

FOREST LAW

I. GENERAL PROVISIONS

Subject of the Law

Article 1

This Law shall regulate forest conservation, protection, planning, silviculture, utilisation and management of forests and forest lands, the supervision of the implementation of this Law, as well as other issues significant for forests and forest lands.

Application of the Law

Article 2

The provisions of this Law shall refer to forests and forest lands irrespective of ownership.

Purpose of the Law

Article 3

This Law shall ensure the conditions for sustainable management of forests and forest lands as goods of public interest, in a manner and to an extent which conserves and enhances their productivity, biological diversity, ability to regenerate and vitality, and increases their potential for the mitigation of climate change and their economic, ecologic and social functions, without inflicting damage to the surrounding ecosystems.

Public interest

Article 4

The activities of public interest shall include forest conservation, protection and enhancement, utilisation of all forest potentials and functions, and the establishment of new forests in the aim of achieving the optimal forest cover percentage, spatial distribution, and the growing stock structure in the Republic of Serbia.

Public interest under paragraph 1 of this Article shall be protected by:

- 1) prohibiting the permanent reduction in an area covered by forests;
- 2) increasing the total growing stock and the percentage of state-owned forests in the Republic of Serbia, and particularly in special-purpose forests;
- 3) financing the conservation, protection and enhancement of the existing forests and the establishment of new forests, drawing up of forest management Plans and Programmes through the Budget Fund for Forests of the Republic of Serbia (hereinafter: Budget Fund), i.e. financing the conservation, protection and enhancement of the existing forests, and the establishment of new forests, drawing up of forest management Plans and Programmes through the Budget Fund for Forests of the Autonomous Province (hereinafter: Provincial Budget Fund);
- 4) drawing up and implementing the forestry development programmes and forest management plans;
- 5) establishing the legal persons for state forest management;
- 6) establishing, maintaining and utilising the National Forest Information System;
- 7) providing material, professional, and advisory support to forest owners;

- 8) prohibiting the alienation of state forests, except in cases laid down by this Law;
- 9) conserving and protecting forests as environmental factors;
- 10) performing other activities stipulated by this Law and regulations passed based on the Law.

Forest and forest lands

Article 5

Forest, in the terms of this Law, shall be land area of more than 5 ares covered with forest trees.

Forest shall also comprise forest nurseries within forest complexes and seed orchards, windbreaks and shelterbelts with an area of more than 5 ares.

Forest shall not mean the separate groups of forest trees of an area of less than 5 ares, town parks, and trees under high-voltage transmission lines and in the corridors of transmission lines, regardless of the area.

Forest land shall mean the land on which a forest is cultivated, the land on which, because of its natural characteristics, it is more rational to grow forest, as well as the land covered with the features intended for forest and game management and for multiple-use forest functions, and which cannot be used for other purposes, except in cases and under the conditions laid down by this Law.

Forest functions and land use

Article 6

Forests shall have multiple-use and economic functions.

Multiple-use forest functions shall include:

- 1) general environmental protection through the existence of forest ecosystems;
- 2) biodiversity conservation;
- 3) gene pool conservation of forest trees and other species within forest community;
- 4) mitigation of harmful impacts of greenhouse effect by carbon sequestration, oxygen release and biomass production;
- 5) purification of polluted air;
- 6) balancing water relations and torrent and flood control;
- 7) purification of water, supply and protection of ground water and springs of drinking water;
- 8) protection of soil, settlements and infrastructure from erosion and landslides;
- 9) creation of favourable conditions for human health;
- 10) favourable effect on the climate and agro-economic activities;
- 11) amenity function;
- 12) provision of spaces for leisure and recreation;
- 13) development of hunting, rural and eco tourism;
- 14) noise protection;

15) support to national defence and the development of local communities.

Consistent with their priority functions, forests or their parts can be:

- 1) commercial forests;
- 2) special-purpose forests.

Special-purpose forests shall include:

- 1) protective forests;
- 2) forests for the conservation and utilisation of forest tree species gene pool;
- 3) forests for the conservation of gene, species, ecosystem and landscape biodiversity;
- 4) forests of significant aesthetic value;
- 5) forests significant to human health and recreation;
- 6) forests significant for education;
- 7) forests for science and research activities;
- 8) forests of cultural and historic significance;
- 9) forests for national defence purposes;
- 10) forests for specific needs of the state bodies;
- 11) forests for other specific purposes.

Forests in protected areas have the priority forest function of special-purpose forests.

Commercial forest function shall be realised by the utilisation of forest produces and by the valorisation of multiple-use forest functions aiming at the realisation of the income.

Forest land-use shall be determined by the Regional Forest Development Plan in accordance with priority forest functions.

Obligations and limitations of forest owners and users

Article 7

Forest owner, i.e. forest user shall implement the measures of forest protection, to protect forests and forest lands against degradation and erosion, to execute forest management plans, and to perform other measures stipulated by this Law and regulations passed based on the Law.

Terms

Article 8

The terms within the context of this Law shall have the following meanings:

- 1) biodiversity (biological diversity) shall be the diversity of organisms within a species, between the species, and diversity of ecosystems; it comprises the total diversity of genes, species and ecosystems;
- 2) clear cutting shall mean the cutting down of all or almost all trees within a given area;
- 3) degraded forest shall mean the forest which has significantly lost the quality, vitality, and the capacity of increment and natural regeneration;

4) enclave shall be the land belonging to one form of ownership which is completely surrounded by the land belonging to another form of ownership or the land belonging to another user;

5) semi-enclave shall be the land surrounded at least on three sides by the land in another form of ownership, i.e. other users;

6) silviculture shall be the procedure of professional and planned implementation of regeneration, tending and establishment of new forests, as well as the production of forest reproductive materials;

7) forest management shall be a set of harmonised professional, scientific, technical-technological, economic, organisational and social activities undertaken within a definite period in a forest for its protection, maintenance, enhancement and utilisation;

8) forest clearing shall mean the removal of forest trees within a given area on account of the change in land use;

9) forest user shall be a legal person performing the management of state forests in a manner stipulated by this Law and other regulations;

10) forest monitoring shall be the system of permanent observation and analysis of the total state of forest ecosystems, and especially their vitality, health and biological diversity, in the aim of undertaking prevention and protection measures;

11) forest tending shall be the silvicultural measures carried out in the forest stand from the moment of its establishment and prior to regeneration;

12) forest maintenance shall be the site preparation for forest natural regeneration, tending and protection (biological, physical and legal), maintenance of forest roads and other features;

13) forest regeneration shall be the natural, artificial, or combined professional procedure of a forest stand utilisation and the simultaneous establishment of new young forest in the same area and within a given period;

14) forest establishment shall be the afforestation of unstocked forest land, the establishment of intensive forest plantations and shelterbelts on new areas, as well as tending of new established forests to the time of the first thinning;

15) forest devastation shall be any unlawful activity which lowers the forest land fertility (yield capacity) and thus puts at risk or makes impossible the sustainability of forest production or silviculture on that land, or endangers forest survival and multiple-use functions (e.g. larger-scale felling approximating the forest clearing or clear cutting, too intensive selection cutting, tree girdling, any activity that can cause weeding, runoff and soil loss by water or wind, etc.);

16) stand shall be a forest part of distinguishable site conditions and structural elements which requires a special method of forest management;

17) professional-advisory affairs shall include advices, instructions and other professional and educational services to forest owners;

18) forest owner shall be a physical or a legal person (company, cooperative, church, religious community, association) in possession of a forest;

19) private forests shall be forests owned by a physical or a legal person (company, cooperative, church, religious community, association of citizens);

20) forest infrastructure shall be the extended biological reproduction of forests (establishment of new forests and their maintenance within the investment

period) and technical infrastructure (forest roads, firebreaks and other improvements for forest management);

21) forest roads shall include roads and skidding trails which are primarily intended for forest management, and particularly for forest protection against fire (passage of firefighting vehicles and equipment);

22) forest order shall be the state in a forest which ensures the conditions for forest maintenance, regeneration and enhancement, particularly protection against fire, plant diseases and pests, and protection of soil against the incidence and development of erosion processes;

23) forest produce shall be all produce of forests and forest lands (forest trees and shrubs and all their parts; biomass of the total forest vegetation; flowers, seeds, fruits, bark, roots; moss, ferns, grass, reeds, medicinal, aromatic and edible plants, other plants and their parts; mushrooms, honey, resin, litter, peat and humus, grassland or pasture cover; game and other animals living in the forest);

24) forest protection shall be a system of measures and activities performed in the aim of prevention, suppression and elimination of the consequences of harmful effects of plant diseases, insects, rodents, game, livestock, man, fire, other natural disasters, and other biotic and abiotic factors;

25) protective forests shall be the forests with the priority function of soil protection from erosion; protection of water-supply sources, springs, thermomineral and mineral springs and spas; protection of the upper timberline; protection of improvements (storages, railroads, roads) and settlements.

II. FOREST CONSERVATION

Measures of forest conservation

Article 9

The following activities shall be prohibited in the aim of forest conservation, unless otherwise provided by this Law:

- 1) forest devastation and clearing;
- 2) clear cutting which is not authorised as the regular form of forest regeneration;
- 3) any cutting which is not in accordance with the forest management plans;
- 4) cutting of protected and strictly protected tree species;
- 5) tree girdling;
- 6) grazing or pasturing cattle, and acorn feeding in forest;
- 7) harvesting of other forest products (mushrooms, fruits, medicinal plants, snails etc.);
- 8) cutting of seed stands and seed trees, which is not prescribed by forest management plans;
- 9) quarrying of stone, gravel, sand, humus, earth and peat, except for the construction of infrastructure for forest management;
- 10) unauthorised occupation of forests, destruction or damage to forest plantations, marks, and border signs, and the construction of improvements which are not in the function of forest management;
- 11) discharge of garbage and harmful and dangerous substances and waste, as well as forest contamination in any way;

12) other activities which reduce the forest productivity or endanger forest functions.

Areas covered with forest tree species which are not defined as forests under the terms of this Law, except tree rows in settlements, can be cleared under the previous approval from the Ministry competent for forestry (hereinafter: the Ministry).

Clear cutting can be carried out for the creation of forest openings, high-voltage transmission lines, communication lines, construction of forest roads, power cables and other improvements for forest management aiming at the promotion and utilisation of all forest functions, if it is compliant to forest management plans.

Excepting the paragraph 1 point 2) of this Article, clear cutting which is not laid down by forest management plans as a regular form of forest regeneration, can be performed for:

1) cutting the passage for surveying works, geological investigations and other similar works and scientific experiments, if the protective forest functions are not endangered thereby;

2) creation of firebreaks to stop the spread of crown fire, suppress plant diseases and pests, and when the majority of forest trees are at risk by other natural phenomena, if the protective forest functions are not endangered thereby.

Change in land-use form of forests and forest lands

Article 10

The change in land-use form of forest and forest land can be carried out:

1) when it is laid down by the regional forest development plan;

2) if it is required by the public interest laid down by special law or the Government act;

3) for the construction of the improvements for the protection of citizens and material goods from natural disasters, and for national defence;

4) in the procedure of redistribution and consolidation of agricultural land and forests;

5) for the construction of auxiliary buildings or dwelling houses for forest owners on the area of less than 10 ares;

6) for the construction of the improvements for the use of other renewable energy sources of small capacity (small power plants and other similar improvements, in the terms of regulations in the field of energetics) and exploitation of mineral resources, if forest and forest land area for these purposes is below 15 ha.

