

Pursuant to Art. 83 point 3 of the Constitution of the Republic of Serbia on the basis of which I am issuing the

D E C R E

ON THE PROCLAMATION OF THE ENVIROMENTAL

This is the official enactment of the environmental Law adopted by the National Assembly of the Republic of Serbia, at its Second Meeting of the Second Ordinary Session on the 16th and 17th of October 1991.

In Beograd, Reg. No. 1991

President of the Republic
Slobodan Milosevic m.p.

ENVIRONMENTAL
L A W

PART I

1. Basic provisions

Article 1

This Law regulates the System of protection and development of the environment, determines measures of protection, the procedures of placing under protection and management of protected natural resources, measures and procedures of protection from the adverse impact of activities on the environment, financing of protection and development of the environment and the organization of work to be carried out in the domain of protection and advancement of the environment.

The measures and conditions of protecting natural and manmade values in the environment are implemented in conformity with this Law, if particular measures of protection of other laws do not prescribe specific measures of protection.

Article 2

The system of environmental protection and advancement consist of a group of measures and conditions for: the conservation and protection of natural and man-made values in the environment; for the protection of people and environment from pollution; for the protection from dangerous and hazardous materials, from ionizing and non-

ionizing radiation, from noise and vibrations; for the protection from destruction and degradation of natural values; as well as measures and conditions for the promotion of environmental quality.

Article 3

Balanced economic development, protection and development of the environment and improvement of quality of life is secured by means of physical and town planning, by development plans, by the management of living space, by the management of natural resources, via economic policy measures and other measures.

For investments in environmental development, for products and devices for the production of which recycled inputs are used, and which rationalize energy consumption, decrease pollution in the environment or are used for the protection of the environment may be eligible for tax relief.

The minister in charge of activities of environmental protection (I hereinafter: the Minister) will determine which investments are devoted to environmental development.

Article 4

Use of natural resources, construction of structures or other activity may be carried out under the condition that they cause no permanent damage, no significant changes of landscape, no pollution, no other forms of environmental degradation.

The investor is bound to carry out an analysis and to quantify the environmental impact of the given activity, to plan and implement measures in order to prevent jeopardy of the environment or to plan measures of land reclamation or rehabilitation and secure the execution of prescribed norms.

On the territory of the Republic of Serbia the importation of hazardous materials, their stocking, or dumping is prohibited.

Article 5

Certain natural resources are, in the general interest, placed under protection, on the basis of scientific and professional analysis, by an act of competent bodies, according to the conditions, in a manner and in conformity to the procedure prescribed by this Law.

The protection, utilization, development and management of resources of general interest, which have therapeutic characteristics and which may be used as natural resorts for treatment, prevention and rehabilitation, recreation and tourism (hereinafter spas) are being regulated by a separate law.

Article 6

Enterprises and other economic entities (hereinafter – enterprises) are bound to pursue their activity and to secure: the rational use of natural resources and energy; to calculate environmental protection costs in their investment and production expenditures; to monitor the impact of their activity on the state of the environment.

The enterprise is bound to keep data about the type and quantity of dangerous and hazardous materials used for certain activities; it also is bound to keep data concerning the type and quantities of dangerous and hazardous materials and wastes it discharges, or emits in the air or dumps in water and land in the prescribed manner, furthermore such data must be submitted to the competent bodies.

Article 7

Production and trade of certain products or carrying out of certain activities may be banned for a given period of time or on a part of territory of the Republic of Serbia, in cases when they jeopardize the environment or human health.

Article 8

Data concerning the status or phenomena relating to environmental quality are public.

Everyone, whose environment is in jeopardy or may be in jeopardy must be informed accordingly.

Information necessary for environmental danger assessment and for procedures and undertaking of necessary measures for the protection of life and health of people cannot be considered confidential.

The consumer or user of products and services must be informed of the impact of these products or services on the environment and on health and about the protective measures by means of instructions accompanying the product, on the package of the product, or by the mass media or in another suitable manner.

Article 9

The monitoring of the quality, status and management of the environment is carried out within the framework of a unified environmental information system.

The information system in para. 1 of this Article will secure in particular: a data base and scientific and technical information of importance for the protection of the environment, information about planned measures, state measures and those of other institutions and the exchange of information with other information systems and other activities.

Article 10

Public services in the area of education and training, information and culture are bound to foresee in their plans and programmes measures in order to promote knowledge and to develop an active attitude towards environmental protection and its advancement.

Professional work on environmental protection may be entrusted to scientific and professional organizations which meet the prescribed conditions.

Article 11

Funds for financing the activities and task of environmental protection and advancement, within the framework of rights and duties of the Republic, city and municipality, are allocated through the budget, from compensations for the use of natural resources, of goods in general use and from tax on building land, in conformity with the law.

Article 12

The government of the Republic of Serbia (hereinafter – the Government) once a year will report to the National Assembly of Serbia on the state of the environment.

2. Meaning Of Terms Used In The Text of This Law

Article 13

The meaning of the terms used in the text of this Law is as follows:

- environment consist of natural and man-made values and the entire space in which settlements, goods of general interest, industrial plants and other facilities are located;
- natural values of the environment comprise natural resource, land, waters, forests, air, flora and fauna;
- man-made values of the environment are those created by man (constructions for housing, culture, education, social facilities, religious ones which satisfy the needs of man, and those which satisfy the needs of protection and management of natural resource and cultural monuments);
- emission is the discharge of gasses, steams, aerosols and other polluting substances in the air from pollution sources;
- emission limit value is the quantity and concentration level of hazardous and dangerous materials at the location of the source of pollution as defined by regulations;
- air pollution is the emission of polluting materials in the air, which may jeopardize the well – being and health of people, and may be harmful to animals, plants and other natural and man-made values;
- immission is the concentration of gasses, steams, aerosols and of other polluting materials in the air at a given location, at a given time, by means of which air quality is expressed;
- immission limit value is the concentration level of single polluting materials in the air prescribed by regulations;
- polluted air is air containing gasses, steams, aerosols and other polluting materials above the prescribed limit values;

