



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No.02/L-18

ON NATURE CONSERVATION

The Assembly of Kosovo,

Based on Regulation No. 2001/9 of 15 May 2001 on the Constitutional Framework of the Provisional Institutions of Self-Government in Kosovo, and especially Chapters 5.1(i), 5.7, 9.1.26 (a), 9.3.3. ;

Recognizing the need to bring environmental standards in Kosovo into harmony with those of the European Union;

Committed to the goal of providing the people of Kosovo with an increasingly healthy environment;

Hereby adopts the following:

LAW ON NATURE CONSERVATION

I. GENERAL PROVISIONS

Article 1

The scope of the law

1.1. This law stipulates the system for the conservation of nature throughout the territory of Kosovo.

1.2. The nature values stipulated in accordance with this law are in the the interest of Kosovo and enjoy special protection.

Article 2

Aim of the law

This law creates the basic requirements for nature conservation and for its sustainable utilization, in particular:

- a) Conservation, renewal and sustainable utilization of nature and the nature renewable resources;
- b) Restoration of damaged nature conservation zones and of their natural habitats and species;

- c) Maintenance and restoration of the ecological balance of nature;
- d) Establishment of planning, management, information and funding systems for nature conservation;
- e) Accomplishment of the goals determined within the policies on nature conservation;
- f) Reduction of the over-utilization of and damage to entire species of flora and fauna, especially important species, as well as their habitats;
- g) Public access to information and right of participation in nature conservation;
- h) Ensuring a right of citizens to a healthy environment, and to natural amenities for relaxation and recreation;
- i) Ensuring bio-diversity through the conservation of important natural habitats and important species of wild flora and fauna at favorable conservation status;
- j) Bringing environmental standards in Kosova into harmony with those of the European Union, pursuant to section 5.7 of the Constitutional Framework for Provisional Self-Government.

Article 3 Special laws

3.1. Conservation and protection of nature, water, air, forests and other specific components of nature will be regulated by special laws.

3.2. Provisions of this law or provisions of Law on Environment protection will be implemented for the conservation and protection of elements of the natural heritage undetermined by a special law.

Article 4 Implementation of the law

4.1. Provisions of this law will be implemented in the territory of Kosovo for all physical and legal persons and associations, which might be holders of rights and obligations according to provisions of this law.

4.2. This law will not be implemented in the occasion of avoiding of direct risk for life or health of the people or assets as well as performing the activities for the protection of Kosovo.

4.3. Provisions specified in paragraph 2 of this article will be implemented as long as the circumstances exist.

II. DEFINITIONS

Article 5 Definitions

The terms used in this law have the following meaning:

Nature - the entire biological and landscape diversity.

Biodiversity - means a genetic diversity of types and eco-systems.

Damaging of nature - damaging of the nature or its parts towards any kind of change or nature contamination or usage of the nature up to the level of impossibility for renewal and return to the previous nature status (quality), with a negative impact on flora and fauna.

Ecological network - a coherent system composed of all designated zones of conservation hosting the habitat types and habitats of species protected under this Law, which functions to enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favorable conservation status in their natural range.

Fossils - Conserved complexes, parts or impression of died organisms and their vital activities.

Natural habitats - terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural.

Habitats of a Species - an environment defined by specific biotic and abiotic factors in which the specific species of plant or animal lives at any stage of its biological cycle.

General interpretation- Any term that is used both in this Law and in the EC Wild Birds Directive (79/409) or Habitats Directive (92/43) shall have the meaning that is given in the EC Directive except if it is clearly intended in a different way.

Red book - register of plants, animals or mushrooms which are in danger classified through the category of danger referring to relevant annexes of EU Directives 79/409 and 92/43.

Important Species - Species of specific importance for Kosovo and species listed in the EU Habitats Directive (92/43) or in the EU Wild Birds Directive (79/409) and the relevant annexes, and which are in danger, sensitive and require special care. Other species may be identified as important which, within the territory of Kosovo, are:

- (i) Endangered;
- (ii) Vulnerable, i.e. believed likely to become endangered in the near future if the situation continues; or
- (iii) rare, i.e. with small populations that are not at present endangered or vulnerable, but are at risk; or
- (iv) endemic and requiring particular attention by reason of the specific nature of their habitat and / or the potential impact of their exploitation on the habitat and / or the potential impact of their exploitation on their conservation status.

Species - each type, sub-type or geographic population, especially each type of animals or plants, dead or alive, each part easily recognized or each part formed by them.

Important natural habitat types - natural habitat types within the territory of Kosovo which:

- (i) are in danger of disappearance in their natural range;
- (ii) have a small natural range; or
- (iii) present outstanding example of typical characteristics of a local habitat type, referring to the EU Directive 92/43.

Nature conservation - a series of measures required maintaining or restoring the natural habitats and the populations of species of wild fauna and flora at a favorable conservation status as defined above.