The change in forest land-use form under paragraph 1 points 4) to 6) of this Article shall be done with the approval from the Ministry, and on the territory of the Autonomous Province with the approval from the competent organ of the Autonomous Province.

The request for approval under paragraph 2 of this Article shall be submitted together with:

1) proof of ownership, i.e. of the right to use the forest or forest land subject to approval;

2) forestry inspection records on the existing state regarding the harvesting methods of forests and forest lands subject to approval;

- 3) proof that the administrative tax is paid;
- 4) project of reinstatement for the cases under paragraph 1 point 6) of this Article.

The change in forest land-use form shall not mean the clear cutting aimed at: construction of lines (transmission, PTT and power cables) in the function of forest management; construction of forest roads and other improvements for forest management; creation of firebreaks to stop the spread of crown fires; cutting the passage for surveying works, geological investigations and other works; control of plant diseases and pests; scientific experiments; re-instatement of open-cast mines and ash dumps on the areas afforested under the reclamation projects; control of other natural phenomena which endanger the majority of forest trees, if the protective forest functions are not endangered thereby.

Prior to the establishment of the planned land use, the forest for which land-use change was approved in accordance with paragraph 1 of this Article, shall be managed by forest owner, i.e. forest user, pursuant to this Law.

Compensation for forest land-use change

Article 11

A compensation shall be paid for forest land-use change, except for forest land-use change under Article 10 paragraph 1 points 3) to 5) of this Law,.

The compensation under paragraph 1 of this Article shall be paid once.

The compensation under paragraph 1 of this Article shall be paid by the legal person who requested the land-use change.

Amount of compensation for forest land-use change

Article 12

The compensation for forest land-use change under Article 10 paragraph 1 points 1) and 2) of this Law shall be paid in the amount of the tenfold value of the forest subject to land-use change laid down pursuant to the Law.

The compensation for forest land-use change under Article 10 paragraph 1 point 6) of this Law shall be paid in the amount of the fivefold value of the forest subject to land-use change, laid down pursuant to the Law.

The compensation resources under paragraphs 1 and 2 of this Article shall be the income of the Budget of the Republic of Serbia, except the compensation resources for forest land-use change on the territory of the Autonomous Province which shall be the income of the Budget of the Autonomous Province.

The resources realised by compensation under paragraph 1 of this Article shall be earmarked for forest establishment, through Budget Funds under Articles 81 and 83 of this Law.

Protected forest tree species

Article 13

It shall be prohibited to cut trees, destroy the young growth and collect the seeds of strictly protected and protected forest tree species designated by special regulations on nature protection, except if they are sources of pests and diseases, or if they endanger humans and infrastructure.

The species under paragraph 1 of this Article can be harvested with the approval from the Ministry, and on the territory of the Autonomous Province with the approval from the competent organ of the Autonomous Province.

In the aim of conservation and directed utilisation of the gene pool of the species under paragraph 1 of this Article, forest management plans shall specify the measures of their protection, utilisation and the range extension.

Priority multiple-use forest function

Article 14

Priority multiple-use forest function, as well as the measures by which it is provided, can be changed by the change in the regional forest development plan, based on the proposal of the interested legal person.

Forests for which the priority multiple-use function is designated shall be managed in accordance with this Law, the act by which multiple-use function is designated and by special regulation on nature protection.

The implementation of measures under paragraph 1 of this Article and the compensation if these measures restrict the right of forest use and increase the costs of forest management, shall be financed by the legal person on whose request the priority multiple-use forest functions are designated, i.e. the final user of multiple-use functions.

The forest for which the priority forest functions are designated shall be managed by the user, i.e. the owner who managed the forest before the designation of the priority forest function.

Forest monitoring

Article 15

Forest monitoring shall be carried out by the organisation registered in the Register for research and development in forestry in compliance with the regulation on research and development activities, and which is authorised for the activities of forest monitoring pursuant to this Law.

The authorisation under paragraph 1 of this Article shall be granted by the decision of the Minister competent for forestry (hereinafter: the Minister), and for the organisation dealing with forest monitoring on the territory of the Autonomous Province, by the competent organ of the Autonomous Province, for the period of five years.

The Minister's order under paragraph 2 of this Article is final, and an administrative dispute can be initiated against it.

An appeal against the order of the competent organ of the Autonomous Province under paragraph 2 of this Article, can be submitted to the Minister no later than 15 days after the day of the receipt of the order.

Based on the monitoring results, the organisation under paragraph 1 of this Article shall make a report on forest monitoring and submit the report to the Ministry no later than 31 January of the current year for the previous year.

Based on the report on forest monitoring under paragraph 5 of this Article, the Ministry shall write a report on forest monitoring and submit it to the Government no later than 31 March of the current year for the previous year.

The Ministry shall inform the public on the implementation of forest monitoring on the territory of the Republic of Serbia by public media.

Forest monitoring shall be financed by the Budget of the Republic of Serbia, and forest monitoring on the territory of the Autonomous Province, by the Budget of the Autonomous Province.

Forest monitoring shall be implemented in accordance with the internationally adopted methodology.

Mandatory restoration

Article 16

Forest owner and forest user shall restore the forest by reforestation, e.g.: unstocked areas resulting from natural disasters (fire, wind, snow, etc.); areas on which regeneration and reforestation failed; devastated areas by illegal clear cutting, forest clearing, or illegal cutting of rare tree species; in the cases under Article 9 paragraph 4, and Article 10 paragraph 2 of this Law, after the cessation of the land-use form.

If forest owner, i.e. forest user does not implement the measures under paragraph 1 of this Article within a period of 3 years from the date of setting up the mandatory restoration, the measures shall be implemented by the Ministry, and on the territory of the Autonomous Province, by the competent organ of the Autonomous Province, to the debit of the forest owner, i.e. user.

Forest owner, i.e. forest user shall restore the old felling areas and burnt areas in compliance with forest management plans.

Legal persons using the land which contains spoil banks, stock piles of slag and ash, and other dangerous and harmful substances, which were not restored or for which restoration was not planned by the restoration projects for the creation of agricultural land, shall rehabilitate the land by afforestation, based on the previous Ministry's approval of the restoration project, and on the territory of the Autonomous Province, based on the previous approval from the competent organ of the Autonomous Province.

III. PLANNING

1. Territorial planning

Forest regions

Article 17

Forest regions shall be established for the purpose of ensuring the conditions for the balanced and sustainable forest development, and rational management of forests and other forest potentials on a given territory.

Forest region shall be a geographical, natural and plan entity.

Forests and forest lands constituting the forest regions shall be presented in the List of Forests and Forest Lands, which is a component part of this Law.

Forest region shall encompass the forests of all forms of ownership and functions, except forests in national parks.

Forest region and national park areas shall be spatially divided into management units.

Management unit

Article 18

Management units shall be established by the Regional forest development plan as the basic units of planning, in accordance with the forest management organisation needs and the criteria of forest spatial division.

Management unit shall encompass the forests of one and the same form of ownership with the area from 100 to 5,000 ha.

Management unit can be established also for forests of several forest owners if their individual holding does not exceed 100 ha of forests and forest lands.

2. Planning documents in forestry

2.1 Programmes of forestry development

Article 19

Programme of forestry development on the territory of the Republic of Serbia and Programme of forestry development on the territory of the Autonomous Province are strategic plan documents which determine the directions of forest and forestry development, with the action plan for their implementation.

The Programmes under paragraph 1 of this Article shall specify particularly: the forest state, the objectives and measures of forest improvement, the plan of implementation of measures and objectives, with the laid down dynamics and the financial resources for their fulfilment.

The Programme of forestry development on the territory of the Republic of Serbia shall be laid down by the National Assembly for the period of ten years.

The drawing up of the Programmes of forestry development on the territory of the Republic of Serbia shall be financed by the Budget of the Republic of Serbia.

The Programme of forestry development on the territory of the Autonomous Province shall be laid down by the Assembly of the Autonomous Province for a period of ten years.

The drawing up of the Programmes of forestry development on the territory of the Autonomous Province shall be financed by the Budget of the Autonomous Province.

The Programmes under paragraph 1 of this Article shall be realised based on the forest management plans.

The Report on the implementation of the Programmes under paragraph 5 of this Article shall be submitted by the competent organ of the Autonomous Province to the executive organ of the Autonomous Province, and the adopted report shall be submitted to the Ministry.

The Report on the implementation of the Programmes under paragraphs 3 and 5 of this Article shall be submitted by the Ministry to the Government each year, no later than 31 March of the current year for the previous year.

The Programme under paragraph 3 of this Article shall be published in the "Official Gazette of the Republic of Serbia".

The Programme under paragraph 5 of this Article shall be published in the "Official Gazette of the Autonomous Province".

2.2 Forest management plans

Types of plans

Article 20

Forest management plans shall be:

- 1) regional forest development plan, i.e. plan of forest development in the national park;
- 2) forest management plan;
- 3) forest management programme;

- 4) annual forest management plans;
- 5) annual plan of forest management
- 5) operational project of forest management;
- 6) project of utilisation of other forest products;
- 7) project of utilisation of other forest functions.

Development Plans

Article 21

Regional forest development plan, i.e. Plan of forest development in the national park (hereinafter: Development Plan) shall be plan documents which determine the directions of forest and forestry development, with the plan of implementation in the forest region.

The Development Plan shall include particularly: the survey and analysis of the forest state; the assessed optimal percentage of forest cover; designated forest functions and land use; laid down functional spatial units; general trends of development, the objectives and measures for forest enhancement; report on the strategic environmental impact assessment; methods of conservation and strengthening of multiple-use forest functions and forest protection; method of forest management; silvicultural and management measures for management classes.

The Development Plan shall be elaborated based on the data in National Forest Inventory, stand inventory and other sources.

The Development Plan shall be harmonised with the Programmes under Article 19 of this Law, and with the Spatial Plan of the Republic of Serbia.

The Development Plan of forests in national parks shall be harmonised with the special regulation on national parks, and special regulation on nature protection.

The Development Plan shall be laid down by the Government, and for the forest regions on the territory of the Autonomous Province, by the executive organ of the Autonomous Province, for the period of ten years.

The drawing up of the Development Plan shall be financed by the Budget Fund, and for forest regions on the territory of the Autonomous Province, by the Provincial Budget Fund.

The content of the Development Plan and the method of stand inventory shall be more closely prescribed by the Minister.

Forest management plan

Article 22

Forest management plan (hereinafter: the Plan) shall be an operational plan document of forest management, which shall be laid down for a management unit.

The Plan shall specify particularly: the forest state; elaboration of general trends of the Development Plan; the record and analysis of implemented measures of forest management; forest management plans by type and scope of activities, time, place and method of their implementation; forest value.

The Plan shall be based on the forest state assessed in the field (stand inventory).

The Plan shall be laid down for a period of ten years.