- a warning immission is the level, determined by provisions, exceeding limit values of immission, by means of which the degree of air pollution is expressed for a given area;
- sporadic air pollution is when emissions values have not changed, but immission exceeds limit values, due to unfavourable meteorological conditions;
- sources of air pollution are thermal energy plants, industrial plants, crafts establishments, utility facilities, waste dumps and other facilities and plants, transportation means fitted with internal combustion engines, as well as all activities which generate gasses and aerosols (dusting, spraying, cleaning, smoke-treatment of settlements, arable surfaces and forests, etc);
- the ecosystem comprises the functional unity of the living community and its habitat, or rather of the living and nonliving nature in a given area;
- the protected natural resources comprise the preserved part of nature, which are of particular natural value and features, due to which they are of lasting ecological, scientific, cultural and educational meaning, and of significance in the area of health and recreation, tourism and other activities; therefore, as resources of general interest they enjoy special protection;
- a national park is a bigger area comprising a valuable natural ecosystem, from the point of view of coservation, complexity of elements comprising it and its biogeographical features, with a variety of original forms of flora and fauna, representative physical and geographical structures and phenamena and cultural and historical monuments, and which represents an outstanding natural entity of national importance;
- a natural park is an area with well preserved natural characteristics of wether, air and soil, with a prevailing natural ecosystems, without major changes due to landscape degradation, and which in its entirety represents an important part of the coserved nature and healthy environment;
- an area of exceptional features is a relatively smaller area with picturesque landscape fetures and with unimpaired primary values of landscape profil, with the presence of traditional ways of life and cultural heritage, also a protected environment of immovable cultural resources;
- a natural reserve is an original or slightly hodied natural area, with a specific copmposition and traits of communities of flora and fauna, as parts of the ecosystem, intended primarily for the preservation of the generic fund;
- a special natural reserve is an area where a single or more natural values are prominent and which must be especially protected; in other case a special natural reserve manifests natural phenomena which must be monitored or manged;
- a natural monument is a natural structure or phenomena, physically cleary manifested and recognizable, of representative geomorphological, geological, hydrographic,botanical and other characteristics; as a rule attractive and of striking appearance or of unusual mnner of manifestig itself, as well as man-made botanical values (individual trees, tree lined paths, parks, arboretums, botanical gardens, etc.) if it is of special interest;
- natural rarities are plant or animal species, or their colonies where survival is at stake in their natural habitat, or if their populations are rapidly decreasing and the area of their colonization is decreasing, or if their diffusion is rare, as well as

species which are of particular importance from the ecological, biogeographical, genetic, economic, health and other points of view;

- preliminar protection means that necessary activities are carried out and measures adopted in order to protect natural resources for which it is presumed that it could have the characteristics of protected natural resources, until the passing of a deed on protection;
- the regime of protection is a group of measures and conditions by which the mode and degree of protection, management and advancement is determined for the protected natural resources;
- the owner of the natural resource may be a natural or legal person in possession of this resource on the basis of any title;
- noise is an acoustic phenomenon exceeding the prescribed level in the environment where humans reside (dwelling houses, public and other facilities, settlements and zones for rest and recreation);
- sources of noise are all types of plants, equipment, machinery, means of transportation and appliances, which when operated cause noise in the human environment;
- protection from vibrations consists of a group of measures and procedures, which when applied are intended to prevent and eliminate threats to the environment and humans from the effects of mechanical periodical and single tremors caused by human activity;
- ionizing radiation consists of particle and certain types of electromagnetic radiation which may produce ionization when passing through matter;
- sources of ionizing radiation are substances or devices which produce or may produce ionizing radiation;
- an accident concerning sources of ionizing radiation represents an event when loss of control over the sources of ionization occurs, which directly or indirectly may endanger life, health or material goods;
- protection from non-ionizing radiations implies a group of measures and procedures which prevent and eliminate the danger to the environment from effects of the electromagnetic field, ultraviolet and infrared radiation, microwaves and radio frequencies ultrasound and laser radiation;
- waste substances are wastes in solid, liquid and gaseous form produced by human activity in industrial and other sectors, in transportation and through the use of material goods;
- dangerous and hazardous materials are gaseous, liquid or solid substances resulting from the production process, when used, moved, transported, stored and kept, and they may due to their characteristics and chemical reactions endanger life and health of humans, or jeopardize the environment; dangerous and hazardous materials are also the raw materials from which dangerous substance and waste are produced if they have the same properties of the former;
- an accident is an outstanding event or a series of events resulting from the uncontrolled discharge, spilling and spreading of dangerous substances in production, utilization, transportation, storing and keeping and which cause harm to the population and the environment.

P A R T II

1. Protection Measures in Planning And Construction

Article 14

Physical planning of areas, of flora and fauna, determined by regional planning schemes and town plans as well as by other plans (plans of management and surveys for forests, water husbandry, hunting and fishing, and other plans) must be based on the following obligation:

- 1) to conserve and develop natural resources to the greatest possible extent, in case they are non renewable to use them rationally;
- 2) to secure protection and the unhindered functioning of the protected natural resources with their protected environment and to preserve to the greatest extent possible the habitat of wild plant and animal species and their colonies;
- 3) to secure conditions for and recreation of humans;
- 4) determine the measures for protection from accidents and large scale natural catastrophes;
- 5) to present the existing situation concerning points 1, 2, 3, 4, of this Article and the planned situation with necessary measure for the implementation of plans.

The Ministry in charge of the environmental protection (hereafter-the Ministry) participates in the drafting and adoption of plans indicates in point 1 of this Article, in the manner foreseen by law.