Minerals - chemical homogenous elements or crystallized amorphous combinations or of certain form. Under a context of this law, minerals are not object of minerals.

Ministry - means Ministry of Environment and Spatial Planning established by the Regulation 2001/19 and 2002/5.

Minister - means Minister of Environment and Spatial Planning established by the Regulation 2001/19 and 2002/5

MAFRD - means Ministry of Agriculture, Forestry and Rural Development established by the Regulation 2001/19.

KEPA - Kosovo Environment Protection Agency, established by Law 2003/9.

Genetic Modified Organisms - organisms (plants, animals, microorganisms and their parts) created through genetic engineering respectively genetic modifications as defined under EU Directive 2001/18/EC.

Landscape - certain space viewed by a human, whose characteristics are as a result of activities and intercommunion of natural factors and/or human.

Environment consent - a document on approval or refusal of the project.

Nature components - the elements of nature such as flora and fauna, living organisms and their natural ecological systems, biodiversity (or its components), living artificial environment, land, landscape, natural resources or mutual interaction of these elements.

Conservation Status of Natural Habitats - the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species. The conservation status of a natural habitat will be taken as favorable when:

- its natural range and areas it covers within that range are stable or increasing;
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favorable as defined below (refer).

Conservation Status of a species - the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory. The status of conservation shall be considered favorable if:

- i. population dynamics data of the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- ii. the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- iii. there is, and probably will continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Sustainable utilization - utilization of nature elements in a manner and level not to exhaust their renewable capabilities or cause a reduce of the natural resources and biological and landscape variety, and to keep their potential since of the beginning to meeting requirements and needs of the current and future generations;

Zone I of protection - is a zone with extraordinary natural characteristics, rare species and plants and animals in danger. This zone is strictly protected.

Zone II of protection - is a zone characterized with eco-systems, landscape and other values in which may be exercised activities, which are not in contradiction to dedications of protection.

Zone III of protection - is a zone dedicated to constructing facilities for recreations, tourism and for the needs of permanent residents within the territory of National Park.

Cave - underground lacuna/ space longer than 5 meters created on natural conditions on engagement of the factors with not organic origin.

Nature goods - all the components of nature that are used by human for economic aim. The nature goods shall be not regeneration (mineral materials) and suitable (biological goods, water, regeneration land).

Natural values - Part of the natures which deserving special protection to save the biological and landscape diversity for their sensitivity or scientific, cultural, esthetic, educative and economic interest.

Nature conservation values - Nature value promulgated by the determined bodies by this law and registered in the register for nature protected value.

Zone - a geographically defined area whose extent is clearly delimited.

Sustainable development - system of conditions and social economic activities protecting wild types and artificial living environment for current and future generations, reasonable utilization of natural resources toward preserving the eco-systems, ensuring the quality of life and preserving of biological-cultural diversity in a long term periods within the aspect of ecosystem as a entirety.

Project - any proposed activity, operation, undertaking, development, change in the use of land or significant extensions and other alterations, (considered by a competent authority to be a substantial change in an installation or a change in operations which may have significant negative impacts on the environment or human health), which cannot be implemented without an environmental consent or environmental permit.

III. BASIC PRINCIPLES

Article 6

Public authorities while implementing the provisions of this law, must have regard to the following principles:

a) **Principle of collaboration**- All physical and juridical persons are obligated to act to conserve nature, collaborate to prevent those activities which jeopardize or damage nature, undertake measures to reduce damage, to eliminate negative consequences of such activities, and to renew the damaged nature conservation zones.

b) **Principle of sustainability**- Usage of all types of Flora and Fauna, minerals and the territories with special or approximate natural characteristics might take place up to the level, which does not harm the biological and landscape diversity.

c) **Principle of integration**- Nature conservation interests will be considered while determining strategies on economic development, spatial planning and implementation of the measures defined by government institutions.

d) **Polluter-pays principle, exploiter of nature pays-** Polluters and exploiters of nature are obligated to pay the expenses, taxes, and fees levied on pollution or exploitation of nature or natural resources.

e) **Principle of education and schooling-** Awareness on implementation of this law and other legal acts on nature conservation will be achieved through schooling and education.

f) **Principle of responsibility-** Managing institutions, public and economic subjects are especially obligated to take care for: sustainable development while achieving the activities of economic exploitation of renewable and non-renewable resources; prevention, reduce of risk and damages for health of the people.

g) **Principle of effective management for nature conservation-** The organs of central and local power shall ensure and coordinate an effective management for nature conservation.

IV. DOCUMENTS ON NATURE CONSERVATION

Article 7

Strategy and plan of action for nature conservation

7.1. The documents on nature conservation shall include the following: strategy and plan of action, and program on nature conservation.