The content of the Plan shall be more closely prescribed by the Minister

Forest management programme

Article 23

Forest management programme (hereinafter: the Programme) shall be an operational plan document of forest management laid down for management units encompassing the forests of several forest owners whose individual holding does not exceed 100 ha.

The content of the Programme shall be in accordance with the provisions of Article 22 paragraph 2 of this Law.

The Programme shall be laid down for the territory of one or more municipalities for the period of ten years.

The plan shall be based on the forest state assessed in the field (stand inventory).

The Programme shall be drawn up based on the forest status assessed in the field (stand inventory).

The Programme shall be laid down for a period of ten years

The content of the Programme shall be more closely prescribed by the Minister.

Conformity of Development Plan, Plans and Programmes

Article 24

The Development Plan, the Plans and Programmes shall be mutually harmonised.

Forest management plans under paragraph 1 of this Article shall be harmonised especially regarding the validity term (of the management period).

Laying down of the Plans and Programmes

Article 25

The Plan shall be laid down by the forest owner, i.e. forest user with the approval from the Ministry, and on the territory of the Autonomous Province with the approval from the competent organ of the Autonomous Province.

The Programme shall be laid down by the Ministry, and on the territory of the Autonomous Province by the competent organ of the Autonomous Province.

The Plan for the forests in the national park shall be laid down with the previous approval from the Ministry competent for environmental affairs.

The Plan and Programme shall be amended in a manner and by the procedure stipulated for their laying down.

Drawing up of Plans and Programmes

Article 26

The Plan and Programme can be drawn up by a legal person, i.e. entrepreneur registered for the activities of forestry planning in the Register of economic agents, if he employs a licensed professional.

Validity of Plans and Programmes

Article 27

The term of validity of a new Plan, i.e. Programme, starts after the expiration of the term of validity of the previous Plan, i.e. Programme.

The new Plan, or Programme shall be laid down no later than six months before the expiration of the term of validity of the previous Plan, i.e. Programme.

If for valid reasons and objective circumstances the Plan, i.e. Programme fails to be laid down before the expiration of the term of validity of the previous Plan, i.e. Programme, the Ministry, and on the territory of the Autonomous Province, the competent organ of the Autonomous Province, at the forest owner's request, can issue a decision to approve forest utilisation, only during the first year after the expiration of the validity term of the previous Plan, i.e. Programme, to the extent that cannot be greater than the average annual harvesting volume under the expired Plan, i.e. Programme.

The Minister's order under paragraph 3 of this Article is final, and an administrative dispute can be initiated against it.

An appeal against the order of the competent organ of the Autonomous Province under paragraph 3 of this Article, can be submitted to the Minister no later than 15 days after the day of the receipt of the decision.

Public information

Article 28

During the procedure of laying down the Development Programmes, Plans and Programmes, the public shall be informed by public announcement on the Ministry web site, at least 30 days after the day of public announcement.

Implementation of Plans

Article 29

Forest owner, i.e. forest user shall implement the forest management plans within the terms and in a manner determined by the plans.

The implementation of the Plans and Programmes shall be enforced by:

- 1) annual forest management plan;
- 2) operational project of forest management;
- 3) project of utilisation of other forest products;
- 4) project of utilisation of other forest functions.

Annual forest management plan

Article 30

Annual forest management plan (hereinafter: Annual Plan) shall be laid down for management units in which forest management activities are implemented in that year.

Annual Plan shall define particularly: the scope, place and dynamics of the works on forest protection, silviculture, utilisation and enhancement, production of forest reproductive material, construction of technical infrastructure, and in state forests also the funds for the execution of these works.

Operational projects, projects of utilisation of other forest products, and projects of utilisation of other forest functions shall be the components of Annual Plans.

Annual Plan for the forests managed pursuant to the Plan shall be laid down by the user, i.e. forest owner, and Annual Plan for private forests managed pursuant to the Programme shall be laid down by the legal person under Article 70 paragraph

1 of this Law, no later than 30 November of the current year for the following year, based on the previous approval from the Ministry, and on the territory of the Autonomous Province, based on the previous approval from the competent organ of the Autonomous Province.

Annual Plan shall conform to the Plan, i.e. the Programme.

At least four Annual Plans shall be laid down for management units in state forests during the Plan validity term.

Annual Plan can be amended by reason of natural disasters and due to other unpredictable circumstances, pursuant to the same procedure by which it is laid down.

The content of the Annual Plan shall be more closely prescribed by the Minister.

Operational forest management project

Article 31

Operational forest management project (hereinafter: Operational Project) shall be drawn up for the forests managed by the Plan.

Operational Project shall specify particularly: a detailed elaboration of the plans of silviculture, forest protection, utilisation and enhancement covered by the Plans; technological procedures, the conditions, methods and terms of the execution of all works.

Operational Project shall be harmonised with the Plan and shall be drawn up based on the assessed forest state in the field and the performed marking and selection of trees for felling, maximally for a period of one year.

Operational Project shall be drawn up for a compartment, and exceptionally for several compartments (catchment).

Operational Project shall be laid down by the forest user, i.e. owner, no later than 31 October of the current year for the following year.

Project of utilisation of other forest products and Project of utilisation of other forest functions

Article 32

Project of utilisation of other forest products and Project of utilisation of other forest functions, laid down by the Development Plan for forest parts, shall be drawn up for the forests which are managed by Plans and Programmes.

Project of utilisation of other forest products shall specify particularly: the location, total reserve, type, quantity, time and method of utilisation, as well as the product value, i.e. the scope and type of works on the site rehabilitation.

Project of utilisation of other forest functions shall specify particularly: the location (micro location), category and type of the features on which the priority service shall be realised, micro land-use of a part of forest space, the infrastructure for water supply, roads, electricity, etc. and management measures depending on the micro land-use.

Projects under paragraph 1 of this Article shall be drawn up for one or more management units.

Projects for the utilisation of other forest products shall be laid down for the period of five years, and Projects for the utilisation of other forest functions shall be laid down for the term of validity of the Plan, i.e. Programme.

Projects under paragraph 1 of this Article shall be in compliance with the Spatial Plans.

Forest user shall, and forest owner can draw up the projects under paragraph 1 of this Article.

Forest user shall announce publicly the possibility of utilisation of multiple-use forest functions for which the project is laid down.

Forest user has the priority right to use other forest products and forest functions owned by the State.

The Projects under paragraph 1 of this Article shall be approved by the Ministry, and on the territory of the Autonomous Province, by the competent organ of the Autonomous Province.

The content of the Project of utilisation of other forest products and Project of utilisation of other forest functions shall be more closely prescribed by the Minister.

Project for the establishment of short rotation plantations

Article 33

The plantations of forest tree species in short rotation of less than **10 years**, intended for the production of special assortments, shall be regulated by a special Project for the establishment of short rotation plantations, enacted in accordance with Article 31 of this Law.

The plantations under paragraph 1 of this Article shall not be subject to provisions under Articles 9 to 12 of this Law.

The content of the Project for the establishment of short rotation plantations shall be more closely prescribed by the Minister.

Record-keeping of the performed works

Article 34

The performed forest management works shall be recorded in a manner stipulated by this Law.

The record on the performed works under paragraph 1 of this Article is a component part of the Plan, Programme and Project under Articles 31 and 32 of this Law.

Forest owner, whose forest is managed pursuant to the Plan, i.e. forest user, shall make records of the performed works no later than 28th February of the current year for the previous year.

The method of record-keeping of the performed works shall be more closely prescribed by the Minister.

Forest chronicle

Article 35

Forest owner, i.e. forest user shall keep a book of forest chronicle which shall be a component part of the Plan, i.e. Programme.

Forest chronicle shall specify particularly the data on phenological, biotic and abiotic phenomena in forests.

The forest chronicle content and method shall be more closely prescribed by the Minister.

Availability of the data in plan documents

Article 36

The data in Development Programmes under Article 19 of this Law, National Forest Inventory and Development Plans shall be available to the public.

The data in the Plans and Programmes can be used against the payment of the Republican administrative tax.

Excepting the paragraph 2 of this Article, the data in the Plans and Programmes can be used without compensation by the scientific and educational institutes when the data are used for education, scientific and experimental investigations.

Forest owners shall obtain the data from the Programmes referring to their individual forest holdings without paying the tax under paragraph 2 of this Article.

Archiving of the plans

Article 37

Forest management plans shall be permanently archived, in compliance with the regulation on the storage of archive documents.

3. National Forest Inventory

Article 38

National Forest Inventory shall be performed for the purpose of determining the forest status for the needs of strategic planning, other State bodies, other branches of economy, national defence, research and development activities, as a rule every ten years.

Forest Inventory can be performed by the forestry research and development organisations registered in the respective Register, in compliance with the regulation on research and development activities and which is authorised for National Forest Inventory.

The authorisation under paragraph 2 of this Article shall be granted by the Minister's decision, and for the organisation dealing with National Forest Inventory on the territory of the Autonomous Province, by the competent organ of the Autonomous Province, for the period of five years.

The Minister's decision under paragraph 3 of this Article is final, and an administrative dispute can be initiated against it.

An appeal against the order of the competent organ of the Autonomous Province under paragraph 3 of this Article, can be submitted to the Minister no later than 15 days after the day of the receipt of the order.

Based on the National Forest Inventory performed by the organisation under paragraph 2 of this Article, the Ministry shall make a report on the implemented Forest Inventory and submit it to the Government, no later than six months after the termination of the National Forest Inventory.

Forest Inventory shall be carried out according to the internationally accepted methodology.

Forest Inventory shall be financed by the Budget of the Republic of Serbia, and on the territory of the Autonomous Province, by the Budget of the Autonomous Province.

IV. FOREST MANAGEMENT

1. Forest protection

Forest guarding

Article 39

Forest guarding in the aim of its protection against illegal appropriation, harvesting, destruction, and other unlawful activities (disposal of waste, and toxic harmful substances, forest contamination, destruction of border marks and signs, etc.) shall be provided by the forest user, i.e. forest owner.

Forest user shall, in addition to the activities under paragraph 1 of this Article, monitor forest health, irrespective of ownership, and assess the risk of natural hazards and disasters.

Forest user shall notify the Ministry, and on the territory of the Autonomous Province, the competent organ of the Autonomous Province, on the undertaken measures and problems of forest protection no later than 31 December, and without delay in the cases of greater risks to forests.

Forest user shall organise the forest guarding service to implement the activities under paragraphs 1 to 3 of this Article, depending on the managed forest area, terrain characteristics and other conditions.

The Ministry, and on the territory of the Autonomous Province, the competent body of the Autonomous Province, shall monitor the work of the forest guard service and provide professional and legal assistance.

In the case of greater risks to forests, the Government can introduce special measures of forest protection in the endangered region.

The conditions of organizing the forest guarding service under paragraph 4 of this Article shall be more closely prescribed by the Minister.

Forest guard

Article 40

Forest guarding can be performed by a person with the minimum secondary school education (4th level of education) in forestry - forestry technician (hereinafter: forest guard), with a passed professional examination, fulfilling also the other conditions stipulated by special regulations.

Forest guard performs the jobs of forest guarding in the prescribed official uniform and armed with a fire weapon pursuant to this Law and the regulation on the possession and carrying of firearms.

Forest guard shall have an official identity card of forest guard.

The forest guard Identity card shall be issued on the form prescribed by the forest user, i.e. owner by whom the forest guard is employed.

The form of identity card and the appearance of forest guard's uniform shall be more closely prescribed by the Minister.

Forest guard's rights and duties

Article 41

While on forest guarding duty, forest guard is authorised and shall:

1) demand identification of a person encountered in committing the offence punishable by this Law, or criminal acts in forests, as well as a person liable to well-

founded suspicion that he may have committed such acts, if the identity of the person cannot be otherwise verified;

2) inspect all types of vehicles for the transport of wood and all types of loads for wood carrying, in the aim of finding the object of criminal act or offence;

3) inspect the places, except dwelling houses, which can contain the wood taken by criminal act or offence;

4) temporarily dispossess the illegally harvested wood and the means with which the illegal action or offence was committed, and the products created by or provided by such acts, and deliver the products without delay to the competent organ;

5) restore and guard the border marks against destruction and illegal use;

6) duly notify the users if border signs are moved or destroyed in the aim of unauthorised occupation of forests and forest lands;

7) keep the record on the illegal action and the assessed facts and deliver it to the user and to the competent forestry inspector.

Forest guard shall show his forest guard's identity card prior to undertaking the actions under paragraph 1 points 1) to 4) of this Article.

Obligation of forest protection

Article 42

Forest owner and forest user shall monitor the effects of biotic and abiotic factors on forest health and undertake timely measures for the protection of forests and forest lands.

If forest owner or forest user does not act in accordance with the provision under paragraph 1 of this Article, the Ministry, and on the territory of the Autonomous Province, the competent organ of the Autonomous Province, shall ensure the execution of the obligation at the expense of the forest owner, i.e. user.

Forest protection from plant diseases and pests

Article 43

The implementation of forest protection measures laid down by the Development Plan shall be ensured by the medium-term plan of forest protection from plant diseases and pests, which shall be laid down for each forest region by the Ministry, and on the territory of the Autonomous Province, by the competent organ of the Autonomous Province, for the period of five years.

The Ministry, and on the territory of the Autonomous Province, the competent organ of the Autonomous Province, shall lay down the medium-term plan under paragraph 1 of this Article, no later than a year after the date of enacting the Development Plan.

The Plan under paragraph 1 of this Article shall specify particularly: the state of plant diseases and pests; assessment of forest health and risks; assessment of development of plant diseases and pests; preventive and repressive measures of suppression; the state of protection equipment; the organisational measures; the scope of financial resources for the implementation of measures.

The funds for forest protection intended for monitoring the state and development of diseases and pests, timely forest protection from plant diseases and pests, and for the activities of public interest, shall be earmarked by the Budget of the Republic of Serbia, i.e. by the Budget of the Autonomous Province.

The content of the Plan under paragraph 1 of this Article shall be more closely prescribed by the Minister.

Reporting and diagnostic-prognostic service in forest protection

Article 44

The reporting and diagnostic-prognostic activities in forest protection from plant diseases and pests shall be provided by the Ministry, and on the territory of the Autonomous Province, by the competent organ of the Autonomous Province.

The Ministry, and on the territory of the Autonomous Province, the competent organ of the Autonomous Province, in accordance with the regulation on plant health, can assign the affairs under paragraph 1 of this Article to a forestry scientific institute, by a contract and based on the public competition.

Forest owner or forest user who manages the forest in accordance with the Plan, shall monitor the health and implement the measures of forest protection from plant diseases and pests, pursuant to the recommendations and proposals of the legal person under paragraph 2 of this Article.

Forest owner, i.e. forest user shall deliver the samples of materials to the legal person under paragraph 2 of this Article, within the term and by the procedure laid down in the Plan under Article 43 paragraph 1 of this Law.

The Ministry shall inform the public on forest risks.

Extraordinary measures of forest protection

Article 45

In the cases of significant disturbances of biological balance and serious damage in forest ecosystems caused by natural disasters, the Ministry shall prescribe the measures of forest protection and restoration which shall be implemented by forest owners or users, and shall provide the financials to this end.

Forest protection against fire

Article 46

Forest user shall enact the Plan of forest protection against fire for forests of all forms of ownership in the forest regions, for a period of five years.

The Plan under paragraph 1 of this Article shall be enacted by forest user no later than six months after the date of enacting the Development Plan.

The plan under paragraph 1 of this Article shall be approved by the Ministry, and on the territory of the Autonomous Province, by the competent organ of the Autonomous Province.

The Plan under paragraph 1 of this Article shall be drawn up pursuant to the Law and the special by-law regulating the protection against fire.

The National Forest Information System keeps the records of all forest fires.

In the event of fire, forest user shall immediately inform the nearest firefighting and rescue unit at the Ministry competent for internal affairs and the Ministry, and on the territory of the Autonomous Province, also the competent organ of the Autonomous Province.

Forest user shall submit to the Ministry, and on the territory of the Autonomous Province, to the competent organ of the Autonomous Province, the report on the inflicted damage, no later than eight days after the date of the event of fire.

Prohibition of fire setting

Article 47

It shall be forbidden to set open fire in the forests and on the land in the vicinity of the forest, at the distance less than 200 metres from the forest boundary.

Excepting the paragraph 1 of this Article, fire may be set in forests and on forest land, only at places approved, prepared and clearly marked for that purpose and with the implementation of the precautionary measures prescribed under Article 61 of this Law.

Compensation for damage to forest

Article 48

Physical and legal persons which inflict damage to forest shall compensate for the resulting damage to the forest owner or user.

Waste disposal in the forest

Article 49

It shall be forbidden to dispose garbage, toxic substances and other dangerous waste in the forest and on forest land at the distance less than 200 metres from the forest boundary, and to construct the improvements for the storage, conversion or destruction of garbage, toxic substances and other dangerous waste.

Forest owner, i.e. forest user shall prevent the disposal of garbage, toxic substances and other dangerous waste and without delay notify the Ministry, and on the territory of the Autonomous Province, the competent organ of the Autonomous Province.

Forest owner, i.e. forest user shall prevent the activities under paragraph 1 of this Article, remove the garbage, toxic substances and other dangerous waste, and undertake all measures to restore the damaged forest.

Prohibition of the change in water regime of the forest

Article 50

Drainage and other works which can change the forest water regime and endanger forest survival or vitality shall be prohibited.

The elaboration and implementation of the projects of headwater management in forest ecosystems, enacted in accordance with special regulations, shall ensure a sufficient quantity of free water (the biological minimum) to meet the needs of plants and animals in the forest.

The works under paragraphs 1 and 2 of this Article can be performed if the project under paragraph 2 of this Article has previously been approved by the Ministry, and on the territory of the Autonomous Province, by the competent organ of the Autonomous Province.

Right and restriction of access to forest

Article 51

Without the permission of the forest owner, i.e. user it shall be prohibited to:

- 1) make temporary improvements, tents and campsites;
- 2) organise mass gatherings which can inflict damage to the forest;
- 3) place the boards and marks in a manner which can damage the trees;
- 4) set up the fences;

- 5) drive motor vehicles off the designated roads, except for official use;
- 6) move in the closed and prohibited areas, roads, fenced hunting grounds, experimental and business premises;
- 7) move in the areas of forest works underway, afforestation, tree cutting, construction of improvements, hunting, etc.

The citizens shall have free access to forests for pleasure, leisure, and recreation at their own responsibility for safety, and with the obligation not to inflict damage to the forest.

Free access can be restricted to the protected parts of forests, or the forest parts in which human safety is endangered.

Forest owner or user shall mark with visible warnings the forest part with the restricted access.

Pasturage in forests

Article 52

Pasturaging, grazing or acorn feeding in forest can be performed only if permitted by the forest owner or user, who can deliver a permit only if pasturaging, grazing, or acorn feeding is enacted by forest management plans and if the forest is not in the stage of regeneration.

Pasturage shall be permitted on forest land prior to its afforestation.

Livestock holders can use a forest for pasturage, browsing or acorn feeding, only if the livestock is supervised by livestock herders.

The conditions under which grazing or pasturing cattle or acorn feeding (period of pasturage, browsing or acorn feeding, livestock species, number of heads, rate of compensation, the cattle tracks, etc.) shall be determined by the forest user, i.e. owner.

Game in forests

Article 53

Legal person who is entitled to game management, in accordance with the game and hunting regulations, shall keep the game number and species at the level that does not disturb the biological balance of the forest ecosystem, and does not prevent the implementation of the forest management goals.

Hunting plan documents shall be in accordance with the Regional Development Plan, Forest Management Plans and Programmes.

Intensive rearing of large game in fenced areas of the forests in which the regeneration process is underway shall be prohibited.

2. Production of forest reproductive materials

Management of seed forests

Article 54

Seed forests, excepting the seed forests for the production of seeds of known origin, shall be managed in a manner which ensures the maximal production of good quality forest seeds and end enables an easier seed gathering, i.e. seed collection.

Works in seed forests

Article 55

Trees and stands which are recognised as the basic material for the production of forest seeds, except the recognized basic material for the production of seeds of known origin, can be felled for tending purposes, to achieve the optimal structure for the production of forest seeds, and to remove the dead trees, or damaged to the extent that they are dying, or are the source of infection of plant diseases or pests

Balance of forest reproductive material

Article 56

Forest reproductive material of autochthonous tree species shall be provided by forest owners and users in compliance with the Balance of forest reproductive materials (hereinafter: the Balance).

The Balance shall specify particularly: the reproductive material species, category and quantity.

The Balance shall be conducted by the Ministry.

The Balance content, process and method of construction shall be more closely prescribed by the Minister.

3. Silviculture

Selection, marking and recording of trees for felling

Article 57

Forest trees shall be felled only after the trees for felling have been selected and marked with marking hammer and recorded (hereinafter: tree marking).

Marking shall also refer to marking the forest area planned for clear-cutting or clearing, as well as to marking the stumps of illegally cut trees with a special mark.

Procedures of tree marking

Article 58

Tree marking shall be performed by professionals with the appropriate licence for the professional activities in forest management (hereinafter: the professional).

A marking hammer shall be assigned to the professional's name by the Ministry, and on the territory of the Autonomous Province, by the competent organ of the Autonomous Province.

The right to use a marking hammer shall be given to the professional employed by the user or owner of forests managed pursuant to the Plan, i.e. the professional employed by the legal person under Article 70 paragraph 1 of this Law, for forests managed pursuant to the Programme.

Excepting the paragraph 1 of this Article, tree marking in private coppice forests can be done by a forestry technician with a professional examination and work experience of minimum three years in this field.

In private forests, tree marking shall be allowed only in the presence of the forest owner or the persons authorised by the owner.

Before tree marking, the professional forester shall give the forest owner the relevant professional advises.

In private forests, tree marking shall be allowed only to the owner who provides and submits the proof of property rights and shows the boundaries of his forest on the spot.

If after marking the trees for felling, forest owner requires the felling permission decree, legal person under Article 70 paragraph 1 of this Law shall issue the decree no later than seven days after the day of the request submission.

The Minister shall enact more closely the method and time of tree marking, method of handing over the marking hammer, method of marking the stumps of illegally cut trees, method of recording the trees and stumps in tree-marking book or the books of forest offences, the form and content of the timber mark (brand) and the mark for forest offence, and the forms of tree-marking book and the books of forest offence.

4. Forest utilisation

Felling

Article 59

In naturally regenerated forests, felling can be done only prior to a full seed year, and as a rule during the period of vegetation dormancy.

Time, method and type of felling shall be determined by the Plan, i.e. the Programme.

Tree felling can be performed in a manner and under the terms which ensure the protection of people and forests.

The conditions and methods of felling in forests shall be more closely prescribed by the Minister.

Trade of forest products

Article 60

The trade of wood felled in the forest or outside the forest, i.e. wood assortments, shall be prohibited, if they are not marked with clearly visible forest mark.

The marking (branding) of felled wood, i.e. produced wood assortments shall be performed by forest owner, i.e. forest user.

The right to use a marking hammer shall be given to the professional under Article 58 paragraph 3 of this Law.

Excepting the provision in paragraph 1 of this Article, the marking of illegally felled wood for which, by the appropriate procedure, the competent organ finds that the reasons for the temporary dispossession of wood have ceased, shall be performed by forest user or owner, and the illegally felled wood which has been seized by the competent organ and by the appropriate procedure, shall be marked by the professional employed by the legal person under Article 70 paragraph 1 of this Law.

Wood conversion shall not be performed by the plants for mechanical conversion of wood if the wood has not been branded in the way stipulated by this Law.

The owner of the plant for mechanical conversion of wood shall register the received wood in the book.

The form and content of the forest mark (brand), the conditions and method of marking the felled wood and the method of book keeping shall be more closely prescribed by the Minister.

Forest order

Article 61

Forest owner, i.e. forest user shall organise and carry out all works in forest management on time and in a manner laid down in forest management plans, which ensure the maintenance and establishment of forest order.

If forest order is disturbed, forest owner, i.e. user, shall establish the forest order by the prescribed method within the shortest possible term.

The method of forest order implementation shall be more closely prescribed by the Minister.

Other forest products

Article 62

The harvesting of other forest products (forest fruits, medicinal and other plants, quarrying of stones, sand, gravel, humus, as well as bee-keeping, etc.) can be done with the consent of the forest user or owner, and in compliance with the Project of utilisation of other forest products.

5. Forest infrastructure

Construction of the improvements in forests

Article 63

The construction of improvements in forests shall be in compliance with forest management plans and the special regulation on wildlife and hunting.

Charcoal kilns, lime-kilns, brickworks and other plants with open fire shall not be constructed in forest, and at the distance of less than 200 m from the forest border.

Technical infrastructure

Article 64

Technical infrastructure (forest roads, firebreaks and other improvements used in forest management) shall be planned, constructed, maintained and utilised in a manner that does not endanger:

- 1) headwater and water courses;
- 2) habitats significant for the survival of wild plant and animal species;
- 3) process of natural regeneration in forests;
- 4) cultural and historical heritage;
- 5) other multiple-use forest functions;
- 6) land stability, and does not cause erosion and torrents.

Planning and construction of forest roads

Article 65

The optimal accessibility of forests in a forest area shall be determined by the forest Development Plan. Forest road planning and construction is determined in detail by the programme of forest road construction and maintenance, which is a component part of the Development Plan, as well as by the Plans and Programmes.

The coordination of road planning, construction and maintenance and co-financing the road construction and maintenance in the function of private forest management, as well as the professional supervision shall be performed by a professional employed by a legal person under Article 70 paragraph 1 of this Law, with the participation of the representatives of the local self-government and forest owners.

Utilisation and maintenance of forest roads

Article 66

Forest roads shall be used for the purposes of forest management.

Forest owner, i.e. user shall maintain regularly forest roads under paragraph 1 of this Article.

Excepting the paragraph 1 of this Article, forest roads can also be used for other purposes under the terms set by forest user, forest owner managing the forests in accordance with the Plan, or the local self-government for the roads in private forests managed in compliance with the Programme.

Forest roads can also be used for sport competitions which include motor vehicles under the conditions and in a manner laid down by the Plan, i.e. the Programme.

Forest user shall conduct the cadastre of forest roads which are used for forest management purposes.

The content and method of forest road cadastre under paragraph 5 of this Article shall be more closely prescribed by the Minister.

V. FOREST CADASTRE AND Forest INFORMATION SYSTEM

Cadastre of forests and forest lands

Article 67

Forest user shall keep and update the records on forests and forest lands under his management (hereinafter: forest cadastre).

Forest users shall submit a request to the state organ competent for keeping the records on immovable property to register the changes occurring in the previous year, no later than 31 March of the current year.

The state organ competent for keeping the records on immovable property shall, without compensation, allow the Ministry to utilise the data on forests and forest lands for the purposes of forest management plans.

A closer regulation on the content and method of administration of the forest cadastre shall be passed by the Minister.

Forest Information System

Article 68

The National Forest Information System of the Republic of Serbia (hereinafter: Information System) shall be established and managed by the Ministry.

The Information System provides all the necessary information on the status and changes in the growing stock for the purposes of planning, monitoring and reporting.

The activities of Information System establishment and maintenance shall be financed by the Budget of the Republic of Serbia, i.e. by the Budget of the Autonomous Province.

A closer regulation on the content, method of administration, maintenance and utilisation of the Information System shall be passed by the Minister.

VI. ORGANISATION OF FOREST MANAGEMENT

1. Forest Management

Article 69

The management of forests as natural resources shall be in the competence of the Republic of Serbia.

The forests of the Republic of Serbia shall be managed by the Ministry, on the territory of the Autonomous Province, by the competent organ of the Autonomous Province, and also by legal persons for state-owned forest management and legal persons for private forest management.

2. Management of state-owned forests

Article 70

State forests encompassed by a forest region, i.e. national park region shall be managed by Public Enterprise, i.e. a company founded by the Republic of Serbia, i.e. the Autonomous Province, and which fulfils the conditions laid down by this Law and special regulations.

State forests which are not covered by a forest region can be managed by a legal person whose founder is the Republic of Serbia, i.e. the Autonomous Province, and which fulfils the conditions laid down by this Law and special regulations.

Excepting the paragraph 2 of this Article, shelterbelts and forests established by bareland afforestation, after the entry into force of this Law, can be managed by the legal person whose founder is the Republic of Serbia, the Autonomous Province, or a local self-government unit, which fulfils the conditions laid down by this Law and special regulations.

The legal person under paragraphs 1 to 3 of this Article shall satisfy the conditions of personnel and technical capacities.

The conditions of personnel and technical capacities referred to under paragraph 4 of this Article shall be more closely prescribed by the Minister.

3. Management of private forests

Affairs in private forests managed by the Programme

Article 71

Legal person under Article 70, paragraph 1 of this Law provides the professional and advisory support to the owners of private forests managed by the Programme for:

- 1) the drawing up of Annual Plan;
- 2) the drawing up of the programmes of new forests establishment and enhancement of the existing forest;
- 3) tree marking;
- 4) other professional-advisory affairs.

Affairs under paragraph 1 of this Article can also be performed by a forest owners' association under Article 73 of this Law, if it employs a qualified professional.

Affairs under paragraph 1 of this Article in private forests managed by the Programme shall be financed by the Budget of the Republic of Serbia, and on the territory of the Autonomous Province, by the Budget of the Autonomous Province.

Affairs in private forests managed by the Plan

Article 72

Affairs under Article 71, paragraph 1 of this Law in private forests managed by the Plan shall be performed by forest owner.

Forest owners' associations

Article 73

Private forest owners' associations can be organised in the aim of advancement and protection of common rights and interests, in compliance with the special regulation on associations.

The association under paragraph 1 of this Article which possesses more than 100 ha of forests, irrespective of the total forest area (owned by individual owners), has the priority in the utilisation of the Budget Fund, i.e. the Provincial Budget Fund.

The association under paragraph 1 of this Article shall implement the forest management measures laid down by the Programme.

Register of forest owners

Article 74

Forest owners, i.e. forest owners' associations shall be entered in the Register of forest owners.

The Register of forest owners shall be kept by the Ministry.

The Register of forest owners includes particularly the data on the owner, forest area and forest state.

The conditions for the registration in the Register of forest owners and striking off the Register of forest owners, as well as the Register content and method shall be more closely prescribed by the Minister.

4. Forest Council

Article 75

For the purpose of considering the professional issues, giving professional opinions and participating in the realisation of project tasks in the field of forest and forestry development, the Minister, in compliance with the government regulations, shall establish a special Working Group, based on a decision - the Forest Council (hereinafter: The Council).

The Council shall:

- 1) participate in drawing up, analysis and monitoring of the implementation of the national forest and hunting policy, regulations, strategies and programmes;
- 2) consider the analyses, assessments and information on the forest and forestry problems and the proposals of the plans of forest management, rural development and nature conservation;
- 3) consider the research programmes, plans of development and knowledge transfer in forestry and hunting, rural development and nature conservation, and give professional opinions on the proposed projects;
- 4) cooperate with other sectors significant for forests and forestry.

The Council shall consist of minimum five members appointed by the Minister.

The Council shall consist of the representatives of the Ministry, the competent organ of the Autonomous Province, prominent experts and scientists from forest and forestry-related institutions and organisations, as well as the representatives of forest owners.

The resources for the activities of the Council shall be provided by the Budget of the Republic of Serbia.

VII. FINANCING

Resources for financing of the activities of public interest

Article 76

The activities of public interest under Article 4 of this Law shall be financed by:

- 1) resources for forest reproduction;
- 2) Budget of the Republic of Serbia, i.e. the Autonomous Province;
- 3) Budget Fund, i.e. the Provincial Budget Fund.

1. Resources for forest reproduction

Obligation of setting aside the resources

Article 77

The resources for forest reproduction shall be:

- 1) resources for forest reproduction;
- 2) resources for the depreciation of intensive forest plantations.

The resources for the reproduction of naturally regenerated forests, i.e. the resources for the depreciation of intensive forest plantations, shall be set aside by forest user, i.e. owner whose forests are managed in accordance with the Plan.

The resources for forest reproduction under paragraph 1 point 1) of this Article shall be primarily used for forest maintenance and the elaboration of forest management plans, and the unspent resources in the current year shall be used for the financing of the measures laid down by the Forest Development Programmes under Article 19 of this Law, i.e. by the annual programme of resource utilisation in the following year.

Method of calculation of financial resources

Article 78

The basis for the calculation under Article 77 of this Law shall be the market value of the wood products produced at the felling site.

The rate of at least 15 % shall be applied to the basis under paragraph 1 of this Article.

Recording of resources

Article 79

Forest user shall calculate and record the resources under Article 77 of this Law, and also keep records of their utilisation.

2. Resources in the Budget of the Republic of Serbia and the Budget of the Autonomous Province

Article 80

The Budget of the Republic of Serbia, i.e. the Autonomous Province, provides the resources for the priority measures in the development programmes under Article 19 of this Law, i.e. for:

- 1) increase in the forest cover percentage by afforestation;
- 2) improvement of coniferous forest plantations;
- 3) conversion of coppice forests into a higher silvicultural form;
- 4) production of forest reproductive materials.