Article 15

Regional planning schemes and town plans must secure in particular:

- 1) the determination of special regimes of conservation and utilization of areas protected natural resources such as: sources of drinking water, thermal and mineral springs, forests, agricultural land, public green areas, recreational areas and spas;
- 2) the determination of areas with jeopardizes environmental zones (polluted areas, areas exposed to erosion and torrential activity, areas jeopardized by exploitation of minerals, flood prone areas, etc.,) and the determination of measures for the rehabilitation of the said areas;
- 3) the determination of measures and conditions for the protection of the environment, in keeping with which the exploitation of minerals will take place in a given area, or industrial and energy plants shall be constructed, or waste dumps set up, infrastructural and other facilities introduced, but whose construction or operation may jeopardize the environment.

Article 16

Environmental impact assessment of certain activities contained in Art. 4 of this Law, together with measure of protection, are carried out for facilities and operations which may jeopardize the environment to a greater extent.

The measure and conditions for preventing threats to the environment which are incorporated in environmental impact assessment, must be incorporated and represent an integral part of the deed, specifying the conditions for land management when facilities are constructed, or operations are carried out and to which this analysis refers.

The Minister shall prescribe:

- 1) the type of facility or activity for which it is compulsory to carry out an environmental impact analysis;
- 2) the content, the method of environmental impact analysis elaboration and its evaluation (verification) for individual types of facilities and activities.

Article 17

On the territory of the Republic it is not allowed to apply domestic or international technology and sell products if they do not conform to prescribed norms of environmental protection, or norms referring to product quality, or if the technology or product are banned in the exporting country.

The Ministry may, in case of any doubt, impose that such technology, or product from para 1 of this Article be tested even if it is supplied with the compulsory certificate with regard to detrimental effects on the environment.

The Ministry appoints a specialized organization or a group of experts who will carry out the testing of technology and product referred to in para 2 of the present Article.

Devices which are used for the elimination or for purification of polluting substances, for which Yugoslav standards have not been set, may be utilized if their efficiency for these purposes has been determined by a specialized organization in conformity with the law.

2. Air Protection

Article 18

An enterprise with sources of air pollution (hereinafter-air polluter) is bound to secure by technological, technical and other means, emission in the air which is below the prescribed maximum permissible values.

In case a breakdown occurs on the devices which secure the prescribed protective measures, or a disruption of the technological process occurs, so that maximum permissible values of emission are exceeded, the polluter is bound to remove the breakdown or the disruption, or to adjust the activity to the newly created situation, or to

stop the technological process, so that emission could be reduced to the permitted limits in the shortest time possible.

In case maximum permissible values of immission are exceeded the air polluter is bound, at the request of inspection organs, to undertake the necessary technical, technological and other measures to reduce emission so that concentration of dangerous and hazardous materials could be reduced to the prescribed limit values of immission in the shortest time possible, irrespective whether the individual air polluter is within the maximum permissible values of emission.

Article 19

The air polluter has the obligation to secure prescribed emission measurements, he either do it himself or entrust this to an authorized specialized organization, he must also keep a record of the measurements carried out.

The organization which carries out emission measurements, submits reports and data, concerning the measurements carried out, to the ministry entrusted with the emission register.

The organization carrying out emission measurements, once it asserts that emission maximum permissible values have been exceeded, is bound immediately to submit the relevant report to the competent inspection body and to the air polluter.

The Minister shall prescribe:

- 1) maximum permissible emission values;
- 2) measurements carried out;
- 3) the content of the report, the deadline for submitting the data on emission measurements which had been executed and data referring to the emission balance;
- 4) the methodology for the elaboration and the content of the emission register.

The maximum permissible values of emission, the methodology of elaboration and the register content are prescribed by the Minister after receiving the opinion of the Minister competent for industry, energy and transport.

The municipality or city may, in case that a warning emission occurs, prescribe more stringent emission limit values for single dangerous and hazardous materials in their respective areas, but with the Minister's approval.

Article 20

The Republic secures: the monitoring of air quality and of the basic meteorological parameters; data records referring to emission and sources of air pollution; as well as systematic research concerning the effects of air pollution on the health of people, on the natural and man-made values of the environment and on climate.

The Minister shall prescribe:

- 1) emission limit values;
- 2) the methodology of systematic emission measurements, criteria for determining measurement points and the method of recording data;
- 3) the content and methodology for the elaboration and keeping the register of air pollution sources;

The systematic emission measurements, the elaboration of the emission balance, and monitoring the effects of air pollution on the health of people, on the environment and climate are carried out by specialized organizations, in keeping with Programmed of Air Quality Control adopted by the Government for a period of two years.

The municipality resp. the city secures that immission monitoring in settlements is carried out by authorized specialized organizations in those cases when emission data indicate that this is necessary and on the basis of a programme which is coordinated with the Programme in Para 3 this Article. The founder of an auxiliary station is bound to submit the results of measurements to the Ministry free of charge.

The data received from systematic monitoring of emission represent the basis for determining areas for which rehabilitation programmes are adopted.

Data and information referring to emission and immission are public.

Emission measurements data referring to the previous year are published annually by the Ministry.

The municipality resp. the city publish data concerning the status of air quality via the mass media or in some other adequate manner.

Article 21

The specialized organizations carrying out immission and emission measurements must have at their disposal qualified personnel, adequate equipment and premises.

The Ministry shall prescribe:

- 1) and appoint the specialized organizations which carry out emission and immission measurements, keep data records referring to emission and immission and shall prescribe organizations with respect to the personnel, equipment and.....
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3. Water Protection

Article 23

It is banned to discharge in ground and surface waters waste waters containing dangerous and hazardous materials in quantities or rather concentrations above the prescribed maximum permissible values, as it is also banned to carry out other activities which may degrade water quality in the recipient.

Article 24

The Government adopts provisions concerning water classification and categorization of water courses.

Water classification in a general form divides waters in classes, according to their use and in order to protect life in water, while maximum permissible values are determined for basic indicators of water quality which must be maintained or achieved.

Article 25

Systematic testing of water quality is carried out in water courses, lakes, accumulations, in conformity with parameters and methodology which are prescribed by the Minister competent for water resources management and the Minister.

The Government adopts a mid-term plan of water protection at the proposal of the Minister in charge of water resources management.