7.2. The Strategy and plan of action on nature conservation be processed once in a document containing the duties and policy on nature conservation, and also offer the supervision and protection of other important elements of the natural heritage.

7.3. Further to paragraph 2 of this article, the strategy and plan of action on nature conservation, contains the following:

- a) General description of nature conservation zones and important activities for preserving bio-diversity;
- b) General demands as well as sectorial and intersectorial obligations to protecting and preserving the nature conservation zones, landscapes and other natural features;
- c) Proposing measures for sustainable exploitation of natural resources;
- d) Mid and long term duties for protecting and preserving important species, minerals, nature conservation zones for determination of new nature conservation zones;
- e) Mid and long term duties for establishing and maintaining the ecological network;
- f) Mid and long term duties for maintaining of sensitive living environments and ecosystems;
- g) System of important conditions and principles specified in point a.,b,c, and d of this paragraph;
- h) Mid and long term programs on research, development, demonstration and educational duties to popularize the cause of nature conservation;
- i) Planning of funding sources;

- j) Principles for the establishment and functioning of the monitoring system, gathering of data, registration and assessment of landscapes, types, minerals and the territories with special or approximate natural characteristics.

7.4. The Assembly of Kosovo on a basis of Government proposal approves the Strategy and Plan of Action on nature conservation.

Article 8 Programs for Nature Conservation

8.1. The Municipalities Assemblies issue the program for nature conservation on their administrative territory.

8.2. The programs contain the detailed conservation measures that derive from the requirements of this law.

V. RESPONSIBLE BODIES FOR NATURE CONSERVATION

Article 9

9.1. Administrative and professional tasks are carried out by the Ministry and the offices of Municipal administration for nature conservation.

9.2. Professional tasks on Nature Conservation for Kosovo to be undertaken by the Institute of Kosovo for Nature Conservation (hereinafter: Institute) based within KEPA shall include the following:

- a. collection and elaboration of data regarding nature conservation;
- b. drafting of determined base lines for important species, important habitat types, ecosystems and landscapes, for the purpose of determining conditions for nature conservation, for management of nature conservation areas, and for the exploitation of natural resources;
- c. monitoring the state of biological and landscape diversity and proposal of measures for nature protection;
- d. undertaking statistical analyses, collection of results and drafting of reports on the state of nature conservation;
- e. Implementation of international acts for nature protection.

9.3. Means for carrying out of the activity of the Institute determined by this law are provided by the Kosovo budget and from other resources in accordance with this law.

Article 10

10.1. The municipalities have an obligation, in accordance with this law, the Strategy and Action plan for Nature Conservation, and documentation for Spatial Planning to:

- a. take care for conservation of biological and landscape diversity within their territories;
- b. designate nature conservation zones that are within their territories / jurisdiction ;

- c. provide conditions for the protection and preservation of nature conservation zones that are within their territories / jurisdiction;
 - d. Participate in the procedure for the designation of areas as nature conservation zones to be promulgated by the Government and Assembly;
 - e. Participate in the drafting of plans for the management of nature conservation Zones that are within their territories / jurisdiction;
 - f. Keep the register of information relevant to nature conservation;
 - g. Inform the public of the state of nature conservation within their territories and undertake general measures for nature conservation;
 - h. Undertake any other tasks determined by this law and provisions issued under this law.
- 10.2. Means for undertaking activities for nature conservation are provided by Municipalities through their budgets and from other resources in accordance with this law.

VI. GENERAL MEASURES ON NATURE CONSERVATION

Article 11 Protection of landscapes

11.1. Landscape protection aims to protect the following:

- a) characteristics of eco-systems, rare and endangered species
- b) characteristics of landscape in danger
- c) recreational values of landscapes

11.2. The environmental consent will be issued if the proposed project does not negatively impact upon the natural characteristics of the landscape or its important species or habitat types.

11.3. The negative impact according to paragraph 2 occurs if a proposed project may cause:

- a) negative impact to one or more of important species or to important habitat types, or
- b) if it is expected to cause a major irregularity in the functioning of the ecosystem.

11.4. Exceptionally, the proposed project which would normally be prohibited according to paragraphs 2 and 3 of this article might be allowed where it is considered necessary in light of imperative reasons of overriding public interest, including reasons of a social or economic nature.

- a) the competent authority shall take appropriate steps to avoid, in such areas, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbances could be in relation of the objectives of this law;
- b) any proposed project likely to have a significant effect on the management of the site, either individually or in combination with other projects shall be subject to appropriate assessment of its impacts and the competent authority all agree to the

- proposed project only after having ascertained that it will not adversely affect the integrity of the site concerned;
- c) if, in spite of a negative assessment of the implications for the site, a proposed project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the competent authority shall require that all compensatory measures necessary are taken to ensure the overall coherence of the ecosystem concerned.

