- 3) to the manager of the protected area;
- 4) to the Institute, with purpose of entering into the register of protected natural goods.

## **Decision on Termination of the Protection**

## Article 46

If an area has lost values for which it had been protected, the Institute shall propose the adoption of the decision on termination of the protection to the authority that has adopted the decision.

Within six months from the reception of the Institute's proposal, the authority referred to in paragraph 1 of this Article shall adopt the decision on termination of the protection and shall submit it to the Institute in order to provide deletion from the register of protected natural goods.

The decision referred to in paragraph 1 of this Article shall be submitted to the Republic Geodetic Authority, i.e. authority responsible for registration in order to provide for deletion of the entry in land register or property cadastre.

Within one month from the day of adoption of the decision on termination of the protection, the Institute shall delete the protected area from the register of protected natural goods.

## **Prior Protection**

#### Article 47

The area for which it has been established, on the basis of the expert opinion of the Institute, to have the properties of a protected area and/or the procedure for proclamation referred to in Article 41 of this Law, shall be the area under prior protection.

The decision on the prior protection shall be made by the Ministry, upon previously acquired opinions from the competent ministries.

The decision on the prior protection shall establish the area under prior protection, protection measures and the expiry date of the established prior protection, which cannot exceed one year from the date of decision.

The competent authority shall be obliged to make the decision on proclamation of the protected area within the deadline referred to in paragraph 3 of this Article, and if not, the prior protection expires, and cannot be re-established.

The ruling on previous protection shall be published in the "Official Gazette of the Republic of Serbia" and shall be submitted to the authority responsible for proclamation of protected area, local self-government unit at the territory of which the area under previous protection is located, and to the Institute so as to provide registration into the register of protected natural goods.

## 2. Protected Species

#### Article 48

On the basis of the estimate of endangerment for certain species, and the obligations from the approved international agreements, as well as on the basis of the national and international red lists and/or red books and/or other professional documentation, the Minister shall, by mutual consent with the Minister competent for the agriculture, forestry and water management, and at the proposal of the Institute, declare the wild species as strictly protected wildlife species or protected wildlife species.

The Institute shall take care about the species referred to in paragraph 1 of this Article, as well as holders of such species, protected areas managers, public enterprises for forest management, users of hunting areas and fishery areas who are obligated to plan and implement measures and activities of management of strictly protected species

and protected wild species populations within the management programmes and plans, in compliance with this and special laws.

The decision referred to in paragraph 1 of this Article shall establish the protection measures for the strictly protected and protected wild plant, animal and fungi species, as well as the measures for protecting their habitats.

The decision referred to in paragraph 1 of this Article shall published in the "Official Gazette of the Republic of Serbia".

## 3. Mobile Protected Natural Documents

#### Article 49

Geological, paleontological and biological documents which are endangered within the meaning of this Law, shall be, at the proposal by the Natural History Museum, upon the acquired opinion from the Institute, declared as protected natural goods by the Minister, by mutual consent with the minister competent for protection of cultural goods.

The decision referred to in paragraph 1 of this Article shall be published in the "Official Gazette of the Republic of Serbia".

#### **Register of Protected Natural Goods**

#### Article 50

Protected natural goods shall be registered into the register of protected natural goods.

The register of protected natural goods shall be an electronic database on protected areas, areas under previous protection, protected species and mobile protected natural documents, and shall be maintained as central and provincial ones.

Central register of protected natural goods for the territory of the Republic of Serbia shall be maintained by the Institute for Nature Protection of Serbia.

Provincial register of protected natural goods for the territory of autonomous province shall be maintained by the Provincial Institute for Nature Protection, which shall be obligated to submit data on changes in the register to the Institute for Nature Protection of Serbia within 15 days from the day of change recording, so as to provide for registration in the central register.

The Minister shall prescribe type of data, manner of obtainment, maintenance, protection and use of data from the register of protected natural goods, as well as data from the register which are of public character.

## V. MANAGEMENT AND USE OF PROTECTED AREAS

## Planning the Management of a Protected Area

#### Article 51

Protection, management, use and improvement of protected areas shall be carried out on the basis of the decision on proclamation of the protected area and the plan for managing the protected area.

## Plan for Managing the Protected Area Article 52

The Manager shall adopt the management plan for the period of ten years.

For certain protected areas, the decision on declaring can envisage the management plan to be adopted for a shorter period of time (individual trees, alleys etc.).

The management plan shall establish the mode for carrying out protection, use and managing of the protected area, guidelines and priorities for protection and conservation of natural values of the protected area, as well as development guidelines, taking into account the needs of the local population.

Legal entities, entrepreneurs and private entities shall be obliged to perform their activities within the protected area in accordance with the management plan.

Before the expiry of the time period designated for the plan, its implementation and the accomplished results shall be analysed, and it can be revised if necessary.

The report on the accomplishment of the plan shall be delivered in the manner and according to the procedure prescribed for the drafting of the plan.

## **Contents of the Management Plan**

## Article 53

The management plan shall contain particularly the following:

1) layout of the main natural and created values, as well as natural resources;

2) assessment of the state of environment in the protected area;

3) survey of particular activities, operations and processes which represent the factor of endangerment for the protected area;

4) long-term objectives for protection, conservation and improvement and sustainable development;

5) analysis and assessment of the working conditions to accomplish those objectives;

6) priority activities and measures for the protection, maintenance, monitoring of the state and improvement of the natural and created values;

7) priority tasks for scientific research and educational work;

8) planned activities on the sustainable use of natural values, development and spatial organization;

9) spatial identification of planned purposes and the regime for land use;

10) activities to promote the value of the protected area;

11) study (research), programme, plan and project documentation necessary to carry out the objectives and activities;

12) forms of cooperation and partnership with the local population and other owners and users of the property;

13) activities and measures to implement the plan with the progress rate and subjects for the realization of the management plan and the mode for assessment of successfulness of its application;

14) financial funds and other material prerequisites for carrying out of the given tasks in managing of the protected area and the mode of securing them.

#### Implementation of the Management Plan

#### Article 54

The Government shall give its consent to the plan for managing the national park, according to the previously acquired opinions from the competent ministries.

The Ministry shall give its consent to the plan for managing the protected area which has been declared through the Government decision, according to the preciously acquired opinions of the competent ministries.

The authority competent for the activities of environment protection in the autonomous province, and/or local self-government units, upon previously acquired opinion from the Institute, shall give consent to the plan for managing the protected area which has been proclaimed as such through a decision by the competent authority of the autonomous province, and/or the competent authority of the local self-government unit.

The management plans referred to in paragraphs 1, 2 and 3 of this Article shall be achieved through the annual management programmes, which shall be subject to consent by the Ministry, the authority competent for the environment protection activities of the autonomous province, and/or the local self-government units.

The Manager shall deliver the report on the progress of the annual programme for the previous year and the annual management programme for the following year before 15 December of the current year, and the report on progress of the management plan referred to in Article 52 of this Law no later than 60 days before the expiry of the time period for which the plan was drafted.

The Manager shall be obliged to inform the public on the proposal for the plan of managing the protected area.

Informing the public shall imply public insight into the proposed plan.

The public presentation shall be organized and implemented by the Manager of the protected area and shall last for 30 days.

## **Spatial Plan of Special Purpose Area**

#### Article 55

Organisation, use, spatial planning and building construction in the protected area shall be conducted on the basis of a spatial plan of special purpose area and/or urban planning, in compliance with law.

The plans referred to in paragraph 1 of this Article must be in accordance with the decision on the proclamation of the protected area and plan of the protected area management.

In the procedure of the design of the plans referred to in paragraph 1 of this Article, the competent authority responsible for the design of the plan shall be obliged to obtain the conditions for nature protection, in compliance with Article 9 of this Law.

## **Rulebook on Interior Order and Guarding Service**

## Article 56

The Manager shall be obliged to provide interior order and guarding of the protected area in accordance with the rulebook on interior order and guarding, which shall be adopted by the Manager with consent of the competent authorities.

The rulebook referred to in paragraph 1 of this Article, for a national park and protected areas for which the decision on protection has been made by the Government, shall be adopted by the Manager with consent of the Ministry.

The rulebook referred to in paragraph 1 of this Article, for the protected areas for which the decision on protection has been made by the competent authority of the autonomous province or local self-government unit, shall be adopted by the Manager with consent of the competent authority of the autonomous province and/or local self-government unit.

The rulebook referred to in paragraph 1 of this Article shall set forth rules for implementation of the prescribed protection regime, in particular: manner of visitors and other users' behaviour in circulation, stay and performance of activities in protected area: manner of doing business when using natural resources and areas for construction of buildings; places, areas and facilities where circulation is prohibited or restricted so as to enable conservation of wild plants and animals and other values, and where performance of certain activities is restricted, as well as duration of such measures; wild plant and animal species use of which, i.e. picking, collection and hunt of which is restricted, as well as manner and conditions for performance of such activities; conditions for protection in performance of scientific research and educational activities: places and conditions for waste disposal; manner of maintenance of tidiness and cleanliness of protected area; procedure for giving consent and other documents to users by managers; manner and organisation of guarding, guarding of protected area, equipment and means necessary for guarding and maintenance; manner of implementation of preventive measures related to protection against fire, other disasters and accidents.

The decision on proclamation of the protected area shall determine in more detail the contents, way of adoption and publication of the rulebook referred to in paragraph 1 of this Article.

## Works and Activities in the Protected Area

## Article 57

It shall be prohibited to perform works and activities in the protected area, i.e. implementation of projects which damage, disturb and change characteristics and values for which certain area is protected shall be prohibited.

The Government may, in compliance with law, allow works and activities, i.e. projects in the protected area, especially in the area of energy, transport infrastructure, water management, agriculture, tourism, sport, mining and nature and environmental protection, performance of which has been prohibited by the prescribed protection regimes, if these projects are of general interest and national importance.

For works and activities, i.e. implementation of projects in the protected area, environmental impact assessment shall be implemented in compliance with law, with obligatory obtainment of the document on conditions and measures for nature protection. For works and activities, i.e. projects for which environmental impact assessment is implemented, which may affect values and characteristics of protected goods, the contractor, i.e. project proponent shall obtain the document on conditions and measures for nature protection from the Institute, in compliance with this Law.

The project proponent shall notify the protected area manager in written form about the planned works and activities, i.e. implementation of project referred to in this Article, and the protected area manager shall familiarise the project proponent with the options for performance of mentioned works and activities, as well as with further procedure.

## Use and Visiting of Protected Areas

#### Article 58

Protected areas may be used and visited in the manner that will not endanger their values and the implementation of protection.

Use and visiting the protected area shall be permitted to everyone under equivalent conditions in compliance with this Law and the decision on protection of stated protected natural good.

Should use and visiting of the protected area cause danger to its conservation, the use and visiting of the protected area can be prohibited or restricted.

## Liabilities of the User or Owner of the Property

#### Article 59

The owner or the user of the property in the protected area shall be bound to permit access to a particular natural value, for the purpose of satisfying scientific, educational, aesthetic, cultural and recreational needs, in the manner and under the conditions stipulated by the decision on proclamation of the protected area.

## **Priority Purchase Right**

## Article 60

The owner of the property within a protected area intending to sell that property shall be obliged to offer the same first to the authority adopting the decision on protection, that is, the Republic of Serbia, autonomous province or local self-government unit in the territory of which the property is located.

The owner of the property within a protected area shall be obliged to quote the price and terms of sale.

The Republic of Serbia, autonomous province or local self-government unit shall be bound to accept or reject the offer within thirty days from the reception of the offer in writing.

Should the offer not be accepted within the specified time limit, the owner may sell the property under the conditions that are equal or more favourable for him than those contained in the offer.

Should the owner sell the property within the protected area failing to previously act in accordance with paragraphs 1 and 4 of this Article, the Republic of Serbia, autonomous province or local self-government unit shall be entitled to bring the legal action requiring the annulment of the sale contract, within ninety days after the conclusion of the contract has been made known to them, but not later than five years after the conclusion of the sales contract.

The procedure for the annulment of the contract pursuant to paragraph 5 of this Article can also be initiated in case of contract being concluded in the form of a donation or price or terms of sale being fictitious, or actual price lower and terms of contract more favourable for the buyer, in relation to the offer referred to in paragraph 1 of the present Article.

## Acquisition of Property Right in Protected Areas

## Article 61

The ownership of a property in protected areas may be acquired under the conditions laid down by the present Law and other laws.

Foreign legal or private entities may acquire property right to properties in protected areas, in accordance with law.

## Expropriation and Restriction of Property Rights

## Article 62

For the purpose of implementation of protection and conservation of protected areas, when there is the interest of the Republic of Serbia, a property may be expropriated or property rights and other actual rights to property may be restricted in the protected area.

The procedure of expropriation of property rights shall be conducted pursuant to special regulation.

## Compensation for Prohibition or Restriction of Usage Rights

#### Article 63

A legal entity, entrepreneur or private entity who, due to restrictions and prohibitions under the present Law or decision on protection adopted, has suffered substantial deterioration of existing conditions for generation of income from activities executed at least five years prior to adoption of the decision on the prohibition, that is, restriction of usage, which cannot be compensated for by an authorised activity within the prescribed framework of protection in the protected area, shall be entitled to get compensation for the restrictions and prohibition imposed on him/her.

The entity referred to in paragraph 1 of this Article to whom damage is being made as a result of application of biological-technical protection and regulation aimed at sustainable use of the protected area, shall be entitled to get compensation for damages.

The compensation referred to in paragraphs 1 and 2 of this Article can be disbursed provided that the Ministry, the competent authority of the autonomous province and/or local self-government unit in cooperation with the manager of the protected area, has ascertained that the legal or private entity or entrepreneur implements prescribed measures and conditions for nature protection.

The amount of the compensation shall be established by mutual consent and in case of dispute the amount of the compensation shall be determined by the court of law.

The compensation referred to in paragraphs 1 and 2 of the present Article shall be paid from the budget of the Republic of Serbia, autonomous province or local selfgovernment unit.

#### Liability for Damage

## Article 64

The Republic of Serbia shall not be liable for any damage caused by wild species, except in cases determined by this Law or other regulations.

A legal entity, entrepreneur or private entity to whom strictly protected or protected wild species may cause economic or any other damage (hereinafter: the damaged party) shall be obliged to duly and at his/her on expense undertake all authorized actions and activities in order to prevent the occurrence of damage.

Under the action or activity in terms of paragraph 1 of this Article the following shall be understood: fencing, safeguarding of goods and chasing out of strictly protected animal species, from the place wherein directly threaten the goods and in the manner not threatening for the survival of the species.

Should circumstances permit, the opinion of the Institute shall be required for the actions and activities referred to in paragraph 3 of this Article.

#### **Right to Get Compensation for Damage**

## Article 65

The damaged party shall be entitled to get compensation in the amount of actual damage inflicted by strictly protected and protected wild species if she/he has undertaken prescribed works and activities.

The damaged party damages shall be obliged to notify the Ministry, and/or the competent authority of the autonomous province and/or the manager of the protected area, about the occurrence of the damage without delay, and no later than eight days from the date of the occurrence of damage.

The damaged party and court expert shall establish facts that are important for the establishment of damage occurrence, cause and amount of damages on the spot, and the minutes shall be made.

Actions and activities referred to in Article 64 of this Law, manner of work and acting of court expert on the occasion of determination of damages, amount of compensation and criteria for calculation of damages shall be prescribed by the Minister.

The amount of compensation shall be established by mutual consent between the Ministry and/or the competent authority of the autonomous province and the damaged party, and in case of dispute the court of law shall determine the amount of compensation.

## Compensation for Damages Caused by Illicit Action

## Article 66

Legal entities, entrepreneurs and private entities shall be obliged to compensate for any damage incurred by violations of this Law.

The amount of compensation for damage shall be established by mutual agreement between the Ministry and/or the competent authority of the autonomous province and the party referred to in paragraph 1 of this Article, and in case of dispute the amount of the compensation shall be determined by the court of law.

The amount of compensation for damage caused by an illicit action in relation to particular specimens of strictly protected and protected wild species shall be determined

on the basis of compensation rates approved by the Minister in agreement with the minister responsible for agriculture, forestry and water management.

Funds raised by compensation for damages referred to in paragraphs 1,2 and 3 of the present Article shall constitute the revenue of the budget of the Republic of Serbia and/or the budget of the autonomous province and shall be used for the conservation and improvement of the protected area.

#### Protected Area Management

#### Article 67

Protected areas management shall be the activity of general interest.

Protected area shall be managed by legal entity (hereinafter referred to as: Manager), that fulfils professional, human resource and organisational conditions for the activities of conservation, improvement, promotion of natural and other values and sustainable use of protected area.

Exceptionally from paragraph 2 of this Article, the Manager may be an entrepreneur and/or private entity, if protected area has smaller coverage and is mainly privately owned in terms of property.

The Manager shall be designated/appointed by the decision on proclamation.

The authority competent for the adoption of the decision on proclamation may establish a public enterprise, public institution or commercial entity for management of one or more protected areas.

Fulfilment of conditions referred to in paragraph 2 of this Article shall be determined by the Ministry, i.e. authority responsible for environmental protection in the autonomous province, i.e. authority responsible for environmental protection in local self-government unit, in the procedure of preparation of proposal decision on proclamation.

The Minister shall prescribe closer conditions referred to in paragraph 2 of this Article.

In order to protect and present natural values of protected area, the Manager, when legal entity, may be granted publically owned properties for use, in compliance with law and regulations that pertain to use of assets owned by the Republic of Serbia and goods of general interest.

#### Liabilities of the Manager

#### Article 68

In the management of the protected area, the Manager shall have the obligation to do the following in particular:

1) to guard the protected area and implement the prescribed protection regimes;

2) to improve and promote the protected area;

3) to adopt the management plan and the Rulebook on Interior Order and Guarding, specified by the decision on protection;

4) to mark the protected area, borders and protection regimes in conformity with a special rulebook on marking;

5) to provide for free development of natural processes and sustainable use of the protected area;

5a) to give consent for performance of scientific research, performance or research activities, film shooting, mounting of temporary buildings on surfaces within the protected area and to give other approvals in compliance with law and rulebook on interior order and guarding service;

6) to provide for monitoring of implementation of measures and conditions of nature protection;

7) to monitor the movement and activities of visitors and provide trained guides for tourist visits;

8) to keep record on natural values and submit the data thereof to the Institute;

9) to keep record on human activities, operations and processes that represent the factor of endangerment and damage to the protected area and submit the data thereof to the Institute and the Ministry;

9a) to maintain records on property with data of importance for protected area management;

10) to prevent all activities and operations non-complying with the decision on protection and representing the factor of endangerment and devastation of the protected area, in cooperation with state and regional inspection and security officers;

11) to adopt a rulebook on charges;

12) to perform other activities specified by the law and decision on protection.

If the Manager, performing his/her duties referred to in paragraph 1, points 1), 5a) and 6) of this Article, establishes that offence has been committed or that there is reasonable doubt that criminal act or commercial offence has been committed, he/she shall be authorised and obligated to file appropriate report or request for initiation of offence proceedings.

In order to inform, provide assistance and control visitors and collection of charges for use of motor vehicle in protected area, an entrance station may be established on the public road passing through the protected area, provided with appropriate facilities, equipment and staff, based on the spatial, i.e. urban development plan and protected area management plan, with the consent given by the public road manager.

The entrance station may have facilities, assets, equipment and personnel for maintenance of the public road and traffic safety.

When charges are collected at the entrance station, the protected area manager shall organise the collection so as to enable smooth passage of vehicles, with as few blocks as possible, in compliance with traffic-technical conditions, as established by the public road manager in the procedure of consent giving.

Should it be established during the procedure of work supervision by inspection of competent authorities that the manager fails to carry out the responsibilities stipulated by the decision on protection, the management of the protected area shall be assigned to another manager.

The Minister shall prescribe the manner of protected area marking referred to in paragraph 1, point 4) of this Article.

# Financing of the Protected Area

## Article 69

The funds for the financing of the protected area shall be provided from:

1) The budget of the Republic of Serbia, autonomous province and/or local self-government unit;

- 2) Means of the Environment Protection Fund;
- 3) Charges for the protected area use;
- 4) Revenues from activities and management of the protected area;

5) Revenues for the implementation of programs, plans and projects in the field of nature protection;

- 6) Donations, presents and aids;
- 7) Other sources in compliance with law.

The funds referred to in paragraph 1 of this Article may be used for purposes defined by this and other law.

The budget funds referred to in paragraph 1, point 1) of this Article shall be primarily used for financing of works and other costs pertaining to:

- Guarding, maintenance and presentation of protected areas (establishment, equipping and training of guarding services, marking, maintenance of interior order, media and other public presentation of values, rehabilitation of degraded areas, waste management, information system development, and so on);
- 2) Visitors management (construction of entrance stations, educational and visitors centres, printing of materials intended for visitors and so on);
- Regulation of ownership-legal relations (purchase or change of land, charges for owners and users of property for deprivation and restriction of rights on use, made damages or other costs they have in relation to protection);
- 4) Monitoring and development of protected area status (monitoring, reintroduction, recultivation, and so on);
- 5) Spatial arrangements and sustainable use of natural resources (programmes, plans and projects for eco-tourism development, organic agriculture and so on).

## Charges for the Use of the Protected Area

## Article 70

Charges shall be paid to the Manager for use of protected area.

The Manager may prescribe and collect the charges referred to in paragraph 1 of this Article for the following:

- 1) Activities in the area of tourism, catering, trade, services, craftsmanship, industry, mining, energy, water management, civil engineering, transport, telecommunication, use of wild flora and fauna;
- 2) Holiday houses and other non-commercial facilities for rest in nature;

- 3) Motor vehicles in use in the protected area;
- 4) Touristic, recreational, sports and other manifestations and activities, advertisements, commercial film, photo and audio recordings;
- 5) Use of services, regulated fields, facilities and other property of the Manager and name and logo of the protected area;
- 6) Visit to the protected area, parts and facilities thereof.

The obligated entity shall be a user of the protected area, i.e. legal entity, entrepreneur or private entity who, with regard to the charge subject referred to in paragraph 2 of this Article, performs activities or has property and other possessions in the protected area, uses services and property of the Manager, visits the protected area for holiday, sport, recreation and similar needs, and otherwise uses its values and advantages.

The Manager shall prescribe the amount of charges depending on:

- 1) Degree of use of the protected area;
- 2) Degree of damages made to the protected area;
- Degree of increased Manager's obligations in maintenance of tidiness and cleanliness, guarding and other activities related to conservation, improvement, presentation and development of the protected area;
- 4) Advantages and uses provided by the protected area for performance of allowed business and activities.

The Manager may prescribe reduction or relieve from payment for one or more subjects to the charge referred to in paragraph 2 of this Article, primarily for the following:

- 1) Residents and permanently employed, private entities who perform activities or official duties in the protected area, disabled persons and persons with special needs, children, pensioners, etc.;
- 2) Users whose activities directly contribute to improvement of the status, presentation and promotion of values in the protected area;
- 3) Users who suffered from natural disaster or other reasons which resulted in circumstances which significantly complicate working and business conditions.

The Government shall prescribe joint elements for determination of charges for use of the protected area, especially closer subject, bases, highest amounts and manner of calculation and collection of the charge referred to in paragraph 2, points 1), 2) and 3) of this Article, manner of calculation and collection of the charge for visit to the protected area referred to in paragraph 2, point 6) of this Article, closer criteria for determination of the amount for the charge referred to in paragraph 4 of this Article and closer conditions for reduction or relieve from payment referred to in paragraph 5 of this Article.

The Manager's decision which determines the amount, manner of calculation and payment of charges for use of protected area shall be approved by the Ministry for the National Park and protected area proclaimed on the basis of the Government's decision, while the authority responsible for environmental protection in the autonomous province, i.e. authority responsible for environmental protection in local self-government unit shall adopt the Manager's decision for the protected area proclaimed on the basis of the decision made by the competent authority of autonomous province, i.e. by the competent authority of local self-government unit.

The Manager shall keep the funds collected from charges referred to in paragraph 1 of this Article at the special account and shall use those funds for

protection, development and improvement of the protected area, i.e. for the implementation of management programme and plan.

With regard to payment of charges referred to in paragraph 2, points 1) and 2) of this Article, interest for delay in payment, forced collection and everything else that has not been prescribed by this Law, provision of the law that regulates tax procedure and tax administration shall be applied accordingly.

## **VI PROTECTION AND CONSERVATION OF WILD SPECIES**

#### Protection and Conservation of Wild Species

## Article 71

Prevention of all activities that contribute to disturbance of favourable state of wild species populations, destruction or damage to their habitats, nests, litters or disruption of their life cycle and/or favourable state, shall be deemed as protection and conservation of wild species.

The favourable state of wild species shall be provided by the protection of their habitats and protection measures for particular species in compliance with this Law.

## **Protection of Wild Species Habitats**

#### Article 72

During the execution of works and activities in nature and use of natural values in the wild species habitats, measures, methods and technical means that contribute to the conservation of favourable state of species and/or do not endanger wild species and/or disturb the habitats of their populations shall be applied, or these works and activities may be restricted in the period overlapping with significant stages of the life cycle of the species.

The conservation of wild species and their habitats referred to in paragraph 1 of this Article shall make an integrated part of the measures and conditions for nature protection referred to in Article 9 of this Law.

## **Strictly Protected Wild Species**

## Article 73

Strictly protected wild species can be protected in the entire territory of the Republic of Serbia, or in individual parts thereof.

If an area is the temporary habitat of a strictly protected wild species and its protection cannot be provided in some other way, the Ministry can, by a special decision, with prior opinion of the ministry responsible for agriculture and forestry, declare that area or the part thereof is temporarily protected as long as the need for protection exists.

## Measures for Protection of Strictly Protected Wild Species

#### Article 74

It shall be prohibited to use, destroy, and execute other activities that could endanger strictly protected plant, animal and fungi species and their habitats.

Pursuant to paragraph 1 of this Article, the following shall be prohibited:

1) To destroy specimens of plant and fungi species and the development forms thereof by picking, collecting, cutting, or uprooting or digging in all stages of the biological cycle, and to endanger or destroy their habitats;

2) To keep and trade in strictly protected plant and fungi species growing in the wild and the development forms thereof;

3) To capture, keep and/or kill strictly protected animal species in all stages of the biological cycle, damage or destroy the development forms thereof, eggs, nests and litters, as well as the area of their breeding sites and resting places and to endanger or destroy their habitats;

4) To disturb these species, particularly during the period of breeding, rearing, hibernation and migration;

5) To cut off migratory routes;

6) To hide, keep, breed, trade in, export, transport and offer for sale or exchange or in any other way acquire or publicly expose animal species including all their derivatives and development forms.

The detailed conditions and protection measures for strictly protected wild species and measures for the protection of their habitats shall be specified by the decision referred to in Article 48 of this Law.

## Permitted Activities With Strictly Protected Wild Species

## Article 75

Notwithstanding the provisions in Article 74 of this Law, in case of justified public interest and provided that there is no other satisfactory solution and that the exemption is not damaging the survival of the populations of strictly protected wild species in favourable status of their conservation in the natural habitat, the Ministry may allow activities for the following purposes:

1) For the purpose of research and education, population management, repopulation and re-introduction and for the breeding operations in *in-situ* and *ex-situ* conditions;

2) For the purpose of preventing serious damage to crops, livestock, forests, fisheries and water and other forms of property;

3) In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

4) For the purpose of collecting parent units for reproduction, breeding of their offspring for commercial purposes in registered breeding and cultivation facilities under the condition that part of the units is returned to the natural habitats.

The Ministry with the prior opinion of the Institute and the ministry responsible for agriculture, forestry and water management shall issue the permit for the event referred to in paragraph 1 of this Article.

The application for permit referred to in paragraph 2 of this Article shall contain name of the species, reasons, purpose and aim of the use, i.e. performance of activities, elaborate/study on manner, place, time, useful or harmful consequences and other proofs and relevant facts of importance for the specific case.

The permit referred to in paragraph 2 of this Article shall be issued as a ruling.

No complaint against the decision referred to in paragraph 4 shall be allowed, but administrative dispute may be instituted against it.

## **Protected Wild Species**

## Article 76

Protected wild species can be protected in the entire territory of the Republic of Serbia, or in individual parts thereof.

Protected wild species of fungi, lichen, plants, animals or their parts, can be collected for the purpose of processing, trading, cross-boundary commerce, as well as cultivation and rearing, on the basis of a permit issued by the Ministry in accordance with law.

The detailed conditions and protection measures for protected wild species and measures for the protection of their habitats shall be specified by the decision referred to in Article 48 of this Law.

## The Way of Use of Protected Wild Species

#### Article 77

The use and collecting of protected wild species shall be allowed exclusively in the way that does not endanger favourable status of the population.

The Minister shall prescribe in more detail the conditions and measures for the protection of protected wild species including the following:

- 1) Prohibition of use in terms of time;
- 2) Quantitative and qualitative restrictions in their use;

3) Prohibition of use in terms of space aiming at recovery of population to a satisfactory level.

The institute shall register the manner and scope of usage of protected wild species for the purpose of determination and follow-up of population status including wild species whose usage is regulated by the Law on Hunting and the Law on Fishery.

Should it be established that due to usage a protected wild species is endangered, the Minister can prohibit or restrict the use of that species, previously acquiring the opinion of the Institute.

## Permit to Research Strictly Protected and Protected Wild Species

## Article 78

The Ministry shall issue the permit for scientific-research and educational purposes for the researches of strictly protected and protected wild species, with previously obtained opinion from the Institute.

Permitted activities referred to in paragraph 1 of this Article shall be performed in the protected area in compliance with the decision on interior order and guarding service.

The research reports referred to in paragraph 1 of this Article shall be submitted to the Ministry, the Institute and the Manager of the protected area by the end of the calendar year. Taking out of wild species and/or their parts and derivatives referred to in paragraph 1 of this Article for scientific and research purposes shall be carried out on the basis of a permit issued by the Ministry, pursuant to Article 94 of this Law.

No complaint against the decision referred to in paragraph 1 shall be allowed, but administrative dispute may be instituted against it.

## Prohibited Means for Capturing and Killing of Wild Animals

## Article 79

The use of certain means for capturing and killing of wild animals, that endanger or disturb their populations and/or habitats, affect their welfare, and that can cause their local disappearance shall be prohibited.

The prohibited means shall be considered the following in particular:

- 1) Traps;
- 2) Adhesives;
- 3) Chemical means like attractants;
- 4) Live animals used as decoys in hunting of birds and game;

5) Crossbows, bows, arrows and/or other weapon with strings, that can fling an arrow or other projectile by pulling the string or some other elastic;

- 6) Bird hunting with nets;
- 7) Lethal or stunning electrical devices;
- 8) Luminous devices;
- 9) Mirrors and other dazzling devices;

10) Sound transmitters (tape recorders, cassette recorders, audio recorders and players etc.) that emit sound of calling, crying or responding;

11) Devices for illuminating targets;

12) Sighting devices for night shooting comprising an electronic image magnifier or image converter;

- 13) Explosives;
- 14) Poisons or anaesthetic baits;
- 15) Automatic weapons;
- 16) Aircrafts;
- 17) Motor-driven vehicles in motion used to hunt animals;
- 18) Other devices specified by other law and ratified international agreements.

Certain means referred to in paragraph 2 of this Article can be used exceptionally and restrictively for scientific and research purposes, aimed at implementation of reintroduction programme, parenting, monitoring of species, relocation of animals, implementation of protection and conservation programs, and other cases in accordance with special law.

The permit to use the means referred to in paragraph 3 of this Article shall be issued by the Ministry by a ruling, with the prior opinion of other competent authorities.

No complaint against the decision referred to in paragraph 4 shall be allowed, but administrative dispute may be instituted against it.

## **Measures for Protection of Migratory Species**

## Article 80

Public roads and other traffic routes, telecommunication and electric systems, waterworks and other buildings whose construction cuts off usual corridors for daily and seasonal migration of wild animals, causes habitat fragmentation or in some other way disturbs their normal life cycle, shall be constructed so as to reduce negative impacts with the application of special construction and technical solutions on the buildings and around them, during the periods of both construction and exploitation.

