

LAW OF THE REPUBLIC OF ARMENIA

ON

FLORA

The flora conditions human and animal vitality on the Earth. Flora is a national wealth and one of the most important preconditions for wellness, social and economic sustainable development of the Earth.

The law on Flora defines the State policy of the Republic of Armenia on scientifically motivated protection, maintenance, reproduction and use of natural flora.

CHAPTER 1.

GENERAL PROVISIONS

Article 1. Main concepts used in the law

The following main concepts are used in this law:

Vanishing plant: rare plant species the quantity of persons of which decreases with time

Forest plantation: an artificial forest or forested area planted with sprouts of forest trees that contributes to forest reproduction, field and soil protection

Geographical prevalence: a certain area of the Earth where the certain plant is spread

Plants Red Book: a collective document that meets the international requirements and includes information on the status, geographical prevalence, ecological condition, current biological specialties and measures of protection of rare or vanishing plants

Botanical garden: scientific investigative, educational and cultural institution where the vital collections of the world flora are created and investigated

Flora: the natural integrity of trees, bushes, herbaceous plants (Including moss, peat-moss, horse-tails and fern), as well as aquatic plants, mushrooms, lichen types and their coexistences

Flora cadastre: information and documentation system of the legal regimes, quantitative and qualitative characteristics, condition, environmental, economic and cultural value, geographical and territorial prevalence and use of flora objects

Flora object: all wild plants, coexistences, their growing areas, natural monuments, botanical gardens, arboretums and forest plantations

Flora gene pool: the integrity of plant species heredity and ingress

Plant covering: the covering of a geographic area by plants

Plant coexistence: the coexistence and correlation of plants to each other in a certain homogeneous area

Flora resources: a quantity of plant species and coexistences that is subject for use and is located to certain geographic area

Vegetation: the integrity of plant coexistences diversity in a certain area

Arboretum: a garden created from beautiful trees, bushes and binding natural plants

Ecosystem: the integrity of interrelations between plants, animals, micro-organisms and their living conditions

Rare plants: rarely prominent plant species in a certain geographic area

Genetically modified organism: a technologically created organism that obtains new properties that were not observed in it before

Biological technology: the use of living organisms and biological processes in different fields

Gene pool: the correlation of plant organisms that conditions the integrity of plant coexistence

Flora: the integrity of plant species diversity in a certain geographic area

Article 2. Legislation on regulation of the protection and use of flora

The Constitution of the Republic of Armenia, the Law on Flora and other legal acts regulate the public relations concerning the protection and use of flora in the Republic of Armenia.

Article 3. Objectives of the legislation on flora

The legislation on the regulation of protection and use of flora in the Republic of Armenia provides for the prevention of the negative impact of the human activities on the diversity of plant species (flora) and their coexistences, balance of growing areas and the ecosystem.

The objectives of the legislation on flora of the Republic of Armenia are:

- a) Provision of quality and quantity improvement of the flora, its gene pool and protection of the growing areas
- b) The scientifically motivated provision of contiguous use and reproduction
- c) Regulation of relations concerning the use of flora
- d) The protection of rights and enforcement of responsibilities of the flora users in the spheres of flora protection and use

Article 4. Flora use and protection objects

All plant species, plant coexistences (Semi-desert, desert, forest, field, wetland types), plant growing areas, as well as botanical gardens, arboretums, forest plantations and nature monuments of botanical origin are considered flora protection objects of the Republic of Armenia.

The plant species and coexistences that are of scientific, nutritional, pharmaceutical, technical, livestock and industrial significance are considered the flora use objects.

CHAPTER 2.

STATE REGULATION ON PROTECTION, USE AND REPRODUCTION OF THE FLORA

Article 5. Authorities of the Government of the Republic of Armenia

The authorities of the Government of the Republic of Armenia concerning the protection, use and reproduction of flora are:

- a) Implementation of the State policy on protection, use and reproduction of flora
- b) Adaptation of State projects (Hereinafter: State projects) on protection, maintenance, use and reproduction of flora
- c) Definition of procedures on protection and use of flora objects
- d) Adaptation of the list, the fees and charge procedures of flora resources use objects
- e) Definition of a procedure on the organization of monitoring of flora
- f) Definition of a procedure on maintenance of flora cadastre
- g) Adaptation of plant Red Book
- h) Implementation of international cooperation
- i) Other authorities defined by the legislation of the Republic of Armenia

The State projects are implemented through annual programs. The Government presents the annual program to the National Assembly within the framework of the State budget draft. The financing for the annual program is mentioned in the State budget line for expenditures.