11.5. The subsidiary act shall indicate which public interests may enjoy priority over nature conservation, and in what circumstances.

Article 12 Protection of species of wild fauna and flora

12.1. Protection of species comprise:

- a). Protection of wild plants and animals by human destroying ,
- b). Protection and conservation of habitats to species of wild flora and fauna,
- c). Prolificacy and proliferation of rare species of wild fauna and flora to appropriate places for their development and proliferation.

12.2. Legal provisions on right of hunting, fishing and using of forestry be not affected by provisions of the article

Article 13

13.1. The ministry determines through sub normative acts:

- a). List of wild fauna species for particular protection
- b). List of wild flora species for particular protection

13.2. Extinguishment, damage, killing, displacement and disturbing of protected species determined through sub normative act of Article 12 as well as the protected fowls through European Directive 79/409/EEC is forbidden and is sanctioned through provisions of the Law and provisions of Provisional Penal Code of Kosovo.

13.3. Persons who do not inform the competent authorities for actions not in compliance with Article 12.1 shall be subject of legal sanction.

Article 14 Obligations of owners or land users

Land owners where are found the protected habitats are obligated to:

- a). Preserve and care of species and habitats,
- b). Report to the competent authorities on possible changes,
- c). Allow the research and scientific activities on protected species and habitats.

Article 15
Protected Flora

15.1. For the important species of flora listed in the Red Book the following is prohibited:

- a) the deliberate picking, collecting, cutting uprooting or destruction of such plants.
- b) the keeping, transport, sale and exchange of them.

15.2. The prohibition specified in paragraph 1 of this article applies to all phases of the plants' life-cycle.

15.3. The Minister may, by a subsidiary act, on agreement of MAFRD stipulate the list of species of flora which are subject to the prohibitions specified in paragraph 1 of this article until the issuance of the Red Book.

Article 16
Protected fauna

16.1. For the species of fauna listed in the Red Book the following is prohibited:

- a) intentional capture or killing of specimens of these species in the wild;
- b) intentional disturbance, especially during the period of breeding, rearing of young, hibernation or migration;
- c) intentional destruction or taking of eggs from the wild;
- d) damaging or destroying of breeding sites or resting places;
- e) preserving, transporting, selling or exchanging the types of wild fauna
- f) Performing the activities, which might affect the extinction or disturbance to population of those types.

16.2. Minister shall by a subsidiary act determine the rules for protection of the species of fauna listed in the Red Book.

16.3. Prohibitions specified in paragraph 1, point a, b of this article apply to all phases of the animals' life-cycle.

16.4. Until the Red Book is issued, the Minister in agreement by MAFRD, by a subsidiary act shall determine the list of species of fauna which are subject to the prohibitions set out under paragraph 1 of this article.

Article 17
Exceptions from protection

Consistent with article 11, the Minister may, by a subsidiary act, permit exceptions, under the condition that these exceptions shall not affect negatively the important species:

- a) in the interest of protecting wild fauna and flora and conserving natural habitats;
- b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;
- c) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

- d) for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants;
- e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of important species in limited numbers specified by the subsidiary act.

Article 18

Introduction of new and eradicated species

18.1. Intentional introduction of new species of flora and fauna, whose origin is not from within the territory of Kosovo, is prohibited. Exceptionally, the Ministry may, by a subsidiary act, permit such introduction if it does not adversely affect important habitats and species of wild flora and fauna.

18.2. Re-entry (re-introduction) of extinct plants and animals shall be carried out upon preliminary approval of the Ministry and the Ministry of Agriculture, Forestry and Rural Development (MAFRD)

Article 19

Genetic Modified Organisms

19.1. In order to prevent the negative impacts for preserving and exploiting the biodiversity, adequate measures shall be introduced and undertaken with the aim of ensuring safety in the import, transport, limited use, re-introduction into the environment and trading of genetic modified organisms (hereinafter “GMO”)

19.2. The Ministry shall issue a license for the import, transport, limited use, intentional introduction into the environment, offering GMOs on the market, or products which contain GMOs.

19.3. For observing the state and development of the use of GMO and for offering the professional assistance to the competent organs of administration, the Government shall establish a Scientific Council for a limited use, introduction in environment, new food and food for animals which contain GMO.

19.4. Government shall regulate by a subsidiary act the content, domain and work method of Scientific Council pursuant to paragraph 3 of this article.

Article 20

Minerals and Fossils

20.1. Minerals and fossils are the property of Kosovo

20.2. Unjustified damaging of minerals and fossils, damaging of their discovery places are prohibited unless there is a public interest.

20.3. For discovery of minerals and fossils of importance and rarity, its composition and other features, the Ministry shall be informed within a deadline of 15 days from the day of discovery.

20.4. On a basis of KEPA proposal, Minister by a subsidiary act will determine which fossils and minerals are of nature protection values.