Special technological solutions enabling free and secure communication of wild animals (ecological bridges, passages and viaducts, tunnels, permeable tubes, pitches, secure and orientation objects, fish paths and lifts etc.) as well as protection measures and the methods of maintaining technological solutions shall be prescribed by the Minister with previous consent of the minister in charge of transport, mining and energy, agriculture, forestry and water management.

## Measures for Protection of Birds and Bats

## Article 81

Towers and technical components of medium and high voltage ducts shall be so executed as to protect birds and bats against the electric shock and mechanical injury.

Locations of wind powered generators (windmills) shall be so determined as to avoid important habitats and migration routes thereof.

The provision of paragraph 1 of the present Article does not apply to railway overhead contact lines.

In construction of high facilities (wind generators, masts, towers, bridges etc.) in the vicinity of ecologically important areas, it shall be necessary to apply technicaltechnological measures, implying, first of all, lighting of facilities, to avoid adverse effects of such facilities.

Usage of strong light sources (advertising rotating reflectors, lasers and the like) pointed towards the sky shall not be allowed, unless when used for safety and air traffic control purposes.

## Introduction of Allochthonous Species

#### Article 82

Introduction of allochthonous wild species and hybrids thereof into free nature on the territory of the Republic of Serbia shall be prohibited.

Exceptionally, introduction referred to in paragraph 1 of the present Article shall be permitted if scientifically and professionally proven and acceptable from the aspect of nature protection and sustainable management, i.e. if such introduction does not endanger natural habitat of autochthonous wild species.

The Ministry shall issue the permit referred to in paragraph 2 of the present Article on the basis of the Acceptability Study and Nature Impact Assessment Study, with the approval of the ministry responsible for agriculture, forestry and water management.

Introduction of allochthonous wild species in controlled conditions shall be possible on the basis of permit issued by the Ministry through a ruling, upon previously obtained opinion from the Institute or other authorised scientific and professional organisation, expressing that there is no danger for autochthonous species in case of accidental or intentional escape of specimens into the free nature of the Republic of Serbia.

Alien wild species that by introduction and/or spreading endanger other species and overall biodiversity on the territory of the Republic of Serbia shall be declared as invasive by the Ministry, based on acknowledged international criteria, scientific findings and obligations taken under international agreements and international documents, as per proposal of the Institute and other competent and scientific institutions, upon obtaining the opinion of the ministry responsible for agriculture, forestry and water management.

The document referred to in paragraph 5 of this Article shall stipulate actions to control and combat invasive species.

The Minister may prohibit or restrict import of certain allochthonous wild species intended for keeping in controlled conditions, based on the assessment of danger for autochthonic wild species, made by the Institute or other authorised scientific and professional organisation.

## Unintentional Introduction of Allochthonous Species

#### Article 83

In the event of unintentional introduction of allochthonous wild species and hybrids thereof into the free nature on the territory of the Republic of Serbia, or if there is a reasonable doubt that such introduction will occur, the Minister shall stipulate actions to exterminate or prevent further spread of introduced allochthonous wild species and hybrids thereof.

## **Relocation of Specimens of Autochthonous Species**

## Article 84

Relocation of specimens of autochthonous wild species in free nature on the territory of the Republic of Serbia can be carried out based on research and planning documents, in accordance with the present and other laws.

Relocation referred to in the preceding paragraph can be carried out provided that research findings show that such action would not endanger in any way the favourable status of species population, i.e. the animal welfare.

Relocation of specimens of autochthonous wild species in free nature shall be approved by the Ministry upon obtaining the opinion of the Institute.

## **Reintroduction of Wild Species**

#### Article 85

Reintroduction of wild species into the free nature on the territory of the Republic of Serbia can be carried out based on research, reintroduction programme and permit.

Feasibility Study and Environmental Impact Assessment Study should be done prior to any reintroduction.

Scope and contents of the studies referred to in paragraph 2 of the present Article shall be determined by the Ministry upon the proposal of the Institute.

Reintroduction of wild species can be carried out provided that research findings show that such action contributes to the favourable status of the species.

The permit referred to in paragraph 1 of the present Article shall be issued by the Ministry through the Resolution, upon the opinion of the Institute and the Ministry responsible for agriculture and forestry.

No claims shall be permitted against the resolution referred to in paragraph 5; however, administrative dispute can be initiated.

#### Conditions for Keeping Wild Animals

## Article 86

Wild animal species can be kept in captivity for personal needs or for public display in Zoos, aquariums, terrariums or similar areas, for breeding, sales and purchase, only if their welfare is not endangered, i.e. if provided with living conditions compliant to the species, race, sex, age, as well as to physical and biological specificities, behavioural features, i.e. to health condition of animals.

It shall be prohibited to keep wild animals in inappropriate conditions.

Wild animals referred to in paragraph 1 of the present Article shall be duly marked.

The Minister, in consent with the minister responsible for veterinary medicine activities, shall prescribe conditions to be met by Zoos and other facilities and/or areas for keeping animals in terms of paragraph 1 of the present Article, conditions for keeping, prohibition of keeping of certain species, training and education programmes, as well as the method of marking and recording of wild animals referred to in paragraph 1 of the present Article.

Marking referred to in paragraph 3 of this Article shall be done by legal and private entities (hereinafter referred to as: authorised marker) that fulfil conditions for marking of wild animals, on the basis of authorisation on marking issued by the Ministry.

The Minister shall prescribe conditions that shall be fulfilled by authorised markers referred to paragraph 5 of this Article.

## Origin of Specimens of Strictly Protected and Protected Wild Species

#### Article 87

Certain specimens of strictly protected and protected wild species can be kept in captivity for personal needs or public display in Zoos, aquariums, terrariums or similar areas, for breeding, sales and purchase, provided that the owner possesses evidence of origin, and that the respective specimens are:

- 1) specimens legally imported;
- 2) specimens legally acquired prior to species being protected by law;

3) specimens bred in farms, plantations, reproduction centres registered for such purposes;

4) specimens for which the owner possesses other evidence of lawful acquisition, i.e. origin of specimen.

The evidence referred to in paragraph 1 of the present Article shall mean verification, confirmation, certificate, import or export permit, and/or opinion on origin of species issued by competent or scientific organization.

#### Permit for Keeping Wild Animals

## Article 88

Legal entity, entrepreneur, and private entity that becomes owner of protected wild animals with the intention to keep them in captivity for personal needs or for public display in Zoos, aquariums, terrariums or similar areas, for breeding, sales and purchase, must submit to the Ministry, within thirty days from acquisition of ownership over such animals, the application for permit.

Legal entity, entrepreneur, and private entity that intends to keep autochthonous or allochthonous wild animals in captivity for personal needs or for public display in Zoos, aquariums, terrariums or similar areas, for breeding, sales and purchase, must obtain the permit issued by the Ministry.

The permit referred to in paragraphs 1 and 2 of the present Article shall be issued in a form of ruling, if the applicant proves the fulfilment of conditions stipulated in Articles 86 and 87 of the present Law.

If, in the course of inspection supervision in compliance with the present Law and in the validity period of the permit referred to in paragraph 3 of the present Article, it has been established that a Zoo, i.e. other facility and/or area where animals are kept in terms of the present Article ceased to fulfil the conditions based on which the permit was issued, the Ministry shall annul such permit.

The Ministry shall maintain the register of legal entities, entrepreneurs and private entities referred to in paragraphs 1 and 2 of the present Article.

In accordance with the acknowledged international agreements, breeding sites where certain protected species are bred, may conduct trans-boundary trade for commercial purposes of such protected species provided that they are registered with the competent international authority.

No claims shall be permitted against the resolution referred to in paragraph 3 of the present Article; however, administrative dispute can be initiated.

## **Breeding of Wild Animals**

#### Article 89

Legal entity, entrepreneur, and private entity that intends to breed autochthonous or allochthonous wild animal species whereof breeding is not covered by specific law, must obtain the permit pursuant to the present Law.

If, in the course of permit issuance, it has been established that there is a danger for human health, animal welfare and environment, the Ministry may ask the applicant referred to in paragraph 1 of the present Article, to conduct Impact Assessment Study prior to permit issuance. The owner of wild animal species referred to in paragraph 1 of the present Article must ensure that such animal will not escape and is responsible for damage incurred by the animal if it escapes.

## Trade in Wild Animals

#### Article 90

Legal entity, entrepreneur, and private entity that perform trade in living autochthonous or allochthonous wild animal species, shall provide for appropriate conditions for keeping animals in line with the present Law and other regulations, and shall maintain records on trade in such animals and on origin thereof.

Trade referred to in paragraph 1 of the present Article shall mean sales and purchase, acquisition for commercial purposes, public display to gain profit, usage with a view to gain profit, keeping for sales, offering to sell or transporting to sell, renting and exchange of animals.

Trade can be conducted only with specimens bred in registered breeding site or which possess evidence of origin, as well as that the specimen or consignment is duly marked.

In trading protected animals, the seller, i.e. the owner shall issue the certificate of origin of the animal to the new owner, written instruction on conditions and method of keeping of the animal and such other relevant information (hygiene, diet, race features, character, basic training, socialization, maintaining fitness and the like) as well as the invoice.

## Shelter for Wild Animals

## Article 91

For purposes of temporary and/or permanent care of protected wild animals, shelters dedicated to such purpose shall be established.

Shelter in terms of the present Law shall be an area or space with facilities settled for temporary or permanent care of specimens of wild animals that are unable to take care of themselves, where animals can spend some time until the permanent solution is found for their care.

The Minister, in consent with the minister responsible for veterinary medicine activities, stipulates conditions to be met by shelters referred to in paragraph 1 of the present Article.

It shall be necessary that the shelter, referred to in this Article, obtain appropriate permit for operation issued by the Ministry as a ruling.

No claims shall be permitted against the resolution referred to in paragraph 4 of the present Article; however, administrative dispute can be initiated.

The Ministry can establish the shelter referred to in the present Article.

#### Seizure of Wild Animals

#### Article 92

Specimens of wild animal species that are kept in captivity, bred or traded contrary to conditions set out in Articles 86 to 92 of the present Law, shall be seized by the relevant inspector who will issue confirmation of seizure.

Seized specimens referred to in paragraph 1 of the present Article shall be temporarily or permanently put into shelter referred to in Article 91 of the present Law or into a Zoo as determined by the Ministry.

Mutual rights and obligations in respect of care of seized specimens referred to in paragraph 1 of the present Article are regulated by the agreement concluded between the Ministry and the shelter, i.e. the Zoo.

#### Treatment of Found Specimens of Protected Wild Animals

## Article 93

A person who finds a protected wild animal must promptly inform the nearest veterinary medicine organization and the Ministry of:

1) found dead specimens of protected wild animals,

2) specimens of protected wild animals which are so sick or injured that they are unable to survive in the nature on their own.

The veterinary medicine organization must identify causes of death of found dead strictly protected wild animals.

The costs of procedure referred to in paragraph 2 of the present Article shall be borne by the Ministry.

The Ministry may allow the person referred to in paragraph 1 of the present Article, upon his/her request to keep the sick or injured animal for therapy and rehabilitation.

The justified costs incurred by treatment of the animal shall be borne by the Ministry.

All specimens of strictly protected wild species referred to in paragraph 1 of the present Article must be duly marked.

Strictly protected species killed or else how murdered or found on the territory of the Republic of Serbia shall be handed over to the Natural History Museum for preparation, conservation and keeping whereby they become mobile protected natural goods as parts of biological heritage of scientific, educational and cultural importance.

The Natural History Museum shall maintain records on species referred to in paragraph 7 of the present Article.

## Trans-boundary Trade in Protected Species

#### Article 94

The Ministry shall issue permit for import, export, carrying in and out of plant and animal wild species, their parts and derivatives protected pursuant to the law, ratified international agreements and general rules of international law.

The permit referred to in paragraph 1 of the present Article shall be issued provided that:

1) the right to dispose of unit of wild animal, fungus and plant species is lawfully obtained;

2) the animals or consignment are duly marked;

3) all measures for animal welfare in the course of transport are taken.

The permit referred to in paragraph 1 of the present Article shall be issued also for the species whereof one or both parents are member of wild species.

In line with the ratified international agreements and general rules of international law, and aiming to protect the species referred to in paragraph 1 of the present Article, the Minister shall adopt the rulebook stipulating:

1) conditions for import, export, carrying in and out, or transit, trade and breeding of species referred to in paragraph 1 of the present Article;

2) issuance of permits and other acts (confirmations, certificates, opinions);

3) lists of species, parts and derivatives thereof subject to issuance of permits, i.e. other acts;

4) species, their parts and derivatives whereof import i.e. export is prohibited, restricted or suspended;

- 5) exemptions from permit issuance;
- 6) contents, format and method of maintaining the register of permits issued;
- 7) methodology for marking animals or consignments;
- 8) methodology for conducting supervision and maintaining records;
- 9) drafting of reports etc.

In the course of import, export, carrying in and out, or transit, living animals must be transported and kept in the way to avoid any injury or harming their health and to avoid treating them inhumanly, in line with the special regulations.

#### **Reporting the Trans-boundary Trade in Protected Animals**

## Article 95

Import, export, carrying in and out, or transit of protected wild species, their parts and derivatives shall be reported to customs service, in accordance with the provisions of the present Law and other regulations.

Veterinary and phytosanitary inspection and control of consignments referred to in paragraph 1 of the present Article which fall under the jurisdiction of border veterinary and phytosanitary inspection shall be conducted in line with special regulations. Border crossings where import, export, carrying in and out, or transit of protected species, their parts and derivatives can be conducted, as well as conditions in respect of their equipping and qualification for performance of such activities, shall be determined by the minister responsible for agriculture, forestry and water management with the consent of the Minister.

The customs service shall, in the course of import, export, carrying in and out, or transit of species referred to in Article 94, paragraph 1 of the present Law, examine the corresponding permits and verify crossing of the border in the dedicated column of the permit form.

In case of import, export, carrying in and out and transit, the custom service shall verify the permits in the manner prescribed by the decision on trans-boundary trade in protected species referred to in Article 94 of the present Law.

In case that trans-boundary trade in specimens of protected species is performed contrary to the prescribed conditions, the specimens shall be seized by competent inspector who shall issue a certificate on seizure.

#### **Obligations of Customs Service**

#### Article 96

If, in the course of import, export, carrying in and out, or transit, the customs service is unable to identify the species of animal, fungus or plant whereof import or export is subject to restrictions or bans, it may:

1) at the expense of customs declarant (receiving party i.e. sender of the goods), keep them in its custody or give them into custody of someone else until the identification of the status of the species whereof import, export, re-export or transit is subject to restrictions;

2) commit them to customs declarant up until the termination of procedure, but with ban to dispose.

The customs service may request the customs declarant to provide the confirmation that the respective species is not protected.

The species for which the customs service determines are imported, exported, carried in or out, or are in transit without the stipulated permits or other documents, shall be temporarily retained up until the termination of procedure.

In cases referred to in paragraph 3 of the present Article, a certificate shall be issued.

The species referred to in paragraph 3 of the present Article, shall be given in custody of the authorized legal entity or private entity by the Ministry, and they can be left in custody of customs declarant with ban to dispose.

If the stipulated permit or other requested document are not submitted within one month after temporary arrest or by the extended deadline that can be no longer than two months, the customs service shall reach the decision on seizure.

If during the customs control process it is established that the respective species have no import or export permit, such species shall be seized and certificate of seizure of species shall be issued.

In cases referred to in paragraphs 3 to 7 of the present Article, the customs service shall inform as soon as possible the Ministry which shall decide upon the care of seized species, bearing in mind the provisions of specific regulations and ratified international agreements.

When species are confiscated or seized, the costs (costs of food, accommodation, transport, returning and other) shall be borne by the customs declarant.

## **VII PROTECTION OF MOBILE PROTECTED NATURAL DOCUMENTS**

## **Protection of Mobile Protected Natural Documents**

#### Article 97

Protected geological, paleontological and biological documents shall be kept where found, and the finding site shall enjoy protection as a protected natural asset.

If certain protected geological and paleontological documents (fossils, minerals, crystals and others) cannot be protected at the finding site, they shall be given in custody of a legal entity (Natural History Museum, County Museum, museum within a faculty or collection) that shall ensure thereof competent museology protection (inventory, determination, preparation and conversation, constant maintenance and monitoring) and enable utilization thereof for educational, scientific and cultural purposes.

The Minister shall prescribe detailed conditions under which fossils, minerals and crystals can be given to a legal entity for protection and custody.

Botanical and zoological collections shall enjoy protection as protected natural goods. They can be a property of legal entity, entrepreneur or private entity, which shall ensure thereof competent museology protection (inventory, determination, preparation and conversation, constant maintenance and monitoring) and enable utilization thereof for educational, scientific and cultural purposes.

## **Restrictions and Bans**

#### Article 98

It shall be prohibited to take from nature the geological and paleontological documents (fossils, minerals, crystals, cave ornaments and other) that are declared as protected natural goods or that are situated at geo heritage object and protected finding site.

As an exemption, the Ministry may allow fossils, minerals and crystals that are declared as protected natural goods or that are situated at geo heritage object and protected finding site to be taken from nature, for scientific and specialized research, education, display at exhibitions etc.

## Treatment of Geological and Paleontological Material Documents

#### Article 99

The found geological and paleontological documents (fossils, minerals, crystals and others) that may represent protected natural value must be reported by the finder to the Ministry within eight days from the day of finding, and the finder must take measures to protect them against destruction, damage or theft.

The Ministry shall issue a ruling on research of the finding site containing geological and paleontological documents, not later than thirty days from the day the finding is reported, by which it shall stipulate the conditions for nature protection.

Unless the Ministry stipulates otherwise, the finder cannot perform actions and activities on the finding site that may result in destruction or damage of finding, except for taking protective measures.

The owner or user of right on land where geological and paleontological documents are found shall allow the research of finding in line with the ruling issued by the Ministry.

Research of finding can be performed by a legal entity, entrepreneur or private entity based on the right to research.

The legal entity, entrepreneur or private entity shall provide, within thirty days from the performed research the Ministry with the report on research performed, containing data on state of finding, possible endangerment of the finding and on necessary further research and additional protective measures.

If the finding is a potential geo heritage object, legal entity, entrepreneur or private entity shall provide, within the same period of time, the Institute with the report on research performed, containing data on state of finding, possible endangerment of the finding and on necessary further research and additional protective measures.

## **Trade in Mobile Protected Natural Documents**

#### Article 100

It shall be prohibited to export any of mobile protected natural documents that are declared as protected natural goods.

As an exemption, the Ministry may permit the import, export, i.e. carrying out of mobile protected natural goods for purposes of scientific research, education or exhibition.

The permit referred to in paragraph 2 of the present Article shall determine the conditions for export of mobile protected natural documents in line with their kind.

## **VIII ORGANISATION OF NATURE PROTECTION**

#### Performance of Nature Protection Administrative Activities

### Article 101

Nature protection administrative activities shall be performed by the Ministry, the competent authority of autonomous province and competent authority of local self-government unit.

State authorities, autonomous province authorities and authorities of local selfgovernment unit shall, in line with the present Law, the Strategy, nature protection programmes and spatial planning documents:

1) take care of conservation of nature, natural values and landscape diversity on their territory;

2) declare protected natural goods from their area of competence;

3) provide conditions for protection and conservation of protected natural goods from their area of competence;

4) participate in the procedure for proclamation of protected area to be declared by the National Assembly or the Government or competent authority of autonomous province or competent authority of local self-government unit; 5) take part in preparation of plans for protected area management from their area of competence;

6) inform public of status of nature and natural values on their territory and of taking measures for protection and conservation;

7) provide necessary assistance to local self-government units in protecting nature on their territory;

8) perform other activities as stipulated by the present Law and regulations adopted pursuant hereto.

## **Professional Activities for Nature Protection**

## Article 102

Professional activities for nature and natural goods protection shall be performed by competent nature protection organizations and such activities shall particularly refer to the following:

1) Collection and processing of data on nature and natural values;

2) Monitoring of performance and assessment of conservation of nature and level of endangerment of geo heritage objects, wild species and their habitats, habitat types, ecosystems, ecologically important areas, protected areas, ecological corridors, ecological networks and landscapes;

3) Preparation of protection studies determining the values of areas proposed to be protected and methodology for managing such areas;

- 4) (deleted)
- 5) Drafting of proposal for termination of area protection;
- 6) Drafting of proposal for prior area protection;

7) Providing conditions for works on protected natural goods, issuance of the opinion on plan for managing of protected area;

8) Performing competent supervision of protected natural goods with proposed measures;

9) Providing professional assistance to managers of protected natural goods, local self-government authorities, associations of citizens, groups of citizens and individuals in protecting nature, landscapes and natural goods;

10) Determining the conditions and measures for protection of nature and natural values in drafting and implementing spatial and town plans, designing documents, bases (forestry, hunting, fishing, water management and other), programmes and strategies in all industries that affect the nature;

11) Performing professional activities in drafting of acceptability assessment for works and activities in nature, preparation and implementation of projects and programmes on protected area;

12) Proposing scope and contents of feasibility studies and environmental impact assessments in the process of reintroduction and inhabitation of wild species into free nature;

13) Maintaining records on method and scope of use, as well as on factors of endangerment of protected and strictly protected wild species to identify and monitor performance of their population;

14) Taking part in the procedure of public insight for proclamation of protected natural goods;

15) Organizing and implementing nature protection educational and promoting activities;

16) Participating in implementation of ratified international agreements on nature protection;

17) Maintaining registers of protected natural goods and other data significant to nature protection;

18) Inventory of individual elements of geological, biological and landscape diversity with statistical analyses and reports on thereof performance;

19) Maintaining nature protection database as a part of a single information system of the Environmental Protection Agency;

20) Informing public of natural values, nature protection, thereof endangerment, factors and consequences of endangerment;

21) Performing of other activities as determined by the present Law.

## Nature Protection Organisations

## Article 103

Activities for protection of nature and natural goods situated on the territory of the Republic of Serbia shall be performed by the Institute for Nature Protection of Serbia.

The Institute for Nature Protection of Serbia shall maintain register of protected natural goods and information system on nature protection (databases on protected natural goods, habitats, protected species, ecological network area) for the territory of the Republic of Serbia; it shall also develop medium-term programme of natural goods protection, develop professional bases for the Strategy of Nature and Natural Values Protection of the Republic of Serbia and Report on Nature Status.

Activities of nature protection and protection of natural goods which are located in its whole or partial structure on the territory of AP Vojvodina, shall be performed by the Provincial Institute for Nature Protection.

Nature protection organizations are legal entities.

Nature protection organizations institutions.

In performing activities for protection of nature and natural goods, the nature protection organizations referred to in paragraphs 1 and 2 of the present Article shall establish cooperation through harmonisation of programmes for protection of natural goods.

The Provincial Institute for Nature Protection shall submit the medium-term and annual programme for natural goods protection and the report on their implementation to the Institute for Nature Protection of Serbia.

## **Programmes for Protection of Natural Goods**

#### Article 104

Professional activities referred to in Article 102 of the present Law shall be performed on the basis of medium-term and annual programmes for protection of natural goods established by nature protection organizations, in line with the nature protection documents referred to in Article 111 of the present Law.

The medium-term programme for protection of natural goods shall be approved by the Government, and the annual programme for protection of natural goods shall be approved by the Ministry, i.e. by the competent authority of autonomous province.

Nature protection organizations shall submit the report on implementation of medium-term and annual programmes for protection of natural goods to the Ministry, i.e. to the competent authority of autonomous province.

Funds for performing activities of nature protection organization stipulated by the present Law and for operation of nature protection organization shall be provided from the budget of the Republic of Serbia, i.e. from the budget of autonomous province and from other sources of funds in line with the law.

In performing professional activities the nature protection organizations shall establish cooperation with scientific, cultural, educational and other organizations and shall organize activities to raise environmental awareness.

## **IX. NATURE PROTECTION SIGN**

#### **Nature Protection Sign**

#### Article 105

In order to promote nature protection and in order to identify official person in charge of supervision and application of measures related to nature protection, nature protection sign shall be used.

Minister shall closely prescribe layout of the sign, as well as procedure and requirements for usage thereof.

## **Nature Protection Day**

#### Article 106

In order to develop nature protection, Nature Protection Day shall be celebrated every year.

On the occasion of Nature Protection Day, upbringing, educational, recreational, professional and other activities will be organized which will suitably encourage and develop nature protection.

Nature Protection Day shall be celebrated every year, on 11 April.

### X. FINANCING NATURE PROTECTION

#### **Providing Funds for Nature Protection**

#### Article 107

Funds shall be allocated from the budget of the Republic of Serbia for protected areas, measures and activities stipulated in the document on protection, protection of natural values of republic and international importance, as well as for those natural values determined by the Ministry, for financial and other incentive measures prescribed in this Law, for compensation of damage done to protected wild species, for implementation of right on priority purchase, for compensation to owners and users of property rights to which they have been subjected in protected natural goods/resources which are of international and republic importance, as well as for other measures stipulated in this Law.

Funds shall be allocated from the budget of autonomous province and selfgovernment unit for protection of natural resources which had been proclaimed as such by them, for measures and activities stipulated in the document on protection, for financial and other incentive measures prescribed in this Law, as well as for implementation of right on priority purchase and compensation to owners and users of property rights to which they have been subjected in protected those natural areas.

Funds intended for nature protection shall be provided through use of natural goods/resources and protected areas, if this or special Law has not prescribed otherwise, and from other sources established by Law or bylaws adopted on the basis of this Law.

### Incentive Measures for Conservation and Protection of Biological and Landscape Diversity

#### Article 108

Conservation of endangered wild species, endangered habitat types, protected areas and other protected natural goods ecological network shall be encouraged through financial charges and soft loans intended for protective activities.

Incentive measures referred to in paragraph 1 of this Article are intended for protection and conservation of biological and landscape diversity, particularly for management which accepts and implements measures for conservation of biological and landscape diversity, and which is not harmful for nature, as well as for compensation given to legal entities, entrepreneurs and private entities that suffer certain limitations or damages due to protection of biological and landscape diversity.

Government shall establish financial incentive and charges referred to in paragraphs 1 and 2 of this Article.

### **XI. GUARDING OF PROTECTED AREAS**

### **Guarding Service**

#### Article 109

Direct supervision at the protected area shall be performed by guarding service provided for by the Manager, through guardians of protected area (hereinafter referred to as: guardian).

The guardian shall control the implementation of interior order rules in the protected area and shall perform other activities in compliance with law and Manager's decision.

### Guardians' Rights and Duties

### Article 110

Performing the guarding activities, the guardian shall in particular:

- monitor movement and activities of visitors and other users in the protected area, especially transport of construction material and construction of buildings, use of mineral raw materials, forests, flora and fauna, including game and fish, use of motor vehicles and boats, installation of facilities on water, entrance into zones and facilities where visiting is prohibited or restricted, lighting fire in the open space, waste disposal, sport competitions and other manifestations;
- 2) monitor status of plant and animal species, as well as other values in the protected area;
- 3) provide help and cooperate with local authorities;
- provide data, assistance and services to visitors and other persons visiting and going sightseeing around the protected area, in scientific research and educational activities;
- 5) cooperate with users of natural resources in the protected area;
- 6) cooperate with holders of real rights on property in the protected area in order to protect nature;
- 7) cooperate with other guarding service, inspection and authority of the interior.

When guardian establishes or reasonably assumes that visitor, i.e. owner of the protected area has done something contrary to interior order rules or measures of nature protection prescribed in compliance with law, the guardian shall be authorised to:

- 1) establish the identity of a person found in illicit activity, and bring person found without personal documents to the competent authority for interior affairs;
- 2) inspect all types of vehicles, boats and cargo;
- temporary seize objects and assets used for the offence or criminal act and objects generated or acquired in such act, as well as to deliver such objects, without delay, to the protected area Manager for custody;
- 4) require restitution of the previous status, i.e. order measures for prevention and removal of harmful consequences;
- 5) perform any inspection, except for apartments and other premises for which it is necessary to have warrant.

When performing their duties, guardians shall display their official identification cards.

Guardians' identification cards shall be issued by the protected area Manager on the template prescribed by the Minister.

The guardian shall have at least secondary school education, one year of occupational work experience and certificate on passed professional exam, and shall

fulfil prescribed conditions to carry weapons and other conditions defined by the Manager's decision.

The Minister shall prescribe closer conditions, programme and manner of taking the professional exam referred to in paragraph 5 of this Article.

During the service, the guardian shall wear official clothes, nature protection mark and mark of the protected area being guarded, and can carry weapons as determined by the Manager, in compliance with law.

The official clothes, i.e. the guardian's uniform in national parks and protected areas proclaimed by the Government decision, shall be prescribed by the Minister.

The guardian may simultaneously act as a fishery guard, forest guard and gamekeeper, if he/she fulfils conditions defined by regulations that pertain to use of fish resources, forestry and hunting.

Performing their duties related to fishing area guarding, the guardian shall prove his/her identity and official powers by the means of identification card referred to in paragraph 3 of this Article.

### XII. NATURE PROTECTION DOCUMENTS

#### **Basic Nature Protection Documents**

### Article 111

Basic documents on nature protection and protection of natural values shall be the following: the Strategy on Nature Protection and Protection of Natural values of the Republic of Serbia (hereinafter referred to as: the Strategy), programme on nature protection of the autonomous province and local self-government unit, and reports on nature status.

#### **Strategy of Nature Protection**

### Article 112

The Strategy shall be adopted by the Government for the period of at least ten years.

The Strategy shall determine a long-term planning framework and policy of integrated nature protection and biodiversity conservation.

The Strategy shall in particular contain the status analysis (assessment), aims, main tasks, measures, activities and instruments for conservation and improvement of biological diversity, landscape and geo-heritage, development of protected areas network and development of ecological network.

In order to implement the Strategy, action plans shall be developed, which shall be adopted by the Government for the period not longer than five years.

The action plan referred to in paragraph 4 of this Article may be adopted as a part of the Strategy.

The professional base for the Strategy shall be prepared by the Institute for Nature Protection of Serbia in cooperation with the Provincial Institute for Nature Protection.

If necessary, the Strategy may be revised before the expiry of the period for which it has been adopted.

The Strategy shall be published in the "Official Gazette of the Republic of Serbia".

#### Programme on Nature Protection

### Article 113

Autonomous province and local self-government unit, within their competences defined by this and special law, and compliant with the Strategy and its specificities, shall adopt the Programme on Nature Protection for the period of ten years.

Two or more local self-government units may adopt a joint programme referred to in paragraph 1 of this Article.

### Nature Status Report

#### Article 114

Once in five years, the Ministry shall submit the Nature Status Report for the Republic of Serbia, which shall particularly contain the following:

1) data on status of geological, biological and landscape diversity, protected natural areas, ecologically important areas, ecological corridors and ecological network with the analysis of degree of endangerment, endangerment factors and problems in protection and development;

2) data on impacts of utilization of natural values to geological, biological and landscape diversity, to protected natural goods and ecological network;

3) data on impact of certain projects and activities to nature and its values;

4) assessment of measures implemented with the aim to protect nature, its values and landscape diversity;

5) analysis of the Strategy implementation, as well as other documents important for nature protection;

6) assessment of implemented professional supervision performed by the Institute;

7) data on use of financial resources for nature protection;

8) assessment of needs for development of new or amendments of existing documents, as well as other data important for protection and conservation of nature.

Nature Status Report, as well as reports referred to in paragraph 1 of this Article shall be prepared by the Institute, in collaboration with Provincial Institute for Nature Protection and other professional and scientific institutions.

Autonomous province, i.e. local self-government unit shall prepare nature status reports for their territories.

### XIII. ACCESS TO INFORMATION AND PUBLIC PARTICIPATION

### Access to Information

#### Article 115.

State authorities, autonomous province authorities, local self-government unit authorities, Institute, protected areas managers, as well as authorized and other organizations, shall be obligated to provide public with information referring to nature performance and protection, unless confidentiality of data has been prescribed by special law or special regulations. Public shall be entitled to access prescribed registers or records which contain information and data in compliance with this Law.