Resources under paragraph 1 of this Article shall be used in accordance with the medium-term and annual programmes which shall be laid down by the Government, i.e. the executive body of the Autonomous Province.

3. Budget Fund and the Provincial Budget Fund

Budget Fund

Article 81

Budget Fund shall be established for the realisation of the public interest and long-term objectives based on the principles of sustainable forest management laid down by the Forestry Development Programme on the territory of the Republic of Serbia and forest management plans. It shall be conducted separately within the main book of the treasury, on the connected sub-accounts.

Budget Fund shall be established for an indefinite duration.

Budget Fund shall be managed by the Ministry.

After the repeal of the Budget Fund, the rights and obligations shall be taken over by the Ministry.

Sources of the Budget Fund revenues

Article 82

The Budget Fund revenues shall be provided by:

- 1) part of the compensation for the utilisation of forests and forest lands;
- 2) compensation for the protection, utilisation and enhancement of multiple-use forest functions;
- 3) Budget of the Republic of Serbia;
- 4) funds earmarked for rural development, environmental protection, water protection, regional development, and other funds;
- 5) other sources stipulated by the Law.

The sources of the Budget Fund revenues shall also include other incomes, i.e.:

- 1) fines enacted for:
 - criminal act which caused the forest damage,
 - economic offence or offence prescribed by this Law and the Law on the reproductive materials of forest trees,

- economic offence or offence enacted by other Law, if the punishable action caused forest damage;

2) seized benefit, and the income realised by the sale of seized objects during the assessment of responsibility for punishable actions under paragraph 2 point 1) of this Article;

3) income realised by the change in the form of land use;

4) Income realised by alienating state forests and forest lands;

5) income realised by donations.

70% of the resources realised by the compensation for the utilisation of forests and forest lands shall be the income of the Budget of the Republic of Serbia, and 30% of the resources shall be the income of the Budget of the local self-government unit.

The compensations under paragraphs 1 and 2 of this Article shall be the revenue of the Budget of the Republic of Serbia and shall be used for special purposes by the Budget Fund.

Provincial Budget Fund

Article 83

The Provincial Budget Fund shall be established for the realisation of the public interest and long-term objectives based on the principles of sustainable forests management laid down by the Forestry Development Programme on the territory of the Autonomous Province and forest management plans. It shall be conducted within the main book of the treasury, on the connected sub-accounts.

The Provincial Budget Fund shall be established for an indefinite duration.

The Provincial Budget Fund shall be managed by the managing body appointed by the Autonomous Province.

After the repeal of the Provincial Budget Fund, the rights and obligations shall be taken by the competent organ of the Autonomous Province.

Sources of the Provincial Budget Fund revenues

Article 84

The Provincial Budget Fund revenues shall be provided by:

1) part of the compensation for the utilisation of forests and forest lands realised on the territory of the Autonomous Province;

2) compensation for the protection, utilisation and enhancement of multiple-use forest functions realised on the territory of the Autonomous Province;

3) Budget of the Autonomous Province;

4) funds earmarked for rural development, environmental protection, water protection, regional development and other funds for the Autonomous Province;

5) other sources pursuant to the Law;

The compensation under paragraph 1 of this Article, and the compensation in Article 82 paragraph 2 of this Law realised on the territory of the Autonomous Province shall be used for special purposes through the Provincial Budget Fund.

70% of the resources realised by the compensation for the utilisation of forests and forest lands on the territory of the Autonomous Province shall be the income of the Autonomous Province Budget, and 30% of the resources shall be the

income of the Budget of the local self-government unit, located on the territory of the Autonomous Province.

Compensation for the utilisation of forests and forest lands

Article 85

The compensation for the utilisation of forests and forest lands shall be paid by the forest user, i.e. owner.

The basis for the calculation of the compensation under paragraph 1 of this Article, paid by the forest user, consists of the total annual income of the forest user realised by forest management.

The rate of 3% shall be applied to the basis under paragraph 2 of this Article.

The basis for the calculation of compensation under paragraph 1 of this Article, paid by forest owner, consists of market value of wood products produced at the felling site.

The rate of 5% shall be applied to the basis under paragraph 4 of this Article.

Market value of felled wood under paragraph 4 of this Article shall be the price per unit of measurement realised by forest user.

Temporary calculation and the assessment of compensation rate shall be done by the forest user in accordance with the business plan for the current year.

Temporary calculation and payment of compensation shall be done by the forest user no later than the 15th of the current month for the previous month.

Final calculation of the compensation rate for the previous year shall be done by the forest user no later than 15 January of the current year.

Calculation and the assessment of the compensation rate for private forests shall be done during the procedure of tree marking.

Compensation for protection, utilisation and enhancement of multiple-use forest functions

Article 86

Compensation for protection, utilisation and enhancement of multiple-use forest functions shall be paid by legal persons, except legal persons under Article 70 paragraphs 1 to 3 of this Law.

The compensation under paragraph 1 of this Article shall be calculated and paid by the legal person no later than the 15th of the current month for the previous month.

The basis for the calculation of the compensation under paragraph 1 of this Article shall consist of the total annual income of the legal person.

The rate of 0.025% shall be applied to the basis under paragraph 3 of this Article.

Payment of compensation

Article 87

The control of payment and the enforced collection of the compensation under Articles 85 and 86 of this Law, the expiration, collection of interest, and other issues of the compensation collection which are not regulated by this Law, shall be subject to special regulations on tax procedures and administration.

Utilisation of Budget Fund, Provincial Budget Fund, and Budget of the local self-government unit

Article 88

The Budget Fund and the Provincial Budget Fund are used for the implementation of measures laid down by the Development Programmes under Article 19 of this Law, and annual programme of fund utilisation.

In the total Budget Fund, i.e. Provincial Budget Fund, the resources reserved by priority shall be earmarked for the formulation of development plans and programmes, and for financing the measures of forest protection from large-scale hazards (fire, insect outbreaks, and the like), enacted by the medium-term plan of protection against fire, i.e. medium-term plan of forest protection from plant diseases and pests.

The Budget funds of the local self-government unit under Article 82 paragraph 3 and Article 84 paragraph 3 of this Law, shall be used for the establishment of new forests.

Annual programme of utilisation of funds for the purposes under paragraph 1 of this Article shall be laid down by the Government, i.e. the executive body of the Autonomous Province.

The conditions and the method of earmarking and utilisation of funds in the Annual programmes under paragraph 1 of this Article shall be more closely enacted by the Minister.

Shortage of funds

Article 89

If the Budget Fund, i.e. the Provincial Budget Fund in the current year is not sufficient for the obligations imposed by an unexpected forest hazard or essentially different circumstances from those in the drawing up and implementation of forest management plans, which were unpredictable, the absent funds shall be provided by the Budget of the Republic of Serbia, i.e. the Budget of the Autonomous Province and from the funds of forest users.

The unspent resources of the Budget Fund, i.e. the Provincial Budget Fund during the current year shall be transferred to the following year for the same special purposes.

VIII. FOREST VALUE

Article 90

The plans and programmes shall determine the forest value in a manner stipulated by this Law.

Forest value, in the terms of this Law, shall consist of the value of wood, land, other produce, and multiple-use forest functions.

Forest value determined in the plans shall be implemented in the following cases: legal transactions; forest land-use change; forest damage; court and administrative proceeding and disputes, except against final tax administrative act; evaluation and assessment of forest potentials for social development; evaluation of forest management success (in forest certification); monitoring and analysis of forest state; in other cases.

Forest value shall be determined in the year of adoption of forest management plans, and during the validity of the Plans and Programmes, the value of forest parts shall, if necessary, be determined in a manner stipulated by this Law.

The method of forest value assessment shall be more closely prescribed by the Minister.

IX. THE CHAMBER OF FORESTRY ENGINEERS

The Chamber of forestry engineers of Serbia

Article 91

The Chamber of forestry engineers of Serbia (hereinafter: the Chamber) shall be established for the purpose of enhancement of the conditions for professional activities in forestry, the protection of public and individual interests in performing the activities in this field, organisation of service in forestry, as well as for the purpose of realising other goals,

The members of the Chamber shall be forestry engineers.

The Chamber shall be the legal person with the seat in Belgrade.

Affairs of the Chamber

Article 92

The Chamber shall perform the following activities:

- 1) determine the rights and duties and ethical norms of behaviour of the members in performing the activities in Article 91 of this Law;
- 2) determine the fulfilment of the conditions for granting the licence;
- 3) check the compliance of the licences granted by the regulations in other countries;
- 4) keep the records of the licensed persons;
- 5) organise the court of honour for the assessment of the violation of professional standards and norms (professional responsibility), as well as impose the penalties for the violations;
- 6) perform also other activities, pursuant to the Law and the statute.

The organisation and the method of performing the activities under paragraph (1) of this Article shall be regulated more closely by the statute and by the general acts of the Chamber.

The statute and the general acts of the Chamber shall be approved by the Ministry.

The Chamber bodies

Article 93

The Chamber bodies shall be: the Assembly, the Managing Board, the Supervisory Board and the President.

The number, composition, scope, and method of election of the bodies under paragraph 1 of this Article shall be enacted by the statute of the Chamber.

Resources of the Chamber

Article 94

The Chamber resources shall be: the membership fee, compensation for the assessment of conditions for licensing, donations, sponsorships, presents and other sources, pursuant to the Law.

The Chamber shall determine the membership fee and the amount of the compensation for the licence under paragraph (1) of this Article, with the approval from the Minister.

The legality of the activities of the Chamber shall be supervised by the Ministry.

The Licence

Article 95

The licence for professional activities in forest management (hereinafter: the licence) can be earned by a person with University education - second level studies (graduate academic studies - master, specialist academic studies, specialist professional studies), i.e. the basic academic studies of at least four years in the field of forestry, and who passed the state professional examination, and the professional examination for the licence for the particular activities.

The Minister shall enact more closely the programme and method of taking the professional examination for the licence, form of the professional examination record-keeping, and form of the certificate on the passed professional examination.

Procedure for the licence granting and cancellation

Article 96

The procedure for the licence granting and cancellation shall be implemented by the Chamber.

The costs of granting shall be paid by the applicant for the licence.

The Chamber shall start the procedure for the cancellation of the licence by virtue of office, on the proposal of the person authorised for the verification of the professional work of the licencees, and other persons providing the proof that the licencee has committed a gross violation of the profession pursuant to the Chamber statute.

The Chamber shall, at the request and at the expense of the licencee issue a duplicate certificate to the person who has lost the licence certificate.

The Chamber shall keep the register of the granted and cancelled licences.

The Chamber shall publish on its website the list of the persons holding the valid licence, with the contact data of licence holders.

X. PREFORMING THE ACTIVITIES IN FORESTRY

Article 97

The works of forest protection, silviculture and utilisation can be performed only by the legal person, i.e. entrepreneur registered for these activities in the Register of economic subjects if the conditions regarding the equipment and professional staff are fulfilled.

The conditions on the equipment and professional staff under paragraph 1 of this Article shall be more closely prescribed by the Minister.