20.5. In a case according to paragraph 3, a discoverer is first obliged to make a selling offer to the Ministry.

VII. SPECIAL MEASURES ON NATURE CONSERVATION

Article 21

Nature Conservation Zones

21.1. A nature conservation zone is a zone designated with the aim of protecting and maintaining the biodiversity, landscapes, natural characteristics and cultural heritage and of providing effective management through juridical and other means.

21.2. The Ministry is required, after consultation with KEPA, to prepare a list of proposed nature conservation zones on the basis of the site assessment criteria set out in Annex III (Stage 1) to the EC Habitats Directive and other relevant scientific information. In so doing, the Ministry must indicate in respect of each zone the important habitat type and / or species present.

21.3. According to this Law, nature conservation zones are category I until VI of International Union for Conservation of Nature (IUCN):

- I. Natural strict sanctuary, protected zones mainly for scientific purposes,
- II. National Park, protected zone mainly for purposes of protecting the ecosystems or recreational,
- III. Natural monument, protected zone mainly for purposes of preserving natural specific characteristics,
- IV. Managed zone of habitats or protected species, protected zone for preserving habitats or protected species,
- V. Protected landscape, protected zone for purposes of landscape preserving,
- VI. Protected zone of natural resources, protected zone with purposes of a sustainable use of natural ecosystems

21.4. Once an area has been included in a list of proposed nature conservation zones, it is prohibited to cause any deterioration of the conservation status of any part of that area.

Article 22

Nature strict sanctuary

22.1. Nature strict sanctuary is a territory consisted of ecosystems with significant geological or physiological characteristics or types, dedicated to scientific research or monitoring of environment. Public access to nature strict sanctuary is limited.

22.2. The aims of managing strict natural sanctuaries are the following:

- a) Preservation of habitats, ecosystems and types from disturbing;
- b) Maintenance of genetic resources in dynamic and evaluative form;

- c) Maintenance of ecologically established processes;
- d) Preservation of landscape structural characteristics or rocky areas
- e) Preservation of samples of nature environment for scientific researches;
- f) Education and environmental monitoring;
- g) Decrease of disturbance through careful planning of implementation of researches and other activities;
- h) Restriction of public access.

22.3. Nature strict sanctuary shall be declared by Government.

22.4. The permission of the ministry is needed for scientific researches and educational purposes visits in the nature strict sanctuary.

22.5. Level I of protection is applied for the nature strict sanctuaries.

Article 23 National Park

23.1. Natural Park is a natural territory declared for the following reasons:

- a) Protection of ecological entirety of one or more ecosystems for current and future generations;
- b) Exclusions of utilization or usurpation with the aim of changing and damaging the nature;
- c) Providing bases for spiritual, scientific, educational, recreational, cultural purposes and enabling visits in accordance with the principles on nature protection.

23.2. National Park shall be declared by law from the Assembly of Kosovo.

Article 24 Natural Monuments

24.1. Natural monument is a territory, which contains one or more natural or cultural specific characteristics with special or unique values, due to rarity, natural characteristic, recreational and esthetic or special cultural values.

24.2. Natural Monuments might possess the following features:

- a) Geological (pale ontological, mineralogical, hydro geological, geological, sediments);
- b) Geomorphologic (caves, abysses, Rockies);
- c) Hydrological (wells, water flows, cascade, lake);
- d) Botanic (rare samples of flora, botanical garden).

24.3. Nature monuments are declared by municipality except those with special importance for Kosovo, which will be declared by the Government upon a proposal by KEPA.

24.4. The aims of managing natural monuments are the following:

- a) Protection and preservation of natural sustainable characteristics with special importance, unique characteristics and inspiring values.

- b) Providing possibilities for scientific, educational, interpretation and evaluation researches form public.
- c) Elimination and afterwards the obstruction of exploitation or usurpation, which may affect changes or damages.
- d) Providing benefits in an allowed level to population, which live within that territory in accordance with managing purposes.

Article 25

Caves

25.1. Declaring and protection of caves shall be carried out by a decision of the Government.

25.2. Entering, exploitation and studying of caves may take place solely with a permission of the Ministry, which will be given according to proposals of local concerning authorities, scientific institutions and non-profitable specialized organizations in accordance with their recommendations.

25.3. Discovery of new caves and the results of their exploitations will be reported in details to the Ministry. Ministry sends the copies of the report to scientific institutions, interested non-profitable organizations as well as concerning local authorities. The rights on discovering will be recognized to the users.

25.4. Caves might be visited, used for tourist or other purposes solely after being adopted for these activities by authorizations or under supervision of KEPA, relevant tourist structures and local authorities. Exploitation, authorized entrances and utilization of the caves, should ensure their protection and clearance, preservation of micro climate, water regime, geological and geomorphologic characteristics, pale ontological and archeological discoveries and live organisms.