Information which pertains to nature protection shall be submitted to the applicant in compliance with law.

### Public Participation in Decision-making Process

#### Article 116

During the development of regulations, i.e. decisions on proclamation of protected natural goods, plans on protected areas management and plans on utilization of natural resources, public participation shall be ensured in compliance with this Law.

#### Upbringing and Education on Nature Protection

#### Article 117

Ministry in charge of education shall ensure conditions for development of upbringing and education on nature protection.

Ministry, competent authority of autonomous province, Institute and legal entities – holders of public empowerments, shall inform public about natural values, nature protection, its endangerment, factors and consequences of endangerment.

### **XIV. SUPERVISION**

#### Supervision over Work and over the Application of Law

#### Article 118

Supervision over application of provisions contained in this Law and regulations adopted on the basis thereof shall be done by the Ministry, unless otherwise has been prescribed by this Law.

Supervision over legality of Institute's work shall be done by the Ministry, i.e. competent authority of autonomous province.

Ministry shall carry out supervision over work of managers of protected natural goods, Institute and holders of public empowerments in performance of entrusted activities.

### Inspection

#### Article 119

Inspection supervision shall be done by the Ministry through environmental inspector (hereinafter referred to as: inspector) within the scope of competences established by this Law.

Autonomous province shall be entrusted with performance of inspection supervision over the application of provisions contained in this Law in protected areas which are located on the autonomous province territory.

Local self-government unit shall be entrusted with performance of inspection supervision over the application of provisions contained in this Law in protected areas which are proclaimed by competent authority of local self-government unit.

### Inspector's Rights and Duties

### Article 120

While performing activities of inspection supervision, inspector shall be entitled and obligated to determine the following:

1) utilization and use of protected natural values and other parts of nature;

2) implementation of conditions and measures for nature protection, other documents adopted on the basis of this Law and other regulations;

3) implementation of compensatory measures;

4) implementation of plans on natural goods/resources management in the part which pertains to measures and conditions of nature protection;

5) implementation of management plan and protection, conservation, utilization and development programmes pertaining to protected nature and its values;

6) implementation of management plan and other acts of protected area;

7) activities which may cause changes and damages in protected area or in other protected natural goods;

8) implementation of direct protection, conservation and utilization of natural goods;

9) implementation of protective measures and conditions of protected natural goods, protected plant and animal species and fungi;

10) whether export, import and transit of protected wildlife and fungi is done in compliance with this Law and regulations adopted on the basis;

11) whether introduction and re-introduction of wild species into the nature is done in compliance with provisions of this Law;

12) providing public with information about nature performance, management plans for protected areas;

13) implementation of other prescribed conditions and measures of biological and landscape diversity established by this Law and regulations adopted on the basis thereof;

14) whether monitoring of nature performance and state of its values is being implemented;

15) whether register on protected natural goods and other prescribed records are being maintained;

16) whether genetic material is used in compliance with this Law and special regulations;

17) whether manager of protected area is performing their duties established by document on protection;

18) whether manager of protected area uses funds for operation and activities related to protection and development of protected area;

19) whether use of fossils, crystal minerals and *bigars* (chemical sediment rock which belongs to the group of sediment rocks) or researches of their deposits are done in compliance with this Law;

20) whether collection and trade of wildlife and fungi, their development forms and parts are done in compliance with prescribed conditions;

21) whether artificial relocation and settlement of populations or parts of populations of autochthonic species are done in compliance with provisions of this Law;

22) whether keeping, breeding and trade in wild animals are done with permit and under conditions and prescribed manner.

#### **Inspector's Powers**

#### Article 121

While performing activities of inspection supervision, inspector shall be empowered to:

1) ban utilization and use of protected natural values and other parts of nature without approval or contrary to the approval;

2) order implementation of conditions and measures for nature protection, other acts adopted on the basis of this Law and other regulations;

3) order implementation of compensation measures;

4) order implementation of plans on natural goods/resources management in the part which pertains to measures and conditions of nature protection;

5) order implementation of management plan and protection, conservation, utilization and development programme pertaining to protection of nature and its values;

6) order implementation of management plan and other acts of protected area and ecological networks;

7) ban activities which may cause changes and damages in protected area, ecological network or other protected natural goods;

7a)prohibit activities, i.e. works in the protected area, which are contrary to the document on protection and rulebook on interior order and guarding service;

8) order implementation of direct protection, conservation and utilization of protected natural values;

9) order implementation of protective measures and conditions of protected natural goods, protected wildlife and fungi;

10) ban export, import and transit of protected wildlife and fungi if trade is carried out contrary to this Law and regulations adopted on the basis thereof and contrary to ratified international agreements;

11) ban introduction of wild species into the nature if such introduction is contrary to provisions of this Law;

12) order to provide public with information about nature performance, plans on protected area management;

13) order implementation of other prescribed conditions and measures for protection of biological and landscape diversity established in this Law and regulations adopted on the basis thereof;

14) order the Manager to monitor nature status and state of its values;

15) order maintenance of registers of protected natural goods and other prescribed records;

16) ban use of genetic material if such use is contrary to provisions of this Law and special regulations;

17) order protected area manager to fulfil obligations established in the document on protection;

18) order protected area manager to use funds for work and performance of activities pertaining to protection and development of protected area;

19) ban use of fossils, crystal minerals and *bigars* or researches of their deposits if such actions are contrary to this Law;

20) ban collection and trade in wildlife and fungi and their development forms and parts is collection and trade is performed without permit and contrary to prescribed conditions;

21) ban artificial relocation and settlement of populations or parts of autochthonic populations without permit or contrary to prescribed conditions;

22) ban keeping, breeding and trade in wild animals without permit or under conditions and in prescribed manner;

23) ban damaging and destruction of protected wild species habitats;

24) ban other actions and activities which are contrary to provisions of this Law and regulations adopted on the basis thereof.

In order to prevent occurrence of unrecoverable damages in protected natural area, biological and landscape diversity, in order to reduce damage occurred due to illicit work, action or activity, i.e. in order to undertake urgent protective measures or to remove direct danger to human life and health or property, during the supervision inspector may pronounce ruling in oral as well.

Statement on issued oral ruling shall be entered into the minutes, noting that written ruling will be issued within 8 days.

Appeal may be filed to the inspector's ruling referred to in paragraphs 1 and 2.

Inspector's ruling referred to in paragraph 1, points 1), 7), 10), 11), 16), 19), 20), 21), 22), 23) and 24) of this Article shall be final and administrative dispute may be conducted against it.

### **Providing Information to Other Competent Authorities**

#### Article 122

If during inspection supervision, the inspector estimates that beside this Law, other laws and regulations which pertain to regulation of issues important for nature protection or protection of certain parts thereof have been violated too, the inspector shall inform other competent authority, at the same time undertaking measures for which inspectors have been empowered.

Other competent inspection body shall inform the inspector about undertaken measures.

In cases when inspector determines such violations of law for which other inspection bodies have prescribed competences as well, the inspector shall without any

delay inform the Minister about that in order to enable joint supervision and appropriate measures to be undertaken.

### Seizure of Objects and Protected Natural Goods

#### Article 123

While performing inspection supervision, the inspector shall have right and duty to seize the following:

1) objects, goods or devices whose use was illicit or which were created, or which were used for illicit actions;

2) mobile protected natural documents or protected wild species and may order their keeping.

An appeal may be filed to the Minister against the inspector's ruling referred to in paragraph 1 of this Article.

Protected wild species obtained in illegal action, which are perishable or which cannot be cared for in appropriate way or if their keeping requires higher costs, shall be sold, and decision about their sale, manner and conditions of sale shall be made by the Minister.

Acquired funds shall be kept at evident account opened with the Ministry until finalization of court procedure.

Exceptionally, seized mobile protected natural documents and protected wild species referred to in paragraph 1 of this Article, may be handled in another appropriate manner which would ensure their conservation and protection, as proposed by the Institute, i.e. by the Museum of Nature (release into nature, concession to the Zoo or other institution, etc.) with certificate, to be kept, presented or sold there.

### XV. COMPETENCE OVER SETTLEMENT OF APPEALS

### Article 124

Appeal filed against inspector's ruling shall be settled by the Minister.

Appeal is to be filed within 15 days upon reception of the ruling.

Appeal to the ruling shall not delay its execution.

First-degree appeal filed against ruling issued by competent authority of autonomous province within performance of entrusted activities shall be decided upon by the Minister.

First-degree appeal filed against ruling issued by competent authority of local self-government unit within performance of entrusted activities shall be decided upon by the Minister.

### **XVI. PENALTY PROVISIONS**

### **Commercial Offences**

#### Article 125

Fine ranging between 1,500,000 and 3,000,000 RSD shall be imposed to legal entity for committing commercial offence if such entity:

1) uses area, natural resources and protected areas in the manner which causes permanent disturbance of biological, geological, hydrological, pedologic and landscape diversity (Article 8, paragraph 2);

2) does not act in compliance with measures for nature protection established in plans, programmes, bases and project-technical documentation (Article 8, paragraph 3);

3) does not apply rehabilitation, i.e. recultivation (Article 8, paragraph 4);

4) without any delay and at its own expense does not remove harmful consequences occurred in nature and protected natural goods due to projects and activities executed without determined conditions of nature protection or contrary to given conditions (Article 13, paragraph 1);

5) collects protected wild species of fungi, lichens, plants, animals and parts thereof without permit (Article 76);

6) performs transboundary trade in wild species without permit issued by the Ministry (Article 94, paragraph 1);

7) does not notify custom authorities about transboundary trade in protected wild species (Article 95).

Fine may be pronounced for commercial offence referred to in paragraph 1 of this Article equivalent to the amount of made damage, unexecuted obligation or value of goods or other commodity which is subject of commercial offence, maximally up to twenty-fold amount of made damage, unexecuted obligation or value of goods or other commodity which is subject of commercial offence.

For the commercial offence referred to in paragraph 1 of this Article, responsible person within legal entity shall be fined in the amount ranging between 100,000 and 200,000 RSD.

For the offence referred to in paragraph 1 of this Article, beside prescribed fine, protective measure may be pronounced to commercial society or other legal entity, prohibiting such entity to perform certain commercial activities, while responsible person may be prohibited to perform certain duties for the period up to ten years.

For the offence referred to in paragraph 1 of this Article, beside penalty, protective measure may be pronounced referring to seizure of objects which were used or intended for commitment of commercial offence, i.e. which were created through commitment of commercial offence.

#### Offences

### Article 126

Fine ranging between 500,000 and 2,000,000 RSD shall be imposed to legal entity for the offence if such legal entity:

1) planned projects and activities in nature, which themselves or combined with other projects or activities may impact ecologically important area or protected natural area, are performed without consent (Article 10, paragraph 3);

2) performs actions, activities and business which endanger hydrological phenomenon and conservation of biological diversity (Article 18, paragraph 4);

3) (*deleted*);

4) uses chemical substances without consent obtained from the Ministry (Article 19, paragraph 3);

5) takes genetic material from nature, contrary to Article 20, paragraph 2 of this Law;

6) performs or undertakes activities and business which may disturb characteristics of protected area (Articles 29 to 35);

7) performs actions and/or activities which may lead to disturbance or destruction of ecologically important area (Article 39, paragraph 5);

8) performs business in protected area contrary to management plan (Article 52, paragraph 4);

9) performs works and activities, i.e. project implementation in the protected area without or contrary to the document on conditions and measures for nature protection, or if not reported to the Manager (Article 57, paragraphs 3, 4 and 5);

10) does not undertake all allowed and appropriate actions and activities in order to prevent damages, at its own expense (Article 64, paragraph 2);

11) undertakes actions which may endanger strictly protected species of plants, animals, fungi and their habitats (Article 74);

12) does not obtain permit referred to in Article 75 of this Law;

13) collects and uses protected wild species contrary to prescribed conditions (Article 77);

14) performs researches on protected species without permit issued by the Ministry or if such entity does not submit results of such researches (Article 78);

15) uses prohibited objects to catch and kill wild animals contrary to Article 79 of this Law;

16) does not undertake protective measures referred to in Article 81 of this Law;

17) introduces allochthonous wild species and their hybrids into free nature contrary to Article 82 of this Law;

18) performs relocation of autochthonic wild species units without consent obtained from the Ministry (Article 84);

19) performs reintroduction of wild species without permit issued by the Ministry (Article 85);

20) keeps, breeds, buys and sells strictly protected and protected wild species contrary to conditions referred to in Article 87 of this Law;

21) keeps protected wild animals without permit issued by the Ministry (Article 88);

22) breeds and performs trade in wild species contrary to Articles 89 and 90 of this Law;

performs activities of lodging without permit issued by the Ministry (Article 91);

24) treats found units of protected wild animals contrary to Article 93 of this Law;

25) takes geological and paleontological documents from nature, which have been proclaimed protected natural goods or are located in the object of geo heritage, protected site or deposit of mineral feedstock contrary to Article 98 of this Law;

26) performs researches in deposit sites of geological and paleontological documents contrary to Article 99 of this Law;

27) exports movable protected natural documents contrary to Article 100 of this Law;

27a) does not take actions as instructed by the inspector's ruling referred to in Article 121 of this Law.

For the offence referred to in paragraph 1 of this Article, fine may be pronounced equivalent to the amount of made damage, unexecuted obligation or value of goods or other commodity which is subject of commercial offence, maximally up to twenty-fold amount of such values.

For the offence referred to in paragraph 1 of this Article, responsible person within the enterprise or other legal entity shall be fined in the amount ranging between 25,000 and 150,000 RSD.

For the actions referred to in Article 125, paragraph 1, points 5), 6) and 7), as well as for actions referred to in paragraph 1 of this Article, entrepreneur shall be fined for the offence in the amount ranging between 250,000 and 500,000 RSD.

For the actions referred to in Article 125, paragraph 1, points 5), 6) and 7), as well as actions referred to in paragraph 1 of this Article, private entity shall be fined for the offence in the amount ranging between 25,000 and 150,000 RSD or such entity shall be imprisoned for the period up to 30 days.

For the offence referred to in paragraphs 1, 4 and 5 of this Article, beside pronounced penalty, protective measure may be pronounced as well, seizing objects which were used or intended for commitment of the offence, i.e. which were created in the commitment of the offence.

#### Offence Committed by Responsible Person in State Administration Authority, Holder of Public Empowerments, i.e. Authorized Legal Entity

#### Article 127

Fine ranging between 25,000 and 150,000 RSD shall be pronounced for the offence to responsible person in state administration body, territorial autonomy authority, local self-government unit authority and holder of public empowerments if such person:

1) does not acquire conditions for nature protection in the procedure of plans and programmes adoption (Article 9, paragraphs 1 and 2);

2) does not determine quantity of water in wet and water ecosystems which is essential for conservation of hydrological phenomenon and survival of biological diversity (Article 18, paragraph 5);

3) does not monitor state of ecologically important areas, ecological corridors and whole ecological network (Article 39, paragraph 4);

4) does not maintain register of protected natural goods (Article 50);

5) does not submit management plans and reports on their implementation and does not ensure information to public (Article 54);

6) does not obtain conditions for nature protection in the development of plan (Article 55, paragraph 3);

- 7) does not adopt Rulebook on internal order and guarding service (Article 56);
- 8) does not manage protected area in prescribed way (Article 68);

9) does not use funds acquired on the basis of charges imposed for utilization of natural area for protection and development of protected area and if such funds are not kept in special account (Article 70, paragraph 8);

10) does not perform professional activities contained in its scope of business referred to in Article 102, paragraph 1, points 8), 13), 16) and 19) of this Law.

### Article 128

Fine ranging between 5,000 and 150,000 RSD shall be pronounced to private entity if such entity has not acted as instructed by the guardian of protected area or if such entity impairs the guardian during the performance of their duties, or otherwise acts contrary to interior order rules (Article 56, paragraph 4).

### Article 129

Fine of 5,000 RSD shall be pronounced for the offence to a parent, tutor or responsible person in tutorial institution, if due to failure to apply duly supervision over a juvenile, such juvenile has committed offence referred to in Article 126, paragraph 1, points 11), 15), 21), 22) and 24) and Article 128 of this Law.

### **XVII. TRANSITIONAL AND FINAL PROVISIONS**

#### Article 130

Protected goods protected until this Law enters into force shall remain under protection, while managers, owners and users of such goods have rights and duties prescribed in this Law.

Ecological network shall be established and shall become part of the European Ecological Network Natura 2000 till the day when Republic of Serbia accesses to the European Union.

#### Article 131

Legal entities that manage forests, game and water shall harmonize forest, hunting, fishing and water management bases with provision of this Law on the occasion of their renewal or first revision.

Legal entities, entrepreneurs and private entities that manage protected area shall harmonize protected area management plans to provisions of this Law within two years from the day when this Law enters into force.

Owners of towers and technical components constructed before this Law entered into force, which greatly endanger birds and bats, shall undertake measures of protection against electric shock in compliance with Article 81 of this Law, within five years from the day when this Law enters into force.

Legal entities, entrepreneurs and private entities that perform trading activities in terms of this Law, shall harmonize their business activities with provisions of this Law within thirty days from the day when this Law enters into force.

Legal entities, entrepreneurs and private entities that own or on any other base keep protected wildlife, for which according to this Law it is necessary to obtain permit, shall apply to the Ministry within three months from the day when this Law enters into force.

Protected areas managers shall harmonize protected area management with provisions of this Law within one year from the day when this Law enters into force.

#### Article 132

Institute shall harmonize its operation, business and general regulations with provisions of this Law within two years from the day when this Law enters into force.

Public enterprise "National Park of Djerdap", public enterprise "National Park of Sar planina", public enterprise "National Park of Kopaonik", public enterprise "National Park of Tara" and public enterprise "National Park of Fruska gora" shall harmonize their operation, business and general regulations with provisions of this Law within two years from the day when this Law enters into force.

#### Article 133

Government, i.e. competent authority of Autonomous Province of Vojvodina shall establish organizations referred to in Article 103 of this Law within six months from the day when this Law enters into force.

For the performance of activities referred to in Article 103 of this Law, funds, rights and duties for the operation of the Provincial Institute for Nature Protection shall represent part of funds, rights and duties of the so far Institutes for Nature Protection of Serbia which are located at the territory of Autonomous Province of Vojvodina.

Allocation of funds, rights and duties originating from the time of so far operation of Institute for Nature Protection of Serbia shall be determined through share balance of the so far Institute for Nature Protection of Serbia.

Organizations referred to in paragraph 1 of this Article shall take over funds, rights and duties of Institutes referred to in paragraph 2 of this Article, as well as employees of those Institutes, on the first day of their operation.

Institute for Nature Protection of Serbia cannot alienate property, perform status changes or employ new staff from the day when this Law enters into force till the establishment of Institutes referred to in paragraph 1 of Article.

#### Article 134

Bylaws for implementation of this Law shall be adopted within one year from the day when this Law enters into force.

Until the day when regulations established in this Law enter into force, regulation adopted on the basis of Law on Environmental Protection ("Official Gazette of RS", no. 66/91, 83/92, 53/93-other law, 67/93-other law, 48/94-other law, 53/95 and 135/04) shall remain in force.

On the day when this Law enters into force, provisions which regulate nature protection, contained in the Law on Environmental Protection ("Official Gazette of RS", no. 66/91, 83/92, 53/93-other law, 67/93-other law, 48/94-other law, 53/95 and 135/04)

and Law on National Parks ("Official Gazette of RS", no. 39/93) shall cease to be valid, except for provisions referred to in Articles 6 and 7 and description of national park areas, until the adoption of special laws.

Procedures started according to provisions of the Law on Environmental Protection ("Official Gazette of RS", no. 66/91, 83/92, 53/93-other law, 67/93-other law, 48/94-other law, 53/95 and 135/04) shall be finalized according to provisions of this Law.

#### Article 135

This Law shall enter into force on the eighth day upon publication thereof in the "Official Gazette of the Republic of Serbia".

#### Independent Articles of the Law on Amendments of the Law on Nature Protection

("Official Gazette of RS", no. 88/2010)

#### Article 55

Ecologically significant areas of the European Union NATURA 2000 shall be identified and shall become a part of the European ecological network NATURA 2000 on the day of the Republic of Serbia accession to the European Union.

#### Article 56

Legal entities, entrepreneurs and private entities who are owners or otherwise keepers of protected wild animals, for which permit is required compliant with this Law, shall report to the Ministry about keeping of those animals so as to enable recording thereof, within six months from the enactment of this Law.

Keepers of wild animals shall harmonize the conditions for keeping and acceptance of wild animals with the prescribed conditions within one year from the enactment of bylaw that regulates conditions for keeping, i.e. conditions for acceptance of animals.

#### Article 57

Provisions contained in the Law on Public Enterprises and Performance of the Activities of General Interest ("Official Gazette of RS", no. 25/00, 25/02, 107/05, 108/05 – correction and 123/07-other laws) shall be applied to the function of public enterprises established for the management of national parks until the adoption of special laws.

#### Article 58

Bylaws for the implementation of this Law shall be adopted within one year from the enactment of this Law.

The decision referred to in Article 4, paragraph 6 of this Law shall be adopted by the Government within two years from the enactment of this Law.

#### Article 59

This Law shall enter into force on the eighth day from publication thereof in the "Official Gazette of the Republic of Serbia", while provisions referred to in Article 4, paragraph 5, point 2), which pertain to the opinion of the European Commission and Article 5, paragraph 3 of this Law shall start to be applied on the day of the Republic of Serbia accession to the European Union.

## CRIMINAL CODE 😑

(Official Gazette of the RS, Nos. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009 and 111/2009)

## **GENERAL PART**

## CHAPTER ONE BASIC PROVISIONS

### No Criminal Offence or Punishment without Law

### Article 1

No one shall be punished and no criminal sanction shall be imposed for an offence which did not constitute a criminal offence in law before it was committed, nor shall punishment or other criminal sanction not prescribed by law before the criminal offence was committed be imposed on anyone.

### No Punishment without Culpability

### Article 2

Punishment and admonitions shall only be imposed on offenders found culpable of criminal offences.

### Basis and Limitations of Criminal-law Compulsion

### Article 3

The protection of human beings and other fundamental social values constitute the basis and limitations for defining criminal offences, prescribing criminal sanctions, and their application, to a degree required for the suppression of those offences.

### **Criminal Sanctions and their General Purpose**

### Article 4

(1) Criminal sanctions are: punishment, admonitions, security measures and corrective measures.

(2) The general purpose of prescribing and imposing criminal sanctions is the suppression of acts which violate or endanger the values protected by criminal legislation.

### Article 258

(1) Whoever pollutes drinking water or foodstuffs with harmful substances shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by a fine or imprisonment of up to three years.

### Serious Offences against Human Health

### Article 259

(1) If due to offences referred to in Articles 249, 251 paragraphs 1 and 2, 252, 254, 255 paragraph 1, 256 paragraphs 1 and 2, 257 paragraph 1, and 258 paragraph 1 of this Code, a person sustains grievous bodily harm or serious health impairment, the offender shall be punished by imprisonment of from one to eight years.

(2) If the offences referred to in Articles 249, 251 paragraphs 1 and 2, 252, 254, 255 paragraph 1, 256 paragraphs 1 and 2, 257 paragraph 1, and 258 paragraph 1 of this Code result in the death of one or more persons, the offender shall be punished by imprisonment of two to twelve years.

(3) If the offences referred to in Articles 251 paragraph 3, 255 paragraph 2, 256 paragraph 3, 257 paragraph 2 and 258 paragraph 2 of this Code result in grievous bodily harm or serious health impairment of a person, the offender shall be punished by imprisonment of up to three years.

(4) If the offences referred to in Articles 251 paragraph 3, 255 paragraph 2, 256 paragraph 3, 257 paragraph 2, and 258 paragraph 2 of this Code result in death of a person, the offender shall be punished by imprisonment of from one to eight years.

## Chapter Twenty-Four CRIMINAL OFFENCES AGAINST THE ENVIRONMENT

### **Environmental Pollution**

### Article 260

(1) Whoever by violating the regulations on protection, preservation and improvement of the environment pollutes the air, water or soil to substantial extent or over a wider area, shall be punished by imprisonment of from six months to five years and a fine.

(2) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by a fine or imprisonment of up to two years.

(3) If the offence referred to in paragraph 1 of this Article results in destruction or damage to animal and plant life to a substantial extent or environmental pollution in such degree that a clean-up requires a substantial period of time or great expense, the

offender shall be punished by imprisonment of one to eight years and a fine.

(4) If the offence referred to in paragraph 2 of this Article results in destruction or damage to animal and plant life to large extent or environmental pollution in such extent that a clean-up requires s substantial period of time or great expense, the offender shall be punished by imprisonment of six months to five years and a fine.

(5) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 through 4 of this Article, it may order the offender to undertake within a set period of time certain prescribed measures for environmental protection, preservation and improvement.

### Failure to Undertake Environmental Protection Measures

### Article 261

(1) An official or responsible person who fails to undertake prescribed environmental protection measures, or fails to proceed according to orders of competent authority in respect of environmental protection, shall be punished by fine or imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by fine or imprisonment of up to one year.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted in environmental pollution, the offender shall be punished for the offence specified under Article 260 of this Code.

(4) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time certain prescribed measures for environmental protection, preservation and improvement.

### Illegal Construction and Operation of Facilities and Installations which Pollute the Environment

### Article 262

(1) An official or responsible person who contrary to regulations on environmental protection, preservation and improvement allows construction, start-up and operation of facilities and installations or use of technologies that to substantial extent and over a wider area pollute the environment, shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article results in substantial destruction of animal and plant life or pollution of the environment of such degree that a clean-up would require a long period of time or great expense, the offender shall be punished by imprisonment of from one to eight years.

(3) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time specific prescribed measures for environmental protection, preservation and improvement.

### **Damaging Environmental Protection Facilities and Equipment**

### Article 263

(1) Whoever damages, destroys, removes or otherwise makes inoperable facilities or installations intended for environmental protection shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 is the result of negligence, the offender shall be punished by a fine or imprisonment of up to one year.

(3) If the offence referred to in paragraph 1 resulted in air, water or soil pollution in a substantial extent or over a wider area, the offender shall be punished by imprisonment of from six months to five years.

(4) If the offence referred to in paragraph 2 resulted in air, water or soil pollution in a substantial extent or over a wider area, the offender shall be punished by imprisonment of up to three years.

(5) If the offence referred to in paragraphs 1 and 3 of this Article result in destruction or damage of animal and plant life to a substantial extent or pollution of the environment to such a degree that a clean-up would require a long period of time or great expense, the offender shall be punished by imprisonment of from one to eight years.

(6) If the offence referred to in paragraph 2 and 4 of this Article result in destruction or damage of animal and plant life to a substantial extent or pollution of the environment to such degree that a clean-up would require a long period of time or great expense, the offender shall be punished by imprisonment of from six months to five years.

(7) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 through 6 of this Article, it may order the offender to undertake within a set period of time certain prescribed for environmental protection, preservation and improvement.

### Damaging the Environment

### Article 264

(1) Whoever by violating regulations, by exploiting natural resources, construction of buildings, executing various works or otherwise causes damage to the environment of a substantial extent or over a wider area, shall be punished by imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 is the result of negligence, the offender shall be punished by fine or imprisonment of up to one year.

(3) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time specified measures to correct the detrimental consequences to the environment.

### Destroying, Damaging, Taking out of and into Serbia Protected Natural Assets

### Article 265

(1) Whoever destroys or damages a protected natural asset shall be punished by imprisonment of from six months to five years.

(2) If the offence referred to in paragraph 1 of this Article is the result of negligence, the offender shall be punished by a fine or imprisonment of up to six months.

(3) Whoever contrary to regulations exports or takes abroad a protected or specially protected plant or animal species, or imports or brings into Serbia foreign plants or animals protected by international treaty or documents, shall be punished by imprisonment of from three months to three years and fine.

(4) The attempt of the offence referred to in paragraph 3 of this Article shall be punished.

(4) Protected or specially protected plants and animals referred to in paragraph 3 of this Article shall be seized.

### Importing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances

### Article 266

(1) Whoever contrary to regulations brings into Serbia radioactive or other hazardous materials or hazardous waste, or whoever transports, processes, deposits, collects or stockpiles such materials or waste, shall be punished by imprisonment of up to five years and a fine.

(2) Whoever by abuse of his position or powers allows or facilitates bringing into Serbia materials or waste referred to in paragraph 1 of this Article, or enables transport, processing, depositing or stockpiling of such materials or waste, shall be punished by imprisonment of one to eight years and a fine.

(3) If the offence referred to in paragraphs 1 and 2 of this Article result in destruction of animal and plant life to a substantial extent or pollution of the environment to such degree that a clean-up would require a long period of time or great expense, the offender shall be punished by imprisonment of two to ten years and a fine.

(4) If the court pronounces a suspended sentence for offences referred to in paragraphs 1 through 3 of this Article, it may order the offender to undertake within a set period of

time certain prescribed measures of protection from ionising radiation or other prescribed protection measures.

(5) Whoever organises committing of offences referred to in paragraph 1 of this Article, shall be punished by imprisonment of three to ten years and a fine.

### **Illegal Construction of Nuclear Facilities**

### Article 267

Whoever contrary to regulations permits or begins to construct nuclear power plants, nuclear fuel production plants or depleted nuclear waste processing plants, shall be punished by imprisonment of six months to five years.

### Violation of the Right to Information about the State of the Environment

### Article 268

Whoever contrary to regulations withholds information or provides false information about the state of the environment and events that is required for evaluation of environmental hazard and undertaking measures for protection of human life and health, shall be punished by a fine or imprisonment of up to one year.

### Killing and Harming Animals

### Article 269

(1) Whoever in violation of regulations kills, injures or tortures or in some other way molests an animal, shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article resulted in killing, inflicting excessive pain or injuring a substantial number of animals, or if the offence is committed against an animal belonging to a specially protected species, the offender shall be punished by fine or imprisonment of up to three years.

(3) Whoever organizes for gain, finances or hosts animal fights of the same or different species or whoever organizes or participates in wagering on these fights shall be punished with imprisonment of from three months to three years and a fine.

### Transmission of Contagious Animal and Plant Diseases

### Article 270

(1) Whoever during an epidemic of livestock disease that may endanger livestock breeding fails to observe regulations, decisions or orders determining measures for suppression or prevention of the disease, shall be punished by a fine or imprisonment of up to two years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone who, during the existence of a threat of disease or pests which may endanger plant life,

fails to observe regulations, decisions or orders setting out measures for the suppression or prevention of diseases and pests.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted in animal deaths, destruction of plants or other substantial damage, the offender shall be punished by imprisonment of up to three years.

(4) if the offence referred to in paragraphs 1 through 3 of this Article resulted from negligence, the offender shall be punished by a fine or imprisonment of up to one year.

### **Unconscientious Provision of Veterinary Services**

### Article 271

(1) Veterinarians or authorised veterinary technicians who in rendering veterinary assistance prescribe or apply an obviously inadequate means or obviously inadequate method of treatment or otherwise act unconscientiously in treating animals, thereby causing the death of animals or other substantial damage, shall be punished by imprisonment of up to two years.

(2) If the offence referred to in paragraph 1 of this Article resulted from negligence, the offender shall be punished by fine or imprisonment of up to six months.

### Producing Harmful Products for Treating Animals

### Article 272

(1) Whoever produces for sale or puts into circulation products for the treatment or prevention of animal diseases which are harmful for their life or health shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article results in death of animals or other substantial damage, the offender shall be punished by a fine or imprisonment of up to two years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article resulted from negligence, the offender shall be punished by a fine or imprisonment of up to six months.

### Polluting Food and Water Intended for Animals

### Article 273

(1) Whoever contaminates food or water intended for the consumption of animals with a harmful substance and thereby endangers their lives or health, shall be punished by a fine or imprisonment of up to two years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on anyone contaminating water in fish-ponds, lakes, rivers or canals with a harmful substance, or by stocking with fish from contaminated waters causes danger to the survival of fish or

other aquatic animals.