XI. PROPERTY RIGHTS

1. Trade and lease of forests and forest lands

Alienation and exchange of state forests

Article 98

State forests and forest lands shall not be alienated, except in cases of redistribution and consolidation, and in the cases stipulated by this Law.

A part of a state forest or forest land, in which rational management cannot be organised can be sold by forest user, with the Government approval, under market conditions, or exchanged for a private forest or forest land if such forests are isolated, i.e. if they are enclaves or semi-enclaves in the complexes of state forests.

The funds realised by virtue of paragraph 2 of this Article are the revenue of the Budget of the Republic of Serbia, i.e. Budget of the Autonomous Province, and shall be used for special purposes through the Budget Funds under Articles 81 and 83 of this Law, primarily for the procurement of forests or forest lands, in the aim of enlargement and consolidation of holdings in state ownership.

Lease of state forest lands

Article 99

State forests shall not be leased.

State-owned forest lands can be leased prior to the reinstatement determined by forest management plans.

Right of prior purchase (preemption)

Article 100

Forest owner intending to sell a forest which is bordering a state forest shall offer the forest first to the forest user.

Forest owner shall state in the offer the selling terms and conditions.

Forest user shall assert the right of preemption within 30 days.

If the right of preemption is not asserted within the given term, the forest owner can sell the forest under the same conditions as offered, or under more favourable conditions.

The sales contract concluded contrary to the provisions in paragraphs 1 to 4 of this Article shall be null and void.

2. Consolidation of forests and forest lands

Article 101

The consolidation of forests and forest lands can be performed in compliance with special regulation on the consolidation of agricultural land.

Forest and forest land managed by consolidation shall not be fragmented into plots of less than 0.5 ha.

The body competent for the consolidation shall, prior to the decision on the consolidation, get the approval from the Ministry, and on the territory of the Autonomous Province, from the competent organ of the Autonomous Province.

3. Delineation of forest boundaries, Property registration and record keeping

Property registration and record keeping

Article 102

Forest owner shall initiate the prescribed procedures through the competent bodies for: solution of disputable property rights; acquisition and procurement of prescribed documents on property rights; registration of the rights in public registry books kept by the organs competent for the registry of immovable property; division of co-owned forests, and the identification and delineation of forest boundaries.

Private forests managed by the Programme cannot be fragmented into plots of less than 0.5 ha.

Forest owner, i.e. forest user in the region subject to forest inventory for the purposes of drawing up of forest management plans, or the projects of forest and land consolidation or reallocation, shall allow free access to the persons dealing with the above affairs.

Forest user shall establish and keep the files of the prescribed documents on the acquisition of property rights.

Delineation of forest boundaries

Article 103

Forest owner, i.e. forest user shall, in compliance with the special regulation on the state land survey and cadastre, delineate the boundaries of his forests, to the extent and term laid down in forest management plans.

Forest user shall fulfil the obligation under paragraph 1 of this Article in compliance with the Annual programme of delineation of forest boundaries, which shall be laid down no later than 31 October of the current year for the following year.

The programme under paragraph 2 of this Article shall be approved by the Ministry, and on the territory of the Autonomous Province, by the competent body of the Autonomous Province, no later than 30 days from the day of the programme submission.

The delineation of state forest boundaries shall be financed by the Budget of the Republic of Serbia, and on the territory of the Autonomous Province by the Budget of the Autonomous Province.

The Minister shall prescribe more closely the method of programme elaboration under paragraph 2 of this Article.

XII. SUPERVISION

The supervision over the implementation of the Law

Article 104

The implementation of the provisions of this Law and regulations passed based on this Law shall be supervised by the Ministry through the forestry inspector within the range prescribed by this Law.

The Autonomous Province shall be assigned, as a government commitment, the supervision over the implementation of the provisions of this Law in forest regions on the territory of the Autonomous Province.

Conditions to be satisfied by forestry inspector

Article 105

Forestry inspector affairs shall be performed by a person with University education - second level studies (graduate academic studies - master, specialist academic studies, specialist professional studies), i.e. the basic academic studies of at least four years in the field of forestry, forestry department, and with completed state professional examination and with no less than five years of work experience in the area of expertise.

Official identity card and uniform

Article 106

In exercising the supervision activities, forestry inspector shall possess the official identity card.

Forestry inspector performs inspection supervision in a prescribed uniform.

The form and content of the identity card, the appearance of the uniform, and the method of keeping the records on the issued official identity cards shall be more closely prescribed by the Minister.

Obligations of the inspected persons

Article 107

Physical and legal persons shall allow the forestry supervision, and make available and submit to the forestry inspector without delay all the proofs and make the statement on the facts significant for the assessment of the irregularities in the implementation of regulations.

Rights and duties of forestry inspector

Article 108

In exercising the inspection, forestry inspector shall have the right and duty to determine and supervise the following:

- 1) implementation of forest management plans;
- 2) operational projects which enable the production of good-quality wood products (technical roundwood);
- 3) do the plants for the primary conversion of wood process the marked wood;
- 4) is the forest which is by spatial or town plan (regardless of the assessed public interest) designated as built up area managed prior to its planned land use pursuant to the Law;
- 5) are the dangerous and harmful substances discharged and deposited in the forest and on forest land;
- 6) is the leased forest land used in accordance with the provisions of this Law prior to the planned land use;
- 7) is forest felling performed in accordance with provisions under Article 59 of this Law;
- 8) does the user of mineral resources on forest land have the necessary documents for the quarrying of mineral resources;
- 9) is the forest land-use change done in accordance with the provisions of this Law and the special regulation on land-use changes of forests and forest lands;

10) business books and other documents to control the implementation of this Law;

11) maintenance and establishment of forest order;

12) implementation of middle-term plan of forest protection from plant diseases and pests;

13) are the resources realised by the compensation for the utilisation of forests and forest lands and the compensation for protection, utilisation and enhancement of multiple-use forest functions used pursuant to the Law;

14) implementation measures which shall be financed by the Budget Fund, i.e. the Provincial Budget Fund;

15) are the other provisions stipulated by this Law also implemented.

Authorisations of the forestry inspector

Article 109

In performing the activities under Article 108 of this Law, forestry inspector is authorised and shall:

1) temporarily suspend forest utilisation which is not performed under the conditions laid down by this Law and regulations enacted based thereon;

2) temporarily seize forest products and objects used in the economic offence, i.e. offence and objects which are created or acquired by performing these activities;

3) calculate forest damage and order the person to pay to the account of the Budget Fund, i.e. the Provincial Budget Fund;

4) instruct the execution of works defined by forest management plans, the absence of which in the prescribed time limit can cause harmful consequences;

5) in urgent cases, which might cause damage to public interest, order damage prevention measures;

6) enact physical or legal person a fine for an offence prescribed by this Law;

7) request the initiation of an official procedure and lodge a complaint against economic offence of a breach of this Law and regulations based thereon;

8) undertake other measures pursuant to the Law.

Measures under paragraph 1 points 1) to 6) of this Article are instructed by the decision of the forestry inspector.

Authority for the decision on the appeal

Article 110

Against a decision of the forestry inspector, an appeal may be lodged with the Minister within eight days from the day of its issuance.

The Minister shall decide on the appeal within 15 days from the day of the appeal submission.

The appeal does not postpone the enforcing of the decision.

The Minister's decision under paragraph 2 of this Article shall be final, and an administrative dispute can be initiated against it.

XIII. PENALTY PROVISIONS

Economic offence

Article 111

Legal person shall be fined RSD 300,000 to 3,000,000 for the following economic offences:

- 1) forest devastation and clear cutting (Article 9, paragraph 1, point 1);
- 2) clear cutting which is not planned as a regular form of forest regeneration (Article 9, paragraph 1, point 2);
- 3) felling which is not consistent with the forest management plan (Article 9, paragraph 1, point 3);
- 4) felling of rare and protected tree species (Article 9, paragraph 1, point 4);
- 5) tree girdling (Article 9, paragraph 1, point 5);
- 6) felling seed stands and seed trees which are not planned by forest management plans (Article 9, paragraph 1, point 8);
- 7) land-use change of forest and forest lands contrary to Article 10, paragraph 1 of this Law;
- 8) tree felling, destruction of young growth and seed collection of strictly protected and protected forest tree species, laid down by special regulation (Article 13, paragraph 1);
- 9) failing to restore forest by afforestation in accordance with Article 16, paragraph 1 of this Law;
- 10) failing to restore the old felling areas and burnt areas in accordance with forest management plans (Article 16, paragraph 3);
- 11) failing to reinstate the land which contains spoil banks, stock piles of slag and ash, and other dangerous and harmful substances under the conditions and in a way stipulated under Article 16, paragraph 4 of this Law;
- 12) failing to enact the Plan (Article 25, paragraph 1);
- 13) failing to implement forest management plans in accordance with Article 29 of this Law;
- 14) failing to enact the Annual Plan in accordance with Article 30 of this Law;
- 15) failing to enact the Operational Project in accordance with Article 31 of this Law;
- 16) failing to enact Project of utilisation of other forest products and Project of utilisation of other forest functions in accordance with Article 32 of this Law;
- 17) failing to enact Project for the establishment of short rotation plantations in accordance with Article 33 of this Law;
- 18) failing to perform forest guarding in accordance with Article 39, paragraphs 1 and 3 of this Law;
- 19) failing to monitor forest health and the risk of natural disasters (Article 39, paragraph 2);
- 20) failing to organise forest guarding service (Article 39, paragraph 4);

21) failing to monitor the effects of biotic and abiotic factors on forest health and undertake timely measures for the protection of forests and forest lands (Article 42 paragraph 1);

22) failing to allocate the resources for forest reproduction i.e. resources for the depreciation of intensive forest plantations in accordance with the Plan (Article 77, paragraph 2);

23) use of resources for forest reproduction contrary to provision under Article 77, paragraph 3 of this Law;

24) failing to calculate and record the resources under Article 77 of this Law, i.e. failing to keep the record of their utilisation (Article 79);

25) use of the Budget Fund, i.e. the Provincial Budget Fund resources contrary to Article 88 of this Law.

For the economic offence under paragraph 1 of this Article the responsible person of a legal entity shall also be fined RSD 100,000 to 200,000.

For the economic offence under paragraph 1 of this Article, in addition to a fine, a protective measure of prohibiting the performance of a business activity can be imposed on the legal person, i.e. a protective measure of prohibiting the responsible person to conduct specific duties for the period of six months to five years.

For the economic offence under paragraph 1 points 1), 2), 3), 4), 5), 6), 7) and 8) of this Article, in addition to a fine, a legal person can be imposed a protective measure of seizure of articles used or intended for the economic offence, or articles created or acquired by the commission of the economic offence.