25.5. Government by special decision stipulates the rules, criteria and the procedures, rights and the obligation on giving the caves in use. Public or private institution might carry out their preparation and usage, which possess an environmental approval.

25.6. In exceptional cases, the Government based in a sub-legal act and according to Minister's proposal and local municipality representatives may prohibit the use of caves provided that their values are endangered by such an action.

Article 26

Managed zone of habitats and types

26.1. Managed zone of habitats and types (managed natural sanctuary) is a land zone subject of active interventions for management purposes in order to ensure the maintaining of habitats and fulfilling the specific demands of types.

26.2. The aims of managing with the managed zone of habitats and types are the following:

- a) Providing and maintaining the indispensable conditions of habitats to protecting specific types, group of types, biotic communities or physical characteristics of environment in which is required a special activity for human management.

- b) Facilitating the scientific requirements and monitoring of environment as primary activities related to the management of sustainable resources.
- c) Promoting the public education and evaluation of habitats characteristics as well as management of wild types within the limited zones.
- d) Eliminating and afterwards preventing the utilization and usurpation contrary to the protection aims.
- e) Providing benefits in an allowed level to the population, which live within those territories in accordance with protection aims.

26.3. Managed zone of habitats and species shall be declared by the Government of Kosovo.

Article 27 Protected landscape

27.1. Protected landscape is a land territory in which the interaction of nature and human created a characteristic territory with emphasized esthetic, ecological and cultural values and often with a high biological diversity. Preservation of the integrity of this interaction is crucial for the protection, maintenance and development of this zone.

27.2. The aims of managing with protected landscape are the following:

- a) keeping of stability in the interactions of nature and human concerning the protection of the landscapes and traditional utilization of lands, constructions as well as social and cultural manifestations;
- b) supporting the way of living and economic activities which are in accordance with the nature;
- c) preserving of landscape and same types habitats and ecosystems diversity;
- d) eliminating when necessary and afterwards preventing of land utilization and activities contrary to protection aims;
- e) creating the possibilities for recreation and tourism in accordance with categories of the zones;
- f) stimulating the scientific and educational activities for benefit of population for a long term period as well as promotion of public support to protecting these zones;
- g) Providing benefits and contribution to welfare of local community through ensuring natural products (as forestry and fishery products) and services (as clean water or tourism incomes) to local community.

27.3. Protected landscape shall be declared by the Government of Kosovo.

Article 28
Protected zone of natural resources

28.1. Protected zone of natural resources is the zone of unchangeable natural systems and serves for protection and maintenance of biological diversity providing once the produce of productions and use of nature to fulfill the society needs.

28.2. Municipalities shall care of biological diversity protecting of damage or harming of biotopes:

- (a). Flowing waters with a particular vegetation
- (b). Resources and flows of mineral waters
- (c). Waterfalls and similar attractive flows
- (d). Other diversities with particular characteristics.

Article 29
Procedures for declaring of protected zones

29.1. Protected zones be declared by competent bodies authorized by the Law.

29.2. Decision to declare the protected zone contains:

- a). Nomination and the protected zone category determined by the Law
- b). Précised description of zone boundaries
- c). A copy of topographic map of territories envisaged to be the protected zone
- d). Description of ownership status of relevant territory

29.3. Decision to declare a protected zone shall contain the argumentation on importance and values of protected territory, the way of management to that zone as well as the funding way of project.

29.4. Argumentation of paragraph 3 to the Article contains detailed information on the values of territory be protected, assessment on its current situation and purposes pretended to be accomplished through the declaration of a protected zone.

29.5. Proposal to declare a protected zone shall be published before the definitive decisions be issued.

29.6. Access to the documentation for protected zone shall be free for public 30 days before the competent body issues the act.

29.7. Legal act to declare the protected zone be published to the Official Gazette.

29.8. In contrary with the decision to declare the protected zone issued by competent body, complaint can be raised.

Article 30
The management of nature conservation zones

30.1. Nature conservation zones are to be managed for the following purposes:

- a) Scientific research;
- b) Protection of wild species, habitats and eco-systems;

- c) Preservation of genetic diversity and species;
- d) Maintaining the environmental services;
- e) Protection of specific characteristics of the natural and cultural heritage;
- f) Tourism and recreation;
- g) Education and ensuring of access to public;
- h) Sustainable usage of resources from natural eco-systems;
- i) Preservation of cultural and traditional characteristics;

30.2. Each category of nature conservation zone shall be subject to either levels I, II or III of protection.

30.3. The status of nature conservation zones will be defined with subsidiary acts for nature conservation zones according to this law, which shall determine the level of protection and principles of management for each category.