(3) If the offence referred to in paragraphs 1 and 2 of this Article results in loss of life of animals or other considerable damage, the offender shall be punished by a fine or imprisonment of up to three years.

(4) If the offence referred to in paragraphs 1 of this Article resulted from negligence, the offender shall be punished by a fine or imprisonment of up to six months.

### **Devastation of Forests**

### Article 274

(1) Whoever contrary to regulations and orders issued by competent authorities cuts or clears forests, or damages tree trunks or otherwise devastates forests, or cuts down one or more trees in a park, avenue of trees or elsewhere where cutting trees is prohibited, shall be punished by a fine or imprisonment of up to one year.

(2) Whoever commits the offence referred to in paragraph 1 of this Article in a protected forest, national park or other forest intended for a special purpose, shall be punished by imprisonment of from three months to three years.

### **Forestry Theft**

### Article 275

(1) Whoever with intent to commit theft cuts down one or more trees in a forest, park or avenue of trees, and the quantity of timber cut exceeds one cubic metre, shall be punished by a fine or imprisonment of up to one year.

(2) If the offence referred to in paragraph 1 of this Article is committed with intent to sell the felled tree, or if the quantity of felled timber exceeds five cubic metres, or if the offence is committed in a national park, protected forest or other forest intended for a special purpose, the offender shall be punished by a fine or imprisonment of up to three years.

(3) Attempts to commit the offence referred to in paragraphs 1 and 2 of this Article shall be penalised.

### **Poaching Game**

### Article 276

(1) Whoever hunts game out of season or in land where hunting is prohibited shall be punished by a fine or imprisonment of up to six months.

(2) Whoever poaches on another's hunting preserve or kills or wounds game or catches animals alive, shall be punished by a fine or imprisonment of up to one year.

(3) If the offence referred to in paragraph 2 of this Article is committed against big game, the offender shall be punished by a fine or imprisonment of up to two years.

(4) Whoever hunts game whose hunting is prohibited or whoever hunts particular game without a special permit when such permit is required, or whoever hunts in a manner or with means which destroy game in large numbers, shall be punished by imprisonment of up to three years.

(5) The poached animals and all hunting implements shall be seized.

### **Poaching Fish**

### Article 277

(1) Whoever catches fish or other aquatic animals out of season or in waters where fishing is forbidden shall be punished by a fine or imprisonment of up to six months.

(2) Whoever fishes or catches other aquatic animals by using explosives, electricity, poisons, or chemicals intended to stun animals, or in a manner otherwise damaging to the breeding of such fauna or whereby mass destruction of such fauna results, shall be punished by imprisonment of up to three years.

(3) The penalty referred to in paragraph 2 of this Article shall also be imposed on anyone catching fish or other aquatic animals of significant biological value or in considerable quantities, or anyone who while fishing destroys substantial quantities of fish or other aquatic animals.

(4) The entire catch and fishing implements shall be seized.

## Chapter Twenty-Five CRIMINAL OFFENCES AGAINST GENERAL SAFETY OF PEOPLE AND PROPERTY

### **Causing a General Threat**

### Article 278

(1) Whoever by means of fire, flooding, explosives, poisons or poisonous gases, radioactive or other ionising radiation, high-voltage electricity, engine power or other generally dangerous action or generally dangerous means causes danger to life or limb of people or to property of substantial scale, shall be punished by imprisonment of from six months to five years.

(2) The penalty referred to in paragraph 1 of this Article shall also be imposed on an official or responsible person who fails to install prescribed equipment for protection from fire, flood, explosion, poison or poisonous gas, radioactive or other ionising radiation,

On the basis of Article 94, paragraph 4, points 1), 2), 3), 4), 5), 7), 8) and 9) of the Law on Nature Protection (Official Gazette of RS, no. 36/09) and Article 28, paragraph 5 of the Law on Environmental Protection (Official Gazette of RS, no. 135/04, 36/09 and 72/09),

The Minister of Environment and Spatial Planning shall pass the following

## ORDINÁNCE ON TRANSBOUNDARY MOVEMENT AND TRADE IN PROTECED SPECIES

### I. GENERAL PROVISIONS

#### Article 1

This Ordinance prescribes the following: conditions for import, export, introduction, taking out or transit, trade and breeding of endangered and protected plant and animal species (hereinafter referred to as: protected species), parts and derivatives thereof; issuance of permits and other documents (verifications, certificates, opinions); documents that are submitted with permit application, contents and layout of the permit; list of species, parts and derivatives thereof, whose import or export is strictly forbidden, restricted or halted; exemptions from permitting obligations; methods of marking animals or deliveries; implementation of inspection activities, maintenance of records and reporting.

### Article 2

The following terms have been used in this Ordinance with the following meaning:

1) *acquisition date* is the date when specimen has been taken from the wild, bred in captivity or artificially bred, or if such date cannot be proved, the next date which proves first ownership of the specimen;

2) *part* is any part of an animal, plant or fungus, regardless whether it is in fresh, raw, dried or processed state;

3) *derivative* is any processed part of an animal, plant, fungus or body fluid. In most cases, derivatives are not recognizable parts of a specimen they had derived from;

4) *country of origin* is the state in which the specimen had been taken from the wild, born and bred in captivity or artificially bred;

5) second generation of offspring (F2) and next generations of offspring (F3, F4, etc.) are specimens born under controlled conditions, parents of which have also been born under controlled conditions;

6) *Convention* is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as: Convention), which has been ratified with the Law on Ratification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Official Gazette of FRY – International Treatoes, no. 11/01);

7) *controlled conditions* cover conditions under which certain animal and plant species are produced in the environment in which uncontrolled introduction and leaving of animals, ova, gametes and pollen was prevented, as well as any artificial housing for animals, waste removal, health care, protection from predators, artificial supply of food etc.;

8) *parent stock* means all specimens of protected species of flora and fauna which are used in reproduction;

9) *Ministry* is Ministry of Environment and Spatial Planning, as state administration authority in charge of nature protection, which performs activities of competent state authority in accordance with Article 9 of the Convention;

10) *competent Management authority* is state administration authority in charge of implementation of the Convention in certain member state in accordance with Article 9 of the Convention;

11) *non-commercial purposes* are all activities whose primary aim is not economic benefit or profit, such as: exclusively for personal purposes, scientific research, education, biomedical research and programmes of reproduction in captivity, with the aim of species conservation;

12) *offer for sale* is the offer for sale and any other activity which may be reasonably deemed as such, including advertising or providing advertising for sale and offer requests;

13) *commercial purposes* are all purposes whose aim is to gain economic or any other benefit, including all those activities for which it is not possible to prove non-commercial purpose, including sale, purchase, application for purchase, acquisition for commercial purposes, exhibiting to the public for profit, breeding for sale, offer for sale, transport for sale, hire and exchange of specimens;

14) *personal or household effects* are dead specimens, parts or derivatives thereof which belong to private entities and make part of their usual goods and property, or are intended for that purpose;

15) *notification of import* is notification to the border customs authority, made by an importer, their authorized representative, i.e. representative at the moment and place of introduction of certain specimens into Republic of Serbia;

16) processed specimens acquired more than 50 years ago include specimens which have been significantly altered with respect to their original natural state or have been processed into jewellery, decorations, artistic objects, objects for practical use or music instruments before 1 June 1947, and for which the Ministry has been provided with appropriate proof that they had been acquired in such state; such specimens shall be deemed processed only if they are found in one of previously named categories, even if they do not need further engraving, shaping and development in order to achieve their purpose;

17) *authorized scientific and expert organization* is the scientific or professional organization as defined in accordance with Article 9 of the Convention;

18) *destination* is the place intended for keeping specimens after they have been introduced into Republic of Serbia, in case of live specimens, this is the first place where specimens shall be kept after certain period of quarantine or any other retention for sanitary purposes;

19) *re-export from the Republic of Serbia* is export from Republic of Serbia of all specimens that have previously been introduced;

20) *certificate for specimen* is a document issued for the activities referred to in Article 23 of this Ordinance for living vertebrates. Each specimen is issued a separate certificate, and it is valid only on the territory of Republic of Serbia;

21) *certificate of trade* is a document that is issued for the activities referred to in Article 23 of this Ordinance and is valid only on the territory of Republic of Serbia, and it is used for single or multiple transactions;

22) *re-import to the Republic of Serbia* is introduction into Republic of Serbia of any specimen that has previously been exported or re-exported;

23) first generation of offspring (F1) are specimens obtained under controlled conditions from parents of which at least one has been conceived in the wild or has been taken from the wild;

24) *pre-convention specimen* is a specimen that has been obtained before the given species was placed into the Convention Appendices;

25) *transboundary trade* is taking out, introduction, export or import and introduction from sea of protected species, parts and derivatives thereof;

26) *specimen* is any animal, plant or fungus, alive or dead, which belongs to protected species listed in Annex I, II, III, IV, V, VI, VII, VIII and IX, which are attached to this Ordinance and make inseparable part thereof, any part or derivative thereof, whether it constitutes an ingredient of another good, and all other goods for which it is recognizable on the basis of related documents, package, mark, label or any other documents that indicate an animal, plant or fungus which belong to those species, or that they contain parts or derivatives of animals, plants or fungi which belong to those species, except in cases when such parts or derivatives have not been exclusively exempted from this Ordinance.

Specimen shall be deemed as such that it belongs to a protected species listed in Annexes referred to in paragraph 1 of this point, if it is an animal or plant or is a part or derivative thereof, where at least one of its parents belongs to the mentioned species. In cases when parents of such an animal or plant belong to species listed in different Annexes, or species of which only one has been mentioned, provisions of the more restrictive Annex shall apply. In the case of specimen of hybrid plants, if one parent belongs to protected species listed in Annex I, provisions of more restrictive Annex shall apply only in the cases when a remark is made for a given species in the relevant Annex;

27) checks at the moment of import, export, re-export and transit are checks of permits, certificates and notifications stipulated in this Ordinance and special regulations, inspection of specimens, as well as sampling for analysis or more detailed checks;

28) *transit* is transport of specimens between two locations outside the Republic of Serbia across the territory of the Republic of Serbia, during which possible interruption of movement may occur due to procedures which are required in this type of movement;

29) *trade* is sale and purchase, acquisition for commercial purposes, explibiting to public for profit, breeding for sale, offering for sale or transport for sale, hire and exchange of protected species;

30) *introduction from the sea* means indtroduction into the Republic of Serbia of specimens of any species which were taken in the marine environment not under the jurisdiction of any state, including the air above the sea, the sea bed and layers beneath the sea bed;

31) *traveling exhibitions* are traveling collections, menageries or plant exhibitions, which are commercially exposed to the audience.

### II. CONDITIONS FOR TRANSBOUNDARY MOVEMENT OF ENDANGERED SPECIES

#### 1.Import

#### Article 3

Specimens of protected species listed in Annex I may be introduced into the Republic of Serbia upon presentation of import permit issued by the Ministry and upon completion of procedures in border customs office at the introduction point.

Import permit referred to in paragraph 1 of this Article may be issued provided that the following conditions have been fulfilled:

1) the applicant has submitted documentation which proves that specimens have been obtained in accordance with legal regulations which pertain to protection of certain species in exporting or re-exporting country. In the case of import of specimens listed in Annex I which are also listed in Annexes I, II and III to the Convention, the applicant shall present the export permit or certificate of re-export which has been issued in accordance with the Convention by competent authority in the exporting or re-exporting country, or copy thereof;

2) the Ministry has been provided with appropriate proof that specimens shall not be used for commercial purposes;

3) authorized scientific and expert organization has established on the basis of available data and documentation:

(1) that introduction to the Republic of Serbia does not have harmful effects on the conservation status of the given species or to the size of territory which certain populations of the given species occupy;

(2) that introduction into the Republic of Serbia is necessary for:

a) furthering science and undertaking necessary biomedical research, if it has been proven that those species are the only appropriate ones for the mentioned purposes, and that there are no other specimens bred in captivity or artificially reproduced available, or

b) breeding or reproduction for conservation of those species, or

c) research and education aimed at conservation of those species, or

d) other needs which are not harmful for the species survival;

(3) that recipient of living specimens is suitably equipped to house and care for them;

4) the Ministry has established, on the basis of provided opinion from authorized scientific and expert organization, that there are no other factors which pertain to conservation of species, which would be contrary to issuance of the import permit;

5) the Ministry has been provided with appropriate proof that every living specimen shall be shipped in a manner that minimizes the risk of injury, damage to health or cruel treatment.

### Article 4

Introduction of specimens of protected species listed in Annex II into the Republic of Serbia shall require presentation of an import permit issued by the Ministry and completion of procedure in border customs office at the introduction point. Import permit referred to in paragraph 1 of this Article may be issued provided that the following conditions have been fulfilled:

1) the applicant has submitted documentation which proves that specimens have been obtained in accordance with legal regulations which pertain to protection of certain species in the exporting or re-exporting country. In the case of import of specimens listed in Annex I which are also listed in Annexes I, II and II to the Convention, the applicant shall present the export permit or certificate of re-export which has been issued in accordance with the Convention by the competent authority in the exporting or re-exporting country, or a copy thereof;

2) the applicant has presented all the documents which prove that accommodation intended for the living specimen at the destination has been appropriately equipped for its adequate housing and care;

3) the applicant has provided necessary appropriate proof that every living specimen shall be shipped in a manner that to minimizes the risk of injury, damage to health or cruel treatment;

4) authorized scientific and expert organization has established, on the basis of available data and documentation, that introduction into the Republic of Serbia is not detrimental to the conservation status of the given or to the size of territory which certain populations of the given species occupy, taking into account present or predicted level of trade;

5) the Ministry has established, on the basis of provided opinion from authorized scientific and expert organization, that there are no other factors which pertain to the conservation of species, which would be contrary to issuance of import permit.

### Article 5

Specimens of protected species listed in Annex III may be introduced into the Republic of Serbia upon presentation of a completed notification of import form referred to in Annex XI, which is attached to this Ordinance and constitutes an inseparable part thereof, opinion provided by scientific and expert organization and completion of the procedure in the border customs office at the introduction point, and:

1) export permit which has been issued in accordance with the Convention by the competent authority in the exporting country if the import in question is from a state which is listed next to the given species in Annex III or

2) export permit, certificate of re-export or certificate of origin which has been issued in accordance with the Convention by competent authority in the exporting or re-exporting country if the import is from all other states, except for that one that is included next to the name of the given species in Annex III.

Authorized scientific and expert organization shall give opinion referred to in paragraph 1 of this Article, stating that:

(1) introduction into Republic of Serbia is not detrimental to conservation status of the species or to the size of territory which is occupied by the given species in the country of origin, taking into account present or predicted level of trade;

(2) there is no danger for autochthone species in case of unintentional or intentional release of the specimens into the nature of the Republic of Serbia;

(3) housing intended for living specimens is suitably equipped for their housing and care.

### Article 6

Specimens of protected species listed in Annex IV, as well as specimens of protected species listed in Annexes I, II and III, may be introduced into the Republic of Serbia upon presentation of a completed form of notification of import referred to in Annex XI of this Ordinance, opinion issued by authorized scientific and expert organization and completion of the procedure in the customs office at the entrance point.

Authorized scientific and expert organization provides opinion referred to in paragraph 1 of this Article, stating the following:

(1) introduction into Republic of Serbia is not detrimental to conservation status of the species or to the size of territory which is occupied by the given species in the country of origin, taking into account present or predicted level of trade;

(2) there is no danger for autochthone species, in the case of unintentional or intentional release of the specimens into the nature of Republic of Serbia;

(3) housing intended for living specimens is suitably equipped for their housing and care.

### Article 7

Conditions required for the issue of the import permit referred to in Article 3, paragraph 2, points 2) and 3) and Article 4, paragraph 2, points 1) to 5) of this Ordinance do not apply to specimens for which the applicant presents documented evidence that:

1) they had previously been introduced into Republic of Serbia legally, or that they had been acquired legally in Serbia, regardless if they had been altered or not, and are being reintroduced into Republic of Serbia, or

2) they are processed specimens acquired 50 or more years ago.

### 2. Export and re-export

### Article 8

Specimens of protected species listed in Annexes I and VII of this Ordinance may be exported and re-exported from the Republic of Serbia upon presentation of an export permit or certificate of re-export issued by the Ministry, and upon completion of the procedure in the border customs office at the exit point.

Export permit referred to in paragraph 1 of this Article for species listed in Annexes I and VII may be issued if the following conditions have been fulfilled:

1) the applicant has provided documented evidence on the following:

(1) specimens acquired in the Republic of Serbia in compliance with the legislation in place which regulates their acquisition from nature,

(2) specimens acquired in the Republic of Serbia in accordance with the Convention,

(3) in the case of export of a species listed in Appendix I of the Convention to a country which is a party to the Convention, an import permit had been issued,

(4) specimens shall not be used for commercial purposes, except for specimens compliant to Article 31 of this Ordinance,

(5) every living specimen shall be shipped as to minimize the risk of injury, damage to health or cruel treatment;

2) authorized scientific and expert organization, on the basis of available data, has determined in written form that capture or collection of specimens from nature, or export thereof,

will not be detrimental to the conservation status of those species or to the size of the territory inhabited by the respective population of those species;

3) the Ministry has established on the basis of opinion provided by authorized scientific and expert organization that there are no other factors related to the conservation of species which would prevent issuance of export permit.

Certificate of re-export may be issued if conditions referred to in paragraph 2, point 1) and sub-point (3), (4) and (5) and point 3) of this Article have been fulfilled and if the applicant provides documented evidence stating that specimens:

1) have been introduced into the Republic of Serbia in accordance with this Ordinance;

2) introduced into international trade in accordance with the Convention, and that they had been introduced into the Republic of Serbia before 28 May 2002;

3) had been legally introduced into the Republic of Serbia before this Ordinance and Convention entered into force in the Republic of Serbia.

#### Article 9

Specimens of species listed in Annexes II, III and VIII of this Ordinance may be exported and re-exported from the Republic of Serbia upon presentation of export permit or certificate on re-export issued by the Ministry and completion of the procedure in the customs office at the exit point.

Export permit referred to in paragraph 1 of this Article may be issued if conditions referred to in Article 8, paragraph 2, point 1), sub-point (1), (2) and (5) and points 2) and 3) of this Ordinance have been fulfilled.

Certificate on re-export may be issued if conditions referred to in Article 8, paragraph 2, point 1), sub-point (5) and point 3) and paragraph 3 of this Ordinance.

### Article 10

Conditions for issuance of export permit or certificate on re-export referred to in Article 8, paragraph 2, point 1), sub-point (3) and (4) and 2) of this Ordinance, shall not apply to the following:

1) processed species acquired more that 50 years ago;

2) dead specimens, parts and derivatives thereof, for which the applicant provides appropriate evidence that they had been legally acquired before provisions contained in this Ordinance and this Convention applied to them;

3. Special rules for import of living specimens of allochtone species.

### Article 11

Living specimens of allochthone species not listed in Annexes I to IX may be introduced into the Republic of Serbia on the basis of an import permit issued by the Ministry, upon completion of the procedure in the border customs office at the introduction point.

Permit referred to in paragraph 1 of this Article shall be issued provided that the following conditions have been fulfilled:

1) applicant has provided a written statement with a clear purpose of import;

2) applicant has a permit for introduction of allochthone species into the wild in the Republic of Serbia, or a permit for breeding in controlled conditions or that authorized scientific and expert organization has provided opinion about the following:

(1) introduction into the Republic of Serbia is not detrimental to conservation status of the species or to the territory inhabited by the respective population of that species in the state of origin, taking into account current or predicted level of trade;

(2) there is no danger for autochthone species in case of occurrence of unintentional or intentional escape of specimens into the free nature of the Republic of Serbia;

(3) housing intended for living specimens is suitably equipped for their housing and care;

3) the Ministry has been provided with appropriate proof that every living specimen shall be shipped as to minimize the risk of injury, damage to health or cruel treatment.

### 4. Transit

### Article 12

Transit through Republic of Serbia of specimens of species listed in Annexes I to IX of this Ordinance shall be reported to the border customs office at the entrance point.

For transit of specimens of species referred to in paragraph 1 of this Article it is necessary to provide appropriate documentation of the export state which clearly indicates their final destination. For species listed in Annexes I, II and III of this Ordinance it is necessary to provide valid export permit or re-export certificate issued by competent authority at the export or reexport country, in accordance with the Convention.

# III. DEROGATIONS ON IMPORT, RE-IMPORT AND RE-EXPORT OF PROTECTED SPECIES

### 1. Import and re-import

### Article 13

With exception from the provisions referred to in Articles 3, 4, 5 and 6 of this Ordinance for import or re-import into the Republic of Serbia of dead specimens, parts and derivatives thereof, which represent personal or household commodities, the following shall not be necessary:

1) obtaining of an import permit of the Republic of Serbia for species listed in Annex I and II of this Ordinance;

2) filling in the notification about an import in border customs office at the entrance point for species listed in Annexes III and IV, as well as for those listed in Annexes VII and VIII which are not listed in Annexes I and II of this Ordinance.

Exemption referred to in paragraph 1 of this Article shall not apply to personal and household commodities used for obtaining commercial profit, which are sold, exhibited for commercial purposes, kept for sale, offered for sale or transported for sale.

Dead specimens referred to in paragraph 1 of this Article shall include hunting trophies, provided that they are:

1) part of the personal luggage of passengers coming from abroad, or

2) part of personal property of a private entity who changes residence abroad for residence in the Republic of Serbia, or

3) hunting trophies shot abroad, and later imported.

When a person who has residence or stay in the Republic of Serbia introduces for the first time his/her personal and household commodities into the Republic of Serbia, including hunting trophies which originate from specimens listed in Annexes II or III of this Ordinance, competent customs office shall be presented original and copy of export permit for the owner, or certificate on re-export for the export country. Customs office shall forward original of the export permit or certificate on re-export to the Ministry, while owner shall receive verified copy for the owner.

Exemption referred to in paragraphs 1 and 4 of this Article shall not apply to personal and household commodities, including hunting trophies, listed in Annex I of this Ordinance, being introduced in the Republic of Serbia by a person with residence or stay in the Republic of Serbia, or if such person proves that he/she intends to gain residence in the Republic of Serbia.

When person with residence or stay in the Republic of Serbia reintroduces personal and/or households commodities into the Republic of Serbia, including hunting trophies, which originate from species listed in Annex I or II of this Ordinance, the customs authority shall be presented with a copy for the owner of earlier used import or export permit issued by the Republic of Serbia, verified by customs authority of the Republic of Serbia, copy for the owner of export permit or certificate on re-export issued by the export country, referred to in paragraph 4 of this Article, used on the occasion of first entrance into the Republic of Serbia, or proof that specimens had been legally acquired in the Republic of Serbia.

With exception from paragraphs 1, 4 and 6 of this Article, in the import or re-import into the Republic of Serbia, it shall not be necessary to present an import permit, export permit or certificate on re-export for the following:

1) up to 125 g of caviar from sturgeon species (*Acipenseriformes* spp.) per person, in packages labeled in accordance with Article 32, paragraph 1, point 7 of this Ordinance;

2) up to three percussions made of cacti (Cactaceae spp.) per person;

3) up to four processed products of crocodile (*Crocodylia* spp.) per person, except for meat and hunting trophies;

4) up to three shells of sea snail Strombus gigas per person;

5) up to three dead seahorses (*Hippocampus* spp.) per person;

6) up to three specimens of gigantic shells (*Tridacnidae* spp.) up to three kg of total weight (three whole or six respective shell halves) per person.

### 2. Re-export

### Article 14

With exception from Article 8, paragraph 3 and Article 9, paragraph 3 of this Ordinance, it shall not be necessary to obtain a certificate for re-export of dead specimens, parts and derivatives thereof, originating from species listed in Annexes I, II and III which present personal or household commodities, including hunting trophies, being re-exported from the Republic of Serbia and which make inseparable part of:

1) personal luggage of a passenger who travels abroad, or

2) personal property of a private entity who changes residence in the Republic of Serbia for residence abroad.

Exemption referred to in paragraph 1 of this Article shall not apply to:

1) personal and household commodities and hunting trophies when they are exported from the Republic of Serbia for the first time;

2) personal and household commodities used for gaining commercial profit, which are sold, exhibited for commercial purposes, kept for sale, offered for sale, transported for sale or exported for sale.

When person with residence or stay in the Republic of Serbia re-exports personal and/or households commodities, including hunting trophies, which originate from species listed in Annex I, III and III of this Ordinance, such a person shall not be obligated to present to the customs authority a certificate on re-export from the Republic of Serbia, if the customs authority has been presented with a copy for the owner of an export permit used on the occasion of first exit from the Republic of Serbia, a copy for the owner of earlier used import permit of the Republic of Serbia for the species listed in Annex I of this Ordinance, a copy for the owner of an export permit or certificate on re-export referred to in Article 13, paragraph 4 of this Ordinance, used on the occasion of first entrance into the Republic of Serbia, verified by customs authority, or proof that specimens had been legally acquired in the Republic of Serbia.

With exception from paragraphs 1, 2, point 1) and paragraph 3 of this Article, it shall not be necessary to present an export permit or certificate on re-export for the export or re-export of specimens and quantities referred to in Article 13, paragraph 7 of this Ordinance.

### 3. Label for exchange of scientific material

#### Article 15

Permits referred to in Articles 3, 4, 5, 8 and 9 of this Ordinance, opinions and notifications referred to in Article 6 of this Ordinance shall not be binding in the case of embedded, dried or otherwise preserved museum specimens, herbarium specimens, live plant material, when they are borrowed, granted or exchanged for non-commercial purposes among scientists and scientific authorities which are registered with the competent authority of their state, when the shipment of certain specimens has been marked as prescribed in Annex XIII, which is attached to this Ordinance and makes inseparable part thereof. Scientists and scientific authorities fill in all boxes on the label, and they inform the Ministry about the use of each label by submitting to the Ministry a part of the label particularly dedicated for that purpose.

Scientists and scientific authorities referred to in paragraph 1 of this Article shall be registered by the Ministry, in the manner that the scientific authority shall be given a certain registering number which consists of five characters, of which the first two are letters and represent a two-letter ISO code of the country, while the remaining three figures are the unique number of that scientific authority.

Scientists and scientific authorities maintain an inventory of specimens listed in Annexes I to IV, Annexes VII and VIII of this Ordinance, which is accessible to the Ministry.

Ministry shall inform the Convention Secretariat about the scientific authorities which are registered for exchange of scientific material.

### Article 16

At the request from an interested party, the Ministry shall issue a certificate stating that the specimens were acquired before the provisions of the Convention, i.e. this Ordinance applied to that particular species (pre-Convention status).

Date of acquisition of living or dead specimens taken from the wild shall mean the date when such specimens had been taken from the natural environment, while the date of acquisition of parts and derivatives shall mean the date when they had legally become one's property. If it is not possible to determine the date of acquisition of specimens, it shall not be possible to determine pre-Convention status.

### 4. Permits for traveling exhibitions

### Article 17

For legally acquired specimens listed in Annexes I, II and III of this Ordinance, which are a part of traveling exhibitions, the Ministry may issue a permit for traveling exhibitions, provided that one of the following conditions has been fulfilled:

1) animal specimens were born and bred in captivity in accordance with Article 27 of this Ordinance, and plant specimens were artificially reproduced in accordance with Article 29 of this Ordinance;

2) specimens have been acquired or introduced into Republic of Serbia before the application of Convention provisions contained in Appendices I, II or III of the Convention, or provisions referring to species listed in Annexes I, II and III of this Ordinance.

Permit for traveling exhibitions shall be used for multiple crossing of the border as an import permit referred to in Articles 3, 4 and 5 of this Ordinance, export permit or certificate on re-export referred to in Articles 8 and 9 of this Ordinance, and as certificate referred to in Article 23, paragraph 4 of this Ordinance, issued exclusively for the purposes of public exhibition, and it shall be issued on the form given in Annex XIV, which is attached to this Ordinance and makes inseparable part thereof.

For live animals a special permit referred to in paragraph 1 of this Article shall be issued. As for living plants or dead specimens of plants and animals, an additional sheet with the list and description of species (inventory list) shall make an integral part of the permit, in which boxes 9 - 18 contained in form given in Annex XIV of this Ordinance shall repeat.

One or more copies of the continuation sheet given in Annex XV, which has been attached to this Ordinance and makes inseparable part thereof, shall make integral part of the permit for traveling exhibitions.

Specimen of the animal referred to in paragraph 1 of this Article shall fulfill the following conditions:

1) it has been recorded in the Ministry's records;

2) it has been marked with a unique, permanent mark in accordance with Article 34 of this Ordinance if the specimen is a living animal, or otherwise marked with a permanent mark so that the competent authority in each state in which specimen enters may check whether the permit corresponds to the specimen being imported or (re)-exported;

3) it shall be returned to Republic of Serbia before the expiry of such permit.

### Article 18

Permits for traveling exhibitions registered in the Republic of Serbia shall be issued by the Ministry, on the basis of the application. In the permit form given in Annex XIV, the following is stated in box 20: "Integral part of the permit are x (number) of pages of the continuation sheet, which is to be verified by the customs officer upon every transboundary crossing."

The permit for traveling exhibitions from another state shall be issued by the Ministry on the basis of application and appropriate permit issued by competent authority of another state. Provisions contained in Article 17, paragraph 5, points 1) and 3) of this Ordinance shall not apply to such a permit. In the permit form, the following is stated in box 20: "This permit shall be valid only if the original permit for circuses and other traveling exhibitions no. xx (permit number) issued in xxxx (country) has been attached thereto. Permit x (number) shall have page of supporting letter verified by the customs officer on every transboundary crossing as its integral part."

If some of the animals for which the permit had been issued for traveling exhibitions get offspring during their stay in Republic of Serbia, permit owner or his/her authorized representative shall inform the Ministry and obtain appropriate permit or certificate for each offspring.

Every lost, stolen or destroyed permit for traveling exhibitions may only be replaced by the competent Management authority which had originally issued such a permit. If the Ministry issues a replacement permit, the validity period remains the same as in the original document, while box 20 of the permit form shall state the following: "This permit shall annul and replace permit no. xx (provide number of the previous permit), issued on xx/xx/xxxx (provide date)"

5. Permit for transboundary trade of endangered species in personal ownership

### Article 19

For legally acquired live animals listed in Annexes I, II and III of this Ordinance, which are deemed as personal ownership, the Ministry may issue a permit for transboundary trade, provided that one of the following conditions has been fulfilled:

1) animal specimens were born and bred in captivity in accordance with Article 27 of this Ordinance;

2) animal specimens acquired or introduced into the Republic of Serbia before the provisions of the Convention for species listed in Appendices I, II or III of the Convention applied to them, or provisions referring to species listed in Annexes I, II and III of this Ordinance.

Permit for transboundary trade in animals in personal ownership shall be used for multiple crossings of border as an import permit referred to in Articles 3, 4 and 5 of this Ordinance and an export permit or certificate on re-export referred to in Articles 8 and 9 of this Ordinance, and it shall be issued on form given in Annex X, which is attached to this Ordinance and makes integral part thereof. The permit shall be valid only if such animal is accompanied by the owner or permit owner.

Permit for transboundary trade in animals in personal ownership shall apply to one specimen only.

An integral part of the permit for transboundary trade in animals in personal ownership shall be one or more copies of continuation sheet provided in Annex XV of this Ordinance.

An animal specimen referred to in paragraph 1 of this Article shall fulfill the following conditions:

1) it has been recorded in the Ministry's records;

2) it has been marked with unique, permanent mark in accordance with Article 34 of this Ordinance;

3) it cannot be used for commercial purposes, except for cases referred to in Article 20, paragraph 4 of this Ordinance;

4) it shall be returned to the Republic of Serbia before the expiry of the permit..