Article 26

Enterprises which discharge waste waters from their plants, equipment and devices are bound to provide systematic control of the quality of these waters, they are bound to provide measurements of their quantity and testing of their impact on the recipients in the prescribed manner.

The Minister in agreement with the Minister competent for water resources management shall prescribe manner.

- 1) which substances in waste waters and in what quantities are considered dangerous and hazardous;
- 2) the method and schedule of measurements and recording of data concerning the determined quality of waste waters, the content of the report concerning the determined quality of waste waters and on their impact on the recipient, the deadlines for submitting data as well as the bodies to which the reports and data are submitted; and
- 3) the methodology for the elaboration and keeping of the register of water polluters.

Article 27

Sources of water supply for the population, sources of thermal and mineral waters are protected and may be used in compliance with the conditions defined by law.

4. Land Protection

Article 28

It is banned to use in an irregular way mineral and organic fertilizers and plant protection products; it is also prohibited to tip, discharge or dump solid and liquid dangerous and hazardous materials on land, or their being buried outside the especially prepared dumps or facilities,

Whoever pollutes land by discharging dangerous and hazardous materials is bound to cover the costs of reclamation or of rehabilitation of the land and must pay compensation for a permanent change of land use in keeping with the law.

Compensation payment in para 2 of this Article dose not preclude the responsibility of the subject which caused damage in conformity with the provisions of Law and other regulations.

The Minister in agreement with the Minister in charge of Agriculture and Forestry determines the allowed quantities of dangerous and hazardous materials in the soil, the time and method individual substance may be applied in primary agricultural production and forestry (chemical substances, mineral and organic fertilizers) , methods for testing them and deadlines for submitting data.

Article 29

Whoever degrades land by using mineral raw materials, by dumping waste, debris, cinder and slag or by carrying out some other activity is bound to reclaim land or rehabilitate it in some other manner, in keeping with the rehabilitation project, which the user submits together with the regues for issuing a permit for the exploitation of mineral raw materials, or a permit for disposal of waste, debris, cinder and slag.

The approval of the rehabilitation project is issued by the Minister, in agreement with the Minister for Agriculture, Water Resource Manegement and Forestry.

Article 30

If erosian caused and the water regime is impaired or geomechanical soil stability jeopardized by extraction of rock or other mineral raw materials, or by the construction of anti-erosian measures ; namely in addition to biological rehabilitation he must carry out technical activities out technical activities by means of which the original water regime will be reestablished and geomechanical properties of soil secured.

Article 31

Testing of soil quality with regard to the content of dangerous and hazardous materials is carried out in keeping with the programme adopted by the Government.

The organizations carrying out testing of soil quality must have the necessary personnel, equipment and premises.

The Ministry in charge of agriculture and forestry in agreement with the Ministry determines the organizations which carry out tests of soil quality and prescribes more detailed conditions which these organizations must meet concerning personnel equipment and premises.

Organizations carrying out tests concerning soil quality submit data to the Ministry in charge of agriculture and forestry.

The Ministry in item 4 of this Article, publishes once a year data referring to soil quality.

The Ministry in sharge of agriculturl and forestry will ban or limit the production of certain agricultural and forestry products and the use of mineral and organic fertilizieres, plant protection products and other chemical substances on specific land for a certain period of time, if test results require it.

5. Protection Of Forests

Article 32

In order to protect and develop forest ecosystems, forests are managed so as to secure their protection, preservation and renewal and to secure and maintain the genetic fund; another priority is the improvement of the structure and achievement of the priority functions of forests.

Article 33

As protective forests, meaning forests with a priority finction, the following may be determined:

- 1) Forests protecting from land erosion;
- 2) Forests which directly protect sources of water supply, springs, thermomineral and mineral water springs and spas;
- 3) Forests which are located in the upper limits of vegetation in high mountainous areas;
- 4) Forests which protect facilities (water accumulations, railroad lines, rods) and settlements;
- 5) Forests which compose protective belts in agriculture.

Forests located in the unprotected area between a flood protection enbankment and the river have the priority function of a protective forest.

Article 34

As forests intended for special use, meaning forests with priority function, the following may be determined;

- 1) Forests or parts of forests singled out for production of forest seed;
- 2) Forests appropriate for outings and recreation;
- 3) Forests appropriate for carrying out scientific research, teaching or game animal breeding; and
- 4) Forests of special interest for national defence.

Forests located in areas rich in protected natural resources have the priority function of forests for special use.

Article 35

Forests in a national park are managed by the enterprise administering the national park.

Forests in para 1 of this Article are not included in forest areas.

Article 36

Forests and forest lands within the framework of protected natural resources, other forests intended for special use and protective forests, are managed in conformity with the law and regulation adopted on the basis of law.

Woodland basic surveys adopted for a national park area must be in conformity with the regional planning scheme and with the programme of protection and development of the national park.

6. Protection Of Flora And Fauna

Article 37

It is prohibited to disturb, molest, wound and kill wild animals out of wantonness.

It is prohibited to destroy, break or in other way devastate wild plants for no reason.

It is banned to destroy or break up habitats of wild animal and plant species for no reason.

If trees are destroyed, due to construction of facilities they must be substituted with new seedlings, under the conditions and in the manner determined by the municipality, or by the body which issues the permit for the construction of the facility.

The law regulates which animal species are not game animals, conditions and other measures for the preservation and utilization of game and fishing animal species and their habitats.

Article 38

The gathering, utilization and trade of certain wild animal and plant species, seeds, eggs, fruit and their other lower developmental forms, except game animals, are regulated by an act concerning the controlled use and trade of these natural values, which is adopted by the Minister.

The permit for collecting, or utilizing and trading the natural values in para 1 of this Article is issued by the organization carrying out specialized work on matters of nature conservation (Herein after – organization for environmental protection).

The organization for environmental protection must have adequate personnel, equipment and premises.

The enterprise which is trading natural values is bound to pay a compensation for their use.

The amount of compensation, in para 4 of this Article, is determined by an act of controlled use and trade of natural values.