Article 31

Public participation in the designation of nature conservation zones

Quite apart from the responsibility of the Ministry to initiate the designation of nature conservation zones, each physical or juridical person is entitled to initiate the procedure for designating such zones. KEPA will professionally review any proposal to designate a nature conservation zone, based on which the Ministry will decide to propose or decline to propose the area in question as a nature conservation zone.

Article 32

Provisional protection

32.1. Nature conservation zones, which are subject to the procedure on designation set out in Article 16 are provisionally protected from the day of their inclusion on a list of proposed nature conservation zones.

32.2. Nature values zones, which are specified as nature values within the documents of spatial planning will be protected within the certain category and are under temporarily protection from the day of entering into force of the documents on spatial planning.

32.3. The procedure on declaring nature zones specified in paragraph 2 of this article should be carried out in a deadline of two years.

32.4. If the procedure is not initiated within the deadline specified in paragraph 3 of this article, the temporarily protection of the zone determined through documents on spatial planning as nature protected zone will cease to be valid.

32.5. Provisions of this law, which stipulate the protection of nature conservation zones will be implemented during the period of provisional protection.

Article 33

33.1. The central registry of nature conservation zones, important species and habitat types, minerals and fossils is kept by KEPA.

33.2. Registration of nature conservation zones and cancellation from the register will be carried out based on the decisions of the Government on declaration and on termination of nature conservation zone status;

33.3. The Minister shall issue a subsidiary act stipulating the manner and the form for keeping the central register of nature conservation zones.

Article 34

34.1. The borders of nature conservation zones are to be signed by marks.

34.2. The sign-posting of the nature conservation zones is to be carried out by KEPA within 6 months of the declaration of an area.

34.3. The manner of sign-posting of nature conservation zones is determined by the Minister by means of a subsidiary act.

Article 35

Information system and public awareness

35.1. The establishment and management of an information system on nature conservation and monitoring shall be the subject included in the Environmental Protection System established under the article 37 (2) of the Environmental Protection Law No. 2003/09.

35.2. According to paragraph 1 of this Article, the monitoring, collecting, registration and the survey of data, facts and other relevant information on the conservation status of important species and habitat types, the use of natural resources, and measures undertaken by managing institutions, authorities and other organizations, shall be carried out.

35.3. The Minister shall present a report on the conservation status of nature to government once per year.

35.4. Unhindered access to information on the conservation status of nature will be ensured to public.

Article 36

Managing of nature conservation zones

36.1. Each decision to declare a nature conservation zone shall stipulate the management purposes and the special nature conservation measures and techniques which shall be applied in the nature conservation zone.

36.2. A special plan on managing each nature conservation zone shall be issued along with the decision on declaring each zones.

Article 37

37.1. Government shall establish the authority responsible of managing the National Park, nature monuments with a special importance and protected landscapes.

37.2. In a proposal of the authority for managing of the national park and protected landscape, a Minister shall by subsidiary act determine the protection, progress and use of national park and protected landscape.

37.3. Municipality establishes the authority for managing of other protected categories on a basis of the approval by a Minister.

Article 38

38.1. The plans for managing individual nature conservation zones shall be approved by Ministry for a certain period of time.

38.2. The Ministry based on a decision shall stipulate the preparation, content determination of indispensable measures and the competent institution for the implementation or controlling of special measures of managing nature conservation zones.

Article 39

Activities and their influence in the protected zones

In accordance with article 11, the decision on declaring the nature conservation zone shall set out restrictions and limitations on the activities or projects permitted within that zone with a view to achieving the management purposes.

IX. SUPERVISION

Article 40

40.1. The Ministry shall be responsible for the supervision of the implementation and enforcement of the provisions of this law and the subsidiary acts issued under this law.

40.2. The inspective supervision is conducted by a nature protection inspector in the frame of Environment Inspectorate in coordination with relevant inspectors.

40.3. The Inspector of nature protection during implementation of inspection supervises the following:

- a) state of the nature conservation status of important species and habitat types;
- b) utilization of natural resources within protected areas;
- c) Implementation of spatial planning of National Parks plans for the use of natural resources in such zones, which deal with measures and conditions for nature conservation;
- d) implementation of management plans within protected areas;
- e) activities, which may adversely affect or damage natural resources;

- f) implementation of the protection, preservation and direct utilization of natural resources;
- g) implementation of the protection measures of important species, as well as other types of nature protected values;
- h) Export, import and transit passage of important species, if these activities are restricted or prohibited by legal provisions;
- i) introduction and re-introduction of species;
- j) public information on nature conservation status;
- k) implementation of the conditions and other measures, determined to protect the bio-diversity and landscapes stipulated by this law and subsidiary acts issued under this law.

X. LIMITATION OF PROPERTY RIGHTS

Article 41

41.1. Expropriation and limitation of private property in case of declaration on protected zones shall be made in compliance with the Law into effect and the recognized international principles on Expropriation.

41.2. Competent body is obligated to inform the owners of immovable property three months before restriction of property or expropriation.