### Article 20

The permit for transboundary trade in animals in personal ownership shall be issued by the Ministry, on the basis of an application. Permit form, box 23 shall state the following: "To be used for multiple crossing of the border provided that the animal is accompanied by the owner/permit holder. If the specimen dies, is stolen, killed or lost, or ownership over the specimen changes otherwise, such a permit shall be immediately returned to competent Management authority which had issued the permit. An integral part of the permit is x (number) of pages of the continuation sheet, verified by the customs officer on every border crossing."

Permit for transboundary trade in animals in personal ownership for animals registered in another state, being introduced into the Republic of Serbia, shall be issued by the Ministry on the basis of an application and an appropriate permit issued by the competent authority in the other given state.

Provisions contained in Article 19, paragraph 5, points 1) and 4) of this Ordinance shall not apply to this permit. Permit form, box 23 states the following: "This permit shall only be valid if it has been accompanied with the original permit for animals in personal ownership no. xx (permit number), issued in xxx (country) and if the specimen is accompanied by the owner/permit holder."

If some of the animals for which the permit had been issued for transboundary trade in animals in personal ownership produce offspring during their stay in the Republic of Serbia, the permit owner shall inform the Ministry and obtain the appropriate permit or certificate for each offspring.

If the owner of the permit for transboundary trade in animals in personal ownership wants to sell the animal, he/she shall return the original of the permit and the continuation sheets to the Ministry. If an animal belongs to species listed in Annex I of this Ordinance, the permit owner shall apply for the certificate referred to in Article 23, paragraph 4 of this Ordinance. If the animal belongs to a species listed in Annex II of this Ordinance, the permit owner shall apply for the certificate referred to in Article 23, paragraph 4 of this Ordinance. If the animal belongs to a species listed in Annex II of this Ordinance, the permit owner shall apply for the certificate referred to in Article 24, paragraph 3 of this Ordinance.

Every lost, stolen or destroyed permit for transboundary trade in animals in personal ownership may be replaced only by the competent Management authority which had issued such a permit. If the Ministry issues a replacement for the permit, the category and validity permit remain the same as in the original document, while box 23 of the permit form shall state the following: "This permit is an authentic copy of the original."

6. Restrictions in import

### Article 21

Import of species listed in Annex VI of this Ordinance is prohibited.

Exceptionally, the Ministry may allow the import of species referred to in paragraph 1 of this Article by issuing an import permit, provided that the following conditions have been fulfilled:

1) an application for the import permit had been submitted before the ban on import entered into force;

2) Ministry establishes that the import order had been paid or specimens had been shipped before the ban on import entered into force.

Provision contained in paragraph 2 of this Article shall not apply to species listed in Annex I of this Ordinance which are also listed in Appendix I of the Convention.

Validity period for the import permit issued in accordance with paragraph 2 of this Article shall not be longer than a month.

If in Annex VI of this Ordinance next to the name of the species in boxes titled "specimen origin" or "specimen type", there is no specific designation, the ban on import referred to in paragraph 1 of this Article shall not apply to the following:

specimens born or bred in captivity, or artificially reproduced;
 specimens needed for scientific advancement and implementation of necessary
 biomedical research, if it is proved that that given species is the only suitable one for such
 purposes and there are no other specimens bred in captivity or artificially reproduced, specimens
 intended for breeding or reproduction for purposes of species conservation and specimens
 intended for research and education for the purposes of species conservation;

3) specimens which are part of personal or household commodities of private and legal entities entering the Republic of Serbia with the intention of temporary or permanent residence.

### Article 22

Import of leather, leather goods and other products which originate from specimens listed in Annex IX of this Ordinance for commercial purposes is not permitted.

Exceptionally, import of leather, leather goods and other products which originate from specimens listed in Annex IX of this Ordinance may be allowed if such specimens had been hunted in by traditional eskimo hunting methods or they are being imported for non-commercial purposes.

Ministry shall issue an import permit provided that the following conditions have been fulfilled:

1) authorized scientific and expert organization has established the following on the basis of available data:

(1) that the import of specimens is not detrimental for species population or area of that population in the country of origin,

(2) that the import of specimens is necessary for scientific advancement and implementation of necessary biomedical research and that the given species is the only suitable for such purposes and that there are no other specimens bred in captivity or artificially reproduced, or import of specimens is necessary for research and education for the purposes of species conservation,

(3) purpose of the import is not detrimental for the survival of the species,

2) importer provided documentation which clearly shows that specimens had been acquired in accordance with appropriate regulations of the country of origin, and written statement which confirms that specimens would be used for purposes referred to in point 1), sub-point (2) of this paragraph.

In the case of an import referred to in paragraph 2 of this Article, the importer shall present an import permit to the border customs office.

### IV. TRADE IN PROTECTED SPECIES

### Article 23

The sale, purchase, offering for purchase, acquiring for commercial purposes, exhibiting to the public for profit, keeping for sale, offering for sale, renting and exchanging specimens of species listed in Annexes I and VII of this Ordinance is not permitted.

Exceptionally, the Ministry may approve activities referred to in paragraph 1 of this Article provided that one of the following conditions has been fulfilled:

1) specimens had been acquired or introduced into the Republic of Serbia in accordance with regulations in the area of nature protection before the provisions of the Convention which apply to species listed in Appendix I of the Convention or provisions of Ordinance which refer to species listed in Annex I of this Ordinance entered into force;

2) specimens originating form the Republic of Serbia were taken from the wild in accordance with regulations in the area of nature protection;

3) specimens were processed and acquired more than 50 years ago;

4) specimens were introduced into the Republic of Serbia in accordance with this Ordinance and shall be used for the purposes which are not detrimental for the survival of certain populations of the species;

5) specimens are animals born and bred in captivity, specimens are artificially reproduced plants, or are parts and derivatives thereof;

6) specimens are necessary for scientific advancement or necessary biomedical research if it is proved that that given species is the only one suitable for such purposes and that there are no other specimens bred in captivity or artificially reproduced;

7) specimens are intended for breeding or reproduction for the purposes of species conservation;

8) specimens are intended for research or education for the purposes of species conservation;

9) specimens originate from scientific collections intended for breeding in captivity or artificial reproduction aimed at conservation of species, research and education for conservation of species, which are commercially exchanged only among scientific authorities and scientists that are registered at the Ministry.

It shall be necessary to obtain the certificate of trade for the activities referred to in paragraph 2 of this Article. The certificate of trade shall be issued by the Ministry to the owner of the specimen, and each subsequent owner shall obtain a new certificate. The certificate shall be issued on the form provided in Annex XII, which is attached to this Ordinance and constitutes a inseparable part thereof.

With exception to paragraph 3 of this Article, if living vertebrates are in question, it is necessary to obtain the certificate for the specimen. The certificate shall be issued only for one individual specimen marked in accordance with Article 34 of this Ordinance. The certificate shall be issued by the Ministry in the form provided in Annex XII of this Ordinance.

The Ministry shall maintain records of private and legal entities that have obtained certificates of trade on the basis of this Ordinance.

#### Article 24

The sale, purchase, offering for purchase, acquiring for commercial purposes, exhibiting to the public for profit, using for profit, keeping for sale, offering for sale, transporting for sale, renting and exchanging specimens of species listed in Annex II of this Ordinance.

Exceptionally, the Ministry may allow activities referred to in paragraph 1 of this Article, provided that one of the following conditions has been fulfilled:

1) specimens have been acquired in the Republic of Serbia in accordance with regulations in the area of nature protection;

2) specimens have been introduced into the Republic of Serbia in accordance with regulations in the area of nature protection.

The Ministry shall issue the certificate for the activities referred to in paragraph 2 of this Article. The certificate shall be issued to the specimen's owner, while every subsequent owner shall obtain a new certificate.

### Article 25

Provisions contained in Article 23, paragraphs 1 and 2 of this Ordinance shall not apply to the following:

1) specimens of species listed in Annex V of this Ordinance and their hybrids born and bred in captivity, provided that specimens of certain species have been marked in accordance with Article 34 of this Ordinance;

2) artificially reproduced specimens of plant species;

3) processed specimens acquired more than 50 years ago.

### V. TRANSFER OF LIVING SPECIMENS WITHIN THE REPUBLIC OF SERBIA

#### Article 26

For each transfer (transport, moving, new inhabitation, change of residence, etc.) of a living specimen of species listed in Annex I of this Ordinance from the place provided in import permit or certificate issued in accordance with this Ordinance, the Ministry shall issue a certificate in the form provided in Annex XII of this Ordinance.

The certificate referred to in paragraph 1 of this Article may be issued if:

1) the person in charge of the transfer of specimens submits documentation which clearly shows that the specimen has been acquired in accordance with regulations in the field of nature protection;

2) authorized scientific and expert organization issues a written expert opinion, which clearly indicates that housing intended for the living specimen in the recipient place is appropriately equipped for proper housing and care.

The certificate referred to in paragraph 1 of this Article shall not be necessary if a live animal has to be transferred due to urgent veterinary treatment, upon which it shall be returned to the place indicated in the import permit or other certificate.

Living specimens of animals which are transferred into the Republic of Serbia, from the Republic of Serbia or within the Republic of Serbia, or which are being re-loaded, shall be

prepared, transported and cared for in a manner which minimizes risk of injury, damage to health or cruel treatment, in accordance with special regulations.

The purpose of approval for the transfer of living specimens of species listed in Annex I of this Ordinance within the Republic of Serbia from the place indicated in import permit or other certificate shall be entered into a form of the certificate described in paragraph 1 of this Article.

### VI. BREEDING AND ARTIFICIAL REPRODUCTION OF PROTECTED SPECIES

### 1. Specimens of animal species born and bred in captivity

### Article 27

Specimen of animal species shall be deemed born and bred in captivity if the Ministry has established the following after obtaining the opinion issued by the scientific and expert organization:

1) the specimen is an offspring or originates from an offspring born or otherwise acquired in controlled conditions – through cross breeding of parents or otherwise transfer of gametes under controlled conditions, through sexual reproduction, or when asexual reproduction of parents that were subject to controlled conditions when development of the offspring started;

2) parent stock has been formed in accordance with the current regulations which pertained to it at the moment of its acquisition, in the manner which is not detrimental to survival of such species in nature;

3) parent stock is maintained without introduction of specimens from the wild, except for occasional enrichment of the stock with new animals, ova or gametes, in accordance with current regulations and in the manner which is not detrimental to survival of the given species in the wild, which is possible only for the following purposes:

(1) to prevent or mitigate harmful cross breeding of animals which are closely related, and expansion of the stock shall be determined in accordance with the needs for new genetic material,

(2) to provide care for seized animals in accordance with regulations on nature protection,

(3) exceptionally, for increase of parent stock in registered breeding operations,

4) that parent stock created second or third generation of offspring in controlled conditions.

### 2. Establishment of origin

### Article 28

Owner of the animal shall make available samples of blood or other tissue in order to perform analysis in cases when the Ministry determines the need for the establishment of the origin of an animal.

3. Artificially reproduced specimens of plant species

### Article 29

Specimen of plant species shall be deemed artificially reproduced if the Ministry has established the following after obtaining the opinion issued by the scientific and expert organization:

1) plant specimen originates from a plant grown from seed, seedling, callus, other plant tissue, spore or other propagules under controlled conditions, i.e. in the artificial surroundings which are to great extent manipulated by man, which may include cultivation of land, fertilization, weed control, irrigation or planting procedures such as re-planting into pots or protection against weather conditions;

2) parent stock has been formed in accordance with current regulations which applied to it at the moment of acquisition, in the manner which is not detrimental to survival of such species in nature;

3) parent stock is managed in a manner which guarantees its long-lasting sustainability;

4) in the case of propagated plants, both propagated and propagating plant had been obtained artificially in accordance with points 1) to 3) of this Article;

Timber shall be deemed artificially reproduced if it originates from trees grown at single species plantation in accordance with paragraph 1 of this Article.

### 4. Permit for breeding and artificial reproduction

### Article 30

Before breeding or artificial reproduction takes place for specimens of species listed in Annexes I, II, VII and VIII of this Ordinance, the legal entity, entrepreneur and private entity must obtain a permit form the Ministry. Breeding and artificial reproduction of species listed in Appendix I of the Convention for commercial purposes shall be registered in the Convention Secretariat.

The application shall contain:

1) name and surname of private entity, name and address of legal entity or entrepreneur that will carry out breeding, and proof of registration for the appropriate breeding activity;

2) location of breeding operation;

3) planned date for initiation of breeding operations;

4) scientific name of species that is subject to breeding;

5) description of planned parent stock which involves the number and age of males and females which make parent stock, genetic relationship between paired individuals and between pairs in the parent stock, if this can be determined;

6) proof of legal origin of parent stock;

7) documentation which proves that it is possible to breed the species up to the second generation of offspring (F2) and the description of methods used, i.e. if breeding has been done only up to the first generation, documentation which proves that breeding methods are the same or similar to those which resulted in breeding of the second generation of offspring somewhere else;

8) description of housing of current and expected number of individuals, including safety measures in order to prevent escape and/or theft (detailed data about number and size of facilities for breeding and upbringing of young, capacity of incubators, production of food or supply, availability of veterinary services, etc.);

9) assessment of the predicted need and sources of additional specimens for the increase in the number of animals and breeding aimed at increase of genetic diversity of breeding population, in order to avoid inbreeding; 10) detailed description of marking methods (rings, microchips or other marks) of parent stock individuals, their offspring and products (e.g. hide, meat) intended for export;

11) manner of commercial gain (living specimens, meat, eggs, fur, leather, other parts of the body and processed parts etc.), and in the case of breeding for non-commercial purposes, solid evidence that there are no elements of commercial activity.

The permit shall be issued on the basis of previously determined conditions to be fulfilled by any facility and/or area for housing of animals.

The Ministry shall maintain register of entities that may perform breeding in accordance with this Ordinance.

The breeder shall submit to the Ministry an annual report on breeding or artificial reproduction of specimens referred to in Annexes I, II, VII and VIII of this Ordinance by the 1<sup>st</sup> of March of the current year for the previous year.

If the breeder does not act in accordance with provisions contained in this Ordinance, and with conditions prescribed in permit for breeding, the Ministry shall withdraw the issued permit, and prohibit further breeding or artificial reproduction.

Provision contained in paragraph 2 of this Article shall be respectively applied to the issuance of the permit for the artificial reproduction of plant species listed in Annexes I, II, VII and VIII of this Ordinance.

### Article 31

Specimens of species listed in Annex I of this Ordinance which have been born and bred in captivity or have been artificially reproduced shall be treated in accordance with provisions which apply to specimens of species listed in Annex II of this Ordinance, except for purposes described in Article 23, paragraph 1 of this Ordinance.

### VII. LABELING OF SHIPMENT AND MARKING OF INDIVIDUAL LIVING SPECIMENS OF PLANT AND ANIMAL SPECIES, PARTS AND DERIVATIVES THEREOF

1. Marking of specimens for import and trade in the Republic of Serbia

### Article 32

The Ministry shall issue import permit for specimens of species listed in Annexes I and II of this Ordinance if the applicant proves that they have been marked in accordance with the Convention and that they have been:

1) bred in captivity in a breeding operation which has been registered in the CITES Secretariat;

2) acquired through ranching operations approved at the conference of parties of the Convention;

3) specimens of populations of species listed in Appendix I of the Convention for which parties of the Convention had approved an export quota;

4) unprocessed ivory of African elephant and carved parts thereof which are all longer than 20 cm and heavier than 1 kg;

5) rawhide, tanned and/or processed crocodile leather, parts of hide from flanks, tails, necks, legs, back and other parts thereof which are imported into the Republic of Serbia, and

whole rawhide, tanned or processed crocodile leather and flank hide which is re-imported into the Republic of Serbia;

6) living vertebrates of species listed in Annex I of this Ordinance which belong to a traveling exhibition;

7) any package of caviar (can, glass jar or container into which caviar is directly packed) originating from sturgeon species (*Acipenseriformes* spp.) labeled with method approved at the meeting of the parties of the Convention. Package shall be labeled individually, with disposable stickers which are placed on each package.

The Ministry shall authorize the facility for processing and packing of caviar obtained from sturgeon species (*Acipenseriformes* spp.) in the Republic of Serbia and shall provide it with a unique identification record mark. The authorized facility shall maintain records on quantities of caviar which are imported, exported, re-exported, produced or stored and shall submit the documentation to the Ministry. List of authorized facilities shall be submitted to the Convention Secretariat by the Ministry.

### 2. Marking of specimens for export and re-export

### Article 33

The Ministry shall issue an export permit for living vertebrates of species listed in Annex I of this Ordinance if applicant proves that specimens have been marked in accordance with this Ordinance.

The Ministry shall issue an export permit and the certificate on re-export for all packages of caviar labeled in accordance with Article 32, paragraph 1, point 7) of this Ordinance.

The Ministry shall issue the certificate on re-export for specimens marked in accordance with Article 32, paragraph 1, points 1), 2), 3), 4) and 6) of this Ordinance if their state has not changed significantly, and applicant has proved that original labels on specimens were untouched.

The Ministry shall issue the certificate on re-export for whole rawhide, tanned and/or processed crocodile leather and flank hide if applicant proves that their original labels are untouched or, if they have been lost or removed, that specimens have been marked for re-export.

### 3. Methods of Marking

### Article 34

Living vertebrates shall be marked in accordance with a special regulation.

Specimens referred to in Article 17, paragraph 5, Article 19, paragraph 5, Article 23, paragraph 4 and Article 33, paragraph 1 of this Ordinance, and for individuals in the parent stock from registered breeding operations referred to in Article 31, shall be marked in accordance with paragraph 1 of this Article.

The provision from paragraph 1 of this Article shall not be applied to specimens of live vertebrates for which the Ministry has been provided with appropriate evidence that their physical properties at the time of permit or certificate issuance <u>did not permit the</u> safe application of methods established in the regulation referred to in paragraph 1 of this Article.

For specimens which are exempted according to paragraph 3 of this Article, the Ministry shall issue only a confirmation of trade referred to in Article 23, paragraph 3 of this Ordinance, where box 20 contains appropriate explanation of the reasons for the inability of the application of the mark, and if it will be possible to apply the marking method later and an appropriate remark regarding this.

For each specimen which has not been marked in accordance with paragraph 1 of this Article, it shall not be possible to obtain the certificate for the specimen referred to in Article 23, paragraph 4, the permit for an animal in personal ownership referred to in Article 19 and the permit for traveling exhibitions referred to in Article 17 of this Ordinance.

### VIII. PERMITTING AND CERTIFICATING PROCEDURES

### 1. Application

### Article 35

Application for permits and certificates on the basis of this Ordinance shall be submitted to the Ministry in written form.

Application for permits and certificates referred to in paragraph 1 of this Article shall be submitted to the Ministry in due time before the import of specimens into the Republic of Serbia, i.e. or before export or re-export thereof takes place.

Application for permits and certificates for specimens of species listed in Annexes I, II and III of this Ordinance shall be submitted in the form provided in Annexes X, XII and XIV of this Ordinance.

Application for permits, certificates and other acts for specimens of species listed in Annexes VI to IX of this Ordinance shall be submitted in the form provided in Annex XVII, which is attached to this Ordinance and constitutes inseparable part thereof.

The applicant shall provide accurate data in the application referred to in paragraph 1 of this Article, as well as true statements and information, and shall also provide valid documentation and proof of payment of the administrative fee.

The official who is to make the decision about applications described in this Article may require from the applicant additional documentation in order to establish facts which are assessed as necessary in that specific case.

### 2. Application Rejection

### Article 36

The Ministry shall reject the application for the import permit for sturgeon caviar and meat (*Acipenseriformes* spp.) if export quotas had not been previously prescribed in accordance with the procedure approved at the meeting of the parties of the Convention.

The Ministry shall reject application for the export permit for sturgeon caviar and meat (*Acipenseriformes* spp.) if export quotas had not been previously prescribed in accordance with the procedure approved at the conference of parties of the Convention.

### 3. Ulterior issuance of documents

### Article 37

With exception to provisions contained in Article 35, paragraph 2 of this Ordinance, and provided that the importer or exporter informs the Ministry upon the arrival or before the shipment about the reasons for which permits referred to in Articles 3, 4, 8 and 9 of this Ordinance have not been obtained, such permits may be issued later for specimens of species listed in Annexes II and III of this Ordinance, as well as for specimens of species listed in Annex I of this Ordinance which fulfill conditions referred to in Articles 7 and 10 of this Ordinance, if:

1) the Ministry has established in consultation with competent Management authority of other state that the reasons for which documentation had not been timely obtained cannot be attributed to the applicant;

2) import, export or re-export is performed in accordance with the Convention and current regulation of the other state.

With exception to provisions contained in Article 35, paragraph 2 of this Ordinance, when specimens which are imported and/or (re-)exported are personal and household commodities to which special exemptions described in Articles 13 and 14 of Ordinance apply, or are legally acquired living animals in personal ownership which are used only for non-commercial purposes, permits and certificates referred to in Articles 3, 4, 8 and 9 of this Ordinance may be issued later for species listed in Annexes II and III of this Ordinance, as well as for specimens of species listed in Annexes II and HII conditions described in Articles 7 and 10 of this Ordinance, provided that Ministry has established in consultation with competent customs authority that the case was accidental mistake and that there was no attempt of fraud on the occasion of import or re-export in accordance with provisions of Ordinance and current legislation of the other state.

For specimens of species listed in Annex I of this Ordinance for which import permit was issued subsequently on the basis of paragraph 2 of this Article, any commercial use referred to in Article 23, paragraph 1 of this Ordinance shall be prohibited in the period of six months from the issuance date, prohibiting the use of exemptions referred to in Article 23, paragraph 2 of this Ordinance.

For specimens of species listed in Annexes I and II of this Ordinance which are subject to conditions referred to in Article 7 of this Ordinance, for which import permit is issued on the basis of paragraph 2 of this Article, box 23 in the form provided in Annex X of this Ordinance states that it shall be prohibited to make any commercial use in the period of six months from the day of issuance.

Documents which are issued in accordance with paragraphs 1 and 2 of this Article in the form provided in Annex X of this Ordinance shall contain in the box 23 the reasons for subsequent issuance.

The Ministry shall inform Secretariat of the Convention on permits issued in accordance with paragraphs 1 and 2 of this Article.

### 4. Validity of documents from other states

### Article 38

At the time of import into the Republic of Serbia and transit through Republic of Serbia, permits, certificates and other permits issued in other states shall be deemed valid if they are used

for export or re-export from another state before they expiry date and are used for import into the Republic of Serbia or transit through Republic of Serbia within six months from the day of issuance, i.e. 12 months for import permits for specimens listed in Annex I of this Ordinance.

Certificate of origin referred to in Article 5 of this Ordinance for specimens of species listed in Annex III of this Ordinance may be used for import of specimens into the Republic of Serbia within 12 months from the issuance date.

Permits for traveling exhibitions and permits for animals in personal ownership may be used for introduction into Republic of Serbia within three years from the issuance date.

### 5. Forms for permits, certificates and other documents

### Article 39

The import permit, export permit, certificate on re-export and permits for transboundary trade in animals in personal ownership for specimens of species listed in Annexes I, II, III and IV of this Ordinance, shall be issued according to the layout and contents provided in Annex X of this Ordinance, and they shall comprise the following:

1. original;

2. copy for the owner;

3. copy for export or re-export state in the case of import permits, or copy for export state in the case of export permits, i.e. certificates on re-export which the customs authority returns to the Ministry;

4. copy for the Ministry;

5. application;

6. copy for the customs authority.

Permit for traveling exhibitions for specimens of species listed in Annexes I, II and III of this Ordinance shall be issued according to the layout and contents provided in Annex XIV of this Ordinance, and they shall comprise the following:

1. original;

2. copy for the Ministry;

3. application.

Continuation sheet which is an inseparable part of the permit for animals in personal ownership and permits for traveling exhibitions shall be issued according to the layout and contents provided in Annex XV of this Ordinance.

Import notification for specimens of species listed in Annexes III and IV of this Ordinance, as well as for species listed in Annexes VII and VIII which are not listed in Annexes I, II and III of this Ordinance shall be issued according to the layout and contents provided in Annex XI of this Ordinance, and shall comprise the following:

1. original;

2. copy for the importer;

3. copy for the customs authority.

Certificates referred to in Article 23, paragraphs 3 and 4 and Article 27, paragraph 1 of this Ordinance shall be issued according to the layout and contents provided in Annex XII of this Ordinance and shall comprise the following:

1. original;

2. copy for the Ministry;

3. application.

The label referred to in Article 15 of this Ordinance shall be issued according to the layout and contents provided in Annex XIII of this Ordinance.

### Article 40

Paper for forms referred to in Article 39 of this Ordinance does not contain mechanic cellulose, is adapted for writing and weighs at least 55  $g/m^2$ .

Dimensions of the form referred to in Article 39 of this Ordinance, except for the label, shall be 210 x 297 mm (A4), with greatest deviation of 18 mm less or 8 mm more in length.

Paper for forms referred to in Article 39, paragraph 1 of this Ordinance shall be:

1) white for the "original", with convoluted decoration pattern in backgrounds, printed in grey colour on the front side of the form in order to make any attempt of forgery done either mechanically or chemically detectable:

2) yellow for the copy for the "owner";

3) light green for "copy for exporting or re-exporting country" in the case of the import permit, or the copy which is returned to the Ministry by customs authority in the case of the export permit or certificate of re-export;

4) pink for the "copy for the Ministry";

5) white for the "application";

6) light blue for the "copy for the customs authority".

Paper for forms referred to in Article 39, paragraph 2 of this Ordinance shall be:

1) yellow for the "original", with the sample in background printed in grey colour on the front side of the form in order to make any attempt of forgery, done either mechanically or chemically detectable;

2) pink for the "copy for the Ministry";

3) white for the "application".

Paper for the continuation sheet referred to in Article 39, paragraph 3 of this Ordinance shall be white.

Paper that is used for forms referred to in Article 39, paragraph 4 of this Ordinance shall be:

1) white for the "original";

2) yellow for the "copy for the importer";

3) light blue for the "copy for the customs authority".

Paper that is used for forms referred to in Article 39, paragraph 5 of this Ordinance shall be:

1) yellow for the "original", with convoluted decoration pattern in background printed in grey colour on the front side in order to make any attempt of forgery, done either mechanically or chemically detectable;

2) pink for the "copy for the Ministry";

3) white for the "application".

Paper for the label referred to in Article 39, paragraph 6 of this Ordinance shall be white.

Forms and label referred to in Article 39 of this Ordinance shall be printed and filled in in Serbian and English language.

Forms referred to in Article 39, paragraphs 1, 2, 3 and 5 of this Ordinance shall be an inseparable part of electronic permitting procedure.

### Article 41

Forms referred to in Article 39 of this Ordinance shall be filled in electronically.

Applications for permits and certificates, import notifications and the label referred to in Article 39 of this Ordinance may be filled in by hand provided that text is legible, in ink and in capital block letters.

Nothing in the permits, certificates and notifications about import shall be deleted, altered or corrected later, except in the case when such alterations have been verified by the seal and signature by the Ministry or competent customs authority.

Permits, certificates and applications for issuance thereof shall use the following:

1) codes listed in Annex XVI, which is attached to this Ordinance and makes inseparable part thereof, for the specimens description;

2) units listed in Annex XVI of this Ordinance to express quantity and net mass;

3) scientific names of species based on standard reference documents for nomenclature provided in Annex XX, which is attached to this Ordinance and makes inseparable part thereof;

4) codes listed in Annex XVIII, which is attached to this Ordinance and makes inseparable part thereof, Chapter 1 of this Ordinance, for description of trade purpose;

5) codes listed in Annex XVIII of Chapter 2 of this Ordinance, to describe specimen origin.

If some of the forms referred to in Article 39 of this Ordinance contains an annex which is deemed its inseparable part, such an annex, as well as number of pages of such an annex, shall be indicated in the permit or certificate form, while each page of the annex should contain category of the permit or certificate and date of issuance, as well as signature and seal of the Ministry.

If the form referred to in Article 39, paragraph 1 of this Ordinance is used for more than one species in a shipment, such a form shall be supplemented with an annex which, beside conditions referred to in paragraph 5 of this Article, repeats boxes 8 to 22 of the form for each species in the shipment, and box 27 of the form provided in Annex X of this Ordinance, stipulated for entries of "really imported quantity/net mass" and "number of dead animals at arrival".

If the form referred to in Article 39, paragraph 2 of this Ordinance is used for more than one species in the shipment, it shall be supplemented with an annex which, beside the conditions referred to in paragraph 5 of this Article, repeats boxes 8 to 18 of the form provided in Annex XIV of this Ordinance for each species in the shipment.

If the form referred to in Article 39, paragraph 5 of this Ordinance is used for more than one species, it shall be supplemented with an annex which, beside the conditions referred to in paragraph 5 of this Article, repeats boxes 4 to 18 of the form provided in Annex XII of this Ordinance for each species in the shipment.

Provisions from paragraphs 1, 2, 3, 4, 5, 6 and 7 of this Article shall apply in decision making about the acceptability of permits and certificates issued by other states for specimens which are to be introduced into the Republic of Serbia.

Permits and certificates referred to in paragraph 9 of this Article which apply to specimens for which export quotas have been established voluntarily or at the Convention CoP, may be accepted only if they contain the total number of specimens previously exported in the current year, including specimens already covered by that permit, as well as quotas for that species.

Certificates for re-export issued by the exporting countries may be accepted only if they contain the country of origin, number and date of the issuance of the export permit in the country of origin, and if necessary the country of latest re-export, number and date of issuance of the certificate for re-export, or if they contain satisfactory explanation for lack of such information.

Permits and certificates from other countries which contain code for label with "O" origin shall be deemed valid only if specimen in the permit corresponds to the definition for pre-Convention specimen referred to in Article 2 of this Ordinance and if they contain the date of acquisition of the specimen or statement that the specimen had been obtained before a certain date.

### Article 42

The Ministry shall issue a separate import permit, export permit or certificate on re-export for each shipment of specimens shipped as a part of one single load.

### 6. Validity period of permits and certificates

### Article 43

Validity period of permits shall be no longer than six months, except in cases of import permits for species listed in Annex I of this Ordinance, where validity period shall be no longer than twelve months. An import permit shall not be valid without appropriate valid document from the exporting or re-exporting country.

Exceptionally, validity period for import permits which are issued for caviar of sturgeon species (*Acipenseriformes* spp.), for which annual export quotas have been prescribed, and for which competent management authority of the exporting country had issued export permit shall be no longer than twelve months upon the issuance of export permit.

Exceptionally, validity period for import permits issued for caviar of sturgeon species (*Acipenseriformes* spp.), for which competent authority of re-exporting country had issued certificate on re-export, shall be no longer than eighteen months upon issuance of export permit.

Validity period of export permits shall be no longer than six months.

Exceptionally, the validity period of the certificate for re-export for caviar of sturgeon species (*Acipenseriformes* spp.) shall not be longer than eighteen months upon issuance of export permit.

Export quotas referred to in paragraph 2 of this Article shall be adopted at the meeting of parties of the Convention.

Validity period for traveling exhibitions and permits for animals in personal ownership shall be no longer than three years upon issuance of permit. Permits for traveling exhibitions and permits for animals in personal ownership shall not be valid if the specimen has been sold, lost, destroyed, stolen, if ownership over the specimen has changed, or in case of living specimen, if such a specimen dies, escapes or is released into the wild.

Upon the expiry, permits and certificates referred to in paragraphs 1, 2, 3, 4, 5, 6 and 8 of this Article shall be deemed invalid and shall not have legal value.

The holder of permit and/or certificate shall return to the Ministry without any delay, the original and all copies of import and/or export permit, permit for traveling exhibitions and permits for animals in personal ownership, which have expired, are not used, or have ceased to be valid.

7. Cessation of validity for permits and certificates

### Article 44

Copy for the owner of used import permits shall cease to be valid if:

1) living specimens, which are subject of such a permit, have died or been destroyed;

2) living animals, which are subject of such a permit, have escaped or been released into the wild;

3) any of the data entered into boxes 3, 6 or 8 in the import permit no longer reflect the actual status.