Article 6. Authorities of the State authorized body

The authorities of the State bodies authorized by the Government of the Republic of Armenia (Hereinafter: authorized bodies) for flora protection, maintenance, reproduction and use are:

- a) Development of State projects
- b) Organization and implementation of flora State cadastral registration
- c) Adaptation of statutory acts and rules on the use of flora resources
- d) Implementation of the international cooperation within the scope of authorities provided
- e) Provision of licenses on use of State property flora resources
- f) Implementation of State control over the protection, maintenance, use and reproduction of flora
- g) Organization and implementation of flora monitoring
- h) Maintenance of flora cadastre
- i) Development of procedures for maintenance and maintenance of plant Red Book
- j) Other authorities defined by the legislation of the Republic of Armenia

Article 7. Authorities of regional State governance bodies

The authorities of the regional State governance bodies of the Republic of Armenia on flora protection, maintenance, reproduction and use are:

- a) Participation in the development of State projects and their implementation in accordance with their authorities
- b) Support the protection and use of specially protected areas (State preserves, national parks, state protection belts, natural monuments), as well as arboretums and botanical gardens
- c) Support to the protection and use of forest plantations and forests
- d) Implementation of measures on flora protection and reproduction, with an agreement from the corresponding authorized body
- e) Other authorities defined by the legislation of the Republic of Armenia

Article 8. Authorities of local self-governance bodies

The law of the Republic of Armenia “On local self-governance” defines the authorities of local self-governance bodies on flora protection, maintenance, reproduction and use

CHAPTER 3

INVESTIGATION OF THE FLORA

Article 9. Objectives of the investigation of flora

The objectives of the investigation of flora protection, maintenance, use and reproduction in the Republic of Armenia are:

- a) Creation of a systematized database on the condition of the flora and vegetation
- b) Creation of State monitoring

- c) Implementation of State registration and maintenance of the cadastre
- d) Development of flora protection and maintenance methods
- e) Development of methods and forms of use of flora objects
- f) Organization of reproduction of rare and vanishing plant species

Article 10. Implementation of flora investigations

The investigations for State registration, protection, maintenance, reproduction and use of the flora are implemented:

- a) By a State order, formed and placed by the State assigned authorized body
- b) Due to an agreement of the authorized body to the appeal from the owner or users of the flora object

Article 11. Investigators of the flora

The investigations of the flora are implemented by:

- a) Scientific investigative institutions
- b) Higher professional educational institutions
- c) Legal entities, in accordance with their regulations
- d) The physical entities that have the necessary professional qualifications

Article 12. State monitoring of the flora

The State monitoring of the flora is implemented on the purpose of flora protection and contiguous use. Monitoring activities are also organized for plant growing areas and the condition of the ecosystems.

Article 13. State registration of the flora and flora cadastre

The goal of the State registration and cadastre is the observation of plant species and co-existences, the quantitative and qualitative changes in their growing areas.

The State registration of the flora is implemented regularly and not later than once in 10 years. In certain cases it can be implemented due to a decision of the Government of the Republic of Armenia.

Article 14. Plant Red Book of the Republic of Armenia

The plant Red Book is maintained in order to develop and implement scientifically motivated special measures for protection, registration and use of rare and vanishing plant species, as well as provide for public awareness on measures performed.

The information on plant quantity decrease, prevalence limitation, degradation of the living conditions and danger of vanishing serves the basis for registration in the Red Book.

The plant Red Book is formed on the results of State registration of the flora. The plant Red Book is regularly published.

The Commission on Red Book plants of the Republic of Armenia takes the final decisions concerning registration and exclusion of certain species in and from the Red Book.

The formation and performance of the plant Red Book Commission is defined by procedures of the Republic of Armenia on the maintenance of the Red Book.

CHAPTER 4.