41.3. Competent body is obligated to offer for the owner material or physical compensation in case of restriction or property expropriation. Compensation altitude be oriented to the trade price.

41.4. In case that protected zones is declared through Law, the Law shall contain detailed provisions for compensation of owners on immovable properties.

41.5. In contrary with the decision of competent body for compensation can be open a regular administrative procedure following the complaint. In cases as such the competent Court decides on the compensation amount.

41.6. Damages caused to legal and physical individuals by the animals living to protected zones shall be compensated.

XI. FUNDING OF NATURE PROTECTION

Article 42

42.1. Financial resources for fulfilling the duties specified by this law shall be provided by:

- a) Budget of Kosovo and
- b) Fund on protection of the environment (Ekofond).

42.2. Financial resources specified in paragraph 1, point a) will be used to avoid the harmful consequences caused by unknown persons, where the cause of damage is unknown, and on occasions of indispensable emergency interventions for the conservation of nature.

42.3. Financial resources specified in paragraph 1, point b) of this article shall be used for the conservation of nature and for:

- a) Achieving the purposes and duties foreseen within this law;
- b) Drafting of the strategy and plans set out within this law;
- c) Reducing damage and threats to nature;
- d) Re-cultivating of landscapes;
- e) Preserving of nature conservation zones and protection of nature;
- f) Stimulating efficient methods for protecting and managing nature;
- g) Raising public awareness in the field of protection and management of nature;
- h) Research in relation to nature conservation.

42.4. Based on relevant EU law (proposed Directive on Environmental Liability) the Government may issue a subsidiary act to determine liability regarding damage caused to important species or natural habitats.

XII. PUNITIVE PROVISIONS

Article 43

43.1. A legal person shall be punished by a fine from 500 - 5.000 € for minor offence if it:

- a) aggravates the existing state of affairs after notification of the intention to declare the area under protection as a nature conservation zone;
- b) violates a prohibition specified within the decision declaring the area under protection;
- c) undertakes a project in contradiction to prohibitions issued by Minister, with the aim of protecting landscapes;
- d) Acts in contrary with Article 20 paragraph 2, 3 and 5;
- e) acts in contradiction with the acts, which deal with special measures on managing the nature conservation zone (Article 36 paragraph 1 and 2);
- f) acts in contradiction to restrictions and prohibitions determined by a decision declaring the area a nature conservation zone (Article 39);
- g) carries out prohibited activities in contradiction with article 12 and article 15 paragraph 1 and article 16 paragraph 1;
- h) introduction of species without a preliminary permission of the Minister;
- i) re-entry of extinct animals;
- j) does not notify the Ministry on discovering the minerals and fossils in a manner determined by this law;
- k) damages, and does not provide the sale of minerals and fossils in a manner determined by this law;
- l) does not provide the access to nature conservation zones in accordance with the provisions of this law.

43.2. For an offence from the paragraph 1 of this article shall be punished the responsible person of the legal person by a fine of 250-500 €

43.3. Physical person who commits the activities specified in paragraph 1 of this article shall be punished by a fine from 50-250 €

43.4. Fines shall be deposited to the Fund of Protection of the Environment.

43.5. The frameworks of fines shall operate independently from any other responsibility for preventing or restoration of damage according to article 40 paragraph 3.

43.6. The Minister may by a subsidiary act increase or vary any of the fines listed above.

XIII. PROVISIONAL AND FINAL PROVISIONS

Transitory provisions

Article 44

44.1. Plans on managing currently protected territories, such as National Parks, issued prior to the entry into force of this law, shall be applied until their expiry, provided they are not in contradiction to provisions of this law.

44.2. Decisions on protection of currently protected zones prior to entering into force of this law, shall remain into force, whereas owners shall have the rights and obligations determined by this law.

Article 45

45.1. Assembly of Kosovo within the deadline of two years after the day of entering into force of this law shall issue an act according to article 7, paragraph 4.

45.2. Government and the Minister within the deadline of two years after the day of entering into force of this law shall issue the provisions for which has been authorized through this Law.

Article 46

Subsidiary Provisions

46.1. According to this law, procedural issues which are not regulated by this law, the provisions of law on administrative general procedure shall be applied.

46.2. By the entry into force of this law, the Law on Protection and Promotion of Nature Values and Values created as a Result of Human Work (OGK 39/88) shall be abrogated.

46.3. The initiated procedures on protection, according to provisions of the law on protection and promotion of nature values and values created as a result of human work (OGK 39/88), shall continue and be completed in accordance with the provisions of this law.

Article 47
Entry into force

The present law shall enter into force after adoption by the Assembly of Kosovo, on the date of its promulgation by the Special Representative of the Secretary-General.

Law No.02/L-18
23 March 2005

President of the Assembly

Academic Nexhat Daci