Permits and certificates referred to in Article 8, paragraphs 2 and 3, certificates referred to in Article 9, certificates referred to in Article 23, paragraphs 3 and 4 and Article 26, paragraph 1 of this Ordinance shall cease to be valid if:

1) living specimens, which are subject of such documentation, have died or been destroyed;

2) live animals, which are subject of such documentation, have escaped or been released into the wild;

3) data in the certificate referred to in Article 23, paragraphs 3 and 4 of this Ordinance and Article 27, paragraph 1 of this Ordinance, in boxes 2 and 4 of the form, no longer reflect the actual status, or special conditions listed in box 20 are not fulfilled.

Certificates referred to in Article 23, paragraph 4 of this Ordinance shall not be issued as certificates for specimen until specimens which are subject of such certificate have not been marked with unique and indelible marks, as prescribed in Article 34 of this Ordinance.

Certificates for trade referred to in Article 23, paragraph 2, points 3), 5), 6), 7) and 9) of this Ordinance shall cease to be valid if data entered into box 1 of the form provided in Annex XII of this Ordinance no longer reflects the actual status.

In the cases referred to in paragraphs 1, 2 and 4 of this Article, permit and/or certificate holder shall return to the Ministry the original and all copies, without any delay. The Ministry may on the basis of application issue a new permit, certificate or other document, which takes into account occurred changes.

8. Replacement of permits and certificates

### Article 45

On the occasion of issuance of a permit or certificate which replaces an annuled, lost, stolen or destroyed document, or a permit or certificate which has expired, the number of the replaced document, as well as the reasons for replacement thereof shall be entered into a box particularly intended for special conditions.

If the export permit or certificate for re-export for a species listed in Annexes I, II, III and IV of this Ordinance has been annuled, lost, stolen or destroyed, the Ministry shall inform the competent Management authority of the recipient country and Convention Secretariat regarding the matter. Permits, certificates or import notifications which have been annuled, lost, stolen or destroyed, may be replaced only by the competent Management authority which had issued such documents.

If the shipment has been divided into several parts or for any other reason does not reflect the real status described in the "copy for the owner" in the import permit provided in Annex X of this Ordinance, the "copy for importer", import notification or other certificate, the Ministry may change the data in the document in accordance with Article 41, paragraph 3 of this Ordinance or may issue one or more appropriate certificates if the validity of the document to be replaced is determined.

On the occasion of issuance of a certificate referred to in paragraph 4 of this Article which replaces the "copy for the owner" of an import permit, the "copy for importer" the import notification or other certificate, the Ministry shall retain the replaced document.

# IX. IMPLEMENTATION OF SUPERVISION, MAINTENANCE OF RECORDS AND REPORTING

### Article 46

Living specimens of animal and plant species listed in Annexes I to IX of this Ordinance, parts and derivatives thereof, which have been seized by the inspection in charge of nature protection, may be temporarily kept by legal or private entities authorized for such activity by the Ministry.

1. Treatment of confiscated specimens of animal species

### Article 47

In the case of live specimens of animals which have been confiscated during the import or introduction into the Republic of Serbia, for which country of origin has been determined by the Ministry, i.e. specimens which have been seized otherwise on the territory of Republic of Serbia, and the location where such specimens had been taken from the wild is known, they can be returned to the country of origin at its expense, with its previous consent, i.e., they may be returned to the location they had been taken from wild, provided that:

1) animals have stayed in quarantine and that they are not carriers of disease or parasites;

2) animals will be prepared for transport and will be transported in the manner which minimizes risk of injury, damage to health or cruel treatment;

3) return is reasonable and useful from the point of view of conservation of a given species.

If treatment of confiscated specimens of live animals referred to in paragraph 1 of this Article is not possible, the Ministry shall make the decision regarding:

1) release into nature, provided that:

(1) there is evidence that such species is an autochthone one,

(2) specimens belong to the same population as specimens of such species in the wild,

(3) behaviour of specimens does not differ from behaviour of wild specimens in the wild

(4) specimens have been in quarantine and that it has been proven that they are carriers of disease or parasites;

2) concession for permanent keeping in captivity for non-commercial purposes, to legal and private entities authorized by the Ministry if they fulfill conditions for keeping protected animal species in captivity; 3) concession to scientists and scientific authorities, if it is not possible to ensure permanent housing in accordance with paragraph 2, point 1), sub-point (2) of this Article. If these are living specimens listed in Annexes I and VII of this Ordinance, concession may be approved only if specimens will be used for research purposes which contribute to the conservation of that or related species in the wild;

4) concession to a legal entity for commercial purposes provided that:

(1) such an entity has a permit for breeding and artificial reproduction for commercial purposes,

(2) it has been registered with the Convention Secretariat, if these are specimens of species listed in Appendix I of the Convention;

5) sale, provided that:

(1) specimens will not be re-sold,

(2) specimens have been in quarantine and that it has been proved that they are carriers of disease or parasites,

(3) purchaser is not recorded as perpetrator in the field of nature protection and animal welfare, and if such a purchaser proves that the housing for the living specimen has been ensured in accordance with regulations pertaining to breeding of protected species in captivity, and that all the necessary measures have been undertaken in order to prevent escape of specimen into the wild;

6) euthanasia, in the case when animals cannot be housed in accordance with points 1) to 5) of this paragraph. Euthanasia is performed in accordance with regulations which apply to animal welfare.

The Ministry shall make a decision about treatment of confiscated living animal specimens referred to in paragraphs 1 and 2 of this Article on the basis of a written expert opinion issued by the authorized scientific and expert organization.

### Article 48

Dead specimens of animal species, as well as parts and derivatives thereof, the Ministry may:

1) retain for own use for education;

2) concede to other legal and private entities that contribute to nature protection within their scope of activities (schools, museums, scientific authorities, scientists, etc.);

3) sell them;

4) destroy by a commission decision.

2. Treatment of confiscated plant specimens

### Article 49

Provisions in Articles 47 and 48 of this Ordinance shall apply to living and dead specimens of plant species listed in Annexes I to VIII of this Ordinance.

### 3. Maintenance of records

### Article 50

The Ministry shall maintain records on transboundary trade in specimens of species listed in Annexes I to IV, as well as Annexes VII and VIII of this Ordinance, in electronic form.

Data to be recorded as prescribed in paragraph 1 of this Article shall be:

- 1) Name and address of importer and exporter;
- 2) Number and type of issued permits and certificates;
- 3) State with which trade has been done;
- 4) Number, quantity and type of specimen, and if possible, size and sex of the specimen.

### 4. Reporting

### Article 51

The application of the Convention shall be reported by the Ministry and submitted to the Convention Secretariat in the form of annual and biannual reports on transboundary trade in specimens of species listed in Annexes I to IV of this Ordinance, which are also contained in Appendices to the Convention.

Annual report referred to in paragraph 1 of this Article shall contain data referred to in Article 50, paragraph 2, points 2) to 4) of this Ordinance.

Biannual report referred to in paragraph 1 of this Article shall contain information about measures undertaken by the Republic of Serbia in order to implement the Convention.

### X. TRANSITIONAL AND FINAL PROVISIONS

### Article 52

The permits, certificates and of other documentation described in this Ordinance shall continue be issued on the forms which have been used up to the day of entry into force of this Ordinance, but not longer than six months from the day when this Ordinance enters into force.

### Article 53

Legal and private entities that possess specimens of species listed in Annexes I, II, VII and VIII of this Ordinance for the activities referred to in Article 23, paragraphs 1 and 2 and Article 30 of this Ordinance, shall obtain certificates referred to in Article 23, paragraphs 3 and 4 and permits referred to in Article 30 within twelve months from the day when this Ordinance enters into force.

### Article 54

This Ordinance shall enter into force on the eighth day from publication thereof in the "Official Gazette of Republic of Serbia".

Number: 110-00-134/2009-03 In Belgrade, 19 November 2009 MINISTER Dr Oliver Dulic

## RULEBOOK

## ON CONDITIONS OF KEEPING, METHOD OF MARKING AND REGISTRATION OF WILD ANIMALS IN THE CAPTIVITY

("Official Gazette of RS", No 86/201)

## **I BASIC PROVISIONS**

### Article 1

This Rulebook shall proscribe conditions to be fulfilled by zoos and other facilities and/or establishments for keeping wild animals (hereinafter: captivity), conditions of keeping, method of marking and registration of wild animals in captivity.

### Article 2

Some of the terms used in this Rulebook shall have subsequent meanings:

1) A wild animal shall be an animal which belongs to the species in nature which is not influenced by men and there are no consequences induced by crossing and/or selection and breeding activities;

2) Captivity shall be a limited and controlled space for keeping animals from which they could not voluntarily leave or escape;

3) a protected animal shall be a wild animal that belongs to the species that is protected or strictly protected in accordance with the law, ratified by international agreement and generally accepted rules of international law, and which has at least one parent that is a member of a protected or strictly protected species;

4) Specimen shall be a live individual of wild animal;

5) Central database shall be an electronic database in which marked specimens of animals in captivity shall be recorded by the ministry in-charge of environment (hereinafter referred to us: Ministry);

6) Marker shall be a legal entity or natural person with which the Ministry shall conclude an agreement on the marking of protected animals.

### Article 3

The provisions of this Rulebook shall apply to legal entity, entrepreneur and natural person (hereinafter referred to as: a person) that keeps specimens of wild animals in captivity.

The provisions of this Rulebook shall not apply to wild species protected with closed season, whose protection, management, hunting, use and improving of game populations of the protected species of wild animals in the hunting grounds and breeding sites is regulated in accordance with the regulations on hunting.

## II CONDITIONS FOR KEEPING WILD ANIMALS IN CAPTIVITY

### Article 4

Conditions for keeping wild animals in captivity shall be given in Annex I - Requirements regarding space, equipment and animal welfare, which is attached to this Rulebook and makes its integral part, in case with a special regulation governing animal welfare is not determined otherwise.

In the case of keeping hybrids, the conditions stipulated for the type of species to which the larger parent belongs, shall be applied.

Excluded from the paragraph 1 on this Article conditions for keeping wild animals in captivity shall not be applied for temporary possession of wild animals in the subsequent cases:

1) Taking care of sequestered, confiscated or abandoned wild animal specimens, until the final resolution of their status;

2) Keeping sick or injured specimens of wild animals for treatment and recovery, until the complete recovery of the specimen;

3) Lodging birds of prey held for falconry, but not longer than three months.

### Article 5

If the conditions for some wild animals shall not be regulated in accordance to Article 4 on this Rulebook, fulfillment of the conditions shall be established in accordance with standards from the generally accepted rules of the international law in the area of keeping wild animals in captivity.

### Article 6

Specimens of some wild animals can be kept in captivity only under the condition that they shall be in the facilities within the zoo, shelter and scientific institution or other scientific organization for the purposes of biomedical researches and scientific researches in order to preserve species. Wild animals referred to in paragraph 1 to this Article shall be listed in Appendix II titled Wild animals that can be kept in special forms of captivity, which is attached to this Rulebook and shall form its integral part.

Exceptionally from paragraph 1 to this Article, keeping specimens of wild animals listed in Appendix II to this Rulebook may be granted to other facilities, under the condition of temporary keeping for treatment, rehabilitation and return to nature and / or the purpose of animal welfare, provided that the individuals shell be kept in accordance with prescribed conditions, provided with appropriate veterinary care, and there is no risk for health and safety of humans and environment.

## **III REQUIREMENTS THAT ZOO MUST FULFILL**

### Article 7

In addition to the conditions established by the regulations that regulate the welfare of animals, the zoo shall:

1) Participate in programs of *ex situ* protection of endangered species;

2) Have a program for the control of the reproduction of specimens of wild animals in the zoo;

3) Have a program of the visitors' education about the conservation of species and nature protection;

4) have a program on the procedure in the case of animal escape;

5) have an adequate number of employees with the necessary qualifications to work with wild animals;

6) Exchange information relating to the conservation of species with other zoos.

Zoo shall work continually on promotion and improvement of the conditions in which specimens of wild animals reside in accordance with the needs of the given species, in order to enable them as much as possible natural behavior in captivity.

### Article 8

Entering specimens of strictly protected wild animals originating from the wild in the zoos shall only be possible for the purposes of ex *situ* protection program authorized by the Ministry.

### Article 9

Ministry shall authorize *ex situ* programes for protection and multiplication of endangered species of wild animals in captivity for the purposes of reintroduction and translocation.

### Article 10

Program in Article 7 Paragraph 1 (2) to this Rulebook shall contain, in particular, the elements in terms of space, equipment and care for specimens of animals that reproduce in a zoo.

### Article 11

Education of the zoo visitors about the importance of the conservation of wild species and their natural habitats shall be an integral part of the presentation of individuals in the zoo.

The role of the zoo in the education of population about wild animals shall be clearly stated in the zoo statute.

Education program for visitors shall have a defined and coherent components focused to the various profiles of the zoo visitors.

Marks on the facilities and premises where the animals are displayed shall clearly and correctly identify animals in them. In the informational materials shall be displayed and updated information on the degree of endangerment of the populations of species in nature, the habitats and the threatening factors, according to the International Union for Conservation of Nature facts.

Public display of wild animals outside the common premises and facilities shall be conducted in a manner that promotes the conservation of wild animal species and nature protection.

Material for the visitors' educational program shall be available to the zoo visitors (guides, notes, educational materials, etc.).

The zoo shall be obligated to demonstrate the implementation of its educational program through a particular set of activities during each calendar year.

### Article 12

Program in Article 7 (4) of this Rulebook, in particular shall have risk analysis, procedure for handling in the event of the escape of animal, developed strategy to prevent stealing, escape, accidental or deliberate release of animals by visitors and other persons and supply of appropriate equipment for the stupefying and shooting of escaped animals.

Procedure specified in paragraph 1 of this Article shall include:

1) Immediate notifying the main responsible authority at the zoo;

2) Specific modes to respond in different situations (e.g. during the day and in the presence of visitors, escaping of a larger number of animals, etc...)

3) Measures to re-capture the escaped animals;

4) The protection, control and evacuation of visitors, informing the police;

5) Closure of all entrances and exits from the zoo;

6) An obligation of use appropriate protective equipment for employees involved in the process of catching a runaway animal;

7) The use of stun gun for stupefying the animals or firearms of animals by an authorized person at the zoo or the police when necessary.

Treatment procedures in the case of an animal escape shall be known and available to all employees.

Each event of animal escape must be recorded in a form of report.

### Article 13

Zoo keeping species of venomous wild animals, in addition to requirements under the Article 7 of this Rulebook, shall:

1) Contain the proper amount of antidote doses for the mentioned species to the applicable expiration date;

2) Secure a space for keeping the venomous species by special measures so the possibility of escape or release of venomous animals shall be minimized;

3) Have sufficient qualified employees who can handle venomous animals;

4) Have a program for the treatment of venomous animals, which contains a procedure for first aid and instruction for further proceedings in the event of an incident with a venomous animal, with which all employees must be familiar;

5) Have a prepared form for referral to hospital.

Instructions in paragraph 1 (4) to this Article shall include:

1) Information on venomous species, poison and the effects of bite/sting;

2) Specification of the manufacturer of the antidote that must accompany a bitten/stinged person to the hospital;

3) Contact and address of the nearest hospital able to treat such cases;

4) Phone contact of the nearest facility to supply the antidote;

5) Phone contact of the zoo and the employee who was responsible for a given species;

6) Phone contact of experts for a given venomous species;

7) Information on a given species that have been prepared by veterinarians or staff of the zoo.

In the case of bite/sting of the employee at the zoo, the form specified in paragraph 1 (5) to this Article shall be accompanied by medical record of the employee.

### Article 14

Zoo shall have a list of clearly highlighted responsibilities, qualifications and completed trainings of employees.

All employees must be trained for individual responsibilities through special training programs for nursing and working with wild animals.

At least one staff member of the zoo shall be responsible for the professional application of the education of visitors.

Zoo shall maintain a library of expert and scientific content, which must be available to all employees at the zoo.

### **III MARKING MANNER OF PROTECTED ANIMALS**

### Article 15

The provisions of this Rulebook on the marking shall refer to protected wild animals kept in captivity.

Exceptionally to in paragraph 1 of this Article, the provisions of this Rulebook on the marking shall not be applied to:

1) Invertebrates;

2) Fish;

3) Young reared turtle individuals whose bottom flat part of the shell is shorter than 100 mm if they are reared on the farm in accordance with special regulations;

4) Protected animals (except birds), which are lighter than 200 grams, or did not reach the weight;

5) Protected animals that are temporarily kept in captivity for treatment and rehabilitation by the persons authorized by the Ministry, which will be brought back to nature after the recovery;

6) Protected animals temporarily taken from nature for the purposes of scientific research in order to preserve the species;

7) Individuals of protected animals that are already held in captivity and are marked with closed leg ring or microchip

### Article 16

Protected animals as referred to in Article 15 Paragraph 1 of this Rulebook shall be marked with the unchangeable microchip with a unique code, except for birds that are marked in accordance to in Article 18 and 19 of this Rulebook.

A microchip shall be applied to the left side of the animal's body, under the skin on the neck.

Place on the animal's body where the microchip shall be applied may vary with respect to the specific characteristics of the species.

### Article 17

Microchip referred to in Article 16 this Rulebook shall:

1) Corresponds to ISO 11784 and ISO 11785 standards;

2) Contain a unique, permanently readable and unchangeable code consisting of 15 characters as follows:

(1) Locuses 1, 2 and 3: three-valued code of the state - 688 in accordance with the ICAR standard 3166;

- (2) Locus 4 contains a check digit;
- (3) Locuses from 5 to 15: assigning by a central database.

3) Have a mechanism that prevents the migration of microchip in the body of an animal;

- 4) Be harmless to animals;
- 5) Be of size appropriate for the animal to be marked;
- 6) Be individually and sterile packed.

Marking with microchip shall be done only by using a single use applicator.

### Article 18

In accordance to Article 15 paragraph 1 of this Rulebook, birds for which marking is regulated, shall be marked by a closed leg ring.

Closed leg ring shall be seamless, i.e. made in a continuous circle, without break or junction, it must have a unique, permanently readable and unchangeable code, it must be of the size that can not harm bird and the bird cannot damage the ring.

Closed leg ring must be manufactured for the purpose of marking the birds and must not be changed in any way.

The ring must be of such size that it is impossible to remove it from the leg of an adult bird, and it shall be placed on the leg of the bird in first days after hatching. Bird foot, on which the ring is placed, has to be unharmed.

### Article 19

Exceptionally from Article 18 (1) of this Rulebook, if it is not possible to mark a bird with a closed leg ring because of its physical characteristics or behavior, or if a closed leg ring is not placed on time, the bird shall be marked by a microchip. The microchip shall meet the criteria from Article 16. and 17 of this Rulebook.

In the event that it cannot be possible to mark an individual adult bird with a microchip, marking with an open leg ring can be approved.

Open leg ring shall not be used for marking of newly hatched individuals except in special cases, when the Ministry shall make the decision.

### Article 20

Closed leg ring in Article 18 of this Rulebook shall contain a unique, permanently readable and unchangeable code consisting of 11 characters compiled as follows:

- 1) Locuses 1 and 2: mark of the state of Serbia RS;
- 2) Locuses 3 and 4: the year of breeding;
- 3) Locuses 5, 6 and 7: the number of breeder or breeding operation;
- 4) Locuses 8, 9, 10 and 11: an ordinal number of the bird.

### Article 21

If it is not possible to mark a specimen on the ways set out in Article 16, 18 and 19 of these Rulebook, the Ministry shall approve marking with another unique mark to ensure establishing the identity of a given specimen.

If it is not possible to mark a specimen to ensure establishing the identity, the Ministry shall approve the taking and storing samples of blood or other animal tissue in order to implement molecular and genetic analysis.

### Article 22

Protected animal that cannot be marked with closed leg ring or microchip due to its health condition, physical characteristics, behavior or other current reason, temporarily will be marked in accordance to Article 21 of this Rulebook.

As soon as the circumstances referred to in paragraph 1 of this Article cease, the mentioned specimen shall be marked with a microchip or other unique mark approved by the Ministry.

### Article 23

Marking of protected animals under the provisions of this Rulebook shall be carried out humanely and with care, in accordance with the well-being and the natural behavior of animals.

### Article 24

Specimens of protected animals marked outside the Republic of Serbia shall be marked in accordance to this Rulebook, when the Ministry determines that the specimen is marked in a manner that is consistent with the manner of marking that is required by this Rulebook.

### Article 25

Marking of protected animals referred to in Article 15 (1) of this Rulebook shall be provided by the breeder or owner of the animal and shall be carried out by a marker with whom the contract is concluded.

Marker referred to in paragraph 1 of this Article, when marking the animals, shall issue a certificate with information on the marking of protected animals listed in Appendix III Register on Animal Marking, which is attached to these Rulebook and forms an integral part.

If a protected animal referred to in Article 15 (1) of this Rulebook is not marked, the person that will become its owner shall mark it later, in compliance with this Rulebook, and within 30 days after acquiring ownership of the animal. In the event of the import of protected animals that were not previously marked in accordance with this Rulebook, marking shall be made before the expiry of the animal quarantine.

If the original mark is damaged or lost, the breeder or owner of a protected animal shall, within seven days remark the animal. In the event that the original mark violates the health of a protected animal, the owner or breeder can remove the mark and have to notify the authorized marker immediately, with the request for remarking of the protected animal.

A Marker shall notify the Ministry about the planned marking activities, enter information on marking in the central database, take evidence on the marking and submit a rapport in written or electronic form to the Ministry no later than 1 March of the current year for the previous year. When trade in protected animals, the owner shall give a certificate on animal marking to a new owner.

## IV REGISTRATION OF WILD ANIMALS

### Article 26

Marker shall take register of the marked animals in electronic form, enter data into a central database and annually submit a report on the recorded data to the Ministry.

Register referred to in paragraph 1 of this Article shall contain all data specified in Appendix III of this Rulebook.

In the event of damage, loss or removal of the original mark, number of damaged or invalid mark shall be removed from the central database, and the number of a new mark shall be registered.

### Article 27

The owners of protected animals shall report data referred to in Appendix IV Register on Keeping of Strictly Protected and Protected Animal Species in Captivity, which is attached to this Rulebook and forms an integral part, to the Ministry within 30 days of acquiring ownership of that animals.

The data referred to in paragraph 1 of this Article shall be completed in block letters.

The provision referred to in paragraph 1of this Article shall not be applied to persons trading with live animals.

### Article 28

If the marked protected animal referred to in Article 15 (1) of this Rulebook, dies, escapes, changes owner, became lost or deprived of life, the owner of the animal shall provide data from Appendix V Register of Death, Escape, Killing, Loss or Change in Owner of Marked and Strictly Protected or Protected Animal, which is attached to this Rulebook and is an integral part, to the Ministry within 15 days, which shall enter the data into a central database.

### Article 29

This Rulebook shall enter into force eight days after publication in the "Official Gazette of the Republic of Serbia " and shall be applied from January 1st 2011.

## Appendix I

## CONDITIONS CONCERNING SPACE, EQUIPMENT AND TAKING CARE OF ANIMALS

The conditions concerning space, equipment and taking care of animals that are found in the tables shall represent the minimum that is necessary to provide for animals in captivity.

In the column "number of animals" is listed range from one to the greatest number of individuals that can be kept in a space which size is given in the table. For the number of animals that exceeds the number given in the table, it is necessary to increase the amount of space for each additional individual, as it is set out in the column "any subsequent individual."

### MAMMALS (MAMMALIA)

### MONOTREMES (MONOTREMATA) AND MARSUPIALS (MARSUPIALIA)

Species	No. of animals	a	tdoor rea		or ar	ea	subs	Any equent vidual	Special conditions
	ammais	Area (m²)	Height (m)	Area (m²)			Area (m²)	Height (m)	conditions
<b>Echidnas</b> (Tachyglossidae)	1-2	-	-	4	-	15	-	2	1, 3
Cuscus (Ailurops sp.), (Phalanger sp.), (Spilocuscus sp.), (Strigocuscus sp.) and Opossum (Didelphidae)	1-2	-	-	4	3	-	-	1	2, 14
Wrist-winged Gliders (Petaurus sp.)	1-6	-	-	6	3	-	-	0,5	2, 14
<b>Vombat</b> (Vombatidae) <b>and Tasmanian Devil</b> (Sarcophilus harrisii)	1-2	10	-	6	-	15	-	-	1, 14, 19
<b>Tree Kangaroo</b> (Dendrolagus sp.)	1-2	16	3	8	2,5- 3	18	4	4	2
Rock-wallaby (Petrogale)	1-5	150	-	15	-	-	15	3	2, 19, 21
Medium-sized Kangaroos and Wallabies( <i>Macropus sp.</i> i <i>Petrogale sp.</i> )	1-5	150	-	15	-	15	15	3	1, 6, 8, 21
Kangaroos (Macropus sp.)	1-5	300	-	20	-	15	30	15	6, 8, 19, 21

## TREE SHREWS (SCANDENTIA)

Species	No. of	Outdo	or area	Indoor area				osequent /idual	Special conditions	
Species	animals	Area (m <sup>2</sup> )	Height (m)	Area (m <sup>2</sup> )			Area (m <sup>2</sup> )	Height (m)		
<b>Tree Shrews</b> (Tupaiidae)	1-5	-	-	3	1,5	18	-	0,3	2, 3, 14, 15	

### **INSECTIVORES (INSECTIVORA)**

Species	No. of animals	Outdo	oor area	Indoor area		rea	Any subsequent individual		subsequent individual		Special conditions
	ammais	Area (m <sup>2</sup> )	Height (m)	Area (m²)			Area (m²)	Height (m)	conditions		
<b>Hedgehog</b> (Erinaceinae)	1-2	2	-	-	-	-	-	-	6, 3		
<b>Tenrec</b> (Tenrecidae)	1-2	-	-	1	-	18	-	-	-		

## PRIMATES (PRIMATES)

Species	No. of animals		or area	Ind ar			subs	Any equent vidual	Special	
	ammais	Area (m <sup>2</sup> )	Height (m)	Area (m²)			Area (m <sup>2</sup> )	Height (m)	conditions	
Loris (Lorisidae), Potto (Perodicticus potto) and Mouse Lemur (Microcebus sp.)	1-5	-	-	1,5-3	2	20- 25	-	0,3	2, 3, 14	
Tarsier (Tarsius sp.), Bushbaby (Galagonidae), Dwarf Lemur (Cheirogaleus sp.) and Goeldi's monkey (Callimico sp.)	1-5	-	-	4	2	20- 25	-	0,5	2, 3, 14, 15	
Marmosets and Tamarins (Callithricidae)	1-5	6	2	6	2	18- 24	0,5	0,5	2, 3,13,14, 15	
Galagos (Galagonidae), Owl Monkeys (Aotus sp.) and Titi Monkeys (Callicebus)	1-5	-	-	6	2	18- 25	-	1	2, 3, 22	
Talapoins (Miopithecus)	1-5	6	2,5	6	2		1,5	1,5	2, 6	
Howler Monkeys (Alouatta, sp.) Capuchin	1-5	10	3	8	2	18- 25	2	2	2, 3,	

Monkeys (Cebus sp.), Lemurs (Lemuridae), Uakaris (Cacajao sp.) and Saki Monkeys (Pithecia sp.)									
Macaques (Macaca sp.), Spider Monkeys (Ateles sp.), Woolly Monkeys (Lagothrix sp.), Guenons and Smaller Langurs (Cercopithecidae) and Brown Lemurs (Lemuridae)	1-5	15	3	12	2	18- 21	3	3	2, 3, 19
Langurs (Cercopitecidae), Guareza Monkey (Colobus guereza), Mangabeys (Lophocebus sp., Rungwecebus sp. and Cercocebus sp.), Baboon(Papio sp.), Sifaka (Propithecus sp.) and Drill (Mandrillus sp.)	1-5	25	3	15	3	18- 21	4	4	2, 3, 12, 19
Gibbon (Hylobatidae)	1-2	25- dužina 8m	3	20	3	16	8	5	2, 3, 19, 21
Chimpanzee (Pan troglodytes), Bonobo (Pan paniscus) and Orangutan (Pongo sp.)	1-3	35	4	20	3	18	8	8	2, 3, 7, 12, 17, 19
<b>Gorilla</b> (Gorilla sp.)	1-3	50	4	50	4	18	10	10	2, 3, 7, 12, 17, 19

## CARNIVORES (CARNIVORA)

Species	Number of	a	tdoor rea	Indoor a	irea		subs	Any equent vidual	Special conitions
	animals	Area (m²)	Height (m)	Area (m <sup>2</sup> )			Area (m²)	Height (m)	conitions
Sun Bear (Helarctos malayanus), Spectacled Bear (Tremarctos ornatus) and	1-2	60	-	4/individual	-	_	10	-	1, 2, 3, 7, 17, 18

Sloth Bear(Melursus ursinus)									
Brown Bear (Ursus arctos), Polar Bear (Ursus maritimus), Asian Black Bear (Ursus thibethanus) and Giant Panda (Ailuropoda melanoleuca)	1-2	150	-	6/individual	_	-	20	_	1, 2, 3, 7, 17, 18 (panda required bamboo, polar bear required pool / addition
Raccoon (Procyon sp.), Coati (Nasua sp. and Nasuella sp.) and Red Panda (Ailurus fulgens)	1-2	20	2	-	-	15	2	-	2, 3 , 6, 14, 21 panda- bamboo
Crab-eating Raccoon (Procyon cancrivorus)	1-2	8	2,5	8	2	10	2	2	2, 3 ,6, 14, 21
Civet (Viverridae)	1-2	16	2,5	12	2	18	5	5	2, 3, 5
Kin kajou(Potos) and Ring-tailed Cat (Bassariscus)	1-2	-	-	12	2	-	-	2	2, 3
Small Cats (Felidae)	1-2	10	2,5	10	2,5		1	1	2, 3, 5, 6, 18, 19
Serval (Leptailurus serval) and Ocelot (Leopardus pardalis), Fishing Cat (Prionailurus viverrinus)	1-2	15	2,5	12	2,5	18	2	2	2, 3, 5, 6, 18, 19 fishing cat and 4
Lynx (Lynx sp.), Clouded Leopard (Neofelis sp.)	1-2	20	2,5	10 (ne ris)	2,5	18 (ne ris)	10	10	2, 3, 5, 6, 18, 19 lynx and 21
Puma (Felis	1-2	30	2	15	2	15	15	12	2, 3, 5, 6, 9,

concolor), Jaguar (Panthera onca),									18, 19 jaguar and 4
Leopard (Panthera pardus) and Snow Leopard									
(Uncia uncia) Lion (Panthera leo) and Tiger (Panthera tigris)	1-2	40	3	25	3	15	10	4	2, 3, 5, 6, 9, 18, 19 tiger and 4
<b>Cheetah</b> (Acinonyx jubatus)	1-2	80		20	2	15	10	5	3, 5, 6, 18, 19
<b>Fennec Fox</b> (Vulpes zerda)	1-2	6	-	6	-	18	1	1	1, 3, 6, 9, 14, 16
True Foxes (Vulpes sp.), Arctic Fox (Alopex lagopus) and Raccoon Dog (Nyctereutes procyonoides)	1-2	20	_	8	-	-	4	1	1, 3, 6, 14, 21
Red, Grey and South American Fox (Vulpes sp. i Lycalopex sp.)	1-2	60	-	-	-	-	10	-	1, 3, 6, 14
Jackals, Coyotes and Wild Dogs (Canis sp.)	1-2	40	-	-	-	-	10	-	1, 3, 6, 14, 15
<b>Maned Wolf</b> (Chrysocyon brachyurus)	1-2	60	-	2 /individual	-	18	15	-	1, 3, 6, 15, 19
Gray Wolf (Canis lupus) and African Wild Dog (Lycaon pictus)	1-2	100	-	_	-	-	10	-	1, 3, 6, 19, 21
Oriental Small- clawed Otter (Amblonyx sp.)	1-2	10	-	6	-	-	3	2	3, 5 / pool/addition
Eurasian Otter (Lutra lutra)	1-2	20	-	-	-	-	-	-	3, 5/ pool/addition
<b>Sea Otter</b> (Enhydra lutris)	1-2	10	-	-	-	-	3	-	3 / pool/addition
True Seals	1-2	5	-	-	-	-	-	-	pool/addition