MAINTENANCE AND PROTECTION OF FLORA

Article 15. Objectives of flora protection and maintenance

The objectives of the Republic of Armenia concerning the protection and maintenance of the flora are:

- a) Provide for the protection of integrity of plant species diversity
- b) Prevent the illegal use of flora objects
- c) Provide for the satisfaction of legislative requirements of the Republic of Armenia during the economic use of flora objects growing areas
- d) Provide for the security of water maintaining, soil protective, climate regulatory and recreational properties of the plant covering
- e) Prevent the illegal import and export of plants and their reproductive organs
- f) Protect the flora objects from plant pests, diseases and natural catastrophes

Article 16. Legal measures for the protection of the flora

All the flora objects of the Republic of Armenia are subject to protection.

The security of flora objects and their growing areas, the security of water maintaining, soil protective, climate regulatory and recreational properties of the plant covering, as well as economic, social and other activities envisaged are implemented in accordance with the legislation of the Republic of Armenia.

Article 17. Protection of rare and vanishing flora objects

In order to protect the rare and vanishing flora objects of the Republic of Armenia:

- a) The plant Red Book of the Republic of Armenia will be created. The works on its creation and maintenance will be implemented in accordance with Articles 5,6 and 14 of this law
- b) Special nature protection belts will be defined in accordance with the law of the Republic of Armenia “On specially protected belts”
- c) The biological technologies for rehabilitation of rare and vanishing plant species and their coexistences are being developed and installed

Land users of an area vegetated by plant species registered in the Red Book of the Republic of Armenia, must undertake measures for their protection, according to procedures defined by the legislation of the Republic of Armenia.

Any activity that results in decrease of the quantity and harm to the growing areas of the plant species registered in the Red Book of the Republic of Armenia is prohibited.

Expenditures for the implementation of requirements under seen by the second and third parts of this article will be reimbursed to the land users in accordance with procedures defined by the legislation of the Republic of Armenia.

Article 18. Protection of flora

In order to provide for the protection of flora objects:

- a) Incineration,
- b) Non-regulated use of fertilizers and toxic substances,
- c) Illegal import of plant species into the Republic of Armenia, transfer into a different habitat, acclimatization and selective use, and
- d) Use of new, modified organisms created through biological technologies,

are prohibited.

Article 19. Botanical collections

Independently from the type of property they present, the botanical collections of scientific, cultural and aesthetic value (Collections belonging to physical entities of educational institutions, museums, scientific institutions, the living collections of botanical gardens, as well as separate samples) are subject to protection

The Government of the Republic of Armenia defines the procedures for protection, maintenance, trade, import and export of botanical collections and separate samples.

CHAPTER 5.

USE OF FLORA OBJECTS

Article 20. Users of flora objects

The legal and physical entities can be the users of the flora objects.

Article 21. Legal and physical entities can be the users of the flora objects.

The flora objects in the Republic of Armenia are used

- a) In agricultural purposes (Selection, livestock, harvest, bee-keeping)
- b) In industrial purposes (wood, nutrition, pharmacy, as well as gathering and processing of plants biological activity products).
- c) In social, environmental and cultural purposes (recreation, health care, planting of greenery, re-cultivation, field and soil protection)
- d) In scientific investigative and educational purposes

The Forest Code of the Republic of Armenia defines the types and procedures for forest use

Article 22. Use of flora objects in agricultural and industrial purposes

The use of State property flora object in industrial purposes is chargeable and is considered to be a licensed activity.

The license on the use of flora is provided to landowners who signs agreement with the user (Tenant) on the period, procedures, norms and the payment for use.

The use is implemented according to the agreement and due to the license.

The State authorized body on protection, maintenance, reproduction and use of flora provides the licenses.

If obtaining the license, the user of the flora object signs the agreement with the landowner or land-user.

The Government of the Republic of Armenia defines the procedures for the provision of licenses and signing of the agreements.

Due to the law of the Republic of Armenia “On State tributes” and according to procedures defined by the legislation of the Republic of Armenia State tributes will be charged for the provision of the license.

Article 23. Use of flora objects in environmental, cultural, scientific investigative, social and educational purposes

The use of flora objects in environmental, cultural, scientific investigative, social and educational purposes in the Republic of Armenia is implemented according to procedures defined by the Government of the Republic of Armenia.

