

REPUBLIC OF LITHUANIA
LAW ON THE PROTECTED FAUNA, FLORA AND FUNGI SPECIES AND
COMMUNITIES

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CHAPTER I

GENERAL PROVISIONS

ARTICLE 1. Basic Definitions in This Law

1. **Protected species and communities** denotes those species of fauna, flora and fungi and the communities thereof, naturally growing (breeding) in the Republic of Lithuania territory and its continental shelf and the economic zone of the Republic of Lithuania in the Baltic Sea, whose number is decreasing and which are facing the threat of extinction; these include species and communities, which are included in Lithuania's Red Book, in accordance with the procedure established by this Law. The species also include lower ranking taxonomic units, such as, subspecies and variant form.

2. **Habitat site (origin site)** denotes the natural habitat of one organism, population or community, or another.

3. **Location Site** denotes the place, area and territory, where individual members of the protected species or communities thereof, are found (observed).

4. **Introduction** denotes bringing into Lithuania of a species of fauna, flora, or fungus, alien to natural environment in Lithuania and dissemination thereof with the intention of establishing it in natural environment.

5. **Reintroduction** denotes a bringing again into Lithuania of a species of fauna, flora or fungi, which has become extinct in Lithuania and dissemination thereof for the purpose of reintroducing it in the environment.

ARTICLE 2. Purpose of the Law

The Law shall establish and regulate relations of legal and natural persons, pertaining to the protection of location sites and habitat sites (origin sites) of the protected species and communities of fauna, flora and fungi and the principal requirements of protection and increase of these species and communities.

ARTICLE 3. Principles of Protection of the Protected Species and Communities

1. Protection of the protected species shall be organised based upon the following fundamental principles:

1) absolute protection which shall involve protection of all the individual members of that species (their populations) and all location sites and habitat (origin) sites;

2) representative protection which shall involve instances in which the most representative of a species or community location sites and sites of habitat (origin sites) shall be protected;

3) territorial protection which shall involve protection of specimens, species (populations), communities and their locations and sites of habitat (origin sites) within protected areas, established according to the Law on Protected Territories.

2. Special programmes (projects), approved by the Minister of Environmental Protection, may be set up in order to protect the species and the communities that are the rarest and are becoming extinct the fastest.

CHAPTER II

THE RED BOOK OF LITHUANIA

ARTICLE 4. The Red Book of Lithuania

1. The Red Book of Lithuania is comprised of a list of rare and vanishing fauna and flora and fungi species and communities, which this Law designates as protected and also, of information concerning the rarity of these species and communities, the threat of extinction they face, condition of the species and their populations, communities, location sites and sites of habitat (origin sites) in Lithuania and measures of conservation thereof.

2. The list of the Red Book of Lithuania shall be comprised, administered and brought up to date by the Ministry of Environmental Protection.

3. The list of the Red Book of Lithuania shall be updated whenever necessary. The Red Book of Lithuania shall be published at least once every ten years.

4. The Ministry of Environmental Protection shall approve the by-laws of the Red Book of Lithuania Commission and the Red Book of Lithuania list.

ARTICLE 5. The Criteria of Selection of Protected Species and Communities and Differentiation of Protection Measures

1. In ascribing the species or communities to those being protected, note shall be taken of the number of their known location sites, abundance and variation thereof, spread of the species or community in Lithuania and geographic situation of Lithuania according to the area of the species or community.

2. According to the rarity of a species or community and threat of extinction to species of fauna, flora and fungi and communities included in the Red Book of Lithuania, shall be grouped into categories, for the protection whereof, certain differentiated measures shall be established.

3. The Commission of the Red Book of Lithuania shall select the specific criteria for singling out the protected species and communities, and also principles of grouping of the species and communities into categories, group into categories and stipulate differentiated measures of protection, while the Ministry of Environmental Protection shall approve them.

ARTICLE 6. The State Register of Protected Species and Community Location Sites, Accumulation of Information

1. Preliminary information on the rare and vanishing species and communities (location sites, abundance and variation thereof, condition of populations, community makeup etc.), shall be compiled and data bases made up at scientific institutions co-ordinating these matters.

2. Data summaries on the protected species and communities shall be kept in the State Register Of Protected Species and Community Location Sites, which shall be administered by the Ministry of Environmental Protection .

ARTICLE 7. Supplying of Information on the Protected Species and Communities

The administrator of the State Register shall ensure the openness of information on the protected species and communities, provided this shall not contradict environmental requirements.

CHAPTER III

REGULATION AND CONTROL OF PROTECTION OF THE PROTECTED SPECIES AND COMMUNITIES

ARTICLE 8. Obligations of Legal and Natural Persons in Striving to Ensure the Protection of Protected Species and Communities

Legal and natural persons, who possess by the right of ownership, some territories containing location sites and habitat (origin) sites of the protected species and communities, must strictly observe the following requirements:

1) to preserve conditions favourable to the existence of the protected species and communities;

2) to guarantee protection of the protected species and communities, and necessary maintenance of location sites thereof;

3) to ensure that the protected unit would be accessible for use in scientific research, education and other purposes linked with research and protection of this unit. The natural person on whose territory, belonging to him by the right of ownership, are situated some location sites of the protected species populations and communities shall have the right in accordance with the established procedure and conditions, to require compensation from the Government, for damages caused him owing to restrictions in economic activity.

ARTICLE 9. Requirements of Protection of the Protected Species and Community Location Sites

1. The location sites of protected species and communities shall be protected through proper maintenance, management and use. Maintenance of the protected species and community location sites must guarantee the stability of existence of the protected species and communities.