(Phocidae)									
Eared Seals (Otariidae)	1-5	10	-	-	-	-	-	-	pool/addition
Southern Elephant Seal (Mirounga leonina) Walrus (Odobenidae)	1-3	10	-	-	-	-	-	-	pool/addition
Common Dwarf Mongoose (Helogale sp.)	1-2	8	-	4 if there is ouside space, if there is not 6	-	18	1	0,5	1, 3, 5, 6, 16
Meerkat (Suricata suricatta), Striped and Brown Mongooses (Herpestes sp.)	1-2	12	-	4 if there is ouside space, if there is not 6	-	18	2	1	1, 3, 5, 6, 16
Medium sized Mongooses (Herpestidae)	1-2	16	-	8	-	18	3	2	1, 3, 5, 6, 16
Binturong (Arctictis binturong)	1-2	20	-	10	-	18	3	2	1, 3, 5, 6, 16
<b>Weasels</b> (Mustelidae)	1-2	1,5	-	-	-	-	-	-	2, 3, 14
<b>Stoats</b> (Mustelidae)	1-2	6	2	-	-	-	-	-	2, 3, 14
Skunks (Mustelidae) and Minks (Neovison sp.)	1-2	10	2	-	-	-	-	-	3, 14
Mink (Mustela sp.)	1-2	10	2,5	8	2,5	-	-	-	2, 3, 14
North American Skunk (Mustelidae)	1-2	10	-	10	-	-	2	2	1, 14
<b>Wolverina</b> (Gulo gulo)	1-2	40	-	-	-	-	-	-	1, 2, 18
Badger(Meles sp.)	1-2	20	-	10	-	-	4	4	1, 3, 6, 14
<b>Aardwolf</b> (Proteles cristata)	1	50	-	6	-	-	10	3	1, 18, 19
Hyena	1	150	-	4	-	15	20	2	1, 18, 19

(Hyaenidae)					

Species	-			Ir	ndoor a	rea	subs	Any equent vidual	Special conditions
	animals	Area (m²)	Height (m)	Area (m²)	Height (m)	Temp. (°C)	Area (m <sup>2</sup> )	Height (m)	conditions
<b>Armadillos</b> (Dasypodidae)	1-2	-	-	4	-	18	-	1	1, 14
Lesser Anteater (Tamandua sp.)	1-2	-	-	6	2	18	-	2	2, 14
<b>Giant Anteater</b> (Myrmecophaga tridactyla)	1-2	40	-	6	-	16	10	3	1, 19
Sloth (Folivora)	1-2	-	-	10	2	-	-	1,5	2

## EDENTATES (EDENTATAE)

## **RABBITS (LAGOMORPHA)**

SPECIES	Number SPECIES of		tdoor rea	In	idoor ai	rea	Ar subse indivi	quent	Special
SPECIES	animals	Area (m²)	Height (m)	Area (m²)	Height (m)	Temp. (°C)	Outer Area (m <sup>2</sup> )	Inner Area (m²)	conditions
<b>Rabbit</b> (Leporidae)	1-2	20	-	-	-	-	4	-	3, 6
<b>Hare</b> (Leporidae), <b>Pika</b> (Ochotonidae)	1-5	10	-	-	-	-	2	-	3, 6

## ELEPHANTS (PROBOSCIDEA)

SPECIES	Number of animals	Outdoor area		Indoor area			Any subsequent individual		Special
		Area (m²)	Heig ht (m)	Area (m²)	Heig ht (m)	Temp. (°C)	Outer Area (m <sup>2</sup> )	Inner Area (m²)	conditions
Elephant (Elephantidae) female	1-3	500	-	15/individuals	-	16	100	-	8, 9, 10
Elephant (Elephantidae) male	1	150	-	2x30/ individuals	-	16	100	-	8, 9, 10

# HYRAXES (HYRACOIDEA)

SPECIES	Number of		door rea	r Indoor area		Ar subse indivi	quent	Special	
SF LCIES	animals	Area (m²)	Height (m)	Area (m²)	Height (m)	Temp. (°C)	Outer Area (m <sup>2</sup> )	Inner Area (m²)	conditions
<b>Hyraxes</b> (Hyracoidea)	1-5	10	2	10	2	-	2	2	2, 8

# AARDVARKS (TUBULIDENTATA)

SPECIES	Number of		Outdoor Indoor area			Any subsequent individual		Special	
SPECIES		Area (m²)	Height (m)	Area (m²)	Height (m)	Temp. (°C)	Outer Area (m <sup>2</sup> )	Inner Area (m²)	conditions
<b>Aardvark</b> (Tubulidentata)	1-5	-	-	40	-	-	-	5	1

# RODENTS (RODENTIA)

SPECIES	Number of	Outdoor area		Indoor area			Ar subse indivi	quent	Special
JF LUILS	animals	Area (m²)	Height (m)	Area (m²)	Height (m)	Temp. (°C)	Outer Area (m <sup>2</sup> )	Inner Area (m²)	conditions
Nutria (Myocastor coypus)	1-2	8	-	2	-	-	1	-	8/pool/ addition
<b>Squirrel, Flying Squirrel</b> (Sciuridae)	1-2	4	2,5	3	2	18	2	2	2, 8, 14
Porcupine, Sugar Glider, Giant Squirrel (Hysticidae, Sciuridae)	1-2	-	-	12	3	-	-	3	2, 5, 8, 14
North American Porcupine (Hystricidae)	1-2	10	3	-	-	-	4	-	2, 8, 14
Old World Porcupine (Hystricidae)	1-2	12	-	-	-	-	2	-	1, 3, 8, 14
Jumping Mice (Dipodidae)	1-3	-	-	8	-	18	-	-	1, 3, 8, 14
<b>Agoutis, Viscacha</b> (Dasyproctidae, Chinchillidae)	1-5	-	-	8	-	15	-	2	1, 3, 8, 14
Paca (Cuniculidae)	1-2	-	-	6	-	15	-	3	1, 8, 14, 19

Marmots (Sciuridae)	1-5	20	-	-	-	-	4	-	1, 8, 23
Prairie Dogs (Sciuridae)	1-5	20	-	-	-	-	2		1,8
<b>Capybara</b> (Hydrochoerus hydrochaeris)	1-2	40	-	8	-	15	10	2	3, 8/ pool/ addition
Patagonian Mara (Dolichotis sp.)	1-2	20	-	-	-	-	4	-	1, 3, 8, 14
Beaver (Castor sp.)	1-5	20	-	2/par	-	-	4	-	23, 8/ pool/ addition
Hutia, Cuban Hutia (Capromyidae)	1-2	-	-	5	2	-	-	1,5	1, 2, 8, 14

### **BATS (CHIROPTERA)**

	Number of	Outdoor area		Indoor area			Any sub indivi	Special	
SPECIES	animals	Area (m²)	Height (m)	Area (m²)	Height (m)	Temp. (°C)	Outer Area (m²)	Inner Area (m²)	conditions
<b>Megabats</b> (Pteropodidae)	1-20	-	-	10	2,5	21	-	-	11, 12
Flying Foxes (Pteropus sp.)	1-20	-	-	20	3	21	-	-	11, 12

# EVEN-TOED UNGULATES (ARTIODACTYLA)

SPECIES	Number of		tdoor rea	Indoo		Any subsequent individual		Special	
of EOILS	animals	Area (m²)	Height (m)	Area (m²)	Height (m)	Temp. (°C)	Outer Area (m <sup>2</sup> )	-	conditions
Onager (Equus africanus, Equus hemionus, Equus kiang), Wild Horse (Equus ferus), Zebra (Equus zebra, Equus quagga, Equus grevyi)	1-5	500	-	8/individuals	-	8	80	-	9, 21, 18, 19
<b>Tapirs</b> (Tapirus sp.)	1-2	200	-	12/individuals	-	-	50	-	6, 9/pool/ addition
<b>Rhinoceros</b> (Rhinocerotidae)	1-2	500	-	25/individuals	-	18	150	-	9, 10, 18, 19

# ODD-TOED UNGULATE (PERISSODACTYLA)

	Number		door œa	Indoc	or area		Any sub indivi		Special
SPECIES	of animals	Area (m²)	Height (m)	Outer Area (m²)	Outer Area (m²)	Temp. (°C)	Outer Area (m <sup>2</sup> )	Inner Area (m²)	conditions
<b>Peccaries</b> (Tayassuidae)	1-3	60	-	3/individuals	-	-	10	-	6, 9, 10
<b>Wild Pigs</b> (Suidae)	1-2	100	-	4/individuals	-	-	10	-	6, 9, 10, 19
<b>Pygmy</b> <b>Hippopotamus</b> (Choeropsis liberiensis)	1-2	100	-	10/individuals	-	18	10	6	pool/ addition
Hippopotamus (Hippopotamus amphibius)	1-2	250	-	40	-	18	50	10	pool/addition
<b>Alpaca</b> (Vicugna pacos), <b>Lama</b> (Lama glama)	1-3	150	-	-	-	-	30	-	21
Vicuna (Vicugna sp.), Guanaco (Lama guanicoe), Dromedary and Bactrian Camel (Camelidae)	1-3	300	-	8/individuals	-	-	50	-	21 Bactrian camels and 19
<b>Mouse Deer</b> (Tragulus sp.)	1-2	-	-	6	-	-	-	2	3
Water Mouse Deer (Tragulus sp.)	1-2	40	-	8	-	-	12	2	3, 10
Small Deer (Pudus etc.) (Cervidae)	1-4	100	-	3/individuals	-	-	15	-	3, 19
Medium-sized Deer (Fallow Deer etc.) (Cervidae)	1-8	400	-	4/individuals	-	-	60	-	9, 19, 21
Large Deer (European Red Deer etc.) (Cervidae)	1-6	500	-	6/individuals	-	-	80	-	9, 19, 21

Moose (Alces alces)	1-3	500	-	-	-	-	100	-	9, 19, 21
<b>Okapi</b> (Okapia johnstoni)	1-2	300	-	15/individuals	-	-	50	-	18
Reticulated Giraffe (Giraffa camelopardalis)	1-4	500	-	25/individuals	-	15	50	-	18, 20
Small Antelope (jumper) (Bovidae), Dik- dik (Madoqua sp.), Antelope, Duiker (Cephalophus sp., Philantomba sp. and Sylvicapra)	1-2	50	-	3/individuals	-	-	20	-	3, 19, 21
<b>Gazzella</b> (Gazella sp.)	1-10	500	-	4/ individuals	-	-	40	-	3, 19, 21
Medium-sized Antelope (Bovidae) – like Saiga (Saiga sp.) Desert Pronghorn Antelope (Antilocapra americana)	1-6	500	_	5/ individuals	-	-	50	-	3, 19, 21
Great Antelope (like Black and Marsh) ( <i>Bovidae</i> )	1-5	500	-	8/individuals	-	-	80	-	9, 19, 21
Goral (Naemorhedus sp.) and Takin (Budorcas sp.)	1-4	40	-	4/individuals	-	-	40	-	2, 3, 19, 21
Mouflon, wild sheeps, wild goats (Bovidae)	1-10	400	-	-	-	-	40	-	2, 3, 19, 21
Bison, Wild Cattle, Muskox (Bovidae)	1-5	500	-	8/individuals	-	-	80	-	9, 19, 21

addition

#### Number Any Area **Depth Volume** Special **Species** subsequent of (m<sup>2</sup>) (m<sup>2</sup>) (m<sup>3</sup>) conditions animals individual Nutria, Otter (Myocastor sp., Lutra 1-2 2 0.5 1 \_ sp.) 1-3 12 **Beaver** (Castor sp.) 15 0,8 --Capybara (Hydrochoerus 3 1 1-5 6 0,5 hydrochaeris) Hairy Dwarf Otter 2 1-2 10 0.5 5 (Amblonyx sp.) European Otter (Lutra 1-2 20 0,8 16 lutra) Sea Otter (Enhydra 1-2 2.0 120 8 60 \_ lutris) Polar Bear (Ursus 1 90 20 60 1,5 *maritimus*) Pygmy Hippopotamus Temp. 18-1-2 20 0.8 16 -(Choeropsis liberiensis) 20 °C Hippopotamus (Hippopotamus 1-2 30 1.5 45 8 18-20 amphibius) 1-2 **Tapir** (*Tapirus sp.*) 10 8,0 8 -Seals (Phocidae) 1-2 90 60 1,5 10 -1-5 Sea Lion (Ottaridae) 100 2,0 200 15

#### POOL SIZE FOR MAMMALS

Explanation for the numbers given in the column "Special Conditions"

3,0

600

40

200

1 -to provide the possibility of digging;

2 – to provide the possibility of climbing;

3 – to provide the possibility of hiding;

4 – to provide pool;

Southern Elephant Seal (*Mirounga leonina*)

sp.)

and Walrus (Odobenus

5 – to provide elevated place for observing surroundings;

1-3

6 – to provide a natural material in the outer accommodation space, such as land, sand, bark, leaves;

7 – to provide input of additional facilities in the accommodation space;

8 - to provide regular input of branches for maintenance of dental hygiene and enriching the environment;

9 – to provide the possibility of rolling and spreading sand, mud and wood chucks for scratching;

10 – to provide a bath or shower during the whole year;

11 – to allow firmly grasping to the structures on the ceiling or to the ceiling of the accommodation space;

12 - to provide more places for feeding;

13 – to allow direct sunlight entering through an open accommodation space, the hole in the roof or open windows;

14 – to provide boxes to sleep;

15 – to keep together monogamous couples with their cubs while they tolerate them;

16 - to provide body heaters in the external accommodation space;

17 – to provide a special space for resting and lying to each animal;

18 – to provide individual boxes for each animal (small predators from 0.5 to 1 m<sup>2</sup>, wolverine, lynx, serval, puma, clouded leopard, other medium-sized cats 1.5 m<sup>2</sup>, big cats, cheetahs 2.5 m<sup>2</sup>, Malayan sun bear, hyena, aardvark 4 m<sup>2</sup>, other bears and a giant panda 6 m<sup>2</sup>;

19 – to provide possibility of separation;

20 - to provide open or covered front space (80 m<sup>2</sup>);

21 – to provide shelter in the outside accommodation space.

### BIRDS (AVES)

#### GENERAL CONDITIONS OF KEEPING

1. AVIARIES

Aviaries and cages shall be isolated from noise and placed on the way to be protected from stress caused by visitors and other animals.

#### 2. LIGHTENING

If the birds are kept indoors, as well as in protective, closed parts of the aviaries, they must be provided with natural light or suitable artificial light that matches the natural. Light time must correspond to the specificity of animal species and to the time of the year. For song birds, the duration of lightening varies from 8 up to maximum 14 hours.

#### 3. FEEDING AND WATERING

Type of food must match the species and age of the bird. Fresh food and water must be provided every day. Feeders and drinkers shall be placed away from bars, so the contamination with feces can be reduced to minimum. Birds must be provided the bath water, too.

#### 4. DISEASES AND INJURIES

In the case of keeping injured or diseased birds for their well-being, it must be more important to prevent further injuries and enable recovery from the disease than to meet their need for mobility. In the cases where it is necessary to temporarily restrict the movement of birds, they can be kept in boxes.

While keeping the birds which are exhausted, diseased or injured the contact with the man shall be reduced to the minimum, in order enable their recovery and return to the nature.

In the column "number of birds," is the range from one to the largest number of birds that can be kept in a given size of space. For a more birds than those specified in the column "number of birds", for each subsequent bird the size of space should be increased in accordance with the sizes given in the column "Any subsequent bird".

		Area in	Protective	e space			
Species	Number of birds	(m <sup>2</sup> ) and height of the fence (m)	Dimension per bird (m²)		Any subsequent bird (m²)	Special requirements	
<b>Ostrich</b> (Struthio camelus)	1-3	250/1,8	6	>10	50	Send for bathing	
<b>Rhea</b> (Rhea sp.)	1-2	200/1,2	4	Should not be heated	25	Send for bathing	
<b>Emu</b> (Dromaius sp.)	1-2	200/1,2	4	Should not be heated	100	Send for bathing	
<b>Cassowary</b> (Casuarius sp.)	1	200/1,8	6	>15	-	Pool containing water	

### RATITES (STRUTHIONIFORMES)

### WATER BIRDS

Birds shall be provided a shallow pool containing water, and for bird species that predominantly stay in the water, a minimum size and depth of the pool are given in the table. Pool fence shall be low in order the birds can easily enter the water. Tropical species of birds shall be obtained by indoor pool containing water.

SPECIES	Numbe r of birds	Area of open space (m²)	Any subsequen t bird (m²)	Area of closed space per bird (m <sup>2</sup> )	Pool Area (m²) /water depth (m)	Pool Area for any subsequen t bird (m²)	Special requirement s
<b>Pelicans</b> ( <i>Pelecanidae</i> )	1-4	40	10	3	30/0,7 5	5	Indoor pools
<b>Penguins</b> (Spheniscidae )	1-12	60	3	-	16/1,5	1	-

<b>Cormorants</b> (Phalacrocora x sp.)	1-6	10	1,5	-	10	1,25	Bars or branches
<b>Storks</b> (Ciconia sp.)	1-2	30	6	1	pool	-	Bars or branches
<b>Great Herons</b> ( <i>Ardea sp.</i> )	1-6	30	3	1 tropical specie s	pool	-	Bars or branches
Medium-sized Herons ( <i>Ardea sp.</i> ) and Spoonbills ( <i>Platalea sp.</i> )	1-6	20	2	0,5 tropical specie s	pool	-	Bars or branches
Small Herons (Ixobrychus sp.)	1-2	6	-	-	pool	-	Cane or bushes
<b>Small Ducks</b> (do 50 cm)	1-2	8 (heigh t 2,5 m)	-	shelter	4/0,60- 1*	-	Cane houses for nesting
Large Ducks (iznad 50cm)	1-2	12 (heigh t 2,5 m)	-	shelter	6/0,60- 1*	-	Cane
Lesser geese, Shelducks	1-2	60	-	-	pool	-	Short grass
Swans and Greater Geese	1-2	200	-	-	100	-	Short grass

\* recommended pool depth for dabbling ducks is 0.6 m, and for the diving ducks 1 m.

### PHEASANTS (PHASIANIDAE)

Pheasants shall be kept in aviaries. Couples shell be kept separate because of extreme the territoriality. Birds tolerate cold mainly well and the unheated protective space is satisfying for them.

Species	Number of birds	Outdoor space area (m²) /hight (m)	Protective space area(m²) /hight (m)
Pheasant	1-2	12/2	4/2
Peacock	12	40/2	-

### **BIRDS OF PREY AND OWLS**

Birds of prey and owls shall be kept in partially closed aviaries that allow the birds to hide from looks. Besides closed timber or masonry walls, partly closed aviaries shall have one or more partially opened sides. Bars and spaces for seating shall be provided on the top of the aviary in the manner to provide a space for flying. Nimble birds, with short wings and long tail, such as sparrow hawk and goshawk shall not be placed in the completely wire aviaries.

Tolerance of the given bird species to the temperature shown in the table are marked with:

I – Resistant to low temperatures, need shelter against rain and wind (no need for indoor area);

II - Sensitive to very low temperatures, need unheated shelter or sleeping hollow;

III - Partially sensitive to low temperatures, need warm indoor area without draft;

IV – Very sensitive to low temperatures, need heated indoor area with a temperature above 15  $^\circ$  C.

		Outdoor area	Inc	door area		
SPECIES	No. of bird s	Area (m²) /width (m) /height (m)	Area (m <sup>2</sup> ) /width (m) /heigh t (m)	Temp.°C	Any subsequen t bird	Special requirements
BIRDS OF PREY (F	alcon	iformes)				
Vultures (Cathartes sp., Coragyps sp. and Sarcorhamphus sp.)	1	24/3/3	4/2/2	IV	10	<i>Sarcorhamphu s papa</i> sensitive to frost
Andean Condor (Vultur gryphus)	1	24/3/3	-	I	-	
<b>Osprey</b> (Pandion haliaetus)	1	24/3/3	4/2/2	II	10	
Honey Buzzard (Pernis apivorus)	1	10,5/2/2, 5	2/1/2	ш	3	
Black-winged Kite (Elanus caeruleus)	1	7,5/2/2,5	2/1/2	IV	3	
Kites ( <i>Milvus</i> )	1	12/2/2,5	4/2/2	I	6	<i>Milvus migrans</i> I i II*
White-tailed Eagle (Haliaeetus sp.)	1	24/3/3	4/2/2	Haliaeetus leucogaster I, Haliaeetus vocifer IV,	10	

				other I		
Egyptian Vulture (Neophron sp.) and Vultures (Necrosyrtes sp. and Gypohierax sp.)	1	12/2/2,5	4/2/2	<i>Neophron sp.</i> I, II i III* other IV	6	
<b>Bearded Vulture</b> (Gypaetus barbatus)	1	24/3/3	-	I	10	
<b>Griffons</b> (Gyps sp., Aegyptus sp., Torgos sp., Trigonoceps sp. and Sarcogyps)	1	24/3/3	4/2/2	Aegyptus sp. And Gyps fulvus, Gyps bengalensis I, Torgos sp. and Sarcogyps sp. IV, other III	10	
Snake Eagles (Circaetus sp. and Spilornis sp. ) and Short-tailed Eagle (Terathopius ecaudatus)	1	12/2/2,5	4/2/2	IV	6	
Hawks(Circus sp.)	1	12/2/2,5	4/2/2	Circus earuginosus II, Circus cyaneus I	6	
Harrier Hawks (Polyboroides sp.) and Goshawks (Melierax sp.)	1	12/2/2,5	4/2/2	IV	6	
<b>Lizard Buzzard</b> (Kaupifalco monogrammicus)	1	7,5/2/2,5	2/1/2	IV	3	
Northern Goshawk (Accipiter gentilis)	1	10,5/2/2, 5	-	I	6	
<b>Sparrowhawk</b> (Accipiter nisus)	1	7,5/2/2,5	-	I	3	
Common Buzzard and Red-tailed Howk (Buteo buteo and Buteo jamaicensis)		10,5/2/2, 5	2/1/2	Buteo buteo I, Buteo jamaicensis I, II*	3	
Howks (Buteo sp.)	1	12/2/2,5	4/2/2	Buteo lagopus, Buteo regalis	6	

	1	1	1		1	
				and Buteo rufinus I, Buteo polyosoma II, Buteo rutofunus III		
Harpy eagle and Crested eagle (Harpia sp. and Morphnus sp.) Martial Eagle (Polemaetus bellicosus)	1	24/3/3	4/2/2	III	10	
Philippine Eagle (Pithecophaga jefferyi) Crowned Hawk-Eagle (Stephanoaetus coronatus)	1	24/3/3	4/2/2	IV	10	
<b>Eagles</b> (Aquila sp.)	1	24/3/3	4/2/2	Aquila clanga I, Aquila pomarina II, Aquila verreauxi III, ostali I	10	
<b>Tawny Eagle</b> (Aquila rapax)	1	18/3/2,5	4/2/2	I, II*	6	
Bonelli's Eagle (Hieraaetus fasciatus)	1	12/2/2,5	4/2/2	I, II*	6	
Long-crested Eagle (Lophaetus occipitalis)	1	12/2/2,5	4/2/2	IV	6	
<b>Caracaras</b> ( <i>Phalcoboenus</i> <i>sp</i> .and <i>Caracara</i> <i>sp</i> .)	1	12/2/2,5	4/2/2	Phalcoboenus australis I, Phalcoboenus megalopterus II	6	
<b>Caracaras</b> ( <i>Milvago sp.</i> )	1	7,5/2/2,5	2/1/2	III	3	
<b>Pygmy-falcons</b> (Polihierax sp.)	1	5/2/2	1,5/1/2	IV	1	
<b>Pygmy-</b> falcons( <i>Microhiera</i> x sp.)	1	2/1/2**	1/1/1	IV	1	
Falcons(Falco sp.)	1	5/2/2	1,5/1/2	Falco tinnunculus I, Falco	1	

·						1
				vespertinus III, Falco sparverius II, III*		
<b>Small Falcons</b> (Falco sp.)	1	7,5/2/2,5	2/1/2	Falco subbuteo III, Falco columbarius I	3	for <i>Falco</i> <i>subbuteo</i> required area 10.5 m²
Large Falcons (Falco sp.)	1	12/2/2,5	4/2/2	European and North American resident birds I, <i>Falco biarmicus</i> I, II*, <i>Falco jugger</i> II, <i>Falco eleonorae</i> III, <i>Falco cherrug</i> I-III*	6	
Owls (Strigiformes)	)					
Barn Owls ( <i>Tyto</i> sp.)	1	7,5/2/2,5	2/1/2	Tyto alba I, II*, Tyto capensis IV	3	<i>Tyto capensis</i> resides on the grownd and needs shalter
<b>Oriental Bay Owl</b> ( <i>Phodilus badius</i> )	1	5/2/2	1,5/1/2	IV	1	
Scops-owls (Otus sp.)	1	2/1/2**	1/1/1	Otus brucei, Otus scops III, Otus senegalensis I, Otus choliba II, III*	1	
Northern White- faced Owl (Ptilopsis leucotis)	1	5/2/2	1,5/1/2	III, IV*	1	
<b>Horned Owls</b> (Bubo poensis, Bubo africanus)	1	7,5/2/2,5	2/1/2	IV	3	
<b>Medium sized Eagle-owls</b> (Bubo nipalensis, Bubo sumatranus)	1	12/2/2,5	4/2/2	IV	3	
<b>Great Owls</b> (Bubo bubo, Bubo virginianus)	1	18/3/2,5	4/2/2	Bubo b. bubo I, Bubo b. omisus I, Bubo b. ascalaphus I,	3	-

		1				1
				Bubo capensis III, Bubo virginianus I, II*, Bubo lacteus III, IV*		
<b>Asian Owls</b> (Ketupa sp.)	1	12/2/2,5	4/2/2	111	3	
<b>Snowy Owl</b> (Nyctea scandiaca)	1	18/3/2		I	3	Diurnal
Pel's Fishing-owl (Scotopelia peli)	1	12/2/2,5	4/2/2	IV	3	
<b>Owls</b> ( <i>Strix sp.</i> ) – smaller species, such as <i>Strix aluco</i>	1	7,5/2/2,5	2/1/1	Strix aluco and Strix varia I, Strix hylophila, Strix woodfordi III	3	
<b>Owls</b> (Strix sp., Surnia sp., Pulsatrix sp.)	1	12/2/2,5	4/2/2	Strix uralensis, Surnia ulula I, Pulsatrix perspicilata I, Strix leptogrammic a III	3	<i>Surnia ulula</i> - diurnal
<b>Great Grey Owl</b> (Strix nebulosa)	1	18/3/2,5		I	3	
<b>Pygmy Owls</b> ( <i>Glaucidium sp</i> .) – smaller species	1	2/1/2**	1/1/1	Glaucidium brasillanum IV, Glaucidium perlatum III, IV*	1	
<b>Pygmy Owls</b> ( <i>Glaucidium sp</i> .) – larger species	1	5 (2/2	1,5/1/2	Glaucidium passerinum I, Glaucidium cuculoides IV	1	
<b>Elf Owl</b> (Micrathene whitneyi)	1	2/1/2**	1/1/1	IV	1	
<b>Owls</b> (Athene sp.)	1	5/2/2	1,5/1/2	Athene noctua I Athene cunicularia II, Athene brama IV*	1	<i>A. cunicularia /</i> provide digging in the ground
<b>Owls</b> (Aegolius sp.)	1	5/2/2		I	1	

<b>Southern Boobook</b> ( <i>Ninox</i> <i>novaeseelandiae</i> )	1	7,5/2/2,5		I	3	
<b>Owls</b> (Asio sp.)	1	7,5/2/2,5	2/1/2	Asio otus, Asio flammeus I, Asio clamator II, III* Asio capensis III	3	A. flammeus, A capensis resides on the grownd and needs shalter

\* in regulating the temperature, attention should be paid to the regional origin of birds, considering that might be needed the other temperature values than those given in the table.

\*\* if they are kept solely in the heated indoor area: the area of  $2 \text{ m}^2$ , width 1 m, height 1 m (any subsequent animal 1 m<sup>2</sup> and more )

#### PIGEONS (COLUMBIDAE)

Pigeons can be kept in aviaries with other species of birds. Many of pigeons are extremely territorial, so couples must be kept separate. Species that can stand cold can be kept in the outdoor aviaries if a protective space is provided.

Species	No. of birds	Outdoor area Surface (m²) /height (m)
Small species	1-2	2/2
Medium sized species	1-2	6/2
Large species	1-2	10/2

#### PARROTS (Psittaciformes)

Parrots can be kept in the aviaries or cages. Cages have to be placed at the height of at least 80 cm. Outdoor aviary have to provide an accommodation for protection from bad weather conditions which is closed from all sides, illuminated, high at least as much as a cage or aviary, with an opening for entrance and exit. The temperature in the aviaries has to be appropriate to the parrot species. Only in the case of bad weather and heavy frost during the day the birds have to be kept in the protective space. For the species of birds that must be kept in tempered spaces, the indoor aviaries have to be of the same dimensions as the outdoor ones.

Feeders and drinkers during the winter need to be placed in the protective space. Cage, indoor aviaries and protective space have to be covered with litter and with sand, sawdust from unprocessed wood, wood granules or similar material, which has to be cleaned at least once a day. The surface of outdoor aviary has to be a natural soil and can be covered with a layer of gravel, sand etc.

Cages, aviaries and protective spaces have to be equipped with at least two wooden bars for sitting of the different strength. Between the cages or aviaries it is necessary to set a cover for protection against bite injuries. Considering that all parrots, except Monk Parakeet, nests in the holes it is necessary to provide boxes for nesting, which some families of birds (*Aratinga, Pyrrhura, Brotogeris, Bolbotrynchus*) use for sleep during the entire year.

The optimum temperature of the space for each group is given in the table. The temperature in the protected space has to be at least 10 °C, and for the genuses *Cyclopsitta, Deroptyus, Eclectus, Forpus, Geoffroyus, Graydidascalus, Gypopsitta, Micropsitta, Pionites, Pionopsitta, Prioniturus, Psittacella, Psittaculirostris, Psittinus, Psittrichas, Tanygnathus, Triclaria, Loriculus at least 15°C. For parrots resistant to cold, such as <i>Psittacula krameri, Psittacula derbiana, Myopsitta monachus, Cyanoliseus patagonus* and Australian Parrots, protective area have to be without frost.

For keeping parrots taken from the nature during the first two years, it is necessary to provide larger space and enough options for the withdrawal, and for that reason surface of the cage and aviary has to be at least 50% larger than that given in the the table for some groups of parrots.

		Outdo	oor area	Protec	tive area
SPECIES	No. of birds	Length m/width m/height m <sup>2</sup>	Any subsequent couple (m²)	Surface m²/height m	Any subsequent couple
<b>Neotropical Parrots</b>	s (Arina	e)			
Length up to 40 cm	1-2	2/1/1,5	1	1/1,5	0,5
Length 40-60 cm	1-2	3/1/2	1,5	1/1	0,5
Length above 60 cm	1-2	4/2/2	4	2/2	1
Other parrots					
Length up to 25 cm (Neophema sp. and Forpus sp.)	1-2	1/0,5/0,5	0,25	0,5/0,5	0,25
Length 25 - 40 cm	1-2	2/1/1	1	1/1	0,5
Length above 40 cm	1-2	3/1/2	1,5	2/2	1

For the temporary keeping of parrots (up to three months) surface of cages and aviaries can be 50% smaller than those listed in the table.

### PERCHING BIRDS (PASSERIFORMES)

Perching birds may be kept in cages or outdoor aviaries. Species of perching birds resistant to cold can be kept in the outdoor aviaries if a protective space is provided. Outdoor aviaries have to be partly vaulted with the space that provides

protection from bad weather conditions (strong sun, wind, precipitation). Aviaries heights have to be at least 1.7 m.