Offences committed by legal person

Article 112

Legal person shall be fined RSD 100,000 to 1,000,000 for the following offences:

1) grazing or pasturing cattle and acorn feeding in forest (Article 9 paragraph 1 point 6);

2) harvesting other forest products (mushrooms, fruits, medicinal plants, snails, etc.) under Article 9 paragraph 1 point 7) of this Law;

3) quarrying stone, gravel, sand, humus, earth and peat, except for the construction of infrastructure for forest management (Article 9 paragraph 1 point 9);

4) unauthorised occupation of forests, destruction or damage of forest plantations, marks and border signs, the construction of improvements which are not in the function of forest management (Article 9 paragraph 1 point 10);

5) disposal of waste, residues and other harmful dangerous substances, as well as forest contamination in any way (Article 9 paragraph 1 point 11);

6) also other activities which reduce the forest yield capacity or endanger forest functions (Article 9 paragraph 1 point 12);

7) failing to keep records of the works, i.e. failing to keep forest chronicle, in accordance with Articles 34 and 35 of this Law;

8) failing to comply with the recommendations and proposals of a legal person authorised for reporting and diagnostic-prognostic services in forest health monitoring and for the measures of forest protection from plant diseases and pests, and failing to submit the samples of materials within the term, in a manner and by

procedure stipulated by the Plan, under Article 43 paragraph 1 of this Law (Article 44 paragraphs 3 and 4);

9) failing to enact the plan of forest protection against fire in accordance with Article 46 paragraphs 1 to 4 of this Law;

10) in the event of fire, failing to inform the nearest firefighting and rescue unit at the Ministry competent for internal affairs and the Ministry, and on the territory of the Autonomous Province, the competent organ of the Autonomous Province and failing to submit the report to the Ministry, and on the territory of the Autonomous Province, the competent organ of the Autonomous Province, within eight days from the day of the event of fire (Article 46 paragraphs 6 and 7);

11) setting open fire in the forests and on the land in the vicinity of the forest, at the distance less than 200 metres from the forest boundary (Article 47 paragraph 1);

12) failing to compensate for the damage to forest owner or forest user for the damage inflicted to forest (Article 48 paragraph 1);

13) disposing garbage, toxic substances and other waste, and constructing the improvements for their storage, conversion or destruction, in the forest and on forest land at the distance less than 200 metres from the forest (Article 49 paragraph 1);

14) failing to prevent the disposal of garbage, toxic substances and other dangerous waste in the forest and in the vicinity of forest and failing to notify the Ministry, and on the territory of the Autonomous Province, the competent organ of the Autonomous Province (Article 49 paragraph 2);

15) failing to prevent the disposal of garbage, toxic substances and other dangerous waste, and the construction of the improvements for their storage, conversion or destruction, in the forest and on forest land at the distance less than 200 metres from the forest, and failing to undertake all measures to restore the damaged forest (Article 49 paragraph 3);

16) drainage and other works which can change the forest water regime and endanger forest survival or vitality (Article 50 paragraph 1);

17) acting contrary to Article 50 paragraph 2 of this Law, during the elaboration and implementation of the project of headwater management in forest ecosystems,

18) failing to get the approval from the Ministry for the works under Article 50 paragraphs 1 and 2 of this Law, and on the territory of the Autonomous Province, from the competent organ of the Autonomous Province (Article 50 paragraph 3);

19) acting contrary to the prohibitions under Article 51 paragraph 1 of this Law;

20) failing to mark with visible warnings the forest part with the restricted access (Article 51 paragraph 4);

21) pasturing, browsing, or acorn feeding in forest contrary to Article 52 of this Law;

22) failing to keep the game number and species at the level that does not disturb the biological balance of the forest ecosystem, and failing to prevent the implementation of the forest management goals (Article 53 paragraph 1);

23) laying down hunting plan documents which do not comply with the Regional Development Plan, Forest Management Plans and Programmes (Article 53 paragraph 2);

- 24) intensive rearing of large game in fenced areas of the forests in which the regeneration process is underway (Article 53 paragraph 3);
- 25) managing seed forests contrary to Article 54 of this Law;
- 26) works in seed forests contrary to Article 55 of this Law;
- 27) failing to provide forest reproductive material of autochthonous tree species in accordance with the Balance (Article 56 paragraph 1);
- 28) selecting, marking and recording of the trees for felling contrary to Article 57 of this Law;
- 29) tree marking contrary to Article 58 paragraphs 1 to 6 of this Law;
- 30) forest felling contrary to Article 59 paragraphs 1 to 3 of this Law;
- 31) trade of timber felled in the forest or outside the forest, i.e. wood assortments not marked (branded) with clearly visible forest mark (Article 60 paragraph 1);
- 32) marking (branding) the felled wood by persons who are not professionals (Article 60 paragraph 3 of this Law);
- 33) wood conversion by the plants for mechanical conversion of wood if the wood has not been branded in a manner stipulated by this Law (Article 60 paragraph 5);
- 34) failing to register the received wood in the book of records of the plant for mechanical conversion of wood (Article 60 paragraph 6);
- 35) failing to establish and failing to maintain forest order (Article 61 paragraphs 1 and 2);
- 36) harvesting of other forest products contrary to Article 62 of this Law;
- 37) constructing the improvements in forests contrary to Article 63 of this Law;
- 38) planning, construction, maintenance and utilisation of technical infrastructure contrary to Article 64 of this Law;
- 39) use and maintenance of forest roads contrary to Article 66 paragraphs 1 to 3 of this Law;
- 40) use of forest roads for sport competitions contrary to Article 66 paragraph 4 of this Law;
- 41) failing to conduct the cadastre of forest roads which are used for forest management purposes (Article 66 paragraph 5);
- 42) failing to keep and update the records on forests and forest lands in accordance with Article 67 paragraphs 1 and 2 of this Law;
- 43) failing to implement the forest management measures laid down by the Programme (Article 73 paragraph 3);
- 44) performing works on forest protection, silviculture and utilisation, without fulfilling the conditions under Article 97 paragraph 1 of this Law;
- 45) alienation of state forests and forest lands contrary to Article 98 paragraph 1;
- 46) exchange of state forest or forest land contrary to Article 98 paragraph 2 of this Law;
- 47) lease of state forests (Article 99 paragraph 1);

- 48) lease of state forest land contrary to Article 99 paragraph 2 of this Law;
- 49) sale of forest which is not previously offered for sale to the forest user, if it is bordering a state forest (Article 100 paragraphs 1 and 2);
- 50) failing to allow free access to the persons working on forest inventory for the drawing up of forest management plans, i.e. projects of forest and land consolidation or reallocation (Article 102 paragraph 3);
- 51) failing to establish and keep the files of the prescribed documents on acquisition of the property rights (Article 102 paragraph 4);
- 52) failing to enact the programme of delineation of boundaries and failing to delineate the boundaries of his forests pursuant to that programme (Article 103 paragraphs 1 and 2);
- 53) failing to get the approval from the Ministry, and on the territory of the Autonomous Province, from the competent organ of the Autonomous Province, for the Annual programme of delineation of forest boundaries (Article 103 paragraph 3);
- 54) failing to comply to the decision of the forestry inspector, pursuant to the Law.

The responsible person of a legal entity shall also be fined for the offence under paragraph 1 of this Article, in the amount of RSD 25,000 to 50,000.

For the offence under paragraph 1 points 1), 2), 3), 5), 10), 12), 15), 20), 27), 29), 30), 32), 35) and 43) of this Article, in addition to a fine, a protective measure can be enacted, i.e. the seizure of objects used for committing the offence or created or acquired by committing the offence.

Offences committed by a physical person

Article 113

A physical person shall be fined in the amount of RSD 10,000 to 50,000 for the offence if he commits the activities under Article 107 and Article 111 paragraph 1 points 1), 2), 3), 4), 5), 6), 7), 8), 19) and 21), and Article 112 paragraph 1 points 1), 2), 3), 4), 5), 6), 8), 11), 12), 13), 14), 15), 16), 19), 21), 28), 29), 35), 36), 49), 50), 53) and 54) of this Law.

For the offences under Article 111 paragraph 1 points 1), 2), 3), 4), 5), 6), 7) and 8) and Article 112 points 1), 2), 3), 5), 11), 14), 16), 21), 30) and 35) of this Law, in addition to a fine, a protective measure can be enacted, i.e. the seizure of objects used for committing the offence or created or acquired by committing the offence.

For the committed offences under Article 112 paragraph 1 points 1), 2), 3), 4), 5), 6), 8), 11), 13), 15), 16), 19), 21), 35), 36), 53) and 54) of this Law, the forestry inspector can collect a fine in the amount of RSD 5,000 from a physical person on the spot.

XIV. INTERIM AND FINAL PROVISIONS

Harmonisation of activities of legal persons which manage state forests

Article 114

Public Enterprise for Forest Management "Srbijašume" and Public Enterprise for Forest Management "Vojvodinašume" which on the day of entry into force of this Law perform forest management shall harmonise their activities and general acts with the provisions of this Law no later than a year from the day of entry into force of this Law.

Other legal persons which manage state forests, and forest owners which manage forests in accordance with the Plan, shall harmonise their activities and general acts with the provisions of this Law no later than a year from the day of entry into force of this Law.

Establishment of the Forest Council

Article 115

The Minister shall establish the Forest Council within three months from the day of entry into force of this Law.

Deadline for the adoption of acts by virtue of this Law

Article 116

Development programmes under Article 19 of this Law shall be enacted within a year from the day of entry into force of this Law.

By-laws adopted by the Government, i.e. the executive body of the Autonomous Province, based on the authorisations by this Law, shall be enacted within five years from the day of entry into force of this Law.

Dynamics of the Plan and Programme enactment

Article 117

The dynamics of passing the Plans and Programmes in accordance with the provisions of this Law shall be prescribed by the Minister.

Plans and Programmes which are enacted in accordance with provisions of the Law on Forests ("Official Gazette RS", Nos. 46/91, 83/92, 53/93 - other law, 54/93, 60/93 - amendment, 67/93 - other law, 48/94 - other law, 54/96 and 101/05 - other law) shall be applied prior to the enactment of the Plans and Programmes in accordance with the dynamics laid down in a manner under paragraph 1 of this Article.

Temporary forest management programme

Article 118

Until the enactment of the programmes pursuant to the Law, private forests shall be managed based on forest management programmes which shall be laid down by forest user no later than 31 October of the current year for the following year and which shall be approved by the Ministry, and on the territory of the Autonomous Province, by the competent organ of the Autonomous Province.

Application of by-laws

Article 119

By-laws laid down by the Minister based on the powers of this Law shall be enacted no later than two years from the entry into force of this Law.

Prior to the adoption of by-laws based on the powers of this Law, the regulations enacted based on the Law on Forests shall apply ("Official Gazette RS", Nos. 46/91, 83/92, 53/93 - other law, 54/93, 60/93 - amendment, 67/93 - other law, 48/94 - other law, 54/96 and 101/05 - other law), if not contrary to this Law.

Cessation of validity of the Law

Article 120

On the day this Law enters into force, the following Laws shall cease to apply: the Forest Law ("Official Gazette RS", Nos. 46/91, 83/92, 53/93 - other law, 54/93,

60/93 - amendment 67/93 - other law, 48/94 - other law, 54/96 and 101/05 - other law), except the provisions of Articles 9 to 20 of the Law.

Entry into force of this Law

Article 121

This Law shall enter into force on the eighth day from the date of its promulgation in the "Official Gazette of the Republic of Serbia", and it shall be applied after six months from the date following the entry into force.