The funds collected from compensation, para 4 of this Article, are deposited on a special account of the Ministry and are used for carrying out activities for the protection of natural values.

Article 39

Animal and plants species of foreign origin may be introduced and cultivated, in the manner and under the conditions prescribed by the Minister, in agreement with the Minister in charge of agriculture, forestry, hunting and fishery

Animal and plants species of foreign origin which could endanger domestic varieties – autochthonous species of flora and fauna and their distribution-cannot be introduced for the purpose of free habitation in the natural setting.

Article 40

Everyone has the right to keep domestic animals, under conditions and in the manner that this will not disturb third persons, and that safety and hygiene are secured.

It is prohibited to abandon, molest or abuse domestic animals.

The municipality resp. city determines more precise conditions for keeping and protecting domestic animals and it secures conditions for their interment, if the law does not foresee otherwise.

7. Protection Of Natural Resources

7.1. Types Of Natural Resources

Article 41

Natural resources, which in conformity with the provisions of this Law are being protected, are as follows:

- 1) National park;
- 2) Natural park;

- 3) Area with exceptional features;
- 4) Natural reserves (general and special)
- 5) Natural monuments;
- 6) Natural rarities;

7.2 Natural Resources And Their Protection

Article 42

Natural resources are placed under protection by an act of the competent body, at the proposal of the organization for environmental protection.

The proposal for placing under protection natural resources contains an assessment whether the conditions are fulfilled for placing under protection and other data, in conformity with Article 45, para 1 of this Law.

The procedure for placing natural resources under protection is initiated when the body competent for adopting the act concerning the protection determines the draft act concerning the protection of natural resources, or when it informs about the initiation of the procedure via a public announcement.

Before beginning the procedure of protection, the organization for environmental protection may adopt an act of preliminary protection, which is submitted to the body competent for the adoption of the act of protection of natural resources and is announced publicly.

The natural resources – for which the procedure for protection has been initiated or the act adopted concerning preliminary protection – are considered protected in the sense of this Law.

The maximum duration of the act of preliminary protection is one year.

Article 43

National parks are placed under protection by law.

Natural reserves, natural rarities and natural resources which are protected by international acts and areas with specific features which, with a cultural monument of exceptional importance, represent an environmental entity are placed under protection by an act the Government.

Other natural resources are placed under protection by the municipality or city – on whose territory the natural resources are located, or it is done by two or more municipalities if the resources are located on the territory of a number of municipalities.

Exceptionally, at variance with paragraph of this Article, the act of placing under protection is adopted by Government if at the proposal of the Ministry, it determines that the natural resources are of extraordinary or great significance.

Article 44

The protected natural resources are categorized as follows:

- 1) Natural resources of extraordinary significance;
- 2) Natural resources of great significance;
- 3) Significant natural resources.

The evolutions of natural resources is carried out by the organization for environmental protection, according to the procedure and on the basis of criteria, determined by the provision concerning categorization of protected natural resources which has been adopted by the Minister.

Article 45

The act of placing natural resources under protection contains especially: the title and description of the individual resources, the area in which the individual resources are located, the area and boundaries, data concerning ownership, a land-registry census of parcels, while for resources with bigger area a detailed description of boundaries with a cartographic representation of an adequate scale, the regime of protection, obligations concerning the establishment and implementation of measures of preservation, protection and development of resources, the entity/person entrusted with the management or care and protection of the natural resources, the management or care and protection of the natural resources, if the law does not provide otherwise for individual resources.

The act by which natural resources are placed under protection may determine a protective zone surrounding the natural resources, the size and boundaries of which are determined depending on the nature of the natural resources and on the conditions of their utilization.

The body which adopted the act of protection of a natural resource may decide that the holder is bound to make the resource accessible to the public.

The act of placing a natural resource under protection, or the regional planning scheme or town plan, may determine also the general interest for expropriation or limitation of ownership right over the immovable, when that is necessary in order to implement measures of protection and development of natural resource.

With the adoption of the law by which a certain area is placed under protection as a national park or with the adoption of a regional planning scheme for the national park area, the general interest is specified in the sense of paragraph 4 of this Article for the implementation of measures of protection and development of the national park area.

Article 46

If during the execution of building, mining and agricultural work or water economics and other activity a natural resource is discovered, which is of a geological-paleontological and mineralogical – petrography origin, which presumably has the characteristics of a natural monument, the contractor of the work is bound to inform, without delay, the environmental protection organization and to take measures up to the arrival of the authorized person, so that the natural kept in the location and position it was found.

The environmental protection organization may decide to place a temporary ban on the on – going activity envisaged by paragraph 1 of this Article.

A decision concerning a temporary ban on the execution of work is submitted to the investor, the contractor and to the competent body which issued the building permit or the permit to carry out other type of work and to the body competent for placing the natural within a three – month period.

If the act, by which a natural resource is placed under protection, is not adopted the temporary ban on the execution of work is lifted.

A complaint to the decision in paragraph 2 of this Article does not suspend its implementation.

Article 47

The protected natural resource and its boundaries are marked by signs.

The manner in which the natural resource will be marked is determined by the Minister, while the marking is carried out by the enterprise managing it or organization that has in its care the protected resource.

Article 48

Protected natural resources are listed in the register.

The environmental protection organization manages the register of protected natural resources with the accompanying documentation.

The contents and the manner of management of the register and of the accompanying documentation, the time limits for submitting the documentation shall be prescribed by the Minister.

7.3 Regime Of Protection Of Natural Resources

Article 49

In the case of protected natural resources it is prohibited to destroy or damage their properties.

In protected natural resources it is not permitted to carry out activities which jeopardize the original features of flora and fauna, of hydrographic, geomorphologic, geological, cultural and landscape values, except for work, by means of which the natural equilibrium is maintained or established, or by means of which the functions of the natural resources are accomplished, in conformity with the regime of protection and of its significance.

The protected natural resources may be granted a regime of protection of first, second and third degree.

The first degree sets the ban on the utilization of natural resources and excludes all other forms of utilization of space and forms of activities, except scientific research and supervised education.

The second degree of protection determines limited and strictly controlled utilization of natural resources, while activities in this area may be carried out to the extent they enable the advancement of the status and of presentation of the natural resources without any consequence to their primary values.

The third degree of protection determines selective and limited use of natural resources and controlled interventions and activities in the area if they are in conformity with the functions of the protected natural resources, or if these activities are linked to the inherited traditional forms of economic activities and life, including the building of tourist facilities.

The regime of protection of natural rarities will be determined on the basis of degree of rarity, scarcity or endangerment:

- 1) First degree of protection
- 2) Partial ban on utilization
- 3) Protection of their habitats, as natural reserves, and protection in a certain area.

If the regime of protection, determined on the basis of this Law, prohibits or limits the utilization of the natural resources, the legal person who had been deprived of his right or whose right had been limited, has then the right to compensation for the investment and for the non-depreciated funds, in conformity with the procedure prescribed by law.

Article 50

The enterprise resp. organization which manages or cares for the protected natural resources drafts programmes and other acts concerning the conditions and measures of protection and development of the natural resources, which it manages in keeping with the law and the act of protection.

The enterprise managing a national park adopts an act concerning the internal order within the area of the national park.

Article 51

Work or construction of structures within and on protected natural resources or in a protected zone, which may cause changes of form, appearance or the properties of the protected natural resources, may be approved under conditions stipulated by the organization for environmental protection and adopted by the body competent for issuing acts concerning the conditions for physical planning.

Article 52

Protected movable natural resources may not be exported or transferred abroad.

Exceptionally, at variance with para, 1 of this Article, certain protected movable natural resources may be exported on a permanent basis, or transferred abroad, if this is in the interest of accomplishing international scientific and cultural cooperation in conformity with international acts.

Protected movable natural resources may not be exported or transferred abroad temporarily for reasons such as exhibitions, conservation, expertise and similar.

Exportation or transfer of protected natural resources is carried out on the basis of a permit issued by the organization for environmental protection, which has the duty to keep a record of the permits issued.

In the case para, 2 of this Article the permit is issued by Ministry.

7.4 Specialized Supervision

Article 53

Specialized supervision determines whether the work which is being carried out with the aim of implementing programmes and projects of protection, development or conservation of protected natural resources resp. The work of digging out natural resources of a geological, paleontological and mineralogical-petrographic origin, for which it is assumed that have the characteristics of a natural monument, are carried out in conformity with these programmes and projects and modern methods.

Article 75

On the proposal of the commission as set forth in Article 80 of this Law, the Minister shall issue instructions concerning procedures to be adopted in cases of accidents with sources of ionizing radiation which may cause accidents, the place of the origin of the accident and the proliferation of consequences, characteristics of potential contamination and the degree of potential dangers.

Article 76

The immediate, manager of the plant is responsible for immediate measures and activities to be undertaken in connection with accident which may occur inside the with sources of ionizing radiation.

In accordance with the requirements of the working process and regulations the manager is bound to establish such internal organization which will:

- 1) Ensure that it will be in a position, within limits determined by own resources, to act in any accident which may occur in the plant;
- 2) Be in a position to accept assistance from public services and other organizations outside the plant, necessary for action in the case the consequences of the accident do not pass beyond the limits of the plant, but the elimination of consequences surpasses the possibilities of the plant itself;
- 3) Ensure rapid and direct information of certain public services concerning the accident, whose consequences exceed or may exceed the limits of the plant;
- 4) Ensure assistance to public service if same is requested by them.

Article 77

On the proposal of the commission indicated in Article 80 of this Law the Ministry determines the plan of indispensable measures and activities to be carried out in

cases of accidents and for the elimination of consequences of accidents involving considerable quantities of radioactive materials.

The plan provided by para 1. of this article determines the guidelines of command and management of the whole system of action; determines procedures to be applied in specific accidents, depending upon the nature of the accident; establishes the systems of communication resp. of issuing and transferring of information and instruction; elaborates procedures for assessment and analysis of the accident and specifies the necessary equipment and materials (monitoring instruments and dosimetric measurements, transferable communication systems, decontamination equipment and materials, safety clothing etc.) which should be available and concentrated in strategically suitable places.

Article 78

The decision, concerning the evacuation of the population and material goods from the area threatened by accidents involving Ministry of ionizing radiation, is adopted on the proposal of the Ministry by the Government in line with the magnitude of the pending danger.

The proposal concerning the evacuation and the decision concerning the evacuation are made on the basis of the expert opinion of specialists.

Article 79

On the territory of the Republic systematic investigations are carried out, in places and under the terms provided by regulation, of the content of radioactive materials in the air, fluid and solid precipitations, in surface and ground waters, and orinaing waters in the soil and in the ecosystems, in human food and animal feed.

Investigation provided by para 1 of this Article as well as other investigations important for the assessment of radiation threats for the population are carried out by the authorized organizations.

Authorized organizations which carry out systematic investigation of the content of radioactive materials in the environment and measures of the intensity of radiation must submit yearly reports to the Ministry and to the Ministry responsible for health; in cases of extraordinary circumstances the organization submit reports at interval as requested by the Ministries.

Procedure of Complaint

Article 101

The ministry in charge shall settle complaints against first instance decisions of the competent municipal agency.

The City agency in charge shall settle complaints against first instance decisions of a communal agency of the territory of the city.

The ministry in charge shall settle complaints against first instance decisions of a competent City agency.

The ministry in charge shall settle complaints against first instance decisions of a competent municipal agency passed in the execution of administrative affairs falling within the province of the rights and duties of Republic, with the exceptions of the competent municipal agency on the territory of the city.

The Government shall decide on complaints against first instance decisions of the ministry.

PART IV

SANCTIONS

Article 102

An enterprise or other legal entity shall be fined no less than 300.000 dinars and no more than 450.000 dinars for economic violations and infractions if:

- 1) It does not monitor the impact of its activities on the human environment and does not calculate environmental costs in investment and products outlays (Article 6, para. 1);
- 2) It does not keep records of discharges of waste to water, air and land and does not submit information about this to the agencies in charge (Article 6, para. 2);
- 3) In planning activities which may give rise to accidents, does not inform, within the prescribed deadline, the public about the possible effects such activities and about the steps which have been taken to prevent the occurrence and removal of harmful effect (Article 86, para. 1);
- 4) Puts into circulation a product or renders a service without informing of the impact of such products, or services on the environment and health of persons (Article 8, para. 4);
- 5) It does not see to the reconstruction of the existing plant within the prescribed deadline;
- 6) It applies technologies and puts into circulations a foreign product, resp. uses devices for the removal or purification of polluting materials contrary to Article 17 of this Law;
- 7) Does not see to it that emission in the air are within the prescribe limits, that is, remove the breakdown or halt the technological process;

- 8) Does not abide by the commitments and measures stipulated by the municipality for the purpose of preventing air pollution (Article 22);
- 9) Discharge sewage containing hazardous and dangerous materials exceeding the prescribed values or carries on other activities liable to deteriorate the prescribed quality of water (Article 23);
- 10) discharge sewage without having ensured systemic checks of water quality, measurements of its quantities and testing its impact on recipients in keeping with the prescribed methodology (Article 23, para. 1);
- 11) uses mineral and organic fertilizers and means of plant protection in a way which has not been provided for by the regulation, that is discharges harmful materials and disposes of solid and liquid hazardous materials on the ground, that is buries them beyond deposits (dumps) or plants especially provided for the purpose (Article 28, para. 1)
- 12) does not rehabilitate or in another way does not improve soil (Article 29, para. 1)
- 13) it does not provide for the undertaking of anti-erosive measures and other soil improvement measures (Article 30, para. 1),
- 14) it does not adopt resp. does not adjust woodland basic surveys for national parks to the provisions of Article 36 of this Law;
- 15) does not immediately notify the competent authority in the area of nature conservation of the circumstances under Article 46 of this Law;
- 16) does not adopt a programme and other act under Article 50 of this Law;
- 17) carries on illegal activities on protected natural resources, resp. activities that are contrary to the established regimes of protection (Article 49)
- 18) carries on construction work on a protected natural resources in a protected zone contrary to the conditions established by the nature conservation organization (Article 51);
- 19) it puts into circulation sources of noise ore uses and maintains them contrary to Article 64 of this Law;
- 20) it does not provide appropriate protective devices, procedures and a trained professional staff for operations in which there exists an exposure to ionizing radiation (Article 68, para. 1);
- 21) it does not have its own organized service for protection against ionizing radiation, resp. does not entrust such work to an authorized professional organization (Article 71 and Article 72),
- 22) has not obtained the permits prescribed (Article 74);
- 23) has not set up and provided for the internal organization for undertaking immediate action following accidents (Article 76);
- 24) imports, treats, stores and disposes of radioactive and other waste regarded as hazardous which is of foreign origin;
- 25) it is not insured with an insurance organization against liability for damage caused by an activity susceptible of endangering the human environment, resp. the health of people with dangerous materials (Article 87);

A fine of not less than 15,000 dinars and no more than 25,000 dinars shall be imposed on the responsible person in an enterprise or another legal entity for an economic violation under para 1 if the latter has been committed on the territory of the Republic, and has a representation or other organizational unit in the SFRY, or if the

economic violation has been committed by his means of transportation on the territory of the Republic.

An economic violation under para 1 of this Article may entail measures of security involving a ban on the carrying out of these activities for a period of up to 10 years.

Article 103

The person responsible in the body administration, that is in the organization publicly authorized shall be fined no less than 15.000 dinars and no more than 25.000 dinars for economic violation if:

- 1) data regarding the state of an developments concerning environmental quality are concealed from the public (Article 8, para 1,2 and 3);
- 2) issues an act relating to the conditions governing physical development for the building of a plant, resp. construction work which runs counter to the provisions of Article 16, para 2;
- 3) issues approval for the mining of mineral ore, that is the building of deposits without projects for land rehabilitation, (Article 29, para 2 and 3);
- 4) issues and act regarding conditions for physical development or the building of a plant on a protected natural resource without having meet the necessary conditions (Article 51);

Article 104

An enterprise or other legal entity shall be fined no less than 70.000 dinars and no more than 100. 000 dinars for an infraction, if it:

- 1) does not obtain the necessary licences relevant to the programme or project of rehabilitation (Article 29, para 2 and 3)
- 2) does not submit data prescribed by this Law to the agencies in charge;
- 3) does not apply protective measures on the territory of a national park or utilize forests and forestland as provided by forestry laws and the programme of protection and development of national park (Article 36, para 3);
- 4) does not mark the protected natural resource and its boundaries in the manner prescribed (Article 47, para 2);
- 5) does not organize a forest ranger service in compliance with Law (Article 60);
- 6) disturbs, out of whim, mistreats, harms and kills wildlife, resp. destroys without any reason, the shelters of wild animals (Article 37, para 2 and 3);
- 7) collects wild animal and plant species, seeds, fruit, eggs and other inferior developmental forms for the purpose of exploitation, resp. is putting into circulation against regulations (Article 38, para 3);
- 8) introduces and breeds fauna and flora of foreign origin in a manner that does not comply with the Law (Article 39);
- 9) carries out illegal acts or keeps domestic animals contrary to the provision of Article 40 of this Law.

The responsible person in an enterprise or another legal entity shall be fined no less than 7, 000 dinars and no more than 10, 000 dinars or be punished by imprisonment of up to 30 days for infractions under para 1 of this Article.

A citizen shall be fined no less than 7, 000 dinars and no more than 10, 000 dinars or be punished by imprisonment of up to 30 days for infractions stipulated in para 1, items 6, 7, 8, 9 and 10 of this Article.

In addition to the above fines, or prison sentences the perpetration of the infractions stipulated in para 1 of this Article shall also be punished by protective measures consisting in seizing the objects resulting from the perpetration of the offence has been committed.

Article 105

The responsible person in an enterprise, that is in the organization shall be fined no less than 7, 000 dinars and no more than 10, 000 dinars or punished by imprisonment of up to 30 days if:

- 1) he does not keep the register of protected natural resources and the related documents in the manner prescribed (Article 48);
- 2) he does not adopt a programme and other act in accordance with the provisions of Article 50 of this Law;

Article 106

A citizen shall be fined no less than 7, 000 dinars and no more than 10, 000 dinars if he does not follow the orders of the ranger of a protected national resource or disturbs him in performing his duties.

Article 107

A person committing an offence shall be fined 200 dinars on the spot for an infraction committed on a natural property if he:

- 1) parks his car outside the parking space or drives his car outside the authorized road;
- 2) if he makes of fire outside the place provided for that purpose;
- 3) if he throws litter outside the place provided for that purpose;
- 4) if he moves beyond the authorized zones and paths;
- 5) if he moves with hunting or fishing gear, without possessing a hunting and fishing licence;
- 6) if he takes pictures without having the necessary permit;
- 7) if damages the signs used for marking or informing;
- 8) if he picks or gathers protected plant and animal species or ruins trees and bushes;
- 9) if he grazes cattle where it is forbidden;

10) if takes in dangerous appliances, devices or hazardous materials which may endanger the protected natural resource or persons.

The inspector for environmental protection who supervises the implementation of measures of protection of protected natural resources, the ranger of the national park, or another person in charge of guarding the protected natural resources shall be authorized to seek payment of the fines under para 1 of this Article.

The money deriving from fines that are charged on the spot on the basis of para 1 of this Article shall become the revenue of enterprise managing a national park, resp. of another protected natural resource.

Article 108

A parent, guardian or other responsible person in the body of guardianship shall be charged a fine of no less than 7, 000 dinars and no more than 10, 000 dinars if, owing to a lack of necessary supervision of a minor, a minor has committed an offence under Article 104, para 1, items 6, 7 and 8, Article 106 and 107 of this Law.

Article 109

Whosoever proclaims as confidential an information essential for assessing dangers to the human environment and for taking up action and measures aimed at protecting the life and health of person shall be fined and punished by imprisonment of up to five years for a criminal offence committed.

An attempt that is made to this effect shall be punished.

VII T r a n s I t I o n a l a n d F I n a l P r o v I s I o n

Article 110

Enterprises and other legal entities shall adjust their business with the provisions of this Law within a year of the day when this Law becomes effective.

Article 111

Existing facilities which endanger the human environment must be reconstructed in such a way as to meet the legal conditions and measures of environmental protection.

The Ministry shall identify the facilities to be reconstructed under para 1 of this Article as well as the deadline within which reconstruction shall take place.

In the event that the commitments deriving from para 1 of this Article have not been met within the deadlines prescribed, the Ministry shall forbid the concerned facility to operate.

Article 112

The Government shall adopt within six months from the day this Law becomes effective:

- 1) a programme for the development of a single information system regarding the human environment (Article 9);
- 2) a regulation concerning the classification of waters and the categorization of watercourses (Article 24);
- 3) a programme for testing the quality of land with regard to hazardous and dangerous materials content (Article 31, para 1);

The Government shall within a year of the day when this Law becomes effective:

- 1) adopt a programme of air quality control (Article 20, para 3);
- 2) Adopt a programme of protection against ionizing radiation (Article 81).

Article 113

The Minister shall adopt within six months of the day when this Law becomes effective, regulations under Article 16, para 3, item 1; article 19, para 4; Article 20, para 2, item 1, Article 26, para 2 item 3; Article 44; Article 47; Article 48; Article 64 and Article 83, para 2 item 2.

The Minister shall adopt within one year of the day when the Law becomes effective, regulations stipulated in: Article 16, para 3, item 2; Article 20, para 2 items 2 and 3; Article 22, para 8; Article 26, para 2 items 1 and 2; Article 28; Article 38; Article 74; Article 83, para 2 items 1,3 and 4.

Article 114

The Minister in charge of water resources shall adopt, within a year of the day when this Law becomes effective, the regulation under Article 25, para 2.

Article 115

The Minister in charge of agriculture and forestry shall adopt, within six months of the day when this Law becomes effective, the regulation under Article 31.

Article 116

The Minister in charge of industry shall adopt within a year of the day when this Law becomes effective, the regulation under Article 83, para 3 of this Law.

Article 117

The day this Law becomes effective, the following cease to be valid:

- 1) The Law on the Protection of Air Against Pollution (Official Gazette of Serbia, No.8/73, 31/77 and 6/89), with the exception of provisions of Article 3, paras 1, 2, 3, 4, 5, and 6 which shall cease to be valid upon the adoption of regulations relating to the marginal emission values;
- 2) The Law on Protecting the population From Noise ((Official Gazette of Serbia, No.68/81 and 6/89);
- 3) The Law on Implementation on Measures of Protection Against Ionizing Radiation (Official Gazette of Serbia, No.32/78);
- 4) The Law On the Conservation of Nature (Official Gazette of Serbia, No.39/88);
- 5) The Law On protection and Development of Natural and Man Made Values of Human Environment (Official Gazette of the SAP of Kosovo,, No.39/88);
- 6) The Law on the Spatial protection of Parts of Nature (Official Gazette of the SAP Vojvodina, No.10/86 and 16/86).

Article 118

The provisions of this Law which relate to the protection of waters, land and forests shall be applied from the day it is reconciled with the Constitution of the Republic of Serbia, the Law On Waters, the On Agricultural Land and the Law of Forests, and, at the latest by December 31,1991.

Article 119

Until the adoption of regulations as provided for by this Law, regulations that have been adopted on the basis of earlier valid regulations shall remain in force.

Article 120

The Enterprise for the protection and development of national resources shall adopt the woodland surveys for the forests of national parks by December 31,1995, at the latest, and until they are adopted , it shall adopt annual plans.

Article 121

This Law shall become effective on the eight day of its publication in the Official Gazette of the Republic of Serbia.