The floor must be covered with sand, sawdust, soil or appropriate material, which has to be regularly cleaned. Cages, aviaries and protective spaces must have at least three bars for sitting, which need to be spaced thus the birds can fly. The use of natural branches is recommended.

Cages need to be opaque on three sides, and the aviaries on one side. Round cages shall not be used. Cages shall be placed at a height of at least 80 cm (except for the species that nest on the ground, such as a lark).

If there is mutual tolerance, different species of birds may be kept in a joined aviary, whereat the space surface must fit to the largest bird.

	No.	Outdoor area	Prote	ective area	Any			
SPECIES	of birds	Surface (m <sup>2</sup> )/ with (m)/ (m)	Surface m²/ No. of birds	remperature	Any subsequent 1-2 birds	t Special requirements		
Larks (Alaudidae)								
up to15 cm	1-2	1/0,5/0,5	1/1	Tropical	25%			
15-20 cm	1-2	1,2/0,8/0,5	couple,	species –	25%	The ground is covered with 4 cm of the soil or sand, shelter on the ground		
above 20 cm	1-2	1,6/0,8/0,5	in winter up to 6 birds	non-freezing area Tropical species > 10	25%			
Weaver-fin	ches (	Estrildidae), S	Sparrows	and Weavers	(Ploceidae)			
Up to 12 cm	1-2	0,8/0,4/0,4	1/20- 30*	Estrilde>15- 20C,	25%	<i>Estrilde</i> – need for		
12-20 cm	1-2	1,2/0,5/0,5	1/10- 15*	weavers and tropical	25%	sleeping baskets		
above 20 cm	1-2	1,6/0,5/0,5	1/5 of birds	sparrows >10C, Europen species non- freezing space	25%	For Long-tiled Weavers height 1,2 m		
Finches (Fi (Cardinalid		dae), Bunting	s, Amer	ican Sparrows	s (Emberizida	ae), Cardinals		
Up to 15 cm	1-2	0,8/0,4/0,4	1/10- 20**	Tropical species >	25%			
15-20 cm	1-2	1,2/0,5/0,5	1/6-10*	15C	25%			
Above 20 cm	1-2	1,6/0,8/0,8	1/4 of birds	buntings non- freezing space	25%			
Starlings (S	Sturni	dae)	•	•	·			
Bali	1-2	2/2/2	2/2	>10	Keeping 1	Water for bathing,		

<b>starling</b> (Leucopsar rothschildi)			birds		couple of birds	bird houses for nesting
<b>Common Hill Myna</b> (Gracula religiosa)	1-2	2/1/1,8	0,6/2 birds	>10		
Old World I	babble	ers (Timaliida	e)			
up to 20 cm (e.g. <i>Leiothrix</i> sp.)	1-4	2/1/1,8	0,5/2 birds	> 5°C L. argentauris >10°C		
above 20 cm (e.g. <i>Garrulax</i> <i>canorus</i> )	1-2	2/1/1,8	0,6/2 birds	> 5°C		

\* when regulating the temperature attention should be paid to the regional origin of birds considering that might be needed other values of temperature that are not given in the table.

\*\* if they are kept solely in the heated indoor aviaries: 2 m<sup>2</sup>, width 1 m, height 1 m

### REPTILES (REPTILIA)

Species	Acco mod ation	Minimmu m space size per individual (lengght x width x height)	Arrangement of space for animals	Temperature °C	Water and food
<b>Snakes</b> (Serpentes)		nakes sha II have a terrarium high at least 0,5 DT* for each a dditional individual, space sha II be	awdust, newspaper or co mmercial substrate, hiding place (dimensions as smaller as possible so the snake can hardly retract in). Arboreal snakes shall have a terrarium with branches o f which at least one must	be placed in the opposite side of the terrarium from the one in which are the hiding	Water must alwa ys be present, a nd some species ne ed to be sprayed becaus e they drink water from the flakes on the body. Drinking water bowls must be large enough so a curled snake can lie down in it.

				recommended because of the parasites development.	eaves" are not recom mended for heating.	Carnivores.
	ards uria)	terrar ium	individual space shall be	Coarse peat, bark, large gravel or commercial substrate. Some species that embed themselves need substrate (sand) high 8-10 cm. Terrarium shall visually simulate, at least partially, the natural environment. Hiding place, as smaller as possible, shall be provided. Arboreal lizards shall hav e a terrarium with branches o f which at least one must be in a horizontal position and below the reflector lamps or UV fluo rescent tubes so the animal can baske. A terrarium with a wooden or clay substrate shall not be recommended because of the parasites development.	places and it can occupy u p to 1 / 3 terrarium space. So-called "warm eaves" are not recom mended for heating. Lizards that baske shall, in addition to the reflector lamp	Water must alwa ys be present. Arboreal species often do not drink water from the bowls and it is necessarily to spray the terrari um so they can drink water collected on the branches and ali ke. Herbivores and carnivores - feeding should be adjusted to each species. It is necessary to make sure that herbivorous lizards in their diet get eno ugh vitamins an d substances vital for the maintenance of physiological f unctions.
Spec ies of lizar ds w ith spec ial n eeds	Gree n Iguan a (Iguan a iguan a)	terrar ium	4 x 3 x 5DT* III 5 x 3 x 4DT*	Substrate shall be partially humid, frequent spraying is needed, 1/3 of the terrarium surface have to be covered by the water container. Climbing branches of which at least one must be in a horizontal position and below the reflector heating source. A UV fluorescent tube	28-30 °C	

				has to be present in the terrarium.		
	Cham eleon s (Cha maleo nidae)	terrar ium	4 x 4 x 4,5DT* for species that live on the ground 4 x 2,5 x 4 DT* for arboreal species for one couple space shall be increased for 20%	Climbing branches for arboreal species. Hiding shelters for arboreal species. Individual keeping of adult chameleons in order to reduce stress.	20-30 °C for most species, > 24 °C for mountain species around 20 °C for nocturnal species that must have turned on reflector lamp during the day	
	Monit or lizard (Vara nidae)	terrar ium	5 x 3 x 4 DT* 5 x 2 x 4 DT* 4 x 2 x 5 DT* 5 x 2 x 2 DT*	Large gravel, bark, commercial substrate. Climbing branches for arboreal species.	30-34°C below the reflector lamp 45°C.	
Allig Cai	codile, gator, man codilia)	terari	Water surface from 2, 5 m <sup>2</sup> per unit, depth around 40 cm, terrestrial part (basking area). for each additional individual increase the terrarium and water surface for 20% terrestrial area for 10%	Water surface from 2,5 m <sup>2</sup> per unit, depth around 40 cm, terrestrial part (basking area) made of concrete or covered with plastics, coarse peat, or bark.	water 25-27 °C air 25-30 °C below the reflector lamp 35 °C	Carnivores. Caimans feed on fish, mice an d other small rod ents.

Terrestrial tortoises (Testudinida e)	terari um or enclo sed in natur e	5 x 4 x 3 DO*	They are kept in groups. Terrarium with plastic ba se, gravel, peat and soil mixture. Shelter has to be so large that it can hide many animals at the same time. Outdoor space must be well- fenced because turtles di g well so they can dig a passage under the fence. The surface of clay or grass with shelters in many places as preferably in the shade.	27-30 °C below the reflector lamp 35°C If they are kept outdoor one part of the accommodati on space have to be on sun, and the other part in shade, so the animals can protect themselves from the sun.	Herbivores. Diverse diet with vitamin supplements. Youngsters shall take calcium occasionally.
Aquatic tortoises ( <i>Emydidae</i> )	Outd oor pool or terrar ium	5 x 4 x 3 DO*	They are kept in groups. At least one dry part at which they can climb and bask. Fence of outdoor pool have to be such that the animal can easily cli mb. Aquatic turtles do not require a shelter. Some burrow into the mud, so at the bottom should be thicker layer of sand.	Young aquati c turtles shall have water with temperature from at least 22 ° C, preferably 26 ° C. Water can be heate d with aquarium hea ters.	They can be fed on commercial food.

Species	Leng th and widt h of the shell	Accommod ation	Minim um size of the space per individ ual (surfac e m <sup>2</sup> / width m/ height m <sup>2</sup> )	Space arrangement	Tempera ture °C	Wat er and food
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Sea turtles (Chelonii dae)	10 x         10         20 x         20         30 x         30         40 x         35         50 x         40         60 x         50         70 x         60         80         and         more         x         70         and         more	Pool	0,3 0,5/0,8/ 0,5 1/1,2/0, 7 1,7/1,5/ 0,7 2,2/1,7/ 0,9 3,5/2/0, 9 6/2,5/1, 2	Characteristics of the water: salinity 20-35% pH 7.5 to 8.5 chlorine concentration from 1.0 to 1.5 ppm characteristics of the pool: shell length 10-70cm: for each additional individual, increa se for 50%. Shell length 70- 90cm: for each additional individual, increase for 100%. Inner surface of the pool must not be covered with toxic substances. The pool must not contain objects that animal can swallow, entangl e on them, or stuck in them. Pools have to be additionally illuminated (up to 16 hours a day) but part the pool shall shaded so the animal may hide in the case of excessive natural or artificial lighting.	Water20- 30 °C	Clea r, fresh or froze n.
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DT\* body length DO\*\* shell length

### AMPHIBIANS (AMPHIBIA)

SPECIES	SPACE	SPACE ARRANGEMENT		
Tail-less amphibians (Anura)				
Clawed (Tongue-less Frogs) (Pipidae sp.)	aquarium	<ul> <li>small parts of the floating land</li> <li>container size 1I of water per 1 cm of the animal's length</li> <li>maximum water depth 15-50 cm</li> </ul>		
<b>True Frogs</b> (Ranidae sp.), <b>Disc - tongued Frogs</b> (Discoglossidae sp.)	aqua terrarium	<ul> <li>the appropriate water and land ratio in the aqua terrarium</li> <li>maintenance of water quality, daily filtration and water replacement</li> </ul>		
True Toads (Bufonidae sp.), European Spadefoot Toads (Pelobatidae sp.) and genuses (Leptodactylidae) and (Dendrobatidae)	terrarium	<ul> <li>little water containers</li> <li>an appropriate substrate</li> <li>(peat or dry leaves that must be moistened)</li> <li>hiding place</li> </ul>		
<b>Tree Frogs</b> (Hylidae sp.) – <b>Shrub Frogs</b> (Rhacophoridae sp. and Microhyllidae sp.)	terrarium	- high terrarium - little water containers - an appropriate substrate		

		(peat or dry leaves that must be moistened) - possibility to climb (branches, rocks)
Newts and Salamanders (Cau	data)	
<b>Salamanders</b> (Salamandridae)	terrarium	<ul> <li>little water containers</li> <li>an appropriate substrate</li> <li>(peat or dry leaves)</li> <li>planted herbs</li> <li>hiding place</li> </ul>
Newts (Triturus sp.)	aqua terrarium	<ul> <li>the appropriate water and land ratio in the aqua terrarium</li> <li>maintenance of water quality, daily filtration and water replacement</li> <li>planted herbs</li> <li>hiding place</li> </ul>

# Appendix II WILD ANIMALS THAT CAN BE KEPT IN ESPECIAL TYPES OF CAPTIVITY

Phylum	Chordata	Chordates
Subphylum	Vertebrata	Vertebrates
Class	Mammalia	Mammals
Order	Dasyuromorphia	
Family	<b>Dasyuridae:</b> Sarcophilus Ianiarius	Tasmanian Devil
Order	Diprotodontia	
Family	<b>Macropodidae:</b> <i>Macropus</i> <i>antilopinus, Macropusfuliginosus,</i> <i>Macropus giganteus, Macropus</i> <i>robustus</i> and <i>Macropus rufus</i>	Large Kangaroos
Order	Chiroptera	Bats
Family	<b>Phyllostomidae:</b> Desmodus rotundus, Diphylla ecaudata i Diaemus youngi	New World Leaf-nosed Bats
Order	Primates	Primates
Family	Atelidae: All species	Spider Monkeys
Family	Cebidae: All species	New World Monkeys
Family	Cercopithecidae: All species	Old World Monkeys
Family	Hominidae: All species	Hominids
Family	Hylobatidae: All species	Gibbons
Family	Indriidae: All species	Lemurs
Family	Lemuridae: All species	Large Lemurs
Family	Daubentoniidae	Aye-aye

Family	Lorisidae: All species	Lorises
Family	Tarsiidae: All species	Tarsiers
Order	Cingulata	
Family	Dasypodidae: Priodontes maximus	Giant Armadillo
Order	Pilosa	Ant-eaters and Sloths
Family	Myrmecophagidae: Myrmecophaga tridactyla	Giant Ant-eater
Family	Bradypodidae: All species	Tree-toed Sloth
Family	Megalonychidae: All species	Two-toed Sloths
Order	Carnivora	Carnivores
Family	<b>Canidae:</b> All species including subspecies <i>Canis lupus dingo</i> , except genuses, <i>Cerdocyon</i> , <i>Otocyon</i> , <i>Pseudalopex</i> , <i>Urocyon</i> <i>Vulpes</i> and <i>Nyctereutes</i> and species <i>Canis lupus familiaris</i>	Dog and their relatives (except the above mentioned exceptions and domestic dog)
Family	Felidae: All species except, Otocolobus manul, Oncifelis geoffroyi, Felis margarita, Felis silvestris and Felis silvestris catus	All species of cat (except the above mentioned exceptions and domestic cat)
Family	Hyaenidae: All species	Hyenas
Family	Mustelidae: All species of genuses Amblonyx, Arctonyx, Aonyx, Enhydra, Lontra, Melogale, Mydaus, Pteronura, Taxidea Lutra, Eira, Gulo, Mellivora, as well as species Martes pennanti	Marten like carnivores
Family	Ursidae: All species	Bears
Family	Ailuridae	Red (small) panda
Family	Procyonidae: All species	Raccoons, Coatis, Kinkajous
Family	Viverridae: All species rodova <i>Civettictis</i> i <i>Viverra</i>	Civets
Family	<b>Eupleridae:</b> All species of the genuses <i>Cryptoprocta, Eupleres</i> and <i>Foss</i> a	Fossa, Falanouc and Malagasy Civet
Family	Odobenidae: All species	Walruses
Family	Otariidae: All species	Sea Lions
Family	Phocidae: All species	True Seals
Order	Cetacea: All species	Whales and Dolphins
Order	Proboscidea	Proboscideans
Family	Elephantidae: All species	Elephants
Order	Tubulidentata	Tubuludentates

Family	Orycteropodidae: Orycteropus afer	Aardvark
Order	Perissodactyla	Odd-toed Ungulates
Family	Rhinocerotidae: All species	Rhinoceroses
Family	Tapiridae: All species	Tapirs
Order	Artiodactyla	Papkari
Family	<b>Bovidae:</b> All species except domesticated forms of genuses <i>Bos, Bubalus, Capra</i> and <i>Ovis</i>	Antelope, Bison, Buffalo, Gazelle, Goats and Sheep (domestic cattle, Indian buffalo, domestic goat and sheep are excepted)
Family	Camelidae: All species of genus Camelus	Camels
Family	<b>Cervidae:</b> All species of the genuses <i>Alces</i> and <i>Rangifer,</i> except domesticated forms of species <i>Rangifer tarandus</i>	Elks and Reindeer
Family	Giraffidae: All species	Giraffe and Okapi
Family	Hippopotamidae: All species	Hippopotamus
Klasa	AVES	BIRDS
Order	Struthioniformes	
Family	Casuariidae: All species	Cassowaries
Order	Accipitriformes	
Family	Cathartidae	Diurnal Birds of Prey of the new World
	All species of the genuses Vultur and Gymnogyps	Andean Condor and Calefornia Condor
Klasa	REPTILIA	GMIZAVCI
Order	Crocodylia	Crocodiles
Family	Alligatoridae: All species	Alligators and Caimans
Family	Crocodylidae: All species	Crocodiles, False Gharials
Family	Gavialidae: All species	Gharials
Order	Squamata	Lizards and Snakes
Family	Atractaspididae: All species of the genus Atractaspis	
Family	<b>Colubridae:</b> All species of the genuses <i>Clelia, Malpolon,</i> <i>Thelotornis</i> and <i>Telescopus,</i> <i>Boiga dendrophila, Dispholidus</i> <i>typus, Rhabdophis subminiatus,</i> <i>Rhabdophis tigrinus,</i>	Aesculapius' Snakes
	Elapomorphus lemniscatus, Philodryas olfersii, Tachymenis peruvianai and Xenodon severus	
Family	Philodryas olfersii, Tachymenis	Cobras, Mambas, Kraits

Family	Viperidae: All species	Vipers
Family	Crotalidae: All species	Rattlesnakes
Family	<b>Boidae:</b> All species of which specimens reaches over 3 meters of length	Boas and Constrictors
Family	<b>Pythonidae:</b> All species of which specimens reaches over 3 meters of length	Pythons
Family	Varanidae: All species	Monitor Lizards
Family	Helodermatidae: All species	Gila
Order	Testudines	Tortoises
Family	Chelydridae: Chelydra serpentina, Macrochelys temminickii	
Family	Cheloniidae: All species	Sea Turtles
Family	Dermochelyidae: Dermochelys coriacea	Leatherback Sea Turtle
Klasa	AMPHIBIA	Amphibians
Order	Anura	Frogs
Family	Dendrobatidae: All species	Poisonous frogs
Family	Mantellidae: All species	Poisonous frogs
n annny		
Klasa	CHONDRICHTHYES	Fish with cartilaginous skeleton
		Fish with cartilaginous skeleton
	CHONDRICHTHYES All species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae	
Klasa	CHONDRICHTHYES All species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidae	Sharks and Rays
Klasa Potklasa	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeACTINOPTERYGII	Sharks and Rays Ray-finned fishes
Klasa Potklasa Order	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeACTINOPTERYGIIAnguilliformes	Sharks and Rays Ray-finned fishes Eels
Klasa Potklasa Order Family	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeACTINOPTERYGIIAnguilliformesMuraenidae: All species	Sharks and Rays Ray-finned fishes Eels
Klasa Potklasa Order Family Order	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeACTINOPTERYGIIAnguilliformesMuraenidae: All speciesGymnotiformesGymnotidae: All species of the	Sharks and Rays          Ray-finned fishes         Eels         Moray Eels
Klasa Potklasa Order Family Order Family	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeAnd TorpedinidaeACTINOPTERYGIIAnguilliformesMuraenidae: All speciesGymnotiformesGymnotidae: All species of the genus Electrophorus	Sharks and Rays          Ray-finned fishes         Eels         Moray Eels
Klasa Potklasa Order Family Order Family Order	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeAnguilliformesACTINOPTERYGIIAnguilliformesMuraenidae: All speciesGymnotiformesGymnotidae: All species of the genus <i>Electrophorus</i> BatrachoidiformesBatrachoidiformes	Sharks and Rays          Ray-finned fishes         Eels         Moray Eels
Klasa Potklasa Order Family Order Family Order Family	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeACTINOPTERYGIIAnguilliformesMuraenidae: All speciesGymnotiformesGymnotidae: All species of the genus <i>Electrophorus</i> BatrachoidiformesBatrachoididae: All species of the genus <i>Thalassophryne</i>	Sharks and Rays          Ray-finned fishes         Eels         Moray Eels
Klasa Potklasa Order Family Order Family Order Family Order Family	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeAnguilliformesACTINOPTERYGIIAnguilliformesMuraenidae: All speciesGymnotiformesGymnotiformesBatrachoidiformesBatrachoidiformesBatrachoididae: All species of the genus ThalassophryneScorpaeniformes	Sharks and Rays          Ray-finned fishes         Eels         Moray Eels
Klasa Potklasa Order Family Order Family Order Family Order Family	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeAnguilliformesACTINOPTERYGIIAnguilliformesMuraenidae: All speciesGymnotiformesGymnotidae: All species of the genus <i>Electrophorus</i> BatrachoidiformesBatrachoididae: All species of the genus <i>Thalassophryne</i> ScorpaeniformesSynanceiidae: All species	Sharks and Rays          Ray-finned fishes         Eels         Moray Eels
Klasa Potklasa Order Family Order Family Order Family Order Family Family	CHONDRICHTHYESAll species from the family: Hexanchidae, Odontaspididae, Lamnidae, Orectolobidae, Carcharhinidae, Alopiidae, Sphyrnidae, Potamotrygonidae andTorpedinidaeACTINOPTERYGIIAnguilliformesMuraenidae: All speciesGymnotiformesGymnotidae: All species of the genus <i>Electrophorus</i> BatrachoidiformesBatrachoidiformesScorpaeniformesSynanceiidae: All speciesSynanceiidae: All speciesScorpaeniformesScorpaeniformesScorpaenidae: All speciesScorpaenidae: All species	Sharks and Rays          Ray-finned fishes         Eels         Moray Eels

Phylum	Mollusca	Mollusks
Class	Cephalopoda	Cephalopods
Order	Octopoda	Octopuses
Familiy	Octopodidae: All specis of the genus Hapalochlaena	
Class	Gastropoda	Snails
Family	Conidae: All species	
Phylum	Arthropoda	Arthropods
Class	Arachnida	Spiders and Scorpions
Order	Araneae	Spiders
Family	<b>Lycosidae:</b> Species of the genus <i>Lycosa</i>	
Family	Ctenidae: Species of the genus <i>Phoneutria</i>	
Family	Hexathelidae: Species of the genus Atrax	
Family	Sicariidae: Species of the genus Loxosceles	
Family	Theridiidae: Species of the genus Latrodectus	
Order	Scorpiones	Scorpions
Family	Buthidae: All species	
Family	Hemiscorpiidae: Hemiscorpius lepturus	

#### NOTE:

In special cases keeping the given species in breeding operations shall be permitted in the case of applied breeding program and research of specimens in the captivity for reintroduction and conservation of species in nature, approved by the Ministry. Keeping hybrids of species of wild animals, where one parent belongs to the type specified in this Appendix shall be permitted only in zoos and shelters that have permission from the Ministry.

### Appendix III REGISTER ON ANIMAL MARKING

DATA ON ANIMAL				
Scientific name of the species	Photo:			
Popular name of the species (in case there is no common term, indicate the English				

name)	
Sex	
□ male	
female	
Animal marking	
☐ first time	
Marking manner	
<ul> <li>microchip</li> <li>other (specify)</li> </ul>	
Marking date:	
Unique mark code*	
	(stick a label with a bar code of the
	microchip here)
DATA ON THE A	ANIMAL OWNER
Title / Name and surname	
Address	
Contact (phone/e-mail)	
	MARKER
Service name / Marker name and surname	
Marker number	
Address and contact (phone/e-mail)	
	1
	marker signature
date and place of issuance	
	seal

\* If the animal is marked with a microchip, stick a label with a microchip bar code and a unique mark number in the right field

# Appendix IV REGISTER ON KEEPING OF STRICTLY PROTECTED AND PROTECTED ANIMAL SPECIES IN CAPTIVITY

DATA ON ANIMAL OWNER									
Title/ Name and surname									
Address									
Phone									
DATA ON ANIMAL									
Scientific name of the species									
Popular name of the species (in case there is no common term, indicate the English name)									
Animal sex	☐ male ☐ female ☐ undetermined								
Animal description (appearance, date of birth, etc.)									
Mark type	<ul> <li>☐ closed leg ring</li> <li>☐ microchip</li> <li>☐ other (specify)</li> </ul>								
Unique mark code									
Date of acquisition of the animal									
Way of acquisition									
Animal origin									
Description of the keeping conditions animal care									
date	signature								

# Appendix V

## REGISTER OF DEATH, ESCAPE, DEPRIVING OF LIFE, LOSS OR CHANGE IN OWNER OF MARKED STRICTLY PROTECTED OR PROTECTED ANIMAL

DATA ON THE OWNER OF ANIMAL									
Name / Name and surname									
Address									
Contact (phone/e-mail)									
Scientific name of the species									
Popular name of the species (in case there is no popular term, indicate the English name)									
Animal :	<ul> <li>☐ died</li> <li>☐ escaped</li> <li>☐ deprived of life</li> <li>☐ lost</li> <li>☐ changed owner</li> <li>☐ other(specify)</li> </ul>								
Type of mark:	<ul> <li>□ microchip</li> <li>□ closed leg ring</li> <li>□ other(specify)</li> </ul>								
Mark code									
Date of death, escape, depriving of life, loss or change in the animal's owner									
In the case of possession change - information on the new owner (name, surname, address and phone number)									
In the case of going bad or killing the animal, planned further action:	<ul> <li>stuffing</li> <li>disposing of a corpse to scientific institution</li> <li>destruction of a corpse</li> <li>other (specify)</li> </ul>								
date	signature								

# TABLE OF REPORTED SEIZURES (2009-2010) FOR RS

Date of seizure	Scientific name of species	Descrip tion of specim en	Quant ity	Unit	Location of incident	Detecting agency	Reason for seizure	Method of concealme nt	Alleged country of origin	Nationa lity of offende rs	Law under which charges were brought	Sanction	Disposal of confiscated specimens	Remarks
22.5.2009	Testudo hermanni	LIV 717		No.	Svilajnac	Environmental Inspection / Police	Illegal possession - illegal collection	Found on property	RS RS		Law on Nature Protection	information unavailable to CITES MA at the time of reporting	information unavailable to CITES MA at the time of reporting	
30.4.2010	Caiman crocodylus	LIV 1		No.	Preševo border crossing (RS-MK)	Customs / Border Police	No CITES permit	Inside vehicle (camper)	RS RS		Law on Nature Protection	information unavailable to CITES MA	Placed in zoological park in RS	
30.4.2010 Ma	caca sp.	LIV	1	No.	Preševo border crossing (RS-MK)	Customs / Border Police	No CITES permit	Inside vehicle (camper)	RS RS		Law on Nature Protection	information unavailable to CITES MA	Returned to custody of owner	
28.9.2010	Ramphastos tucanus	LIV 6		No.	Belgrade International Airport	Border veterinary inspection	No CITES permit	Undeclared CITES listed specimens inside transport crates as part of a shipment with declared non-CITES species	AE (SR)	RS	Penal Code	Prosecutor's office decided todropped charges due to inability to prove intent - speciemens forefited to the state	Placed in zoological park in RS	Shipment came from Dubai (AE), accompanied by trader from NL, specimens were wild origin from Suriname
28.9.2010	Pterpglossus aracari	LIV 8		No.	Belgrade International Airport	Border veterinary inspection	No CITES permit	Undeclared CITES listed specimens inside transport crates as part of a shipment with declared non-CITES species	AE (SR)	RS	Penal Code	Prosecutor's office decided todropped charges due to inability to prove intent - speciemens forefited to the state	Placed in zoological park in RS	Shipment came from Dubai (AE), accompanied by trader from NL, specimens were wild origin from Suriname
28.9.2010	Ramphastos vitellinus	LIV 8		No.	Belgrade International Airport	Border veterinary inspection	No CITES permit	Undeclared CITES listed specimens inside transport crates as part of a shipment with declared non-CITES species	AE (SR)	RS	Penal Code	Prosecutor's office decided todropped charges due to inability to prove intent - speciemens forefited to the state	Placed in zoological park in RS	Shipment came from Dubai (AE), accompanied by trader from NL, specimens were wild origin from Suriname

#### **CITES Enforcement: 22 toucans seized at Belgrade international airport**

On 22. september 2010. at Belgrade international airport "Nikola Tesla", during a routine control of a shipment of live birds from United Arab Emirates, a co-ordinated control conducted by the border veterinary inspection and the environmental inspection (with cooperation from the customs control) prevented an attempt to smuggle 22 toucans. The shipment of these birds did not have any CITES permits (all 3 species are on CITES App. II). The ornithologist from the Serbian CITES Scientific Authority identified the birds, the following species and quantities were in the shipment : *Pteroglossus aracari* - 8 specimens, *Ramphastos vitellinus* – 8 specimens and *Ramphastos tucanus* - 6 specimens.

The birds were confiscated in line with national legislation and their final status will be decided upon a court ruling.



# KRIUMČARENJE ZAŠTIĆENIH VRSTA DIVLJIH ŽIVOTINJA JE KRIVČNO DELO

(Iguana iguana) CITES Dodatak II "Ministarstvo izdaje dozvolu za uvoz, izvoz, unos, iznos ili tranzit biljnih i životinjskih divljih vrsta, njihovih delova i derivata zaštićenih na osnovu zakona, potvrđenih međunarodnih ugovora i opšteprihvaćenih pravila međunarodnog prava." - Član 94. Zakona o zaštiti prirode

SAZNAJTE VIŠE O ZAŠTIĆENIM VRSTAMA



# www.ekoplan.gov.rs/cites/



Potografijs:Martin Harvey Dizajn: Ognjen Zdravkovic Honcept: Pavle Jovanovic

# DA LI THIZGLEDAM

(Python regius) CITES Dodatak II

# KAO DA MI JE MESTO U KUĆI?

"Primerke divljih vrsta životinja koje se drže u zatočeništvu, gaje ili kojima se obavlja trgovina suprotno propisanim uslovima , oduzima nadležni organ" - Član 92. Zakona o zaštiti prirode

PAŽLJIVO BIRAJTE KUĆNE LJUBIMCE





Potografije:Martin Harvey Dizajn: Ognjen Zdravkovic Koncept: Pavle Jovanovic

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# KRIUMČARENJE ZAŠTIĆENIH VRSTA DIVLJIH ŽIVOTINJA JE KRIVČNO DELO

(Psittacus erithacus) CITES Dodatak II

"Ko protivno propisima izveze ili iznese u inostranstvo strogo zaštićenu, odnosno zaštićenu vrstu biljaka ili životinja ili uveze ili unese u Srbiju stranu vrstu biljaka ili životinja zaštićenu međunarodnim ugovorima i dokumentima, kazniće se zatvorom od tri meseca do tri godine i novčanom kaznom." – Član 265. Krivičnog Zakonika

# SAZNAJTE VIŠE O ZAŠTIĆENIM VRSTAMA





Polografije:Martin Harvey Dizaja: Ognjen Zdravkovic Honcept: Pavle Jovanovic

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(Chamaeleo melleri) CITES Dodatak II

# TO ŠTO SAM NA GRAN NE ZNAČI DA SAM ZA BRANE

"Novčanom kaznom od 1.500.000 do 3.000.000 dinara kazniće se pravno lice ako ne izvrši prijavu prekograničnog prometa zaštićenih divljih vrsta carinskoj službi " - Član 125. Zakona o zaštiti prirode

# SAZNAJTE VIŠE O ZAŠTIĆENIM VRSTAMA





Potografije:Madin Harvey Dizaje: Ognjen Zdravkovic Honcept: Pavle Jovanov

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# DA LI TI IZGLEDAM



# KAO DA MI JE MESTO U KUĆI?

Oko 5.000 vrsta životinja i 28.000 vrsta biljaka nalaze se pod zaštitom Konvencije o kontroli međunarodne trgovine zaštićenim vrstama flore i faune (CITES)

**PAŽLJIVO BIRAJTE KUĆNE LJUBIMCE** 





www.ekoplan.gov.rs/cites/

Potografije:Martin Harvey Dizajn: Ognjen Zdrashovic Hancept: Paste Jovanovic

# TO ŠTO SMO NA GRAN Ne znači da smo za branje

(Ara ararauna)

CITES Dodatak II

"Pravno lice, preduzetnik i fizičko lice koje namerava da drži autohtone ili alohtone divlje životinje u zatočeništvu radi sopstvenih potreba ili prikazivanja javnosti u zoološkim vrtovima, akvarijumima, terarijumima ili sličnim prostorima, radi uzgoja, prodaje i kupovine, dužno je da pribavi dozvolu Ministarstva." - Član 88. Zakona o zaštiti prirode

PAŽLJIVO BIRAJTE KUĆNE LJUBIMCE







Potografije:Martin Harvey Dizajn: Ognjen Zdravkovic Koncept: Pavle Jovanov