Article 24. Use of plant species registered in the Red Book of the Republic of Armenia

The use of plant species registered in the Red Book of the Republic of Armenia is allowed in exceptional cases, in scientific investigative, artificial and natural conditions, in reproductive purposes, for the protection, maintenance, use and re[production of the flora and by the decision of the Government of the Republic of Armenia.

Article 25. Rights of flora landowners in the Republic of Armenia

The rights and responsibilities of flora landowners in the Republic of Armenia are defined by the legislation of the Republic of Armenia.

Article 26. Rights of flora object users in the Republic of Armenia

The user of the flora objects of the Republic of Armenia has the right to:

- a) Independently choose the type of use of the flora object
- b) Independently realize the products received from the use of the flora objects and manage the incomes
- c) Temporarily provide the authorities on the use of flora objects to other users
- d) Receive reimbursement for the use of the flora objects in State or public purposes
- e) Implement other activities that do not violate the legislation of the Republic of Armenia

Article 27. Responsibilities of flora object users

The user of flora objects of the Republic of Armenia must:

- a) Act in accordance with the requirements of the legislation on nature protection
- b) Protect the flora objects allocated to him
- c) Not break the integrity of plant co-existences
- d) Undertake certain measures for the reproduction and protection of flora objects
- e) Support the activities of State bodies on control, State registration and monitoring of the flora objects
- f) Timely pay the defined fees for the flora use
- g) Do not violate the rights of other users of flora objects
- h) Satisfy the requirements of the contract

Article 28. Termination of the right on use of flora objects

The right on the use of flora objects in the Republic of Armenia is terminated in cases of:

- a) Violation of Article 29 of this law
- b) Use of flora objects for State or public needs in case of pre-term termination of the contract, in accordance with procedures defined by the legislation of the Republic of Armenia
- c) Voluntary refusal of the use of flora objects
- d) Liquidation of the enterprise or organization that uses the flora objects
- e) Death of the physical entity/user and absence of his follower

Article 29. Economic reinforcement of flora use and protection

In order to provide for efficient protection and contiguous use of flora of the Republic of Armenia, the State undertakes the following economic measures for the users:

- a) Budgetary allocations: on the purpose of plant covering rehabilitation (If it has been corrupted not by the initiative of the user)
- b) Budgetary allocations: on the purpose of improving the reproduction of the flora objects
- c) Budgetary allocations: on the purpose of processing ecologically pure plant products and installing new harmless methods and technologies in the process of flora

CHAPTER 6.

RIGHTS AND RESPONSIBILITIES OF THE OFFICIAL ENTITY THAT CONTROLS THE IMPLEMENTATION OF THE LEGISLATION ON FLORA

Article 30. Rights and responsibilities of the official entity that controls the implementation of the legislation on flora

The employee of the inspectional department of the authorized body on flora protection, maintenance, use and reproduction is considered the official entity that controls the implementation of the legislation on flora.

The official controlling the implementation of the legislation on flora has the rights to:

- a) Carry a uniform, according to procedures defined
- b) Carry firearms when on a duty, according to procedures defined by the legislation of the Republic of Armenia
- c) Undertake measures for enacting fines for the legal and physical entities that have violated the nature protection norms and reimburse the harm caused, in accordance with procedures defined by the legislation
- d) Prepare the necessary documentation on the cases of violation and provide it to the corresponding legal bodies for future investigation

The official controlling the implementation of legislation on flora must implement revision activities concerning the protection, reproduction and use of the flora, according to procedures defined by the Republic of Armenia.

The State bodies must provide the necessary support to the officials on civil duty.

CHAPTER 7.

THE LIABILITIES FOR VIOLATING THE LEGISLATION ON FLORA

Article 31. The liabilities for violating the legislation on flora

According to procedures defined by the legislation of the Republic of Armenia, the violation of the legislation on flora imposes liabilities

CHAPTER 8.

INTERNATIONAL LIABILITIES

Article 32. International agreements

If the international agreements of the Republic of Armenia envisage norms other than mentioned in this law, then the norms of the international agreements will be enabled.

CHAPTER 9.

TRANSITIONAL PROVISION

Article 33. The validation of the law

This law is valid from the moment of its official publication
The President of the Republic of Armenia
Robert Kocharyan

12th of December 1999
Yerevan