2. The following regimens of protection and use shall be applied to protected species and community location sites:

- 1) reservations, denoting prohibition of economic activity;
- 2) limited use, denoting permission of limited economic activity.
3. The specific requirements of protection of the protected species and community location sites shall be established in the protection regulations thereof.

ARTICLE 10. Protection Regulations of the Location Site of Protected Species and Communities

1. The protection regulations on the site of protected species and communities shall constitute the principal document on the supervision, management, use and establishment of the conditions of protection. The most important data of location site records: its natural characteristics, area boundaries, assessment of the condition of protected species (community) etc., shall also be indicated in the protection regulations.

2. Officers authorised by the Ministry of Environmental Protection shall draft the protection regulations of the location sites of protected species and communities with the land (woodland) owner or user's representative, participating. The Ministry of Environmental Protection shall approve the regulations.

3. Three copies of the protection regulations of each of the protected species and community location sites included in the state register, shall be approved. The first copy shall be given to the owner (user) of the location site, the second, to the county governor's administration, and the third shall be kept at the Ministry of Environmental Protection.

4. Owners (users) of the protected species and community location sites must adhere to the requirements of protection regulations.

ARTICLE 11. Establishment of Protected Areas for the Preservation of Protected Species and Communities

Protected areas shall be established according to the Republic of Lithuania Law on Protected Area, for the conservation of the protected species and communities, their location sites and habitat (origin) sites.

ARTICLE 12. Protection Measures in Area and Economic Planning Documents of Protected Species and Communities

1. In drafting territorial or regional planning documents of the Republic of Lithuania (in regional, woodland and land planning drafts), and also in economic activity draft documents, preservation measures of these location sites must be provided for, if some protected species and community location sites are situated in the planned areas.

ARTICLE 13. The Procedure of Acquisition of Specimens Belonging to the Protected Species and Communities, for Training, Replenishment of Collections and Other Purposes

1. The State shall guarantee the opportunity of use of the protected species of fauna, flora and fungi for the purposes of science, training and education.

2. The Ministry of Environmental Protection shall establish the procedure of acquisition or use of the protected species of fauna, flora and fungi for science, training and education and replenishment of museum collections.

ARTICLE 14. Introduction, Reintroduction, Relocation, Export of Protected Species and Communities and Commercial Transactions

1. Reintroduction of the species previously naturally occurring (growing) in Lithuania which have vanished, or introduction of new species shall be permitted only in those instances, when that shall not pose a threat to the stability of ecosystems and security of species and communities.

2. Deliberate relocation of rare and vanishing species of fauna, flora or fungi and communities thereof from one place to another, within Lithuanian Republic territory, and also export thereof from Lithuania shall be prohibited.

3. The procedure of introduction of new species, reintroduction of vanished species, and also relocation of protected species and communities from one place to another and export thereof from Lithuania, shall be established by the Ministry of Environmental Protection.

4. Commerce in specimens of protected species and commercial transactions linked with the use of these specimens, shall be prohibited.

ARTICLE 15. Funding of Measures to Ensure the Protection of Protected Species and Communities

1. The work involving protection and maintenance of location sites of the protected species and communities shall be carried out at the expense of land (woodland) owners (users). The following shall be funded from the State Budget:

1) scientific research of protected species and communities, inventory of location sites, compilation and management of data bases and state register, compilation and publication of the Red Book of Lithuania, preparation and implementation of draft plans for management and preservation of location sites and other special work activities; compensation of losses experienced by land (woodland) owners (users), in connection with organising of protection of the protected species and communities;

2) work involving management and protection of the location sites belonging to the State.

2. The Ministry of Environmental Protection may fund operations involving the elimination of the danger of destruction of individual habitat sites and also supervision and protection operations of habitat sites having particular scientific value, from the funds allocated to it from the State Budget.

3. The preservation of protected species and community location sites may be funded from other sources as well.

CHAPTER IV

IN CONTROL OF THE IMPLEMENTATION OF LAW AND LIABILITY VIOLATIONS THEREOF

ARTICLE 16. State Control of the Protected Species and Communities Protection

The Ministry of Environmental Protection shall implement state control of protected species and communities.

ARTICLE 17. Legal Liability

Natural and legal persons who have violated the requirements of this Law, shall be held liable in accordance with the laws in force in the Republic of Lithuania.

ARTICLE 18. Estimation and Compensation of the Damage Caused in Destroying or Damaging the Protected Species and Communities or the Growth (origin) Sites

1. It shall be prohibited to destroy or damage the protected species and communities and their location sites and habitat (origin) sites. The perpetrator, who has caused damage to a protected specimen, must compensate for all of the damages and, if possible recreate the condition of the specimen.

2. Upon the recommendation of the Ministry of Environmental Protection the Government shall approve the methodics of calculation and tariffs.

ARTICLE 19. The Procedure of Investigation of Disputes Involving The Protected Species and Communities

1. In the Republic of Lithuania, disputes involving the protection of protected species and communities, shall be examined by courts according to the procedure established by laws.

2. Disputes involving legal persons of the Republic of Lithuania and foreign states shall be resolved in accordance with the Laws valid in the Republic of Lithuania, provided a different procedure of examining and resolving these disputes has not been stipulated by Republic of Lithuania international agreements and accords.

CHAPTER V

INTERNATIONAL AGREEMENTS AND ACCORDS

ARTICLE 20. International Agreements Regulating Protection of the Protected Species and Communities

1. The protection requirements of protected species and communities must correspond to the international agreements regarding questions on protection of the rare and vanishing species and communities, signed by the Republic of Lithuania.

2. The regulations being consolidated in Republic of Lithuania international agreements on questions of the protection of rare and vanishing species and communities, must correspond to the procedure established in Lithuania in resolving these questions.

I promulgate this Law passed by the Seimas of the Republic of Lithuania

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS